

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 120/95

R.A/C.P No.

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SECTION OFFICER (Judl.)

5.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

✓ ORIGINAL APPLN.NO. 120 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.)

.....Anirban Nandi..... APPLICANT(S)

-VE-

.....U.O.1.....&.....O.M..... RESPONDENT(S)

FOR THE APPLICANT(S)

...MR. B.K. Sharma
MR. B. Mehta
MR. S. Sharma

FOR THE RESPONDENTS

...MR. S.Ali, Sr. C.G.S.C.

OFFICE NOTE

DATE

ORDER

18-7-95

Mr.B.K.Sharma for the applicant.
Mr.S.Ali, Sr.C.G.S.C. for respondents
1 & 2. Application is admitted.

Application is admitted. Mr.S.Ali
accepts notice on behalf of respondent
nos 1 & 2. Notice to respondents 3 & 4
dispensed with as ^{their} presence is not
necessary. By consent O.A. is taken up
for final orders.

By order dated 15-9-94 the respon-
dent No.2(Superintending Engineer,
C.P.W.D.) placed the applicant(LDC)
under suspension. Although the depart-
mental proceedings has been commenced
against the applicant ^{on} at the very same
facts he was exonerated by the criminal
Court of any offence. The grievance of
the applicant is that the suspension
has continued for more than 90 days and
the respondent No.2 has failed to review
the same and also has failed ^{L2} appropri-
ately fix subsistence allowance under
the various office Memorandums issued
by the Government of India. He filed
an appeal to respondent No.2 on 4-3-95
pointing out the above relevant facts
and requested for reviewing the order

contd/-

The application is in
form and within time.
E. F. of Rs. 50/-
deposited vide
FO/BD No. 31/6100
Dated 6.5.95

In ^{to} ^{17/7/95}

6-7-95
Approved to
13-7-95

13-7-95

For Admission
on 18.7.95

By order

18-7-95

of suspension and enhancement of the rate of subsistence allowance. He has also ^{prays} for dropping the disciplinary proceedings. The appeal has been filed under ~~the~~ Rule 23 (i) of the CCS(CC& A) Rule 1965 and the respondent No.2 therefore is to decide ^{and} to dispose it of in accordance with the law. The appeal has not so far been decided.

We ~~are~~ therefore, direct the respondent No.2 to hear and dispose of the appeal of the applicant dated 4-5-95 (Annexure 16) ^{to} of the O.A. on merits, within a period of four weeks from the date of receipt copy of this order. The respondent No.2 shall convey the decision of the applicant. The applicant will be at liberty to approach the Tribunal if ^{aggrieved} ~~agree~~ by the decision in appeal. We ^{have} ~~are~~ not expressed any view on Merits and the contentions raised are left open. Respondent No.2 shall decide ~~of~~ the points raised in the appeal and pass a speaking order. This order be communicated to the respondent No.2 immediately. A copy also be supplied to Mr.B.K.Sharma and Mr.S.Ali.

O.A. is partly allowed in terms of the aforesaid order and is disposed of. No order as to costs.

hick
Vice-Chairman

6
Member

lm

28.7.95

copy of order dt.
18.7.95 issued to
all concerned by
Regd. Post ~~dt.~~ &
this commad also
vide S/No.3570-76
dt. 8.8.95.

289
4 JUL 1995
R2
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

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

Title of the case : O.A. No. 120 of 1995

Shri Anirban Nandi ... Applicant

- Versus -

Union of India & Others ... Respondents

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Copy served on
Mr. S. N. S. Case
Review
Advocate
4.7.95

For use in Tribunal's office :

Date of filing :

Registration No. :

Registrar

✓
Filed by the
Applicant. 11/04/95
did not the Sumner
Advocate.
28/6/95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

(An application under section 19 of the Administrative
Tribunal Act 1985.)

O.A. NO 120 of 1995.

BETWEEN.

Shri Anirban Nandi.

Lower Division Clerk. (attached to

Tripura Central Division)

C.F.W.D. Agartala Air-field

West Tripura.

..... Applicant.

AND

1. The Union of India,

represented by the Secretary,

Ministry of Urban Development, Govt of India.

New Delhi. 1.

2. The Superintending Engineer, C.F.W.D.

Silchar, Central Circle.

Kela-Gram, Malugram, Silchar.

3. The Executive Engineer, C.F.W.D.

Agartala Airport, Agartala

West Tripura.

4. The Assistant Engineer ,

Tripura Central Sub Division II

C.F.W.D. Fatikeherra, EST Camp.

West Tripura.

..... Respondents.

DETAILS OF THE APPLICATION:

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

A departmental Proceeding instituted vide No 7(2)94/SCC/67/Confid dated 15.9.94 (Annexure -14) issued by the Superintending Engineer C.F.W.D. Central Circle Silchar, Mela Road, Malugram, Silchar and Suspension order dated 15.9.94 vide No 7(2)94/SCC/66/Confid, issued by the Respondent No 2. (Annexure 13)

2. JURISDICTION OF THE TRIBUNAL.

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

3. LIMITATION.

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

4. FACTS OF THE CASE.

4.1 That the applicant entered into service under the Respondents in a post of Lower Division Clerk i.e lowest grade employee in Clerical Line and joined in Tripura on 18-12-88.

4.2 That your applicant since his joining in service as above was entrusted by his employers with work of much higher responsibilities in comparison to his status in service and he has been discharging the

aforesaid responsibility to the full satisfaction and without any blemish.

4.3. That there are some Sub-Divisional officers of the CPWD at various places in Tripura including one at Fatikeherra and the other at Gokulnagar under the control of Respondent No 3. Both the offices were manned by one Assistant Engineer, 3 junior Engineers, one L.B.Clerk and a part time Sweeper. Your applicant was ordered to work in both the offices, one at Fatikeherra and the other at Gokulnagar. The office at Gokulnagar is situated at a distance of 40 Kms, from Fatikeherra. The authority did not consider it necessary to make any alternative arrangement to put any senior clerical staff to discharge duties in both the offices and they were quite happy and satisfied with the performance of your applicant.

4.4. That the office at Fatikeherra was situated within the complex of the Border Security Force which is well guarded by boundary wall as well as Santry for day and night. The applicant used to attend the offices from his residence at Agartala. Similarly the office at Gokulnagar was situated at a distance of 20 Kms from Agartala.

4.5. That your applicant on 2nd February 1994, after completing his work in the Fatekehrra office left his office at about 3-00 P.M. On 3rd and 4th February your applicant did not attend the office at Fatekehrra as he worked all those two days at Gokulnagar office.

4.6. That the applicant on 4-2-94 afternoon got an information that theft has taken place at Fatekehrra office. He rushed to that office at Fatikehrra at once

ctd.....F/ 4.

in the afternoon but found none in the office and the contrary he found that the office room was locked by a new lock which was placed by the Assistant Engineer i.e the Respondent No 4, holding the charge of that office. Your applicant gathered from the local BSF office at on 3-2-94 a theft has taken place in the office room of Fatikehrra office by breaking open the door lock as well as steel almirah. The Respondent No 4 ~~was~~ asked the applicant by a letter dated 5-2-94 to submit a report for the missing Measurement Books and other records for submission to the Police as well as higher authorities. The Respondent No 4 on 4-2-94 sent a letter to the applicant to attend office on 5-2-94 etc. The applicant after making ~~thorough~~ thorough investigation with reference to the relevant records, submitted a report on 9-2-94 to the Respondent No 4. Accordingly to the said report a bundle of 8 M.Bs along with other papers were found missing.

A copy of the said letter dated 4.2.94 and a copy of the reply dated 9.2.94 are annexed and marked as ANNEXURE 1. and ANNEXURE 2. respectively.

4.7. That the applicant states that he alone keeps the official records inside the almirah without the help of anyone ~~else~~ including the Respondent No 4. It is surprising to note from the letter dated 5-2-94 (Annexure 1) that how the Respondent No 4 could know that the M.Bs are missing from the almirah before making any inventory about the missing documents/ papers.

4.8. That on 14.2.94 the Respondent No 4 asked explanation of the applicant by referring to his report dated

ctd.....P/ 5.

9-2-94 (Annexure-2) posing as if the said Respondent No 4. was not aware of the theft. Furthermore he states that your applicant has lost 4 nos of M.Bs and other documents.

A copy of the said letter dated 14-2-94 is annexed and marked as ANNEXURE 3.

4.9. That the applicant states that from perusal of the Annexure 1 and that of Annexure 3 it shows clearly that the Respondent No 4 has already decided to make your applicant responsible for the missing Measurement Books due to the theft which took place on 3-2-94.

But the admitted position remains that the Respondent No 4 himself by written complaint to the officer -in-charge, Sidhi Police Station Lodging an F.I.R informing that some unknown miscreants have committed theft in his office by breaking open the lock of the door and that of the steel almirah. In the said complaint he categorically stated the nos of 8 M.Bs which were found missing from his office following the theft.

The applicant has thus got reasonable apprehension that a conspiracy was engineered against your applicant by the respondents for reasons best known to them in the matter.

4.10. That your applicant while preparing the reply of the explanation asked for by the Respondent No 4 vide his letter dated 14-2-94 (Annexure 3), suddenly he received a letter from the Executive Engineer, Respondent No 3 vide No 15(69)/PF/TCD/AGT/94/585 dated 26-2-94 wherein some wild and false allegation has been brought against your applicant and he has threatened that the applicant will be treated as absconding from the office. The admitted position remains

that your applicant regularly performing his duties in both the offices at Fatikhehra as well as at Gokulnagar, which will be evident from the letter dated 1.3. 94 of the Assistant Engineer Tripura Central Sub-Division No VI, CPWD Gokulnagar BSF camp addressed to the Respondent No 3. In the letter the applicant was also asked ~~by~~ by the Respondent No4 to furnish the explanation as asked for by the Respondent No4 about missing of some measurement books.

In this connection it is stated that the Respondent No 3 disbursed the salary of the applicant on getting the working the working report of your applicant. Therefore the allegation of absence against your applicant is unfounded and has been made with some oblique motive.

A copy of the letters dated 26-2-94 and 1-3-94 are annexed herewith and marked as ANNEXURE 4 and ANNEXURE 5

4.11. That your applicant prepared the reply of the letter dated 26-2-94 (Annexure 4) of the Respondent No 3 and he sent to him by registered post on 1-3-94.

In this connection it is stated that prior to sending of the reply ~~was handed over~~ by Registered post, initially the reply was handed over to the Respondent No 4 for onward transmission to the Respondent No 3. But later on it was found that the Respondent No 4 with some ill motive did not transmit the same too the Respondent No 3. So the applicant again sent the same by registered post.

A copy of the reply dated 1-3-94 by the applicant is annexed herewith and marked as ANNEXURE -6.

4.12. That your applicant states that the Respondent No 4 on 13-2-94 lodged an F.I.R with the Sadhai Police

Station about the theft that took place on 3.2.94 in the office at Fatikcherra. The Sidhai Police Station registered the case as Case No.22/94(Sidhai) dated 13.2.94 under section 380 I.P.S. In the F.I.R. the Respondent No.4 did not mention the name of any person who committed the offence. It thus evident that a theft took place in the office of the Respondent No.4 at Fatikcherra which has been admitted by the Respondent No.4.

But from the letters (Annexures) referred to above it will be seen that the Respondents have attempted to make your Applicant responsible as if he has lost those documents.

4.13. That your Applicant on 1.3.94 received another letter from the Respondent No.3, wherein he was directed to submit the explanation to the Respondent No.3 in reply to the letter dated 14.2.94 (Annexure ; 3) from the Respondent No.4.

Accordingly, your Applicant on 3.3.94 submitted the reply by registered post both to the Respondent No.3 and 4.

Annexures-7 and 8.

A copy of the letter dated 1.3.94 from the Respondent No.3 and a copy of the reply thereto dated 3.3.94 are annexed and marked as Annexures-7 and 8 respectively.

4.14. That your Applicant again received a letter from the Respondent No.3 bearing No.4/TCD/AGT/94/837 dated 25.3.94 asked for explanation of your Applicant as to why the missing M.S. , though pertinent to closed account, were kept with the Applicant.

Annexure-9.

A copy of the letter dated 25.3.94 is annexed and marked as Annexure-9.

4.15. That from the letter dated 25.3.94 (Annexure-9) it appears that the Respondent No.3 has also decided to make your

Applicant responsible for the missing M.Bs. out of theft. He was fully conversant about the practice of retention of the M.Bs. of closed accounts with the respective Sub-Division and that a theft took place at Fatikcherra on 3.2.94, where some Nos. of M.Bs. were found missing.

4.16. That a Departmental Enquiry was held on 28.3.94 as per desire of the Respondent No.3. While conducting the said enquiry, other officers accompanied the Respondent No.3. During that enquiry the Respondent No.3 told your Applicant in front of all to make good of the theft articles secretly otherwise he will be compelled to report the matter to the higher authorities. The Respondent No.3 thereby wanted to establish as if your Applicant has committed the theft. This clearly shows the motive with which the Respondents have been working jointly against your Applicant about the theft case in which some records were found missing. Your Applicant by a letter dated 29.3.94 addressed to the Respondent No.3 seriously objected to the utterings made in presence of others officers and the attitude he has shown towards your Applicant.

Annexure-10.

A copy of the letter dated 29.3.94 is annexed and marked as Annexure-10.

4.17. That the letter dated 1.3.94 (Annexure-7) was received by your Applicant on 29.3.94 from the Respondent No.3. However, your Applicant furnished a detailed reply/explanation to the Respondent No.3 on 30.3.94.

Annexure-11.

A copy of the reply dated 30.3.94 is annexed and marked as Annexure-11.

4.18. That the Police authority after investigation of the theft case, which they registered as Sidhai P.S. No.22/94

under Section 380 IPC, submitted final report before the Chief Judicial Magistrate, West Tripura, Agartala and the said report was accepted by the Id. Chief Judicial Magistrate, West Tripura, Agartala vide his order dated 26.8.94.

Annexure-12.

A copy of the final report and that of the order dated 26.8.94 passed by the Id. Chief Judicial Magistrate, Agartala in Sidhai P.S. Case No. 22/94 is annexed and marked as Annexure-12.

4.19. That the Respondents did not make any correspondence further about the theft case with your Applicant. Your Applicant was suddenly served with an order of suspension and also a charge sheet bearing No. 7(2)94/SCC/66/Confid dated 15.9.94 by the Respondent No. 2. The Applicant has been informed that he has been placed under suspension with immediate effect. In the order it has been only stated that a disciplinary proceedings against the Applicant is contemplated. But the admitted position remained that a Charge Sheet on the same date has been served upon the Applicant. So the contemplation as stated in the suspension order is not the real reason for issuance of the suspension order.

Annexure-13.

A copy of the su-suspension order dated 15.9.94 is annexed and marked as Annexure-13.

4.20. That the Applicant has also been served on 15.9.94 with a memo of charge sheet with the direction to furnish reply thereto. In the charge sheet 2 charges have been labelled against the Applicant which are as follows :-

ARTICLE-I That Shri Anirban Nandi, L.D.C. while functioning as Sub-Division Clerk in the

14
Tripura Central Sub-Division No. II
with the headquarters at Fatikcherra
during the period from 19.6.92 to 11.7.94
lost valuable Government records due
to his negligence and lack of devotion
to his official duties from the Sub-Divisional office which is located in a fully
secured and protected area.

ARTICLE-II That Shri Anirban Nandi lost valuable
Government records which are vital for
defending the Arbitration Case under his
custody intentionally with a dishonest
motive to help the Contractors.

Annexure-14.

A copy of the memo dated 15.9.94
drawing up the charge sheet is
annexed and marked as Annexure-14.

4.21. That as already stated above, the Respondent No. 4 on
13.2.94 lodged a written complaint with the Sidhai Police Station
stating that unknown miscreants have committed theft in his office
and Nos. of Measurement Books have been stolen. The Police
authority registered the said Case under Section 380 IPC and after
due investigation submitted the final report before the Id. Chief
Judicial Magistrate, West Tripura, Agartala and the same was duly
accepted by the court on 26.8.94 (Annexure-12). In the final report
it has been clearly stated by the Investigating Officer that the
theft has taken place by unknown miscreants and the accuseds
could not be detected despite best efforts for want of evidence.
The Respondent No. 2 despite receipt of the aforesaid final report
(Annexure-12) with the clear finding of the Investigating Officer,
did suspend the Applicant and also drawn up the aforesaid charge
sheet against your Applicant.

15
4.22. That in the Articles of Charges nothing has been mentioned as to the provisions which have been violated by your Applicant of the Central Civil Services (Conduct) Rules. In this connection, it is sufficient to state that the Respondent No.4 on 13.2.94 lodged complaint of theft by unknown miscreants which the Police after due investigation has stated to be true. But in the charge sheet it has been alleged that your Applicant has lost Nos. of Measurement Books.

The Respondents in a planned way have acted to trap your Applicant in the matter with ill design and ulterior motive. The Applicant is a lowest grade employee and so the Respondents have attempted to fix the responsibility of the theft upon the Applicant without any foundation and/or rhyme of reason.

4.23. That the Applicant's Inquiring Authority in the departmental proceeding is stationed at Silchar which has been done deliberately by the Respondents to put the Applicant in trouble and ultimately compelled him not to attend the proceeding at Silchar for want of fund. His misery will not only be ended there. Suddenly in the month of September, 1994 he received a communication from the Executive Engineer(HQ), Silchar Central Circle under which the Annual Confidential Report for the period from 1.4.93 to 31.3.94 was communicated to your Applicant. On going through the said communication your Applicant has found that there are adverse remarks in the Annual Confidential Report for the year 1993-94. The Applicant in his service career for the first time received such communication. It is sufficient to mention that all the remarks of the Respondent No.3 as Reporting officer were imaginary and unwarranted and the same were not based on the given guidelines in this regard. These adverse remarks are also part of the conspiracy against your Applicant.

A copy of the letter dated 19.9.94

is annexed and marked as Annexure-15.

4.24. That your Applicant has been placed under suspension with effect from 15.9.94, but he is being denied of the subsistence allowance which is admissible to him under the provisions of the Law. Your Applicant is being paid subsistence allowance at a much lower rate than the admissible amount intentionally and willfully by the Respondent No.3 solely with a view to create pressure upon your Applicant to trap him in the matter of Measurement Books which were taken by the unknown miscreants by committing theft. This is being done with a view to give an eye wash to others over the matter in question.

4.25. That according to the instructions issued by the Government of India, the authority is required to review the suspension order and that of payment of subsistence allowance where suspension period is exceeded more than 3 months. It is a mandatory duty on the part of the Respondents to review the necessity of continuance of the suspension order after 3 months and also to examine the increase of subsistence allowance considering the hardship of the employee concerned. But in the case of your Applicant nothing has been done by the Respondents intentionally and will fully in the matter of review of the suspension and that of the subsistence allowance with some oblique motive.

4.26. That your Applicant is a Lower Division Clerk and in receipt of negligible amount as subsistence allowance by which he is unable to maintain himself and depending family members including his wife and children. Therefore, he approached the concerning authority more than once to revoke the suspension order and to allow him to join in service and to perform duties as usual. Ultimately he made a representation on 4th March, 1995 to the Respondent No.2 for revocation of the suspension

order which is in no way required to continue as all the records /documents are in the custody of the Departmental authority. But nothing has yielded out of such representations and the Applicant is suffering continuously.

Annexure-16.

A copy of the representation dated 4th March 1995 is annexed and marked as Annexure- 16.

4.27. That from what has been stated above, it is evident from the relevant records annexed to this petition that a serious and planned conspiracy was made against your Applicant by the Respondents in order to put him in difficulties. The theft of records is not denied and disputed by the Respondents, but still knowing fully well of the theft, the Respondents issued letters to your Applicant posing as if your Applicant has lost the Measurement Books from his possession. Your Applicant has been pressurised by his authorities in various ways to trace out the missing records.

4.28. That the suspension order was not at all warranted under the admitted position of the case. The Respondents could close the matter as has been done in other offices after receipt of the final report. The suspension was completely unwarranted and it cannot stand in Law. Besides, according to the standing orders of the Government of India and the decisions of various Courts, the suspension order cannot continue beyond 3 months unless it is considered essential. But in the present case no review has been made intentionally by the authorities with a view to put your Applicant under pressure before expiry of 3 months to ascertain as to whether further suspension is necessary at all. Therefore the suspension order cannot stand in Law and the same is liable to be quashed by this Id. Court.

4.29. That the Applicant states that the Respondents have drawn up the proceeding with a prejudged mind which will be evident from the fact that despite the Police Report that the theft has taken Place and acceptance thereof by the Id. Chief Judicial Magistrate. The Disciplinary Authority has framed the charge against the Applicant stating that he has lost the Measurement Books.

From the imputation of misconduct it is also clear that there is absolutely no material against your Applicant to draw up the charge sheet for those missing Measurement Books due to the theft took place on 3.2.94. The Applicant has got reasonable belief that the entire process has been done by the Respondents in a planned way with a view to penalise the Applicant for an incident for which the Applicant has got no responsibility and/or connection. Therefore, the illegal and motivated charge sheet is liable to be quashed and the same cannot stand in Law.

4.30. That as already stated above, the charge sheet is illegal and unwarranted. So, the suspension order for causing enquiry is also equally illegal and not tenable in Law and hence, liable to be quashed.

5. Ground for relief with legal provisions :-

From the facts narrated above it is clearly established that the Disciplinary Authority most illegally, arbitrarily and in total disregard to the Law of the land has drawn up a charge sheet and also issued suspension order suspending the Applicant.

By this illegal acts the Constitutional rights of the Applicant as guaranteed under Articles-11, 16 and 21 of the Constitution of India have been infringed.

6. Details of the remedies exhausted :-

The Applicant declares that he has availed of all the remedies available to him under relevant Service Rules. He submitted applications to the Respondents from time to time,

7. Matters not previously filed or pending with any other Court :-

The Applicant further declares that he had not previously filed any application, Writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, Writ petition or suit pending before any of them.

8. Reliefs sought :-

In view of the facts mentioned in paragraph-4 above, the Applicant prays for the following reliefs :-

- a) To pass orders declaring the suspension order issued by the Respondent No.2 and communicated to the Applicant vide No. 7(2)94/SCC/66/Confid dated 15.9.94 (Annexure-13) illegal and unconstitutional and not warranted by the facts and circumstances of the case, and to pass further orders quashing the said suspension order
- b) To pass orders declaring that the charges labelled against the Applicant are illegal and unconstitutional and such charges cannot be brought against the Applicant in view of the final report submitted by the Police authorities and pass further order quashing the charges as communicated by memo No. 7(2)94/SCC/67/Confid dated 15.9.94 (Annexure-14).
- c) Grant such further or other relief or reliefs to which the Applicant may be entitled having regard to the circumstances of the case.
- d) Grant cost and incidental to this application to the Applicant.

9. Interim order, if any, prayed for :-

Pending final decision in this application, the Applicant seeks issue of the following interim orders :-

- (i) Suspend the suspension order of the applicant as issued by the Respondent No.2 vide No.7(2)94/SCC/66 confd/ dated 15.9.94 (Annexure-13).
- (ii) Stay the continuance of the Departmental proceeding against the applicant on the basis of the memo of Charge sheet issued by the Respondent No.2 vide his No.7(2)94/SOC/97/Confid dated 15.9.94(Annexure-14).

10. The applicant desires to have oral hearing at the admission stage.

11. Particulars of Bank Draft/Postal Order filed in respect of the application for:

Indian Postal Order No. B 09 316100 dated 6.5.95 for Rs 50/- . At. Gauhati .

12. List of enclosures:-

- (a) Annexures - 1 to 16 (Part of the application)
- (b) Postal Order(s)
- (c) Vakalatnama
- (d) Self addressed envelope - 1 No.
- (e) File size envelope with addresses of the Respondents - 4 Nos.

VERIFICATION

I, Shri Anirban Nandi, son of Shri Ashit Kumar Nandi, aged about 32 years, employed as Lower Division Clerk in the Central Public Works Department, Tripura

Central Division in Tripura, resident of Arundhutinagar, Agartala,
P.O. Arundhutinagar, P.S. West Agartala, District - West Tripura,
do hereby verify that the contents of para 1-8, 10-14, 16-21, 23, 24,
26 are true to my knowledge and rests are my submission and that
I have not suppressed any material fact.

Anirban Nandi
Anirban Nandi

Date:- 8.5.95.

Signature of the Applicant

Place:- Agartala.

To,

The Registrar,
Central Administrative Tribunal,
Guwahati Bench, Rajgarh Road,
Bhangagarh, GUWAHATI- 781005.

Copy to:-

The Senior Central Government Standing Council,
Central Administrative Tribunal, Guwahati
Bench, Rajgarh Road, Bhangagarh, Guwahati-
781005.

.....

ANNEXURE - 1/series.

C/1

dated 4/2/94

To
Shri A. Nandi,
SDC.

You should attend at Fatikcherra TCSD II Office
on 5/2/94 positively ~~xx~~ as your office room is open
position and gedrej almirah also is in open and M.Bs. and
other records are lying in scattered position. You should
verify the records and O/C of Police Station is to visit
site. Your presence is urgently required at Fatikcherra.

Sd/-

A.E.II

4/2/95

Attes.cd.
Smalla
Advocate. 19/6/95

ANNEXURE - 1/series.

No. Camp Fatikcherra/1

dated 5/2/94

To
Shri A. Nandi,
SDC Sub-Div.II.

Sub :- Submission of report for stolen measurement books and other documents.

With reference to my letter No. Camp/1 dated 4.2.94 you are to submit the ~~missing~~ report for missing MBs and other records immediately as same are to submit to Police Station and higher authority for further necessary action.

Sd/-

5/2/94

Assistant Engineer,
T.C.S.D.II, C.P.W.D.,
Fatikcherra BSF Camp
West Tripura.

Copy to the Executive Engineer, TCD, CPWD, Agartala D.P.

for information. Incharge of Police Station, Sidhai (Mohanpur) visited site at Fatikcherra & AEII office on 5/2/94 at about 11-50 AM and instructed to verify the missing things (MBs and other records) and asked to submit the report immediately.

Accordingly the undersigned started the verification w.e.f. 5/2/94

Attested.
[Signature]
Advocate.

Sd/-

Assistant Engineer,
T.C.S.D.II, C.P.W.D.,
Fatikcherra BSF Camp
West Tripura.

ANNEXURE - 2.

To
The Assistant Engineer,
Tripura Central Sub-Division No.II
C.P.W.D., Fatikcherra BSF Camp.

SUB: Submission of report for stolen measurement books and other ~~articles~~ documents.

Ref: Your No. Camp. Fatikcherra/1 dated 5/2/94.

Sir,

With reference to your letter no. mentioned above, the measurement books and other documents which are found missing as per documents/records available are submitted below :-

Measurement Books:

- | | | | |
|-----|---------------|--------------------------------------|--|
| (1) | SH/413/84 | I
I
I
I
I
I
I
I | 8(eight) No. M.Bs.
(all these MBs were kept in one bunch/stack) |
| (2) | 738/TCD/AGT. | | |
| (3) | 762/TCD/AGT. | | |
| (4) | 763/TCD/AGT. | | |
| (5) | 915/TCD/AGT. | | |
| (6) | 916/TCD/AGT. | | |
| (7) | 993/TCD/AGT. | | |
| (8) | 1126/TCD/AGT. | | |

Register & other papers.

- | | | |
|-----|---|---|
| (1) | Agrt.No.4/SE/EE/SH/82-83
Agency: Shri R.N. Kanjilal,
C/O.Drill shed at Salbagan. | Test Register, Hindrance Register
Site order book, Cement & steel
Register, Paint Register, head
Register. |
| (2) | Agrt.No.54/SE/EE /TCD/87-88
Agency: Shri Swapan Saha,
C/O.Primary School at
Salbagan. | Test Register, Dog Reg.,head
Register, Hindrance register,
Site order book, Cement register. |
| (3) | Agrt.No.26/SE/EE/TCD/87-88
Agency: R.N.Kanjilal
Improvement of Internal
Road at Salbagan(P-II) | Inspection Register, MAS Register
Test Register, road matel
Register. |
| (4) | Agrt.No.25/SE/EE/TCD/87-88
Agency: R.N. Kanjilal
C/O.20 no.T-J Qrts.
For BSF at Fatikcherra. | Site order book, Cement Register
Hindrance Register. |
| (5) | Agrt.No.33/SE/EE/SH/80-81
Agency: Parimal Nandi
C/O.7No.Type-B Quarters
at Bagafa. | Hindrance Register. |

Contd. - P/2.

Smaller

Page-2.

-
- (6) Agrt. No. 37/SE/EE/SH/81-82 Hindrance Register.
Agency : Shri Parimal Nandi.
-
- (7) Agrt. No. 1/SE/EE/81-82 Hindrance Register.
Agency : Bhri Parimal Nandi.
-
- (8) Agrt.No. 15/SE/EE/85-86 Cement Register, Site Order
Agency : Shri Swapan Saha book, Hindrance Register,
C/O.5 No. E-III Quarters Test Register, Dog Register,
at Gakulnagar. Paint Register, head Register,
Tube test.
-

The registers and files for connecting different works, could not be verified as files of running & final bills, extra item and substituted item files, Handing over files, were in scattered position in room. Hence missing documents and other important pepers could not be ascertained.

Thanking you,

Yours faithfully,

Sd/- Anirban Nandi

Dated:- 9/2/94.

SDC, TCSD - II,
CPWD, Fatikcherra BSF Camp.

Attested.
S. Mallik
Advocate.

ANNEXURE-3.

URGENT

No.Camp.Fatikcherra/2 dated 14.2.94

To
Shri Anirban Nandi,
SDC, TCSD-II,
Fatikcherra.

Sub: Explanation for theft case of MBs and other
records from your custody from the office of
at BSF Camp at Fatikcherra.

...

Please refer your No. nil dated 9.2.94 in which you had
reported that you had lost 8(eight) MBs and other records
connecting to work from your custody ~~xx~~ which are very important
document in C.P.W.D.

Please explain in details how, when and what circumstances
the theft had occurred and submit the same immediately as the
same is required to be submitted to higher authority.

Sd/-

14.2.95

Assistant Engineer,
T.C.S.D.II, C.P.W.D.,
Fatikcherra BSF Camp
West Tripura.

Copy to Executive Engineer, TCD, CPWD, Agartala AF for
information please.

Assistant Engineer,
T.C.S.D.II, C.P.W.D.,
Fatikcherra BSF Camp
West Tripura.

Attested

Smaller

Advocate.

ANNEXURE - 4.

CONFIDENTIAL
RESD/A/D

Government of India
Central Public Works Department.

....

No.15(69)/PF/TCD/AGT/94/585

Dated, Agartala, 26.2.94

To
Shri Anirban Nandy,
C/O. Shri Asit Kumar Nandy,
P.O.A.D. Nagar,
Vill. North Badharghat,
Millong Sangha (near),
Agartala, 799003.

2. Shri A. Nandy,
S.D.C.,
TCSD.No.II, CPWD,
BSF Camp,
Fatikcherra,
Tripura (West)
PIN: 12

3. Shri A. Nandy,
S.D.C.,
TCSD No.IV, CPWD,
BSF Camp,
Gokulnagar, Tripura (West).

It has been observed by me during the inspection of work at Sub-Divn.No.II & IV that you not been attending the sub-divn.offices punctually and regularly. It has been reported by the Assistant Engineer that you are very much careless, irregular and irresponsible. It has also been observed that you are neither attending sub-divn.office II nor sub-divn.No.IV, which you are holding as additional charge for sub-divn.No.IV. Such carelessness on your part is viewed seriously. You are therefore called upon to explain for such irresponsible attitude towards your duties. You have intimated about missing of some measurement books to the Asstt. Engineer II. You are directed to give your explanation as called by the Assistant Engineer under intimation to this office immediately. Your reply should come to this office within seven days on receipt of this letter. If you fail to make reply it will be concluded that you have nothing to say about your behaviour and entry will be made in your annual confidential report. You are also directed to join duty immediately. No leave of any kind will be sanctioned to you in future. You will be treated as absconding from the office.

Sd/-

23/2

Executive Engineer,
Tripura Central Divn.,
CPWD, Agartala Airport.

Copy to:- (Confidential).

1. The A.E., TCSD.No.II, CPWD, BSF Camp, Fatikcherra with a direction that his absentee statement should be sent to this office immediately.
2. The A.E., TCSD.No.IV, CPWD, BSF Camp, Gokulnagar, Tripura (West) for similar action as noted above at sl.no.1.
3. Personal file of Sri Nandy.

Attes.C.
Amalla
Advocate.

EXECUTIVE ENGINEER

ANNEXURE - 5.

Government of India,
C.P.W.D.

No.5/TCSD-IV/Gok/94/Camp/Agt.

Dt. 1/3/94

To
The Executive Engineer,
Tripura Central Division,
C.P.W.D. Agartala A/F.

Sub: Absentee statement in respect of Shri A. Nandi, SDC

Ref: Your No. 15(69)/PF/TCD/AGT/94/585 Dt. 26/2/94

It is to inform you that from 16/2/94 to 28/2/94
Shri A. Nandi, SDC was present in the T.C.S.D. - IV office
at Gokulnagar BSF Camp regularly except on 18/2/94. He has
applied for C.L. on 18/2/94.

This is for favour of your information & further
necessary action please.

Sd/-

1/3/94

A.E. IV

Attestor

S. Malla

Advocate.

36
29

ANNEXURE - 5.

Government of India,
C.P.W.D.

No.13/TCSD-IV/Gok/94/

Dt. 28.3.94

To
The Executive Engineer,
Tripura Central Division,
C.P.W.D., Agartala A/F.

Sub:- Absentee statement.

The absentee statement of the staffs attached to
this office is submitted below :-

- (1) AE - IV - In dual charge.
- (2) Shri C.Chowdhury, J.E. - Full month.
- (3) Shri A. Nandi, SDC - 1.3.94 to 26.3.94
(21.3.94, 22/3/94 & 23/3/94
attended at TCSD-II office
at Fatikcherra).
(C.L. on 10/3/94)
- (4) T.R. Datta :- Full month
(Applied for station leave
permission on 12/3/94, 13/3/94
& 14/3/94.

Sd/-

Assistant Engineer,
Tripura Central Sub-Divn. IV,
C.P.W.D.,
Gokulnagar BSF Camp,
West Tripura.

Attested
Small
Advocate.

ANNEXURE - 61

To
The Executive Engineer,
Tripura Central Division,
CPWD, Agartala Airport.

Ref : Your No.15(69)/EE/TCD/AGT/94/585
dt. 26.2.94

Sir,

With due respect I am to state that I have received the above mentioned letter ~~am~~ today (1.3.94). As you may aware that I had already explained the theft case and submitted the same to the Asstt.Engineer, TCSD.No.II, CPWD, Fatikcherra. However, for favour of your ready reference I am once again explaining the same.

On 2.2.94 I left the office of TCSD-II, Fatikcherra at about 3.20 p.m. (approx.) after properly locking the door lock and Almirah lock of my room. I had left the office early as I had to attend the divn.office i.e. Tripura Central Divn. in order to join the farewell party of D.A.O. At Tula Bagan Bus Stop I met Shriram Sahu, J.E. and Shri Priyabrata Nandi, contractor. At about 4.00 p.m. the bus came and we started for Agartala. As it was raining and I was totally wet and was not feeling physically well I had gone to my home.

That Sir, on 3.2.94 and 4.2.94 I attended the office of TCSD.No.IV at Gokulnagar. On 4.2.94 at about 2.30 p.m. one Shri Babul Chowdhury, contractor informed me at Gokulnagar that a theft had occurred at my office at Fatikcherra. At that very moment I started for Fatikcherra and reached there at about 4.30 p.m.

That Sir, during that period no one was present at the office and my room was locked by a different lock. There I met one Sankar Paul, Manager of Shri Sibul Saha, contractor and told him, if any of my office staff come let them informed that I had started for Asstt.Engineer, TCSD.No.II's Home at Ushabazar, Agartala A/P.

Contd. - 2.

23.3.94
J. Malla
Advocate.

-: 2 :-

I contacted Shri C.N.Bhattacharjee at his house and was informed about the theft in my room. On 5.2.94 I went to the office of TCSD.No.II at Fatikcherra at about 12.00 p.m. I was late as my younger son was ill and I had to take him to the Doctor. From 5.2.94 to 9.2.94 I along with the A.E.-II, Shriram Sahu, JE, K.C.Deb and B.C.Purakayastha,JE verified all the documents and M.Bs. jointly and a list was prepared of the missing documents and M.Bs. The same was submitted to the Assistant Engineer, TCSD.No.II.

In this connection it is also worth to be mentioned here that on 5.2.94 when the room was opened by Asstt. Engineer, TCSD.No.II, it was seen that the almirah was broked open and M.Bs. and many other important documents were lying here and there on the floor.

That Sir, an information was lodged to the Police Station by the Asstt. Engineer. After verification the Police has lodged a F.I.R. under I.P.C. 380 No.22/94 dt. 13.2.94 for theft by unknown miscreants.

And Sir, on 1.2.94, 2.2.94, 5.2.94 to 14.2.94 I was present at TCSD.No.II office and from 15.2.94 to 28.2.94 I was present at TCSD No.IV office. A series of contractors letters & other papers, bill may kindly be verified in support of this statement, which were submitted and prepared by me. So the question of my rejoining in duty does not arise.

In view of the above, I do hope the above statement will be sufficient for your kind self to make it clear that the irregularities, carelessness and irresponsibility is concerned had not ever since been shown by me and does not having any relevancy at all.

Thanking you,

Yours faithfully,
Sd/- Anirban Nandi.
4/3/94
S.D.C.
TCSD.No.II & IV, CWPD,
Fatikcherra, Tripura (West)

Dated, Agartala, 1.3.94

S. Maitta

ANNEXURE - 7.

GOVT. OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT.

No.: 65(1)/TCD/AGT/591 Dated, Agartala A/F. 1-3-94

To
Shri A. Nandi, L.D.C.,
Through A.E.-II

Subject :- Explanation for theft case of MBs. and
other records from your custody from the
office of the BSF Campus, Fatikcherra.

Ref. :- AE-II's letter No. Camp Fatikcherra/2,
dated 14/2/94.

With reference to the AE-II's letter cited
above addressed to you and copy enclosed to this office, you
are hereby directed to submit your explanation to this office,
ask asked for, in the above letter along with the details of
missing MBs (number inserted) for taking further necessary
action.

Sd/-

28/2

Executive Engineer,
Tripura Central Division,
C.P.W.D., Agartala A/F.

Copy to:-

1. The Superintending Engineer, Silchar Central Circle,
CPWD, Silchar-2 for favour of information.
2. The Assistant Engineer, TCSD-II, CPWD, BSF Campus,
Fatikcherra with reference to his above letter for his
information and necessary action. He is requested to
send the particulars of records which have been stolen
along with the MB. numbers for taking further necessary
action.

EXECUTIVE ENGINEER

Smaller
Locato.

ANNEXURE - 8.

To
The Assistant Engineer,
Tripura Central Sub Division No. II
C.P.W.D., Fatikcherra BSF Campus.

Sub: Your letter No. Camp/Fatikcherra/2 Dt. 14.2.94.

Sir,

With reference to your letter No. mentioned above it is stated that I had already submitted my reply on 16.2.94 in duplicate. But, with good faith I had not taken your received signature on my copy. As per discussion with the Executive Engineer, Tripura Central Division C.P.W.D., on 1.3.94 in his chamber it seems to me that you have not submitted the copy of my reply. Why you have not submitted it is not clear to me. So, I am again replying the above mentioned letter through Registered post with A/D.

As per your letter No. mentioned above, you asked me to "Explain in details how when and what circumstances the theft had occurred". But as you know, I was not present at the time of detecting the theft by you on 3.2.1994 (I had left the T.C.S.D. office on 2.2.94 at about 3.20 P.M. and was not present there on 3.2.94 and 4.2.94). So, I cannot understand how I can explain how when and in what circumstances the theft occurred. So, your above mentioned letter is abusively intentioned and uncalled for. It is presumed that you are trying to involve me which is an unfair act. In your above mentioned letter in the first paragraph you had used the word "lost", in the second paragraph you had used the word "theft". This type of things are very much questionable to me and is clouding the situation only.

In my letter No. nil, dated 5.2.94 I had explained about how and when I was first informed about the theft case and about my act next. For ready reference I am submitting that again.

On 2.2.94 I left the office of TCSB No. II Fatikcherra

S. Mallick
S. Mallick

44
34

-(2):-

at about 3.20 P.M. after properly locking the door lock and Almirah lock of my room, I had left the office early as I had to attend the T.C.D. office, Agartala Airfield in order to join the farewell party of D.A.O. At Tulabagan Bust Stop I met Shriram Sahu, J.E. and Shri Priyabrata Nandi, Contractor. At about 4.00 P.M. the bus came and we started for Agartala. As it was raining and was totally wet and was not feeling physically well, I had gone to my home.

On 3.2.94 and 4.2.94 I attended the office of TCASD-IV at Gokulnagar. On 4.2.94 at about 2.30 P.M. one Shri Babul Choudhury, contractor informed me at Gokulnagar that a theft had occurred at my office at Fatikcherra. At that very moment I started for Fatikcherra and reached there at about 4.30 P.M. At that time, no one was present at the office and my room was locked. There I met one Sankar Paul, Manager of Shri Siku Saha, Contractor and told him if any of my office staff come, let him inform that I had started for Assistant Engineer, T.C.S.D.-II home at Agartala A/F. I contacted you at your house and was informed about the theft in my room (You had handed me over a letter No.C/1 dated 4.2.94). On 5.2.94 I went to the office of T.C.S.D.-II at about 12.00 P.M. I was late as my youngest son was ill and I had to take him to the Doctor. From 5.2.94 to 9.2.94 I along with you, Shriram Sahu, JE, K.C.Deb, JE and Shri B.C.Purkayastha, J.E. verified all the documents and M.Ps. jointly. A list was prepared of the stolen documents and M.Ps. The same was submitted to you.

In this connection it is also to be mentioned that on 5.2.94 when you opened the door of my room, it was seen that the Almirah was broken open and M.Ps. and other important documents were laying scattered on the floor.

Thanking you,

Yours faithfully,

Sd/-Anirban Nandi

Copy to: The Executive Engineer, TCD, CPWD for information.

Attested
J. Mallick
Advocate.

Government of India,
Central Public Works Department.

....

No.4/TCD/AGT/94/237

Dated, Agartala, 25/3/94

To
Shri Anirban Nandi,
SDC, TCSD.No.II,
CPWD, BSF Camp,
Fatikcherra.

2. Shri Anirban Nandy,
SDC, TCSD.No.IV,
CPWD, BSF Camp, Gokulnagar.

I have come to know that about 9 Nos. M.Bs. which were under your custody are missing. I have also come to know that these M.Bs. are pertaining to the work of C/O.Admn.Block, Fatikcherra. The work of the above building was completed long back and final bill was also paid. You are to explain why these M.Bs. were lying with you even after the account of the work was closed in the division office. You are directed to explain why these M.Bs. were lying with you. Your letter dated 3.3.94 addressed to your A.E., TCSD.No.II CPWD, Fatikcherra and copy to me is also controvercial to the fact that you have never reported any loss or anything. Whereas your letter dated 4.2.94 addressed to AE, TCSD.No.II you have given the details of documents/records missing from the sub-divn office like 9 nos. M.Bs. along with other documents for other different works. Your reply should reach this office within 7(seven) days.

Sd/-

23.3.

Executive Engineer,
Tripura Central Divn.,
CPWD, Agartala Airport.

Copy to:-

The Superintending Engineer, Silchar Central
Circle, CPWD, Silchar-2 for information.

EXECUTIVE ENGINEER

Attested.

Smalla
Advocate.

ANNEXURE - 10.

To
The Executive Engineer,
Tripura Central Division,
C.P.W.D., Agartala Airport.

Sub:- Departmental enquiry held in the T.C.S.D.-II
office on 28.3.94.

Sir,

Please recall the discussion held with you on 28.3.94 at AE-II's office at Fatikcherra at the time of departmental enquiry held on 28.3.94 headed by you along with AE-II, AE-IV and one B.S.F. personal. You told me "Aap Dekheya, Kisise documents wapas mil sake to chup chap kahi rakh dijiya Nehi to muje duty bound hoke report upar vesna parega". It seems that you are tryin to establish that, I know who has stolen the documents & so I am involved. As per the G.D. enquiry in Sidhai P.S. No.-510, dt. 13.2.94 at 20.45 hrs. the theft had occurred, at any time before 3.2.94. And from 3.20 P.M. (Approx.) on 2.2.94 to 12.00 P.M. (Approx.) on 5.3.94 I was not present at T.C.S.D.-II office at Fatikcherra.

So, Sir, I humbly say that, this type of quoted words were unexpected for me from a very responsible officer like you.

So, Sir, as I have informed earlier, I deny firmly of any knowledge of how the theft had occurred & who is involved is beyond my knowledge.

Thanking you,

Yours faithfully,

Dated, Agartala,
The 29th March '94.

Sd/- Anirban Nandi
SDC/TCSD - II

Copy to:-

1. Assistant Engineer, T.C.S.D.-II for information.
2. The Secretary, C.P.W.D. Staff Association, Tripura Unit, for information with all previous correspondence with office.

Attested


Advocate.

To
The Executive Engineer,
Tripura Central Division,
C.P.W.D., Agartala Airfield.

Sir,

With reference to your letter No.65(1)/TCD/AGT/591 dt.1.3.94 received on 29.3.94 by me, it is to state that I have already replied the AE's letter No.Camp/Fatikcherra/2, Dt.14.2.94 on 16.2.94 in duplicate, but for some unknown cause he has not submitted this to you. After my discussion with you in your chamber on 1.3.94 it seemed to me that the Assistant Engineer-II has not submitted my reply of the above mentioned letter to you. And with good faith I had not taken his received signature on my copy of reply. So, on 3.3.94 I again replied the letter through Registered post with A/D and a copy of that was endorsed to you also in Registered post with A/D.

Sir, with reference to your letter No.4/TCD/AGT/94/837 dt. 25.3.94 which I have received today that is on 29.3.94 it is to state that as a common practice, all the old and new M.Bs. related to a particular sub-Division is kept in the Sub-Division office under the custody of Sub-Divisional Clerk. This fact is also known to you as per your letter No.3(2)/TCD/AGT/94/604 Dt.1.3.94 in which you have instructed all the Assistant Engineers to "Submit the M.Bs. after indexing and other relevant records as prescribed by CPWD Code to the Division Office immediately for all the completed works and the work which are under arbitration." And another thing is also to be noted that I was never instructed by any of my higher officer to return the closed M.Bs. to the Division office.

Sir, in my letter dt. 3.3.94 addressed to Assistant Engineer, Tripura Central Sub-Division No.II and copy endorsed to you I have specifically said that I have never reported of "loss" of any thing. Instead, on my letter No.Nil, dt. 4.2.94 I

Contd. - P/2.

Attested
S. Mallick
Advocate.

--:(2):-

reported of "MISSING" of documents. The word missing means not found not in its place. Whereas loss/lost means-cess by negligence/ be deprived of. So, missing is more appropriate than the word lost in a theft case. And, so, in my reply to AE's letter No. Camp/Fatikcherra/2 dt. 14.2.94 I said that I have not reported of loss of anything. Some documents are missing is implied in that letter. So, Sir, I cannot understand why this is controversial to you.

Another point is to be noted that I have replied all of your letters and repeated the same version. So, I cannot understand why you are again and again writing me to submit almost same report. Hereby I am enclosing another statement showing all happenings from 2.2.94 onward.

- a) 2.2.94 :- I left the office at about 3.20 P.M. (Mentioned in my previous letters.
- b) 3.2.94 :- I was performing my duty at Gokulnagar.
- c) 4.2.94 :- I was informed about the theft case by one Bahul Choudhury, contractor at about 2.30 P.M. and I rushed to the T.C.S.D. Office at about 4.30 P.M. where no one was present. And my room was locked by a different lock (I knew this later when the room opened by the Assistant Engineer by a different key). On 5.2.94 I went to the house of Assistant Engineer-II at Ushabazar and was briefed about the theft by the AE-II. (Please see my letter No. nil, Dt. 5.2.94 where details is written).
- d) 5.2.94 :- I along with AE-II, K.C. Deb, J.E., B.C. Purkayastha, JE to 9.2.94 Shri Ram Sahu verified all the records available and submitted this to the Sidhai Police Station. We all, i.e., AE-II, all the three JEs went to the Police Station and there only I knew that AE-II has lodged a case on 3.2.94.
- e) 14.2.94:- A letter No. Camp/Fatikcherra/2, Dt. 15.2.94 was handed over to me.
- f) 16.2.94:- I gave the reply of AE's letter No. Camp/Fatikcherra/2 Dt. 13.2.94 in duplicate (Please see my previous correspondence.)

Attended.
Malla
Advocate.

Contd. - P/3.

-(3):-

g) 28.3.93 :- A departmental enquiry was held in TCSD-II office headed by you along with AE-II and AE-IV and a NSF personal. The NSF personal uttered some uncalled for words in out departmental enquiry which is very much painful and un-lawful. During the Departmental enquiry, I think you have noted that a door is there in between the SDC's room and AE's room which is kept open from SDC's room side as per verbal instruction of AE, as he may need some files which is kept in SDC's room. Another thing is to be noted that I have received only one key of the door lock.

In view of the above I request you to look at the theft case from an impartial view which will be very much sought for from a very respectable officer like you.

Thanking you,

Yours faithfully,

Dated: 30th March, 1994.

Sd/- Anirban Nandi
30.3.94

Copy to :- 1. The Secretary, CPWD Staff Association, Tripura Unit.
2. The Assistant Engineer, Tripura Central Sub Division No. II, C.P.W.D., for information.

Donallu
Advocate.

ANNEAURE - 12.

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE
(SADAR POLICE COURT) WEST : TRIPURA AGARTALA

CASE NO. Sidhai P.S. 22/94

The State Vrs. Unknown.

Order Dated 26.8.94.

Received F.R. No. 37/94 Dt. 27.3.94. Perused the F.R.
and accepted as true U/S 380 I.P.C. but wanting in evidence
as recommended by C.I. of Police.

Sd/- N. Chakraborty,
Chief Judicial Magistrate
West Tripura : Agartala.

S. Mallik
Advocate.

P/2.

Sd/- Illegible
5.11.94

DESPATCH
C.I.(S) MOHANPUR
NO.754 Dt. 4.4.94.

(P/1)

DESPATCHED
NO.3366 Date 2.4.94
Sidhai P.S. Tripura (W).

Final Report
Under Section 173 Cr.P.C.

IN THE COURT OF LD. COURT OF C.J.M.(W) SDR.

1. Distt. Tripura (W) P.S. Sidhai Year 1994 FIR No. 22/94
Dated 13-2-94.
2. Final Report No. F.R.(T) No. 37/94 3. Date 27.3.94
4. i) Act. ..Major Section 380 I.P.C.
(ii) Act Section
(iii) Act Section
iv) Other Acts & Sections
5. Type of Final Report, Charge Sheet/Untrace/Unoccurred/
Not charge-sheeted for want of evidence
6. If F.R. Unoccured False/Mistake of Fact/F.R. as true
Mistake of law/Non-cognizable/Civil Nature.
but wanting in evidence U/S 380 I.P.C.

Contd.P/3.

Smalla

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P/3.

7. If Supplementary of Original Original.....
8. Name Rank & Number (if any) of the I.O.(s):- Sibaranjan Chakraborty S.I. of Police Sidhai P.S.
9. (a) Name of Complainant/Informant :- S. Bhattacharjee Asstt. Engineer, T.C.S.D.II P.W.D. Fatikcherra BSF Camp.
10. Date on which the complainant/Informant was informed to
of the result:- On 13-2-94
11. Details of Properties/Articles/Documents/Recovered/seized during investigation and relief upon (separate list can be attached, if necessary). Nil.

Sl. No.	Property Description.	Estimated Value in Rs.	P.S. Property Register No.	From whom/ when Recovered or seized.	Disposal
1.	2.	3.	4.	5.	6.

Submitted

Sd/- Illegible

2/4

Officer-In-Charge,
Sidhai Police Station,
West Tripura.

Attested.
Shaila
Advocate.

Contd.....P/4.

P/4.

13. Particulars of accused persons not charge-sheeted

(suspected)Nil.....

SL. NO. i) Name :-Whether verified

ii) Father's/Husband's Name :-

iii) Date/Year of Birth :-

iv) Sex :-

v) Nationality

vi) Place of issue of Passport No. Date of issue....

vii) Religion

viii) Whether SC/ST.....Caste/Tribe

ix) Occupation

x) Address :.....Whether verified.....

xi) Provisional Criminal No.

xii) Suspicion Approved :.....Yes/No.....

xiii) Status of the accused

Bailed by Police/Bailed by Court/in Judicial

Custody// Absconding Proclaimed Offender/

Not arrested

xiv) Under acts and Section :-

Attes.cd.

Advocate.

Contd.P/5.

P/5.

Xv) Any special remarks including reasons for not charge

sheeting :.....

The reason of not charge-sheeting in this
 this case is that theft in r/o 8 (eight) nos. M.Bs. is committed
 by unknown miscreants and the case could not be
 detected despite best efforts and because of non-existence
 of any direct evidence as well as circumstantial evidence.
 For which I am submitting F.R. (T) U/S 380 I.P.C. but wanting
 in evidence in this case.

S1. No.	Name	Father's Name	Date/ year of birth	Occupation
1.	2.	3.	4.	5.
1.	Smti Laxmi Sutradhar	D/O Sri Akhil Sutradhar	Agt. 35 yrs	Daily labour
2.	Smti Prabha Dhar	W/O Sankar Dhar	Agt. 28 yrs	Daily labour
3.	Smti Anima Deb	W/o Lt. Haripada Deb	Agt. 35 yrs	-Do- Deb
4.	Sri Binoy Sarkar	S/O Lt. Rabindra Sarkar	Agt. 23 yrs	-Do- Sarkar

Address 6.	Type of evidence to be tendered 7.
1. Vill. Nutannagar P.S. ARP.	Nil
2. Kabirajtilla PS Agt.	
3. West Pratapgarh P.S. West Agt.	
4. Krishnanagar P.S. West Agt.	

15. If F.R. is false, indicate action taken or proposed to be
 taken ~~Ex/s~~ U/S 182/211 I.P.C. Nil

16. Result of laboratory Analysis: Does not arise

Attested.
Smatta
 Advocate.

Contd. P/6.

P/6

17. Brief facts of the case :- Sir,

The brief fact of the case is that on 13-2-94 at 2045 hrs one S. Bhattacharjee, Assistant Engineer, T C S D - II CPWD - Fatikcherra BSF Camp under SDI PS ~~approx~~ appeared at PS and lodged a written complaint to the effect that at any time before 3-2-94 n unknown miscreants stolen away 8(eight) No. M.Bs. from C.P.W.D. office room, Fatikcherra BSF Camp by breaking lock, bearing M.Bs. No. 1) SH/413/84 2. 738/TCD 3) 762/TCD 4) 763/TCD 5) 915/TCD 6. 916/TCD 7) 993/TCD and 8) 1126/TCD Under this complaint SDI P.S. Case 22/94 U/S 380 I.P.C. is registered and O/C. PS endorsed to me the case to investigate the case. Accordingly self (illegible) the case.

During investigation the statement of witnesses and other facts and circumstances it is transpired that at any time before 3-2-94 unknown miscreants stolen away 8(eight) Nos. of M.Bs. from CPWD office, Fatikcherra BSF Camp by breaking lock of door, bearing M.Bs. No. SH/413/84 2) 738/TCD 3) 762/TCD 4) 763/TCD

Attested.
[Signature]
Advocate.

Contd.....P/7.

P/7.

5. 915/TCD 6) 916/TCD 7) 993/TCD and 8) 1126/TCD

During investigation (illegible) my best to detect the case by contract with (Illegible) other ways but to no good. And there is no chance of further development ~~of~~ of the case in near future. So it is useless to drag the case any longer pending more (Illegible). However the matter is kept in mind.

Hence I submit F.R.(T) No. 37/94 dt. 27-3-94

U/S 380 I.P.C. as true but wanting in evidence in this case which may kindly be accepted.

The result of investigation intimated to the complt.

Sir,

FR submitted as true U/S 380 I.P.C. but wanting in evidence in this case may kindly be accepted. Submitted to the Ld. CJM(W) TPA for kind acceptance.

Sd/- Illegible
3-11-94

Circle Inspector of Police

(Seal illegible).

Sd/- Sibaranjan Chakraborty

Signature of the investigating officer submitting the Final Report/charge sheet

Name:- SIBRANJAN CHAKRABORTY

Rank:- S.I. of Police

Number, if any -

Date 27-3-94

Attes.ed.
S. Mallick
Advocate.

EMBLEM

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
Silchar Central Circle, Mela Road,
Malugram, Silchar-788002

No. 7(2)94/SCC/66/Confid

Date: 15-09-94

ORDER

Where as a desce//;amaru /pceedomgs agaomst Shri Anirban Nandi, Lower Division Clerk is contemplated.

Now, therefore, the undersigned in exercise of power conferred by Sub-Rule 1 of Rule 10 of the Central Civil Services, (Classification Control and Appeal) Rules 1965, hereby places the said Shri Anirban Nandi, Lower Division Clerk under suspension, with immediate effect.

It is further ordered that during the period that this order shall remain in force, the headquarter of Shri Anirban Nandi, Lower Division Clerk should be Agartala and the said Shri Anirban Nandi shall not leave the headquarter without obtaining the previous permission of the undersigned.

Sd/-

13/09

(ER. R. KRISHNAMURTHI)
SUPERINTENDING ENGINEER

Copy to Shri Anirban Nandi, Lower Division Clerk, Tripura Central Division, CPWD, Agartala A/F.

(ER. R. KRISHNAMURTHI)
SUPERINTENDING ENGINEER

Attested.
Shruti
Advocate.

ANNEXURE # 14.GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENTEMBIEMSilchar Central Circle,
Mela Road, Malugram,
Silchar-788002

No.7(2)94/SCC/67/Confid

Date: 15-09-94

MEMORANDUM

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

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

6. The receipt of the Memorandum may be acknowledged.

Sd/- Er.R. Krishnamurthi
SUPERINTENDING ENGINEER.

TO

Shri Anirban Nandi,
Lower Division Clerk,
Tripura Central Division,
C.P.W.D. Agartala A/F.

Atto. Cd.
Smaller
Advocate.

ANNEXURE - I

Statement of article of charges framed against Shri Anirban Nandi, Lower Division Clerk.

Article I That Shri Anirban Nandi, LDC while functioning as Sub-Divisional Clerk in Tripura Central Division No. II with Headquarters at Fatikcherra during the period from 19-6-92 to 11-7-94, lost valuable Government records due to his negligence and lack of devotion to his official duties from the Subdivisional Office which is located in a fully secured and protected area.

Article-II That Shri Anirban Nandi lost the valuable Government records which are vital for defending the Arbitration Case under his custody intentionally with a dishonest motive to help the Contractors.

Sd. ER. R. Krishnamurthi

SUPERINTENDING ENGINEER.

Attended.
Smalle
Advocate

ANNEXURE - II

Statement of imputations of misconduct against Shri Anirban Nandi, Lower Division Clerk.

Article-I That Shri Anirban Nandi, LDC attached to Tripura Central Division, CPWD, Agartala Airfield was posted as Sub-divisional Clerk to Tripura Central Sub-Division No. II CPWD Fatikchera FROM 19-6-94 TO 11-7-94 and has been the custodian of the Sub-divisional records including the Measurement Books, Original Agreement of Sub-Division, registers of the closed contracts and other important records.

Article-II That Shri Anirban Nandi was provided with an independent room with proper locking arrangements and Steel Almirah for safe custody of Government records and documents. The keys of the Almirah and also the room were under his custody. The Sub-Division Office is located within B.S.F. Campus, protected by compound wall, security fencing and security personnel round the clock.

Article-III That during the period of his posting to the Sub-Divisional Office the following measurement books and important records which were under his custody were lost by him.

(i) Measurement Book bearing Nos. 738/TCD, 762/TCD, 763/TCD, 915/TCD, 916/TCD, 993/TCD, Sh/413/84, 1126/TCD and 520/TCD.

(ii) Test register, Hinderance register, Site order book, Cement and steel register, Paint register and Lead register connected to the work Construction of Drill Shed at Salbagan Agt.No.4/SE/EE/SH/82-83. Agency : Shri R.N. Kanjilal.

(iii) Test register, Hinderance register, Lead register, Site order book, Cement register and Drawing register of the work Construction of Primary School at Salbagan. Agt.No.54/SE/EE/TCD/87-88. Agency : Swapan Saha.

(iv) Inspection register, MAS account register, Test register, Road mettal account register, of the work of Improvement of inter roads at Salbagan. Agt. No. /SE/EE/TCD/87-88. Agency : Shri Swapan Saha.

(v) Site order book, Cement register, Hinderance register of the work Construction of 20 Type-I quarters for BSF at Fatikchera Agt. No. 25/SE/EE/TCD/87-88. Agency : Shri R.N. Kanjilal.

(vi) Hinderance register of the work Construction of 7 Nos. quarters at Bagafa. Agt. No.33/SE/EE/SH/80-81. Agency : Shri Parimal Nandi.

(vii) Hinderance register, of the work Construction of Magazine building(s) for BSF at Bagafa. Agt.No.37/SE/EE/SH/81-82. Agency : Shri Parimal Nandi.

21.08.85.
Shri Parimal Nandi

(viii) Hinderance register for the work of Construction of 2 Nos. Block for Magazine building for BSF at Salbagan. Agt. No.1/SE/EE/SH/81-82. Agency : Shri Parimal Nandi.

(ix) Cement register, Site order book, Hinderance register and Lead register of the work Construction of 5 Nos. Type-III quarters at Gokulnagar. Agt. No.15/SE/EE/85-86. Agency : Shri Swapan Saha.

Article-IV That the said records were lost due to his negligence, lack of devotion. The records which were lost are vital for the department to defend the cases before the Arbitrator. The loss of records is helpful to the Contractor, the cases of whom are being pleaded before the Arbitrator.

Sd/- ER. R. Krishnamurthi

ENGINEERING ENGINEER.

21.08.84
J. S. Saha
21.08.84

ANNEXURE - III

List of documents by which the articles of charges against Shri Anirban Nandi, Lower Division Clerk.

1. Copy of order posting him to Sub-Division.
2. Attendance register.
3. Layout sketch showing the B.S.F. Campus and the Sub-Division office.
4. Measurement Books movement register.
5. Steel Almirah provided to Shri Anirban Nandi.
6. Handing over and taking over charges by Shri Anirban Nandi.
7. First Information Report lodged with the Police by the Assistant Engineer.
8. Letter dated 3-3-94 and 30-3-94 of Shri Anirban Nandi.
9. The report of Shri Ram Sahu, Junior Engineer and the Assistant Engineer.
10. The plan of the Sub-division building.

Sd/- ER. R. KRISHNAMURTHI
SUPERINTENDING ENGINEER.

Shrimali
Advocate.

ANNEXURE - IV

List of witnesses/evidence on which the statement of article of charges framed against Shri Anirban Nandi, Lower Division Clerk.

1. Shri R.K. Shami, Executive Engineer, TCD.
2. Shri Sri Ram Sahu, Junior Engineer.
3. Shri C.N. Bhattacharjee, Assistant Engineer.
4. Officer in charge of Security of BSF, Fatikchera.
5. Lock of door of Sub-Divisional Office.
6. Steel Almirah.

Sd/- ER. R. KRISHNAMURTHI
SUPERINTENDING ENGINEER.

Enclosed
S. Mallik
Advocate.

ANNEXURE - 15

CONFIDENTIAL

GOVT. OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT.

Office of the Superintending Engineer,
Silchar Central Circle, CPWD,
MELA ROAD, MALUGRAM, SILCHAR-788002.

No.5(5)/94/SCC/Conf/69

Dated 12 19/9/94

My dear Nandi,

I am enclosing herewith an extract of confidential report on your performance for the period from 1.4.93 to 31.3.94.

The remarks are communicated to you with the hope that you would take them in good spirit and try to improve your performance.

In case you like to represent against these adverse remarks, you may do so, within 45 (forty five) days from the date of receipt of this letter direct to Shri R.K. Shami, Executive Engineer, Tripura Central Division, CPWD, Agartala under intimation to the undersigned.

In case you do not make any representation within such a period, it shall be construed that you have nothing to represent and that this fact shall be recorded and kept in your confidential Dossier.

Kindly acknowledge the receipt of this letter.

Encls: Extract report.

Yours

Sd/- B.D. Sangal
19/9

Executive Engineer (HQ)
Silchar Central Circle,
C.P.W.D., :: Silchar-2.

To
Sri Ankrban Nandi,
Lower Bd. Clerk
Tripura Central Divn.,
C.P.W.D., Agartala.

Copy to Shri R.K. Shami, Executive Engineer, Tripura Central Division, C.P.W.D., Agartala.

EXECUTIVE ENGINEER.

RAJ
Sd/-
S. Malla
19/9/94.

PART - III ASSESSMENT OF THE REPORTING OFFICERSl.No.

5. Proficiency in work namely, maintenance

PART - III ASSESSMENT OF THE REPORTING OFFICERSl.No.

5. Proficiency in work namely maintenance of prescribed registers and charts etc ... Not quite adequate.
6. Intelligence, keenness and industry. ... Not quite adequate.
8. An enability to discipline ... Not quite adequate.
9. Punctuality in attendance ... Not punctual in duty.
10. Relations with fellow employees/public relations (wherever applicable). ... Required to improve.

sd/-

Signature of the Reporting OfficerPART - IV REMARKS BY REVIEWING OFFICER

2. Is the Reviewing officer satisfied that the reporting officer has made his/her report with due care and attention and after taking into account all the relevant material. ... Yes, satisfied.
3. Do you agree with the assessment of the officer given by the reporting officer. (In case of disagreement please specify the reasons). Is there any thing you wish to modify or add? ... Yes, agreed.

sd/-

Signature of the Reviewing Officer

Extract verified.

sd/- B.D.Sangal

19/9/94

Executive Engineer (HQ),
Silchar Central Circle, CPWD
Malugram, Silchar-2.

Small
21.09.94

ANNEXURE - 16:

REGISTERED WITH A/D.

CONFIDENTIAL

From:-

Sri Anirban Nandi,
C/O. Sri Ashit Kumar Nandi,
P.O. Arundhutinagar,
Milansangha, Bordowali,
Agartala - 799 003.

To

The Superintending Engineer,
Silchar Central Circle,
C.P.W.D., Malugram, Mala Road,
Silchar - 2.

Subject :- In the matter of :-

- i) ~~Revocation of~~ Confinement in suspension exceeding the period of 90(Ninety) days and enhancement of subsistence allowances etc. (1st review).
- ii) Revocation of suspension order after expiry of 90 (Ninety) days from the date of suspension (2nd review).

Reference:- Suspension order No. 7(2)94/SCC/67/Confid
Dt. 15-09-1994.

Sir,

I most humbly submit as follows :-

(i) That, while I have been serving as S.D.C. at Fatikcherra T.C.S.D. -II AE's office, I was asked to do additional duties at T.C.S.D.-IV office at Gokulnagar.

(ii) That, during my bonafide discharge of duties as aforesaid a theft took place at Fatikcherra T.C.S.D.-II's Office.

Consequently the police has investigated the theft issued and also delivered the charge sheet for trial before the Hon'ble Chief Judicial Magistrate, (Sadar).

This is felt pertinent to mention here that Hon'ble Judicial Court passed verdict ending the aforesaid case and I was remained totally unblamed.

(iii) That, virtually no further disciplinary adverse stigma can stick to my service career whatsoever.

It is presumed that neither your honour nor the end of the inquiring authority have been apprised of the facts and circumstances of the Judicial verdict as

Smaller

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-(2):-

aforementioned, as such incidentally I have brought back your knowledge herewith.

(iv) That, despite of the fact that suspension is not tantamount to penalty but yet it creates tremendous hardship to the family members of the Employee concerned.

In view of the above fact the framer of the C.C.S. (C.C. & A.) Rule 1965 have taken recourse for timely review of the suspension order and either to enhance the rate of the subsistence allowance and/or to revoke the order after expiry of 90 (ninety) days.

In support of the averments as aforesaid the memorandum vide G.I., M.H.A. Order No. 221/18/65-AVD Dt. 7th September 1965 and that of G.I.C.S. (Deptt of Personnel) O.M. 39/39/70-Ests(A) Dt. 4th February 1971 may kindly be taken into effect.

I also enclose a photo copy of F.R. 53(1)(a)(i) from the Fundamental Rules for favour of your taking decision to enhance my subsistence allowances to 75% after expiry of 90 (Nineth) days.

(v) That, it is highly hoped that your kindness would be judicious enough to drop the disciplinary proceeding altogether in the highlight of the legal paramounts placed in this plaint and/or enhance the rate / revoke the orders of suspension etc.

And for this act of your proper judicial responding to any prayer I shall remain grateful as duty & bound.

Yours faithfully,

Dt. Agartala,
The 4th March, 1995.

Sd/-

(ANIRBAN NANDI)
C/O. Sri Ashit Kumar Nandi,
P.O. - Arundhutinagar,
Milansangha, Bordowali,
Agartala - 799 003.

Copy to:-

Shri H.P. Gupta, Executive Engineer, (Inquiring Authority) Silchar Central Division C.P.W.D., Malugram, Mela Road, Silchar - 2, for information.

Attested
Smalla
Advocate. 19/6/95

Sd/-

(ANIRBAN NANDI)