

30/600  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Faris  
5.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

ORIGINAL APPLN. NO. 154 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. )

..... *Ramni Hemavati* .. APPLICANT(S)

..... *Mr. B. J.* .. RESONDENT(S)

FOR THE APPLICANT(S)

...MR. *N. J. Singh*

MR.  
MR.  
MR.

FOR THE RESPONDENTS

...MR. *S. Ali, Sr.C.A.C.*

OFFICE NOTE

DATE

ORDER

14.8.95

Mr N.J.Singh for the applicant  
(mentioned for urgent admission).  
Mr S.Ali,Sr.C.G.S.C for respondents  
on notice.

The applicant has already filed  
departmental appeal to the Director  
General of Security, SSB, New Delhi on  
16.3.95. It is stated that the said  
appeal is still pending. In the circum-  
stances applicant has to wait till the  
period of 6 months has elapsed before  
the O.A. can be entertained in view of  
Section 20 of the A.T. Act and as it is  
premature today.

Adjourned for admission to 18.9.95.  
In the meanwhile it will be desirable  
for the appellate authority to dispose  
of the appeal.

Copy of this order be forwarded to  
respondent No.2 immediately.

Copy to be supplied to the counsel  
for the parties.

Order d. 14-8-95

to R.W. 2 & Comml  
Extn. v. no. 3868-20  
d. 30-8-95

Member

Vice-Chairman

(V)

## OFFICE NOTE

## Date

## COURT'S ORDER

18.9.95

Mr. J. Singh for the applicant.

The appeal filed by the applicant departmentally is not yet decided. It is hoped that the said appeal will be decided by respondent No. 2 within a period of one month from the date of communication of this order and the applicant will be informed accordingly.

Adjourned to 30.10.95 for admission.

Copy be supplied to the applicant's Advocate.

Copy also be supplied to respondent No. 2.

order d. 18.9.95 (b)

v. no 4242 d. 22.9.95

Member

Vice-Chairman

trd

30.10.95

Adjourned to 2.11.1995.

Vice-Chairman

pg

3.11.95

Learned Advocate for the applicant is not present.

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

Mr Ali states that the applicant has been reinstated. That being the only relief that is sought by the applicant, the application does not survive. Application is accordingly disposed of. No order as to costs.

Copy of this order may be furnished to Advocates of the parties.

Member

Vice-Chairman

File No: Rama Hmar  
R. No. 14/8295  
19.8.95.

District - Churanchandpur.

In the Central Administrative Tribunal, Guwahati

(Application under Section 19 of the Administrative  
Tribunal Act, 1985)

d.c.no. 154 of 1995.

Between

Mr. Rama Hmar

....Applicant.

- VS -

Union of India and Ors.

....Respondents.

I N D E X

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Received 6/9/95  
C. S. S. S. C. S. C.  
14/8295

contd.....2

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11. Vaka latnama with I.P.C.

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Dated/Guwahati

The 14th August, 1995.

*N. Jotender Singh*  
(N. JOTENDRO SINGH)

Counsel for the petitioner.

Panah

DISTRICT : IMPHAL CHURACHANDPUR,  
STATE : MANIPUR

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL : GUWAHATI BRANCH :

( Application under Section 19 of the  
Administrative Tribunal Act 1985 )

BETWEEN

Shri Rama Hmar

• • Applicant.

And

Union of India

• • Respondent.

Details of Application

1. Particulars of the applicant :-

(i) Name :- Rama Hmar  
(ii) Father's name:- Rangai Hmar  
(iii) Designation  
and office in  
which employed:- Driver (dismissed ) who  
had served under the  
Divisional organiser,  
S.S.B., Manipur and  
Nagaland Division,  
Manipur at Mantripukhri,  
Imphal.  
(iv) Office Address :- -do-  
(v) Address for  
service of all  
notices :- Renkai Village, Churachandpur,  
Churachandpur District, Manipur.

Contd. 2/-

2. Particulars of the Respondents :-

(i) Name/designation of : 1. Union of India, represented by Secretary, (Ministry of Home Affairs ) Govt. of India, New Delhi.

2. The Director General of Security, S.S.B. NEW DELHI, R.K. PURAM, -Pin 66

3. Divisional Organiser, S.S.B., Manipur and Nagaland Division at Mantripukhri, Imphal, Manipur.

(ii) Office address of the Respondents : -do-

(iii) Address for service : -do- of all notices.

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

The application is made against the non-disposal of the appeal and representations against Dismissal order :-

i) Order No. DE/RH/DVR/89/1587

ii) Date : 11-02-1995

iii) Passed by : Divisional Organiser, SSB., Manipur And Nagaland Division at, Mantripukhri, Imphal.

iv) Subject in brief : Representation and appeal presented to the Respondents against the dismissal order No. DE/RH/DVR/89/1587 dated 11-02-1995 issued by the Respondent No.3 are not disposed of without assigning any reason till date.

And

Representation dated 15-03-1995 preferred by the petitioner to the Director General of Security SSB, New Delhi, ~~India~~.

4. Jurisdiction of the Tribunal :-

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

5. Limitation :-

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

6. Brief Fact of the case :-

The facts of the case of the applicant/petitioner are given below :-

Contd. . . 4/-

i) That, your applicant is a law abiding citizen of India and a permanent resident of Renkai village, Churachandpur District, P.O. & P.S., Churachandpur, Manipur State and as such he is entitled to all the rights, privileges and protections as enshrined in the Constitution of India and other laws for the time being in force in the Country.

ii ) That, under the ministry of Home Affairs, Government of India, an organisation called S.S.B., (Service, Sacrifice & Brotherhood ) was established. The Head Quarter of the said Organisation is at New Delhi and there are various State units known as S.S.B. units. The Central Organisation is headed by a Director General of Security which is equivalent to the post of Inspector General of Police and the State units are headed by Divisional Organiser, S.S.B. which is equivalent to the post of Deputy Inspector General of Police.

iii ) That, the Class III employees in the State units are appointed by the Head of the State units according to the exigencies and needs of the units.

iv) That, the post of driver is one of the Class III categories of post and the pay scale of the said post is Rs.1,150/- P.M. plus other allowances.

v) That, in the State of Manipur, there is a unit of the SSB and its office is located at Mantripukhri.

vi) That, coming to know that some posts of drivers are lying vacant in the State units of SSB and recruitment to the said post would be done by respondent No.3, your applicant offered his candidature and appeared before the D.P.C. duly constituted for the selection and after holding necessary tests for appointment as recommended by the said D.P.C, he was appointed as driver by the Respondent No.3 on 1-12-76 and as such he joined his service immediately.

A Xerox copy of the said appointment order dated 1-12-76 is enclosed herewith as Annexure 'A'.

vii) That, the petitioner being a dedicated and devoted employee had served his duties to the satisfaction of all higher authorities since he joined his service as driver. After serving more than 9 (nine) years in the same grade, his concerned higher authorities being satisfied with his service, converted the service of the petitioner to quasi-permanent with effect from 1-7-83 Vide a common order dated 5-9-85.

*Ram Kumar*

A true copy of the said common order for conversion to quasi-permanent dated 5-9-85 is enclosed herewith as Annexure 'B'.

The name of the petitioner is found at S.No.6 of the said Common order.

viii) That, thereafter, your applicant served as driver in the SSB units with the best of his abilities and discharged his duties sincerely, diligently and no adverse remark was made against him.

ix) That, while he had been serving, his health became deteriorated from the month of December, 1992. Inspite of his ill-health and sufferings he attended his office regularly and he had been driving the vehicles entrusted to him by the superior officers without fail. But since January, 1993 his health became more deteriorated day by day suffering from serious cologne problem and he was advised by the doctor to take rest at least 15 days. As the pain of cologne became serious, on 8.1.93 he verbally prayed to take leave to his concerned Sub-Area Organiser, Shri Sarawan Kumar, who was also the camp commander, to go to Imphal for immediate treatment and rest. Seeing his sufferings, the Camp Commander had kindly agreed to leave Chandel on 9.1.93 and since then the petitioner was under treatment till 15.1.93 and he also submitted his leave application along with his medical certificates for the said period i.e. from 9.1.93 to 15.1.93.

Thereafter, he attended his office on 16.1.93 and performed his duties allotted to him. But due to ill-luck the petitioner got another attack from blood dysentery in the evening of 17-1-93 and he remained confined to bed the said whole night and remained suffering from unbearable pains in the Chandel Camp of S.S.B. unit. In the same night, i.e. 17.1.93 some colleagues of the petitioner immediately reported about his serious

condition to the said Camp Commander,Chandel, Shri Sarwan Kumar. Seeing his sufferings and pains the said Commander,Sarwan Kumar advised to get proper treatment and rest and the petitioner was allowed to leave Chandel on the next day for his treatment.

x) That, on the next day i.e. on 18.1.93 the petitioner left Chandel for Imphal and he was under treatment at Imphal till 1.2.93. As he failed to submit the leave application for the said days, he visited Chandel on 2.2.93 and submitted his leave application for the said period supported by medical certificates and again he left on 2.2.93 for Imphal and remained at Imphal till 7.2.93 for his further treatment at Imphal and for the said days the petitioner took permission verbally from the competent authority and as soon as he resumed his duty after his treatment he again submitted the leave application along with medical certificates for the period of absences.

xi) That, it is pertinent to mention here that the concerned authority never informed about the outcome of the leave applications submitted by the petitioner and he was allowed to draw his pay and allowances for the months of January and February, 1993 i.e. the period during which the petitioner took leave for his treatment. From the said facts and circumstances the petitioner presumed that his leave applications was duly allowed by the competent authority and he also attended his duty regularly.

*Manohar*

But to the utmost shock and surprise of the petitioner, he was not allowed <sup>to</sup> draw his pay and allowances for the months of March and April, 1993 without disclosing any reason and also without issuing any order in this regard. Thereafter he enquired the Cashier of his department, Headquarters at Imphal of the reasons for withholding of his pay and allowances for the months of March and April and the said Cashier informed him that his pay was withheld because of his unauthorised absence in the months of January and February, 1993, but there was no instruction or orders for the said withholding of pay and allowances. Then the petitioner had approached the then Sub-Inspector (M.T.) Shri Priyokumar Singh to release his pay and allowances for the said period i.e. March and April 1993. and the said Sub-Inspector (M.T.) told him that his pay and allowances had been withholding for his unauthorised absence and also further directed not to make any complaint in that regard. Thereafter the poor and semi-illiterate petitioner presumed that the withholding of his pay and allowances was due to his absence (for which leave applications were submitted) in the said period and he made no further complaint in that regard.

xii) That, having no other alternative means, the petitioner deferred to make further complaint in connection with his withholding of pay and allowances and he discharged his official duties whichever allotted to him regularly without any break or absence. The petitioner also presumed that his higher authority also would not do anything against him because of his sincere, devotion and diligent long service.

And as such he made no complaint for withholding of his pay and thereafter as usual he attended his duties regularly till the month of February, 1993.

It is very pertinent to mention that ~~the~~ at the relevant time i.e. he was under treatment, though he was posted at the Divisional Office at Lamphelpat, by the order of the higher authorities he was attached to Chandel unit of the SSB and thus he attended his office and duties at SSB unit, Chandel.

xiii) That in the 2nd week of February, 1993 his attachment order was withdrawn verbally by his higher authorities and he was instructed to attend office at Divisional Office of the SSB at Lamphelpat. In compliance of the verbal order of the concerned authorities, he started to attend office and performed his duties by attending office at Lamphelpat SSB Office. About the middle of February, 1994, the receipt Clerk of the Divisional Office handed over the petitioner the notice bearing No.4794-95 dated 7-4-94 issued in the form of notice by the E.O. directing the petitioner to present himself in person on 17.2.94 at 1000hrs in the office of the Divisional Organiser, SSB, Manipur and Nagaland Division in connection with Departmental enquiry. As per direction of the said E.O., the petitioner appeared himself alone before the E.O. on 17.2.94 at 1000 hrs. On the said day the said E.O. namely Shri Borgohain asked the petitioner certain questions in Hindi and he also recorded the answers alleged to be replied by the petitioner in English and thereafter the E.O. instructed him to put his signature on the alleged questions and answers recorded by the E.O. himself.

In this connection it is most humbly submitted that the petitioner is a semi illiterate person who left his studies just after passing Class VIII. As he was born and brought up in a far remote hill village of Manipur, it was

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quite impossible for him to understand Hindi and English. In short, he has no workable knowledge of English, Hindi and Manipuri (Meiteilon). In other words, he properly understands only the Kuki, Hmar, Vaiphei and Paite <sup>dialects</sup> of the hill region. Actually to him, writing Hindi and English was never done in his service career as he was not connected or related with any official <sup>ministerial</sup> work. At the most, he used to write his signature as and when necessary. As such the semi-illiterate humble applicant without understanding the alleged questions and answers (in short, statements put by the Enquiry Officer and answers thereto) was forced by the Enquiry Officer to obtain the signature of the applicant in the said alleged statements. The applicant strongly protested that he could not understand what are the questions written in English and alleged answers recorded in English but the Enquiry Officer threatened that he would be seriously punished by the authorities if the applicant disobey and refused to put his signature on the alleged recorded statement. Further, the Officer also told that copies of the recorded statement on 17.2.94 by the E.O. would be supplied to the applicant soon. Thus under threat and strong pressure by senior Officer namely Shri G. Borgohain (Enquiry Officer) obtained the signature of the applicant in the alleged recorded statement (questions and answers) recorded by E.O. on 17.2.94 but he failed to supply a copy of the same to the applicant on 17.2.94 on the pretext that the same would be typed out and supplied soon.

For easy reference a true copy of the notice asking the applicant to appear before the E.O. dated 17/2/94 bearing Memo. No. DE/RH/DVR/ 89/1253 is enclosed herewith as Annexure 'C'

xiv) That it is also most important to mention that the alleged order bearing No. DE/RH/DVR/93/7735-37 dated 3.5.93 issued by the respondent No. 3 as laid down in the alleged statement ~~by the respondent~~ recorded on 17.2.94 (being question No. 4 of the Enquiry Officer) was never supplied to the applicant. The connected records would clearly show that the acknowledgement of receipt of the copy of the said order (Order No. DE/RH/DVR/93/7735-37 dated 3.5.93 passed by the

Divisional Organiser,SSB,Manipur and Nagaland Division) was never supplied to the applicant till date. Only from the receipt of the Notice issued by the Enquiry Officer (Notice bearing No.DE/RH/DVR/89/1253 dated 8.2.94), the applicant came to know that Shri Borgohain was appointed as an Enquiry Officer in connection with the alleged Departmental Enquiry and that a departmental enquiry was proposed to be conducted against him only on the date of receipt of the said notice referred above, in the month of February, '94.

From a simple perusal of the alleged statement/proceeding of the departmental enquiry dated 17.2.94 recorded by the Enquiry Officer, it is crystal clear that question No.4 which is laid down as below:-"Q.No.4" Have you received order No.DE/RH/DVR/93/7735-37 dated 3rd May '93 of Divisional Organiser Manipur & Nagaland Division appointing me to inquire into the charges levelled against you vide Memo No.DE/RH/DVR/89/8111 dated 18th May, '93 of Divisional Organiser Manipur & Nagaland Division".But as the respondents could not fill up the lacuna of non-supply of the said order, they could not even put fabricated answer to the alleged question.

A true copy of the said proceedings dated 17.2.94(Preliminary enquiry proceeding) is enclosed herewith and marked as Annexure 'D'.

xv) That, it is also very pertinent to submit and draw the attention of your Lordships that since the very begining of the said Departmental Enquiry, the respondents never observed the statutory provisions of law in the proceedings of the ~~xx~~ enquiry and they always took the undue advantage of the illiteracy of the applicant.Even the copy of the office Memorandum No.DE/RE/DVR/89/8111 dated 18.5.93 alleged to be the Office Memorandum issued by the respondents in connection with the departmental enquiry was never supplied to the applicant.It has been a well settled mandatory provision of law that if any Memorandum/order/notice for conducting a departmental enquiry against a Govt.servant(governed by the C.C.S.(C.C.A)Rules, the Office Memorandum would show/ state the relevant provision of law under which the

departmental enquiry would be proceeded. As such the enquiry held against the applicant is totally illegal, malafide and arbitrary. It is also a well established law that if any Memorandum is issued for conducting a departmental enquiry against a govt. servant, the charged officer (the present applicant) is to be directed to submit within 10(ten) days of the supply of the Memorandum a written statement of his defence and also to state whether he desired to be heard in person. It is also an undisputed position of law that along with the memorandum (Memorandum connected with the departmental enquiry of the charged officer) the statement of imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of charge (Annexure I), a statement of imputations of misconduct or misbehaviour in support of his article of charge is enclosed (Annexure II), a list of documents by which, and a lists of witnesses by whom, the articles of charges are proposed to be sustained are also to be enclosed as (Annexure III & IV). But in the case of the present applicant the respondent never supplied him any copy of the alleged office Memorandum (Office Memorandum No. DE/RH/DVR/89/8111 dated 18-5-93) with the necessary enclosures such as articles of charges, imputation of charges and lists of documents and witnesses by which the alleged misconduct or misbehaviour against the present applicant are to be supported and sustained.

*Ramakrishna*

In short without informing him the charges levelled against him and also without giving the applicant the chance of submitting his written statement of defence, the alleged departmental enquiry was proceeded against the applicant and the petitioner was deprived the right of his defence as provided under the provisions of law. As such from a simple perusal of the connected records of D.E. it would be seen that the proceedings are illegal, whimsical, malafide and

a glaring instance of the violation of statutory provisions of law. It was held in the case of Firestone Tyre and Rubber Co Ltd-vs-Workman, 1967(II)LIJ 715 that "The enquiring officer has to answer that the person enquired against ~~who~~ is not held at a disadvantage. If it seems to have been held at a disadvantage or has objected to such a course, then the enquiry may be said to be vitiated".

xvi) That in the alleged proceedings of departmental enquiry held on 17-2-94 and alleged to be recorded on 17-2-94 as the questions and answers by the Enquiry Officer (in printed form) and question No.3 of the said recorded questions and answer, the same question No.3 which seems as follows. "Have you ever given any reply to the charges levelled against you ? " and the alleged answer to that question which was as under "No", the Enquiry Officer failed to record the real version/answer by the applicant that he had not received even the Memorandum along with Articles of Charges etc. before the Enquiry was held. In fact the applicant had replied that he had not received any document connected with his charges and imputation of charges and as such replied "No" answer to question No.2, For easy reference, proceedings of the first Departmental Enquiry against the applicant held on 17-2-94 is enclosed above as Annexure "D".

xvii) That without observing any formality provided in the connected Rules of law for proceeding departmental

enquiry and also even without asking the simple question whether the applicant desire to appoint defence Assistant for his defence, the Enquiry Officer taking the undue advantage of illiteracy and also the humble/lowered grade/cost of the applicant, the applicant obtaining many signatures in the alleged statement of witnesses to be recorded during the course of departmental enquiry. The humble applicant even without understanding what were the recorded statements, under coercion and threat obtained the signatures of the applicant in the alleged recorded statements of witnesses.

Copies of the alleged statements bearing the signatures of the applicant are enclosed herewith and marked as Annexure- "E".

xviii) That it is very pertinent to submit that the alleged examination of witnesses recording of their statements was fabricated in the month of September, 1994 i.e. after the lapse of 6(six) months from the date of preliminary/primary/initial departmental enquiry proceeding conducted in the ~~sub~~ month of February, 1994. The connected records of the D.E. and also the acknowledgement of receipts by the applicant and also by ~~the~~ the alleged witnesses would clearly show that the enquiry was never proceeded under the provisions of law and fabricated documents were produced only to remove the

applicant by any means. It is also very important to submit to your Lordships that the departmental ~~enquiry~~ enquiry reports was never supplied to give the applicant the chance of defence. After fabricating all the documents in collusion with the corrected and connected authorities were posted in the State of Manipur. Enquiry officer Shri G.Borgohain produced a departmental enquiry report for remove the applicant at any cost. The said enquiry report alleged article of charges, alleged statements of facts and also alleged statement of P.W.s recorded ~~statement~~ in connection with the D.E, was supplied ~~extreme~~ to the petitioner in the last part of September, 1994 only to show that departmental enquiry was formally proceeded and all the necessary procedures/steps were taken by the Respondents for holding a departmental enquiry copies of the alleged departmental enquiry report with articles of charges and statement of facts along with supporting evidence of witnesses are enclosed herewith for easy reference and kind perusal as Annexure- "F".

xix) That as soon as the said articles of charges and fabricated statement of facts and evidence of witnesses were supplied along with Officer's Memorandum., dt. 30-12-94 bearing No. DE/RH/DVR (Show cause notice) by the Respondents, the humble applicant submitted representation to his concerned higher authority for dropping the proposed penalty against him on the grounds that he denied the charge-

and the allegations are totally false and concocted as well as those allegations could not be relied upon. From a simple perusal of the said representation which is marked as Annexure- "G", and also the alleged articles of charges, report of departmental enquiry and evidence of alleged P.W.s which were collectively marked as Annexure- "F" above, it is crystal clear that there are so many irregularities, contradictions and want of relevancy with the charges levelled against the applicant and material evidences adduced against him. The alleged brief statement of facts and the case in respect of charges enquiry into by the said Enquiry Officer can not be linked by the respondents as all these documents were fabricated as a method of removing the petitioner from service and same shall be refer and rely upon at the time of the hearing, of the present case,

xx) That inspite of the submissions of the representations and show cause praying for dropping penal proceedings against the applicant the respondents without any consideration for the ~~is~~ long service of the petitioner and also without properly examining the allegation and charges against the applicant the respondent No.3 (the Divisional Organiser) passed the dismissal order dt. 11-2-95 removing the petitioner from his service and throwing him on the road without any job.

A true copy of the order dt. 11-2-95 (impugned order) is enclosed herewith and marked as Annexure- "H".

xxi) That the aforesaid order of dismissal was passed by violating a principle of natural justice and, also depriving the applicant of his right to live. It has been reported in a catana of cases that if the right to livelihood is not treated as part of the constitutional right of life, the easiest way of depriving a person of his right to live would be to deprive him means of livelihood.

xxii) That, as the petitioner/humble applicant was very much aggrieved by the said impugned order (dismissal order) the humble applicant submitted representations/appeals to the concerned higher authorities to revoke/quash the impugned dismissal order and re-instate him to the post which he held earlier. The said representation is annexed hereto and marked as Annexure- "I".

xxiii) That the representation/appeal was filed within time. But inspite of the filing of the representation to the appellate authority, the appellate authority still fail to take any action and disposed of the representation.

xxiv) That the petitioner having no other alternative remedy and also very much aggrieved by the said arbitrary and illegal order dt. 11-2-95 at Annexure "H" begs to file this application for quashing the same (impugned order dt. 11-2-95), for the following amongst other reasons.

R E A S O N S

- a) For that, the impugned order dt. 11-2-95 at Annexure- "H" was passed in clear violation of the principle of natural justice.
- b) For that, benefits wants afforded can not be withdrawn without proper scrutiny and appropriate hearing and as such the benefits enjoyed by the petitioner by virtue of the said order dt. 1-12-76 and also order dt. 5-9-95 can not be withdrawn by the respondents without proper scrutiny of the charges levelled against the applicant.
- c) For that, the petitioner's right under Article 311(2) of the constitution of India has been denied by the impugned order dt. 11-2-95 at Annexure- "H".

d) For that ,the Hon'ble Supreme Court of India in Hidam Chand Shyamalal-vs- Union of India & Ors (A.I.R. 1976 S.C.709) held that this all the more necessary to observe this rule where power is of a drastic nature and its exercise in a mode other than the one provided will be violative of the fundamental principle of natural justice.

e) For that, the petitioner's right under articles 14, and 16 of the constitution of India have been violated by the impugned order dt. 11-2-95 at Annexure- "H".

f) For that, the respondents had denied the constitutional rights to the applicant under the Directives Principles of State policy as enshrined in the constitution of India by passing the impugned order dt. 11-2-95 at Annexure- "H". arbitrarily and ~~the~~ whimsically.

g) For that, Hon'ble Supreme Court of India in Olga Tellis and Ors.-vs- the Bombay Municipal Corporation & Ors.A.I.R. 1986 S.C. 180 held that if right to livelihood is not treated

as a part of the constitutional right of life, the easiest way of depriving a person of his right to live would be deprived him to his means of livelihood to the point of abrogation and such deprivation would not only deny the life of its effective content and meaningless but it would make life impossible to live. The petitioner's only means to live is his service in the S.S.B and therefore deprivation of his service illegally and arbitrarily is nothing but deprivation of petitioner's right to live.

h) For that, ~~means~~ reasons given in the impugned order dt. 11-2-95 (Annexure- "H") are not valid reasons.

i) For that, the petitioner is a member of Scheduled Tribe who has no workable knowledge of English, Hindi and Manipuri.

j) For that, there are sufficient reasons for setting aside the impugned order dt. 11-2-95 at Annexure- "H"

xxv) The petitioner has no other speedy and efficacious remedy except one prayed for herein.

7. Reliefs Sought :

In view of the above facts mentioned above the applicant prays for the following relief:

i) direct the respondents to dispose of the appeal and representations submitted by the applicant to the respondents by a speaking ~~order~~ order within a stipulated period.

ii) reinstate/re-employ the petitioner to the post of Driver in the S.S.B.

- And -

iii) In the mean time pending disposal of the petition your Lordships be pleased to suspend the operation of the impugned order dt. 11-2-95 at Annexure- "H" for the ends of justice.

- And -

iv) pass such order/directions which your Lordships deem fit and proper under the facts and circumstances of the case.

- And -

v) Any other reliefs /cost.

8. particulars of the Bank draft/  
postal order in respect of the  
application fee :-

i) Name of the Bank on which drawn :-

ii) Demand Draft No :-

OR

iii) Number of I.P.O(s) :- 1 (One)

ii) Name of the issuing GUWAHATI  
post office :-

iii) Date of issue of 10.8.75.  
postal order :-

iv) Post office at which GUWAHATI,  
payable :-

9. Details of Index :-

An index in duplicate containing the  
details of the documents to be relied  
upon is enclosed in the front page.

contd.. verification

VERIFICATION

I, Rama Hmar, S/O (L) Rangai Hmar,  
a resident of Renkai Village, Churachandpur,  
District, P.O.& P.S. Churachandpur, Manipur, State  
do hereby verify that the contents from para No.1 to  
9 are true to my personal knowledge and belief. and  
that I have not suppressed any material facts.

Place - GUWAHATI

*Rama Hmar*

Date - 14. 8. 75.

Signature of the Deponent.

**No. 123/76/10304-70 A**  
DIRECTORATE GENERAL OF SECURITY  
OFFICE OF THE DIVISIONAL ORGANISER  
V.V. MAMPUK / KANTIPUKHRI  
PIN - 795002

OFFICE ORDER NO 413 /1976.

Rama Hira has been appointed, in a temporary capacity to the post of Driver in this office with effect from the forenoon/afternoon of 1-12-76 until further orders.

2. Smt. Smt. Ramu Hmar will be on probation for a period of 3 years, which may be extended or curtailed at the discretion of the competent authority.

3. He/She will be entitled to draw the following pay and allowances :-

i) Pay Rs. 286/- p.m. in the scale of

Re: 286 to 326 EB- 3881

ii) Special day visits.

iii), DA & CCA

As admissible to be  
Govt. servants in accordance  
with the instructions  
by the Ministry of Finance  
from time to time.

**DIVISIONAL ORGANISER  
V.F. MANIPUR : MANTRIPUKHRI**

The Deputy Director, Directorate General of Security, Office of the Director, SSB, New Delhi.

Director of Accts. Cabinet Secretariat,

The Director of Accts.,  
New Delhi - 110022.

The Sub-Area Organiser/Circle Organiser

Accounts Section.

Guarantile

Digitized by Google

### Divisional Organiser

174

Directorate General of Security  
Office of the Divisional Organiser, Manipur  
Post. Box No. 2, Imphal-795001

No. 11451/VR/25/9384-77

Date : 5-8-85

O. R. D. E. R.

In terms of Rule 3 and 4 of Central Civil Service (Temporary Service) Rules, 1965, the following temporary employees are declared fit for permanent with effect from the date and in the grade/post indicated against their names :-

Sl. No.	Name	Post/Grade in which to be declared fit for permanent	Date
1.	Shri L. Raja Singh	Driver	15.7.83
2.	Shri L. P. Sharma	Driver	15.7.83
3.	Shri P. B. Singh	Driver	15.7.83
4.	Shri A. Bhagwakichore Singh	Driver	15.7.83
5.	Shri Gurjeet Singh	Driver	15.7.83
6.	Shri Rana Hmar	Driver	15.7.83
7.	Shri Mukai Singh	Driver	15.7.83
8.	Shri L. Gangkhevi Zou	Driver	15.7.83
9.	Shri G. Khel Singh	Driver	15.7.83

~~S. K. SHARMA~~ S. K. SHARMA  
DIVISIONAL ORGANISER

1. The Director of Accounts, Cabinet Secretariat, RR Puram,
2. The Assistant Director, SSB Office of the Director, SSB  
RR Puram, RR Puram, Imphal-G.
3. The Clerk, Cabinet Secretariat.
4. The Clerk, Cabinet Secretariat.

~~Onwards~~ 4/8/85  
DIVISIONAL ORGANISER

Annexure - C  
31

No. 4794-95  
Directorate General of Security  
Office of the Commandant  
Group Centre, SSB, Imphal, Manipur.

IMPHAL - 795001  
Dated the 7 Feb '94.

NOTICE

Whereas, the undersigned has been appointed as enquiry officer vide Order No. DE/RH/DVR/93/7735-37 dt. 3.5.93 or b.c., SSB Manipur & Nagaland Division to enquire into the charges levelled against you under Article of charges levelled vide Memo No. DE/RH/DVR/89/ 8111 dt. 18.5.93 of Divisional Organiser, SSB, Manipur & Nagaland Division.

The undersigned, therefore, has fixed 17.2.1994 at 1000 hrs. to conduct first hearing of the D.E. in the office of the Divisional Organiser, S.S.B. Manipur & Nagaland Division.

You are therefore directed to present yourself in person on the aforesaid place, date and time fixed and report to the undersigned. In case you fail to report to the undersigned an ex-parte D.E. will be conducted.

Receipt of this Notice should be acknowledged.

( G. BORGUHAIN )  
Enquiry Officer  
(2 I/C)

To -  
Shri Rama Hmar, Driver  
Village : Rengkai Village,  
P.O. Churachandpur.  
MANIPUR.

Copy to:-

1. The Divisional organiser,  
SSB Manipur & Nagaland Division  
Post Bag No.2, Imphal - 795001  
for information.

Sd/- G. Borgohain )  
7/2/94  
Enquiry Officer  
(2 I/C )

Memo No. DE/RH/DVR/89/1263  
Copy forwarded for information and necessary action to Shri Rama Hmar, Driver Div Hqrs., SSB, Manipur and Nagaland Division, Imphal.

  
AREA ORGANISER (ADMN)

  
Name

*extra. 10/24*

- 27 -

*Annexure - D*

Proceeding of departmental inquiry against  
Shri Rama Hmar, Driver, Office of the Divisional Organiser SSB  
Manipur & Nagaland Division into the charges levelled against  
him vide Memo NO. DE/RH/DVR/89/8111 dated 18th May '93 of Divisional  
Organiser Manipur & Nagaland Division.

Shri Rama Hmar, Driver, having been duly warned to speak the truth. He replied to the questions of the inquiry officer :-

Q.NO.1. Have you received the Memo NO. DE/RH/DVR/89/8111 of Divisional Organiser SSB Manipur & Nagaland Division under which 5 (five) Articles of charges are levelled against you, if received when do they received ?

Ans:- Yes, I received. I forgot the date when I received.

Q.NO.2. Do you know the contents of the charges levelled against you ?

Ans:- Yes, I understand.

Q.NO.3. Have you ever given any reply to the charges levelled against you ?

Ans:- NO.

Q.NO.4. Have you received order NO. DE/RH/DVR/93/7735-37 dated 3rd May '93 of Divisional Organiser Manipur & Nagaland Division appointing me to inquire into the charges levelled against you vide Memo NO. D/RH/DVR/89/8111 dated 18th May '93 of Divisional Organiser Manipur & Nagaland Division.

Q.NO.5. Do you have any objection on my being appointed as inquiry officer in your case ?

Ans:- No, I have no objection.

Q.NO.6. Do you plead guilty or not plead guilty to the Article of Charge-I ?

Ans:- I plead no guilty.

*Shri Rama Hmar*

Q.NO.7. Do you plead guilty or not plead guilty to the Article of Charge-II ?

Ans:- I plead not guilty.

*Shri Rama Hmar*

*Shri Rama Hmar*

Q.NO.8. Do you plead guilty or not plead guilty to the Article of Charge-III ?

Ans:- I plead not guilty.

*for*  
Shri Rama Hmar

Q.NO.9. Do you plead guilty or not plead guilty to the Article of Charge-IV ?

Ans- I plead not guilty.

*for*  
Shri Rama Hmar

Q.NO.10. Do you plead guilty or not plead guilty to the Article of Charge-V ?

Ans:- I plead guilty.

*for*  
Shri Rama Hmar

Q.NO.11. Do you wish to produce any witness for your defence ? If so, who are they ?

Ans:- NO.

*for*  
Shri Rama Hmar

The above Questions & Answers have been read over to me in the language that I understand and admitted it correct and signed. A copy of it has also been received by me.

*Received by me*  
*Shri Rama Hmar*  
*(17.2.94)*

*for*  
Shri Rama Hmar.

(17.2.94)

Amritsar-F

Statement of 29 Srini Ram Singh Chauhan, S.I.

L.C. Imprical, SSB. in respect of D.G. 34  
against Sri Ram Singh, Senior, Team  
Division, vide No. D.G / RII / SDR / 89 / 811  
Dt. 18.5.93 of Divisional Organises, SSB,  
Kanpur and Nagaland Division.

Srini Ram Singh Chauhan, S.I. having  
been duly warned to speak the truth -  
states that :-

"I was deployed at Chander VRF post  
on 5.1.93. At that time Sri Bhanu Kumar  
was S.A.O. at Chander VRF post. I was  
doing as a 2<sup>1/2</sup> of S.A.O. at Chander  
VRF post. As 2<sup>1/2</sup> I had to look after  
security and other administrative  
works of VRF post. Sri Ram Hmar  
arrived at Chander post on 5.1.93 evening  
with Sri D.K. Balgiani, C.O. HQ. On  
9.1.93 F.N. Sri Ram Hmar left the  
VRF post Chander to Div. HQ. Imprical  
after asking Sri P.B. Chetry D.G.O.(T.).  
Sri P.B. Chetry had me informed that  
Sri Ram Hmar went to Div. HQ  
Imprical for collection of petrol for jeep  
But Sri Ram Hmar did not take  
my permission and he did not  
take any movement order to leave  
the post. On 12.1.93 I sent a  
WT message (No. 12) to Div. HQ  
informing that Sri Ram Hmar

Fwd. by  
Fwd. by

left Chander Post on 9.1.93 and collected  
of petrol. But he did not return to Chander  
till date. I did not receive copy of the  
message. But Sui Rama Hmar returned  
to Chander Post on his own on 16.1.93.  
Sui Rama Hmar did not bring  
petrol with him. I asked him  
where he was for so many days  
i.e. from 9.1.93 to 16.1.93. He replied  
that he went with the Divisional  
Organiser, Divisional Nagaland Divn.  
to Sipakua for a special top secret  
mission. He did not disclose the  
mission. Again Sui Rama Hmar  
absented himself from the post on  
18.1.93 and remained absent till  
20.1.93. However he came back to  
the post on 20.1.93 A.M. on his own.  
On asking where he had been from  
18.1.93 to 20.1.93, he replied that  
he was at Chander nearly the  
post. I confirmed the matter from  
the V.O. Sui N.L. Angsu. The V.O. also  
told me that Sui Rama Hmar  
was not in the post. On 21.1.93  
Sui Rama Hmar again absented and  
he returned on 22.1.93 A.M. On asking  
he told me that he was in N.I.P.  
camp, at Kamlathei.

for answer

for answer  
07/01/94

for answer  
10/01/94

for answer  
15/01/94

On 23.1.93 I sent Sri Rama Hmar to Div. HQ, Imphal for collection of petrol. He was issued with Movement order accordingly. On 27.1.93 Sri Rama Hmar returned to post. Sanwan Kumar, S.A.O. informed me that Sri Rama Hmar, after awaiting his leave, informed the mach about Sri Rama Hmar to S.A.O. Sri Sanwan Kumar.

On 2.2.93 Sri Rama Hmar returned to Chandel VVF post with petrol. The S.A.O. asked Sri Rama Hmar about the movement order and petrol. Sri Rama Hmar replied that he did not get petrol and he could furnish the movement order which was issued from Chandel. But afterwards Sri Rama Hmar did not deposit the said movement order. But he handed over some official daks. On 2.2.93 I along with S.A.O. left Chandel for excess duty and returned to Chandel post on 4.2.93. On arrival V.O. Sri Angam Anal reported S.A.O. that Sri Rama Hmar again absconded from the post from 3.2.93. He did not know where Rama Hmar had gone.

Sri Hmar

Received  
6/9/94

~~2/2/93  
10/2/93~~

~~Chandel  
6/9/94  
S.A.O. Chandel~~

Examination by Inquiring Officer.

Mr. B.

Cross examination by the C.G.O.

Mr. B.

The above statement has been read over to me, in presence of the C.G.O. Sri Ram Kumar, and I sign it as correct.

John  
6-9-94.  
(G. BOOGCHAIN)  
1.0

John  
6-9-94.  
(Sri Ram Singh  
Chauhan)

John  
6-9-94

John  
6-9-94

Statement of <sup>33-</sup> Shri B. P. Gairola, S.A.O., Div.  
HQ, <sup>SSB</sup> Manipur and Nagaland Division in  
respect of D.F. against Shri Roma Hmar  
(Kheru), vide Memo. No. DE/RH/DVR/89/811  
dated 18.5.93 of Divisional Organiser,  
SSB, Manipur and Nagaland Division

Shri B. P. Gairola, S.A.O., having been  
duly warned to speak the truth states  
that:-

"I was looking after H.T. Branch  
at Div. HQ, SSB, Imphal W.E. Feb 1992 to  
October 1993. Driver Roma Hmar ~~was~~  
detailed to drive vehicle No. HORN-1698  
attached with S.A.O Chandel. On 2.2.93  
S.A.O Chandel intimated by W.T. message  
that Driver Roma Hmar was sent to  
Div. HQ on 23.1.93 for collection of  
petrol for vehicle and not reported  
back to Chandel till 2.2.93. I sent  
one volt. on 3/2/93 and one volt. on  
4.2.93 to contact Driver Roma Hmar  
in his house within Super market  
Complex, Lamphelpat, Imphal. But he was  
not found there. On 4.2.93 I visited  
his house at about 0800 hours and  
found him there. I asked him to  
meet A.O (HQ) in the office immediately  
and came to my office. But he  
did not come to Div. HQ, subsequently  
S.A.O. Chandel reported by W.T. message  
on 5/2/93 that Driver Roma Hmar has returned  
to Chandel without movement order  
from Div. HQ on 2/2/93 P.M. It was

*7/9/94*  
(B.P. GAIROLA)  
S.A.O

Roma Hmar

• further reported in the same C.I.T message  
that he had again absented from 31/1/93 to 9  
of the next of my knowledge he was  
not detailed for any special duty with  
the D.O. Dehradoon and Nagaland Division  
during January & February 1993.

Examination by the Inquiry Officer.

Q. No. 1: Did you receive any absent  
report of Driver Roma Hmar  
from S.A.O. Chander during  
January 1993?

Answer: No.

Q. No. 2: Did Driver Roma Hmar  
requested for any leave during  
January and February 1993?

Answer: No.

Cross examination by the C.I.O.  
Shri Roma Hmar (Driver)  
Hil

The above statement has been  
read over to me in presence of  
the C.I.O. Shri Roma Hmar (Driver)  
and I sign it as correct.

Roma Hmar

Chander  
7/9/94  
1.0

J. Jacobs  
7/9/94  
(B.P. GAIROLA)  
SAO.

Ramchandra  
7/9/94

Statement of Shri Priyo Kumar Singh.  
 S.I. (H.T.) of Div. HQ, SSRB, Manipur  
 and Nagaland Division, in respect of  
 D.F. against Shri Rama Hmar, Driver  
 Manipur Division, vide File No. DE/R17,  
 DVR/89/8111 dated 18.5.93 of Divisional  
 Organiser, SSRB, Manipur and Nagaland  
 Division.

Shri Priyo Kumar Singh S.I. (H.T.)  
 having been duly warned to speak the  
 truth states that:-

"I have been looking after  
 the duties of S.I. at Div. HQ, SSRB,  
 Manipur and Nagaland Division w.e.f.  
 Feb 1989 till date. Shri Rama Hmar  
 driver, was detailed to drive vehicle  
 no. HN 6 1698 of S.A.O. Chandel c/o  
 S.A.O. Chandel. During the month of  
 January and February 1993 Shri  
 Rama Hmar, driver remained  
 attached with S.A.O. Chandel. On  
 4.1.93 and 25.1.93 he visited  
 Div. HQ, Imphal for collection of  
 petrol for vehicle no. HN 6 1698  
 and collected 40 (forty) liters and  
 20 (twenty) liter respectively from  
 Div. HQ. Rest of the days of Jan  
 and Feb 1993, he was not seen  
 at Div. HQ. He was not detailed  
 for any other duty, except his  
 attachment with S.A.O. Chandel  
 during Jan, Feb 1993."

Examination day 1.0

Reema Hmar

J.V.D.

Cross examination by the  
C. G. O. Sui Rama Hmar (Driver).

Nil

The above statement has been  
read over to me in presence  
of Sui Rama Hmar and I sign  
it as correct.

Nglim  
7/9/94

Verdict  
7/9/94 Cham  
7/9/94 1.0

Verdict

Statement of Shri N.L. Angsung, V.O. No. 99168

- Chandol VVF Post, in respect of D.E. against Shri Rama Hmar, Driver, Manipur Division vide Memo. No. DE/R.11/DVR/89/8111 Dt. 13.5.93 of Divisional Organiser, SSRB, Manipur & Nagaland Division.

Shri N.L. Angsung, V.O. having been duly warned to speak the truth states that :-

I Shri N.L. Angsung is V.O. of Chandol VVF post. I have been doing V.O. since Oct. 1991. I know Shri Rama Hmar, Driver. I was on leave upto 15.1.93 and joined at VVF post Chandol on 16.1.93. On that day i.e. 16.1.93 Shri Rama Hmar Driver was at Chandol VVF post. On 22.1.93 Shri ~~Govardhan~~ Ram Singh Chauhan ~~told~~ told me to check whether Shri Rama Hmar was ~~at~~ present at camp or not. I checked at 2.00 hours on 22/1/93 and Driver Rama Hmar was absent on that night. On 23/1/93 P.N. Shri Rama Hmar came back to Chandol post. I asked Rama Hmar where he had been on 22/1/93 night. He replied that he was at N.I.P. camp near Pallet. During Feb 1993 from 2 or 3.2.93 he was not at Chandol VVF post. I thought that Shri Rama Hmar Driver had been transferred from Chandol to Imphal Div. HQ. as he was not under my command and control.

Ram Hmar

Mr. Angsung  
N.O.  
8/1/93  
10/1/93  
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After return of Srini <sup>Sawar Kumar</sup>  
S.A.O from leave during last week of  
January 1993 asked Srin Rama Hmar  
where he had been during  
January first and second week. Rama  
Hmar told S.A.O. that he was on  
duty with Srin Samglima D.O. He  
visited Sipitikon Sikkim post with D.O  
for special duty. I heard this while  
Srin Rama Hmar was telling S.A.O.

Cross Examination by C.B.O - Nil

The above statement has been  
read over to me in the language  
I understand and I sign it as  
correct.

R.O & A.C.  
Rama  
Hmar  
D.O

2/1/94  
2/1/94

2/1/94  
No. 99168 V.O  
Mr. Arun Seeng

Rama Hmar

Statement of Smti Rama Hindu, Driver,  
in respect of D.E. against him, vide Memo.  
No. D.E./R.H./DVR/89/8111 dated 18.5.93 of M.  
Divisional Organiser, SSR, Manipur and Nagaland  
Division.

Smti Rama Hindu, Driver having been  
duly warned to speak the truth states  
that :-

I was posted at Chandel VRF post  
during Sept 1992. On 8.1.93 I came  
from Moach to Chandel post. On 9.1.93  
I was at Chandel post. On 10.1.93 I left  
Chandel post and headed Div. NER. I left  
I did not take permission or leave from  
the competent authority to leave the post.  
On 16.1.93 I returned to Chandel post  
I remained in my quarter ~~from~~ w.e.f.  
10.1.93 to 15.1.93. During this period  
I visited Div. NER and ask for period.  
But period was not issued to me. I did  
not perform any duty during this period  
at Div. NER. From 18.1.93 to 20.1.93  
I was Chandel. But I stayed out of  
the post. On 21.1.93 and on 22/1/93  
I stayed at N.I.P. camp Kamalathali.  
I took permission also from S.A.O. Chande  
post to visit N.I.P. camp. On 23.1.93  
I was sent by S.I. Ram Singh Chauhan  
to Div. NER. I left to collect period.  
I was issued with movement order also.

Reckon

I headed Div HQ2. Imphal on 23/1/93<sup>45</sup> evening. I deputed movement order no 24-1-93 at Div HQ2. Imphal and asked for petrol. On 25.1.93, no 24. petrol was issued for vehicle no. MNG 1698. (Jeep.). I stayed at Imphal upto 1.2.93 to receive my pay. But I did not take permission from the competent authority to stay upto 1.2.93. On 2.2.93 I reported back to Chandel VTF post, with petrol. Petrol was filled in the Jeep tank. I was not issued with movement order from Div HQ2. Imphal for return journey to Chandel post. Hence I could not depart the movement order. Keys of the jeep and Log Book were there at Chandel VTF post. On 3.2.93 I again left Chandel post for Div HQ2. Imphal without taking prior permission from the competent authority. After that I did not return to Chandel Post and I remained absent upto 28/2/93. I applied for leave for my absent period at Div HQ2. Imphal, during March 1993. But my leave was not granted as requested by me.

Remarks

25/1/94  
1.0

On 4.1.93 I drew 20 liter fuel for  
jeep no. HN 61693 and filled in the jeep  
petrol tank and after that vehicle ran  
to Imphal, to Chandel and Itamphuk  
etc. I told to S.I. Ram Singh Chauhan  
and Smti Savan Kumar of Chandel V.P.  
post that I visited Sipilukoum with  
Shri Sanglana, D.O. which was not true.  
I told this due to my mistake  
which may be forgiven.

Q.1. Do you want to say anything  
more about ~~to~~ your case?

Answer. I was absent as stated above  
and I told the also. But it was  
not intentional. I may be excused  
for all these mistakes I committed and  
I will not repeat this kind of  
mistake.

The above statement has been  
read over to me in the language  
I understand and I sign it as  
correct.

R.O. B.C.  
Dinner  
25/1/94  
1.0

Ram Kumar  
25/1/94

Ram Kumar

Departmental Enquiry Report in respect of Shri Rama Hmar.  
Driver of Div. HQ, SSB Manipur and Nagaland Division, Imphal

1. I Shri G. Borgohain, 2 i/c of Group Centre SSB Imphal was appointed as Inquiry Officer to conduct the D.E. of Shri Rama Hmar, Driver of Div. HQ, SSB Manipur and Nagaland Division vide Order No. DE/RH/DVR/93/7735-37 dt. 3.5.93 of D.O., SSB Manipur & Nagaland Division.

2. The following charges were framed against Shri Rama Hmar, Driver vide Memo. No. DE/RH/DVR/89/8111 dt. 18.5.93.

Article of Charge-I:

That the said Shri Rama Hmar, Driver while working as Driver of Sub. Area Organiser, Chandel, left the Chandel VVF Post on 9.1.93 without taking permission and absented himself till 15.1.93. He has also absented himself from duty on the following period without taking any permission from any competent authority.

1. 18.1.93 to 20.1.93 (FN)
2. 21.1.93
3. 23.1.93 to 1.2.93
4. 3.2.93 to 7.2.93

That the said Shri Rama Hmar, Driver, by his above acts, willfully absented himself from duty without any permission. Thus he has exhibited indiscipline and lack of devotion to duty. Thereby, he has violated provision of Rule-3(1)(ii) of CCS(Conduct) Rules, 1964.

Article of Charge-II:

That the said Shri Rama Hmar, Driver while working as Driver at Sub Area Organiser, Chandel, left Chandel VVF post on 9.1.93 without permission and returned only on 16.1.93. When asked he stated that he was detailed by the Divisional Organiser to Sipuikawn in connection with to raid case which was a total lie.

That the said Shri Rama Hmar, Driver, by his above act misused the name of his superior thereby, he violated Rule 3(1)(iii) of CCS(Conduct) Rules, 1964.

Article of Charge-III:

That the said Shri Rama Hmar, Driver while working as Driver in the office of SAO, Chandel, was directed to collect POL from Divisional HQ on 23.1.93 by the SAO 1/c. SI Sri Ram Singh. He collected the POL from Divisional HQ on 25.1.93 but did not return to Chandel and remained absent till 1.2.93.

That the said Shri Rama Hmar, Driver, by his above act has violated Rule 3(1)(ii) and 2(1) of CCS(Conduct) Rules, 1964.

-:(2):-

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Article of Charge-IV:

That the said Shri Rama Hmar, Driver, while working as Driver in the Office of SAO, Chandel after absenting himself without permission reported on 2.2.93. He was asked to deposit movement order and key of the Jeep but he refused to do so.

That the said Shri Rama Hmar, Driver, by his above act has disobeyed instruction of his superior. Thereby he violated Rule 3(1)(ii) of CCS(Conduct) Rules, 1964.

Article of Charge-V:

That the said Shri Rama Hmar, Driver while working as Driver, in the office of the SAO, Chandel, during the month from Jan '93 and Feb '93 has misused Vehicle No. MNG-1698 which was put in his charge. The vehicle ran 158 Kms. less which amounts to misappropriation of Govt. property for his personal gain.

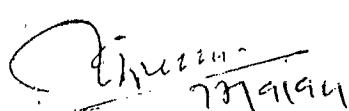
That the said Shri Rama Hmar, Driver has misused Govt. vehicle and committed forgery. He thereby, has violated Rule 3(1)(i) of CCS(Conduct) Rules, 1964 has violated G. O. I. instruction No. 3 i(c) read with G. I. M-HA O. M. No. 11012/2/79-Estt/(A) dt. 12.3.81.

3. The C.G.O., Shri Rama Hmar pleaded not guilty of the Articles of Charge I, II, III and IV and pleaded Guilty into Articles of Charge-V. However, all the charges framed against him were enquired into.

4. Brief Statement of Facts and the case in respect of charges enquired into:

Shri Rama Hmar, Driver was temporarily attached with SAO at Chandel VVF Post during Jan, 1993. On 9.1.93 (FN) Shri Rama Hmar left the VVF Post Chandel after verbally asking Shri P.B. Chhetry, DFO(T). At that time Shri Ram Singh Chauhan S.I. was in-charge of Chandel VVF Post, as Shri Sarwan Kumar, SAO was on leave. Afterwards Shri P.B. Chhetry, DFO(T) informed S.I. Ram Singh Chauhan that Shri Rama Hmar, Driver left the VVF Post, Chandel on 9.1.93 for collection of Petrol for Jeep from Div. HQ. He was not issued with movement order. On 12.1.93 Shri Ram Singh Chauhan, SI sent a W.T. message to Div. HQ, Imphal informing that Shri Rama Hmar Driver left Chandel post on 9.1.93 for collection of Petrol and did not return to Chandel post till date. On 16.1.93 Shri Rama Hmar returned to Chandel post on his own but he did not bring Petrol. On asking by Shri Ram Singh Chauhan, SI Shri Rama Hmar Driver told the S.I. that he had been with D.O. and went to Sipihkawn for a special top secret mission. Again, on 18.1.93 Shri Rama Hmar absented himself from the Chandel post and remained absent till 20.1.93. On 21.1.93 Shri Rama Hmar again absented from the post and returned on 22.1.93.

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On asking Shri Rama Hmar told the S.I. that he was in NIP camp at Komlathabi. On 23.1.93 S.I. Ram Singh Chauhan sent Rama Hmar Driver, to collect Petrol for the Jeep. He was issued movement order accordingly. On 27.1.93 Shri Sarwan Kr. SAO, Chandel returned to Chandel VVF Post after his availing leave. On 2.2.93 Shri Rama Hmar returned to Chandel VVF Post without Petrol. He did not deposit any movement order also. On 3.2.93 Shri Rama Hmar again, Driver again left the Chandel Post. On 5.2.93 SAO, Chandel reported the matter by WT Signal that Rama Hmar, Driver reported the matter by WT Signal that Rama Hmar, Driver reported Chandel Post on 2.2.93 without movement order and again left the post on 3.2.93 on his own.

As stated by Shri B.P. Gairola, SAO(HQ) of Div. HQ, SSB Manipur & Nagaland Division, Shri Ng. Priyo Kumar Singh SI(MT) of the Div. HQ, Shri Rama Hmar, Driver was not detailed with Shri H.T. Sangliana, DHO, for any duty during Jan/Feb, 1993. Shri Rama Hmar visited Div. HQ Imphal on 4.1.93 and 25.1.93 for collection of Petrol for Vehicle No. MNG-1698 and collected 40 litres of Petrol and 20 litres of Petrol respectively from Div. HQ, Imphal. But he did not bring the Petrol to Chandel VVF Post.

5. Brief Statement of Defence:

The C.G.O. did not submit any Defence statement. In the Preliminary hearing also, he did not mention any defence witnesses and documents.

6. Points for determination:

(a) Whether Shri Rama Hmar, Driver was absent during the following periods:

- 1) 18.1.93 to 20.1.93 (FN)
- ii) 21.1.93
- iii) 23.1.93 to 1.2.93
- iv) 3.2.93 to 7.2.93

(b) Did Shri Rama Hmar perform duty with D.O., Manipur and Nagaland Division from 9.1.93 to 16.1.93. Whether he visited Sipihkawn with D.O. during the above period for any special duty..

(c) Did Shri Rama Hmar collect petrol from Div. HQ on 25.1.93 and bring the Petrol to Chandel post.

(d) Whether Shri Rama Hmar was on Govt. Duty from 23.1.93 to 1.2.93.

(e) Whether Shri Rama Hmar was issued with movement order and deposit the same at Chandel VVF Post on 2.2.93.

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(f) Did Shri Rama Hmar misused Vehicle No. MNG-1698 during Jan/Feb, 1993. The Vehicle run 150 Kms less than the log book entry. Was Shri Rama Hmar ~~was~~ responsible for this less run of the Vehicle.

7. Assessment of Evidence in respect of points set out for determination and findings thereof:

The statement of the following Prosecution witnesses which are considered to be relevant for this D. E. have been recorded and examined thoroughly in presence of C. G. O., Shri Rama Hmar, Driver.

1. Shri Ram Singh Chauhan, S. I.
2. Shri Gairola, SAO
3. Shri Ng. Priyokumar Singh SI(MT)
4. Shri N. L. Angsung, V. O.

The C. G. O. Shri Rama Hmar, Driver has also been given full opportunity to cross examine the P. W. s. Copies of the statements of the P. W. s have been given to the C. G. O. In addition to the P. W. s statements, following relevant documents have also been examined and attested copies are submitted with the D. E. report.

Documents:

1. Abstract of Daily Attendance Register in respect of Div. HQ for the month of Jan and Feb, 1993 pertaining to Shri Rama Hmar, Driver.

2. Monthly Log Book Summary i. r. o. Vehicle No. MNG-1698 (Jeep) for the month of Jan, 1993

8. Brief Statement of the Witnesses:

P. W: 1. S. I. Ram Singh Chauhan

S. I. Ram Singh Chauhan in his statement stated that on 9.1.93 (FN) Shri Rama Hmar, Driver left the VVF Post, Chandel for the Div. HQ, SSB Manipur and Nagaland Division, Imphal after verbally asking Shri P. B. Chhetry, DFO(T) reportedly for the collection of Petrol for Jeep. But Shri Rama Hmar did not take permission from Shri Ram Singh Chauhan, S. I. who was at that time in-charge of VVF Post, Chandel in absence of Shri ~~Sarwan~~ Sarwan Kumar, SAO. Shri Rama Hmar did not take any movement order also for proceeding to Div. HQ Imphal. On 12.1.93 S. I. Ram Singh Chauhan sent a Signal to Div. HQ informing that Rama Hmar, Driver left Chandel on 9.1.93 for collection of Petrol. But he did not return to Chandel Post till date. Shri Rama ~~Driver~~ Hmar, Driver returned to Chandel Post on 16.1.93 and did not bring Petrol. On asking by S. I. Ram Singh Chauhan Shri Rama Hmar, Driver replied that he was on duty with Shri H. T. Sangliana, D. O. ~~was~~ and visited Sihpuikawn on top secret special duty during the period from 9.1.93 to 16.1.93. Again Shri Rama Hmar absented himself from Chandel post on 18.1.93 and remained absent till 20.1.93. He came back to the post on 20.1.93 (AN). On asking where he had been during the above said period, he replied that he was nearby the Chandel post. XXX.

S. I. Ram Singh Chauhan confirmed the matter from V. O., Chandel Post who also told that Rama Hmar was not present in the campus. On 20.1.93 Shri Rama Hmar again absented himself and he returned on 22.1.93(FN). On asking he told that he was in NIP Camp at Komlathabi. On 23.1.93 S. I. Ram Singh Chauhan sent Shri Rama Hmar to the Div. HQ, Imphal for collection of Petrol. He was issued with movement order. On 2.2.93 Shri Rama Hmar, Driver returned to the Chandel VVF Post without Petrol. He also did not deposit movement Order. Shri Rama Hmar, Driver again absented himself from the Chandel Post.

P. W. : 2- Shri B. P. Gairola, SAO

Shri B. P. Gairola, SAO, in his statement stated that Shri Rama Hmar, Driver was detailed to drive Vehicle No. MNG-1698 attached with SAO, Chandel. On 2.2.93, SAO Chandel intimated by W.T. Signal that Shri Rama Hmar, Driver was sent to Div. HQ on 23.1.93 for collection of Petrol for Jeep and not reported back to Chandel. Shri Gairola sent a volunteer and the volunteer on 3.2.93 and ~~arrang~~ another volunteer on 2.2.93 to contact Shri Rama Hmar in his house near Super market, Lamphelpat, Imphal. But Rama Hmar was not found there. On 5.2.93 Shri Gairola visited Rama Hmar's House and found him there. Shri Gairola instructed him to meet AO(HQ) in the office immediately. On 5.2.93 a WT Signal was received from SAO, Chandel that Rama Hmar, Driver returned to Chandel Post on 2.2.93 and again absented from 3.2.93. As per the best of office knowledge. Shri Gairola, SAO stated that Rama Hmar was not detailed for any special duty with Shri H. T. Sangliana, DO, SSB Manipur ~~and~~ Nagaland Division during January and February, 1993. On examination by the I.O., Shri Gairola, SAO stated that Rama Hmar, Driver, did not request for any kind of leave during Jan & Feb, 1993.

P. W. : 3-Shri Ng. Priyokumar Singh, S. I.:

Shri Ng. Priyokumar Singh, SI(MT of Div. HQ stated in ~~his~~ his statement that Shri Rama Hmar, Driver was detailed to drive Vehicle No. MNG-1698(JEEP) of SAO, Chandel w.e.f. Sept, 1992. During the month of Jan & Feb, 1993 Shri Rama Hmar, Driver remained attached with SAO, Chandel. On 4.1.93 and 25.1.93 Shri Rama Hmar, Driver visited Div. HQ, Imphal for collection of Petrol for Vehicle No. MNG-1698(Jeep). He collected 40 litres of Petrol on 4.1.93 and 20 Litres of Petrol on 25.1.93 from Div. HQ. Rama Hmar did not detail for any other kind of duty except his attachment duty with SAO, Chandel during Jan/Feb, 1993.

P. W. : 4-Shri N. L. Angsung, V. O.:

Shri N. L. Angsung, V. O. Chandel VVF Post in his statement stated that he was on leave up to 15.1.93 and joined duty on 16.1.93 at VVF Post, Chandel. On 16.1.93 Shri Rama Hmar, Driver, was ~~seen~~ seen at Chandel Post. On 22.1.93 Shri Ram Singh Chauhan, S. I. told the V. O. to check whether Rama Hmar was present at Chandel post or not. Accordingly, V. O. checked at 2100 hrs.

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on 22.1.93 and Driver Rama Hmar was found absent on that night. However, Rama Hmar came back to the Chandel post on 23.1.93. On asking Rama Hmar replied that he was at NIP camp on that night. V.O. stated that during Feb. 1993 w.e.f. 2nd or 3rd Feb. 1993 Rama Hmar was not at Chandel Post. V.O. thought that Shrd Rama Hmar, Driver had been transferred from Chandel Post to Div. HQ, Imphal as the driver was not under the control of V.O. During the last week of Jan. 1993 Shri Sarwan Kumar, SAO Chandel joined Chandel Post from his leave. He asked Shri Rama Hmar Driver where he had been during 1st and 2nd Week of Jan. 1993. Shri Rama Hmar replied that he visited Sihpuikawn with Shri H. T. Sngliana, D. O. on special duty. Shri N. L. Aengsung, VO heared the above mentioned conversation between Shri Sarwan Kumar, SAO and Shri Rama Hmar, Driver.

Statement of Shri Rama Hmar, Driver:

Shri Rama Hmar, Driver stated in his statement that he was posted at Chandel VVF Post during Sept. 1992. On 10.1.93 he left Chandel Post and reached Div. HQ, Imphal. He did not take permission or leave from the competent authority to leave the post. He returned to Chandel Post on 16.1.93. He remained in his quarter at Imphal from 10.1.93 to 15.1.93. During the period he visited the Div. HQ and asked for Petrol. But Petrol was not issued to him. He also stated that he did not perform any duty during the aforesaid period at Div. HQ. From 18.1.93 to 20.1.93 he was at Chandel Post but stayed out of the Post. On 21.1.93 and 22.1.93 he stayed at NIP Camp at Komlathabi. On 23.1.93 he was sent to the Div. HQ Imphal with movement order to collect Petrol.

He deposited movement order at Div. HQ on 24.1.93 and asked for Petrol. On 25.1.93 he was issued 40 litres of Petrol for Vehicle No. MNG-1698 (Jeep). He stayed at Imphal till 1.2.93 to receive his pay but without taking permission from the competent authority. On 23.1.93 On 2.2.93 he reported back to Chandel VVF Post with Petrol. He ~~could not~~ filled Petrol in to the Jeep Tank. He was not issued with movement order from Div. HQ Imphal for his return journey to Chandel, VVF Post. He also stated that keys of the Jeep and Log Book were at Chandel VVF Post. On 3.2.93 he left Chandel Post for Div. HQ without taking prior permission from the competent authority. After that he did not return to Chandel Post and remained absent up to 28.2.93. He applied for leave for absence period at Div. HQ, Imphal during March, 1993 but his request was not granted. Shri Rama Hmar also stated that on 4.1.93 he drew 20 litres of Petrol for veh. No. MNG.1698 which was filled in the vehicle Tank. He stated that he told S. I. Ram Singh Chauhan and Shri Sarwan Kumar, SAO that he visited Sihpuikawn with Shri H. T. Sangliana, D. O. which was not true. He told this due to his mistake for which he may be forgiving. On examination he told that he was absent as stated in his statement and told lie also which was not intentional. At last he requested to excuse him for all his mistakes.

*D. Hmar*  
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FINDINGS OF THE ARTICLES OF CHARGE

Articles of Charge-I:

Shri Rama Hmar, Driver was deployed at Chandel VVF Post with SAO, Chandel during Jan and Feb, 1993. On 9.1.93 he left the post after asking verbally Shri P. B. Chhetry, DFO(T) although S. I. Ram Singh Chauhan who was the camp in-charge in the absence of SAO. He was not received any movement order to visit Div. HQ. Shri Rama Hmar also stated in his statement that he did not take permission or leave from the competent authority to leave the Chandel VVF Post. During his stay in his quarter at Imphal up to 15.1.93, he did not perform any Govt. duty at the Div. HQ. Imphal also. This is corroborated with the statement of the CGO, Shri Rama Hmar, Driver, PW-3, SI(MT) Ng. Priyokumar Singh and the Daily attendance register of the Div. HQ. From 18.1.93 to 20.1.93 he was found absent in Chandel post. As per the statement of Shri Rama Hmar, C. G. O., he stayed at Chandel at outside the Post. This is corroborated by the statement of PW-1. On 21.1.93 to 22.2.93 he was absent from the Chandel VVF Post. As per the statement of the C. G. O., Shri Rama Hmar, he was at NIP Camp. But as a Driver he has no duty at NIP Camp. This is corroborated by the statement of PW-1 and PW-4. On 23.1.93 Shri Ram Singh Chauhan S. I. in-charge Chandel Post sent Shri Rama Hmar, Driver to the Div. HQ. S43 Manipur & Nagaland Division with movement order to collect petrol for Vehicle (JEEP) NO. MNG-1698. Accordingly he left for the Div. HQ. He reported at Div. HQ. Imphal on 25.1.93 and drawn Petrol. But Shri Rama Hmar, Driver did not return to the Chandel Post immediately after the completion of his duty at Div. HQ. Imphal. He stayed there without taking permission from the competent authority up to 1.2.93 to receive his monthly pay. As per statement of Shri Rama Hmar, C. G. O., he reported at the Chandel Post on 2.2.93. During ~~1.2.93 to 23.1.93~~ this period w.e.f 23.1.93 to 1.2.93 he did not perform any Govt. duty at Div. HQ. Imphal. In the attendance register of the Div. HQ. Imphal, he was marked as absent. Hence this period is not treated as on duty for him and should be treated as absent. This is corroborated by the statement of the C. G. O., PW-1, PW-3 and attendance register of the Div. HQ. Shri Rama Hmar again left the Chandel VVF Post on 3.2.93 and did not return to Chandel post after that. This is corroborated by the statement of the PW-1, PW-2, PW-4 and attendance register of the Div. HQ. - Exhibit - 1.

Hence the Articles of Charge levelled against Shri Rama Hmar vide Div. HQ Memo. No. DE/RM/DVR/89/8881 dt. 18.5.93 is proved beyond doubt.

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Articles of Charge-II:

Shri Rama Hmar, Driver left Chandel Post on 9.1.93 and returned on 16.1.93. On asking by Shri Ram Singh Chauhan, S. I. Rama Hmar replied that during the period he performed duty with Shri H. T. Sangliana, D. O. and visited Sihpuikawn for special duty which shows total lie. This is corroborated by the statement of PW-1, PW-2, PW-3 and PW-4 and the C.G.O. also.

-II

Hence the Articles of Charge-II levelled against Shri Rama Hmar, Driver vide Div. Organiser's Memo. No. DE/RH/DVR/89/8881 dt. 18.5.93 is proved beyond doubt.

Articles of Charge-III:

Shri Rama Hmar, Driver was sent to Div. HQ, SSB Manipur & Nagaland Division by SAO in-charge, Chandel Post, Shri Ram Singh Chauhan, S. I. to collect Petrol from the Div. HQ on 23.1.93 with movement order. He collected Petrol for Jeep No. MNG-1698 from Div. HQ Imphal on 25.1.93. But he remained at his quarter at Imphal up to 1.2.93 on his own and reported back only on 2.2.93 at the Chandel Post. Thus he remained absent unauthorisedly up to 1.2.93. This is corroborated by the statement of PW-1, PW-2, and PW-3, and the C.G.O. and the attendance register of the Div. HQ. -

-III

Hence the Articles of Charge-III levelled against Shri Rama Hmar vide D. C. 's Memo. No. DE/RH/DVR/89/8881 dt. 18.5.93 is proved beyond doubt.

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Articles of Charge-IV:

Shri Rama Hmar, Driver was issued with Movement Order on 23.1.93 for Div. HQ, Imphal to collect Petrol. Accordingly, he collected Petrol for Jeep No. MNG-1698 on 25.1.93. After that he stayed at Imphal on his own without permission of competent authority and reported back at Chandel Post on 2.2.93. He did not deposit the Movement order as asked by SAO, Chandel. As per statement of the C.G.O., the movement order was deposited at the Div. HQ which was issued to him from Chandel post for proceeding to Div. HQ. For return journey to Chandel Post- he was not issued with movement order as he was stayed up to 1.2.93 at Imphal and reported back to Chandel on 2.2.93 without proper movement order. Hence he could not produce the return journey movement order which was due to his absence and mistake. As regards Key of the vehicle and the Log Book of the vehicle, they key and log book has been kept at Chandel post as per the statement of the C.G.O., Shri Rama Hmar. This is corroborated by the statement of the PW-1, PW-3 and the C.G.O.

Hence the Articles of Charge-IV levelled against Shri Rama Hmar vide D. C. 's Memo. No. DE/RH/DVR/89/8881 dt. 18.5.93 is partially proved.

Remarks

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Articles of Charge-V:

In the Preliminary Hearing the C.G.O. Shri Rama Kumar, Driver pleaded guilty to the Articles of Charge-V. In the final hearing also he admitted his mistake and guilty. He confessed his guilty and requested to excuse him.

Hence, the Articles of Charge-V levelled against Shri Rama Kumar, Driver vide Div. Organiser's Memo. No. RE/RIV/DVR/89/8881 dt. 18.5.93 is proved beyond doubt.

*G. Borgohain*  
(G. BORGOKAIN) 21/c  
INQUIRY OFFICER

*Ram Kumar*

To,

The Divisional Organiser  
SSB, Manipur and Nagaland Division,  
Imphal.

Sub:- Humble representation and prayer  
for dropping the proposed penalty  
against the undersigned applicant.

Sir,

In inviting a reference to the memorandum bearing  
No. NM/RH/DVR/82/16984-85 of the Directorate General of  
Security Office of the Divisional Organiser, SSB Manipur  
& Nagaland Division, Imphal-795001. Dated the 30-12-94  
calling upon me to submit representation in writing to  
reach the Hon'ble Divisional Organiser, I have the  
honour to state as follows for your kind consideration  
and favourable orders.

1. That, as per the findings of the articles of charge  
as submitted by the enquiry officer, I deny the charges  
except those hereinafter admitted.
2. That, 9-1-93 and 10-1-93 are holidays being Second  
Saturday and Sunday and as such question of absence on  
the said holidays, does not arise. At the relevant time  
i.e. on 9-1-93 the then Sub-Area Organiser Shri Sarwanikumar  
was very much in-charge of VVF post, Chandel. The allega-  
tion that SI Ram Chouhan was Camp in-charge in the absence  
of SAO is totally false.

I left the Chandel VVF post on 9-1-93 with the  
permission and consent of the concerned SAO, Sarwanikumar.  
The statement of SI Ram Chouhan is concocted and cannot  
be relied upon.

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3. That, as regards the findings of the enquiry officer in articles of charge I that Shri Rama Hmar of had not received any movement order to visit Divisional Head quarter. It is humbly submitted that movement order is rarely issued in rare occasions. During normal times leaving of post is allowed without any movement order. It is already submitted in the above para No.2 that I left the Chandel VVF post with the permission and <sup>consent</sup> ~~and consult~~ of SAO.

4. That, I came to my quarter at Imphal on 9-1-93 and remained absent till 15-1-93 on account of my serious calomie deseases and as such I did not take up my official duty during the said period. Thereafter on 16-1-93 I reported to the then SAO, Shri Sarwankumar and I frankly narrated him about my illness and reasons for my absence. He was pleased with my explanation and advised me to apply leave on the ground of illness for the subsequent days. As I am/compelled by my ill health I could not stay longer at Chandel VVF post and returned to my quarter at Imphal on the same day. On 27-1-93 after a period of absence, I joined my posting at Chandel and I found all the Superior Officers such as SAO and his deputy were on leave. But Shri Ram Singh Chouhan was taking the charge of the Chandel post. I fact I attended my post at Chandel VVF post on 23-1-93 to report about my deteriorating health condition with further prayer for allowing me rest on medical ground. I narrated the then deteriorating health condition of myself to Shri Ram Singh Chouhan but instead of giving me relief, the said Chouhan sent me to Division Head Quarter SSB Manipur and Nagaland Division with

*Rama Hmar*

movement order to collect Petrol for vehicle (Jeep No. MNG-1698). As I have no alternative I left Chandel on the same day and came straight towards my quarter unable to draw any petrol. The next day i.e. on 24-1-93 also I remained bed ridden at my quarter and as such I could not report to the Division Head Quarter on the said day. On 25-1-93 I gathered all my strength and went by Rickshaw to the Division Head Quarter to collect petrol and there I collected the petrol but as I felt very sick and weak, I went to my quarter straight thinking that I would send the drawn petrol through somebody from my house. As I got no opportunity to send the said petrol to my VVF post at Chandel and also compelled me to stay bedridden at any my quarter at Imphal, I could not join my posting till 2.2.1993.

On 2-2-93 I reported to my post at Chandel and frankly narrated and all my grievances arising out of my serious health condition and the then SAO Shri Sarwankumar consoled me that a sickman has no fault. He further advised me to take proper rest and also to submit leave application supported by medical certificates. It is pertinent to draw the kind attention of your goodself that I deposited the drawn petrol on 2-2-93 in presence of Superior Officers. I never misused or misappropriated the amount of drawn petrol.

5. That, in view of the then deteriorating health condition of myself I requested Shri Sarwankumar to allow me rest and timely treatment at Imphal. He felt sympathy on me and as such he advised me to get proper treatment

immediately. Accordingly I left my post at Chandel on 3-2-93 to Imphal to get treatment at Imphal.

6. That, in regard to the alleged findings of Articles of charge No. II. I have already submitted in the above para the grounds of my absence from my duty which are really beyond my control.

I totally deny that Shri Ram Singh Chouhan asked me any question about my absence and also that I reported that during the period of absence I had performed duties with Shri H.T. Sanghama, D.C. and visited Sipuri Kawn for special duty. These are all concocted versions of the tainted witnesses P.W.1, 2, 3 and 4. There is no tangible to support such statements. By merely mentioning that this is corroborated by statement of witnesses would not serve any purpose.

7. That, in regard to the alleged findings of Articles of charge III it is admitted that I as instructed by S.I. Ram Singh Chouhan left Chandel post to draw petrol for Jeep No. MNG-1698 from Division H.Q. Imphal with movement order. It is also true that I collected the said petrol on 25-1-93. In regard to my absence and stay at my house on 24-1-93 and thereafter from 25-1-93 till 1-2-93 I have already submitted the compelling circumstances under which I remain bed ridden. For such absence I immediately reported to my S.A.O Shri Sarwankumar and my absence cannot be treated as unauthorised.

Chouhan

8. That, as regards to the alleged findings of Articles of charge IV it is admitted that movement order was issued on 23-1-93 for Division Head Quarter to collect petrol. It is also admitted that I collected petrol for Jeep No. MNG 1698 on 25-1-1993.

As regards to my stay at Imphal from 25-1-93 till 1-2-93, I have already submitted the grounds for my stay at my quarter as a bedridden patient. The grounds submitted are to be considered kindly and such stay be not taken as without permission of Competent authority.

As regards the alleged finding that I did not deposite the movement order as asked by SAO Chandel, it is totally denied. I also respectfully submitted that after I had shown and deposited the same movement order to the SAO H.Q. Imphal the required petrol of Jeep No. MNG-1698 was allowed to be drawn by me.

I have submitted already in the above paras that movement order is not always issued to me and also that such orders are issued rarely on rare occasions. As such I joined my post at Chandel without return journey movement order and ~~in~~ facing so there is no mistake at all.

9. That, as regards to the alleged findings in articles of charge V I totally denied that I have pleaded guilty to the articles of charge V. In this connection I humbly submit that I had only admitted the factum of my absence on the grounds of my serious illness and nothing more in connection with articles of charges.

Ranbir:

It is very pertinent to extract/quote the same article of charge V in my instant representation.

The extract of Article of Charge V is given below:-

ARTICLE OF CHARGE -V

That the said Shri Rama Hmar, Driver while working as Driver, in the office of the SAO, Chandel., during the month from Jan. 1993 and Feb. 93 has misused Vehicle No. MNG-1698 which was put in his charge. The vehicle ran 158 Kms. less which amounts to misappropriation of Govt. property for his personal gain.

That the said Shri Rama Hmar, Driver has misused Govt. vehicle and committed forgery. He thereby, has violated Rule 3(1) (i) of COS( conduct) Rules, 1964 has violated G.O.I instruction No. 3 i(o) read with G.I. M-HA C.M. No.11012/2/79-Estt/ (A) dt. 15.3.81.

In this connection I totally deny the charge and I also respectfully submit that the said charge/ allegation is without any iota of evidence. The official records and custodians would show beyond any doubt that I never misused vehicle No. MNG-1698 which was at the relevant time under my charge. The running of 158 Kms. less is nothing to do with me. I never drive the said jeep without my officer throughout the whole of my service career. The connected records would clearly show that the said jeep had been/has been under the charge and direct control of an officer of the VVF. A mere driver cannot have its key in the absence of

un authorised officer. So, such charges are baseless.

10. That, I am a poor employee belonging to the schedule Tribe community of Manipur. I no intention to do anything wrong, or to commit anything unbecoming of a Government servant. Upon receiving your order ~~under~~ reference, I have just remaining absence for the said days in the articles of charge. I remained absent without any bias and malafide on my part as a poor subordinate Driver of the SSB and as such I beg a pardon of your officers.

I, therefore, humbly request you to kindly consider the above facts and circumstances, excuse me from awarding the penalty of dismissal from service and pass a favourable order to drop the proposed penalty, in the interest of public services.

For which act of your kindness, I shall ever remain grateful to you.

Yours faithfully,

Dated/Imphal  
The 16th Jan. 195.

( Shri Rama Hmar )  
Driver SSB  
Manipur and Nagaland Division  
now posted at Head Quarter.

Rama Hmar

No. DE/RH/DVR/89/1587  
Directorate General of Security  
Office of the Divisional Organiser  
SSB Manipur and Nagaland Division  
Imphal - 795001.

Dated, the

11/2/95

O R D E R

WHEREAS, Shri Rama Hmar, Driver was informed of the proposed departmental enquiry against him under Rule 14 of the CCS(CCA) Rules, 1965 vide this office Memo. No. DE/RH/DVR/89/8111 dated 18.5.93 alongwith which a statement each of (1) Article of charge, (II) imputation of misconduct or misbehaviour in support of the charges, (III) and (IV) - A list, each of the documents by which and of witness by whom the article of charges were proposed to be sustained, were also forwarded to him.

2. AND WHEREAS, an enquiry against Shri Rama Hmar, Driver was conducted by Shri G.Borgohain, 21/c Group Centre,SSB,Imphal who was appointed specifically to enquire into the article of charges, vide this office order No. DE/RH/DVR/89/11047 dated 3.8.1993. He submitted his findings vide his report No. Nil dated 3.10.94, a copy of which is enclosed.

3. AND WHEREAS, on careful consideration of the report of the Inquiry Officer and other records in the case, the undersigned has agreed with the findings of the Inquiry Officer in respect of article of charges No. 1, 2, 3, 4 and 5.

4. NOW THEREFORE, after careful consideration of the record of inquiry, the facts and circumstances of the case of Shri Rama Hmar, Driver, the undersigned has come to the conclusion that Shri Rama Hmar, Driver was given enough opportunity to prove his innocence and conduct during the proceedings and even during preliminary Enquiry, but he failed to convince. Moreover, his track record has also not been good in the past.

Now & therefore, the representation for mercy by the individual is considered and rejected as it is devoid of any merits. Further it is considered that his continuation in service is not in the interest of the State as well as the Organisation and therefore the proposed penalty of dismissal from service is finally ordered.

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5. I, S.K. Sharma, Divisional Organiser, SSB, Manipur and Nagaland Division, hereby dismiss Shri Rama Hmar, Driver from service from the date of issue of this order under the provision of Rule 11(ix) of CCS(CCA) Rules.

6. A copy of this order may be added to Confidential service records of Shri Rama Hmar, Driver.

(S.K. SHARMA) 11/12/93  
DIVISIONAL ORGANISER, SSB  
MANIPUR AND NAGALAND DIVISION  
IMPHAL.

To,

Shri Rama Hmar,  
Driver.

Copy to :-

1. The Director of Accounts,  
Cabinet Secretariat  
Block-IX(East), Level-7  
R.K.Puram, New Delhi-66.
2. The Assistant Director (EA)  
O/O Director, SSB  
R.K.Puram, New Delhi-66.
3. Sub-Area Organiser (MT)
4. Accounts Branch
5. Establishment-I
6. Personal File.

DIVISIONAL ORGANISER

*Shri Hmar*

To

The Director General of Security  
SSB, New Delhi, India  
C/o Director, SSB  
R.K. Puram, New Delhi-66.

Ref:- Order No. DE/RH/DVR/89/1587 of the  
Divisional Organizer, SSB, Manipur &  
Nagaland Division, Imphal dt. 11-2-95  
Dismissing the applicant from service  
after serving for more than 18 years  
as a regular employee of the Director  
General.

Sub:- Prayer for reinstatement of the applicant  
by quashing the dismissing order  
mentioned above.

Most Respectfully Sheweth:

1. That, I am a citizen of India by birth and an Indian national. I belong to the shedule tribe community of Manipur.
2. That, I was initially appointed as a Driver of the Director General of Security in the office of the Divisional Organizer, VVP, Manipur, Mantri-phukhri against a substantive clear vacant post vide order bearing No. 1/23/76/10304-10 dated 1-12-76. I joined my service immediately. I was put on probation for a period of two years as per the terms indicated in the said appointment order. Thereafter, without any break I continued to serve till the passing of the dismissal order.

It is also humbly submitted that in recognition of my devoted and dedicated service, in the year 1985 the respectable Divisional Organizer issued his order bearing No.1/45/VVF/75/9384-97 dated 5-9-85 ( a common order declaring my service as quasi permanent w.e.f. 1-7-1983. In short the said order retrospectively made me a quasi permanent employee.

True copies of the initial appointment order dated 1-12-76 and order for converting into quasi permanent are enclosed herewith.

3. That, I was serving since, 1976 till 11-2-1995 as Driver and during the tenure of my service I was posted at different places. During the long period of my service there is not even a single adverse remark in my service career and no adverse entry in all the connected records of my service.

4. That, in the beginning of the year 1993 I started suffering from serious cologne disease and I was repeatedly by the concerned doctors to take proper rest and undergo proper investigation. As my health became more deteriorated in the second week of January, 1993 I approached my concerned Higher Authority and frankly told him my suffering. To see my seriously deteriorating health condition he felt pity me and he also advised me to take rest and have proper medical treatment. My verbal request was agreed and with his permission (verbal) I left my station for my residential quarter at Imphal and I was under treatment, till 15-1-93. Just to request for allowing me to get bed rest and continue treatment I went to my office on 16-1-93 and as there was my concerned higher officer who had seen my ailing condition with his own eyes, I was verbally allowed to get further rest and treatment. Compelled by my health condition I left my place of posting on the same day and returned to my quarter at Imphal. I stayed at my house under treatment till 22-1-93 and on 23-1-93 I attended my office at Chandel but I found all my higher authorities on leave except a very junior officer namely Ram Singh Chauhan. I ~~immediately~~

for  
Date

-(3)-

I reported him and requested him to allow me to enjoy leave for further period on account of my deteriorating health condition. Instead of granting leave, he was very angry with me for the best reasons known to him and he sent me to Divisional Head Quarter at Imphal to collect petrol for Vehicle (petrol for Jeep No. MIG 1698). As I have no alternative I left Chandel on the same day and came straight towards my quarter, unable to draw any petrol as I am very much ailing. The next day i.e. on 24-1-1993 also I remained bed-ridden at my quarter and as such I could not report to the Divisional Head Quarter on the said day. On 25-1-93 I gathered all my strength and went by Rickshaw to the Divisional Head Quarter to collect petrol and there I collected the petrol but as I felt very such and weak, I went to my quarter straight thinking that I would send the drawn petrol through somebody from my house. As I got opportunity to send the said petrol to my VVP post at Chandel and also compelled me to stay bed-ridden at my quarter at Imphal. I could not join my posting till 2-2-1993. On 2-2-93 I reported to my place of posting at Chandel and frankly narrated to my concerned higher officer all my grievances arisen out of my serious health condition and the then SAO Shri Savankumar advised me to take proper rest and also to submit leave application supported by medical certificates. It is very pertinent to mention that I deposited the drawn petrol to my office on 2-2-93 in presence of my superior officers. I never misused or misappropriated the amount of drawn petrol.

5. That, it is also most respectfully submitted that my pay and allowances for the month of March and April, 1993 have been withheld by my authorities on the ground of my unauthorised absence and the

Enclosed

-(4)-

and the same pay and allowances have not been paid till date.

6. That, it is also to draw the kind attention of your goodself that a departmental Enquiry was proceeded against me. From the simple perusal of the connected records of D.E. it will be quite clear that I was not given any chance of hearing and violating the principles of natural justice I was deprived of my service after serving for more than 18 years on regular basis. I am a semi-illiterate person who is incapable of properly defending myself in the course of the D.E. but I.O. without any consideration of my lower status and illiteracy proceeded the D.E. violating the mandatory provisions of law for proceeding D.E.

7. That, before I was dismissed from my service I was not given any chance of protections and safeguards for my defence and I was forcibly deprived of my service which is the only means of living. To deprive me of my service means to deprive me the right to life without any pity and consideration.

8. That, I am a poor employee belonging to the schedule tribe community who got no land of any kind. In short, I am the only earning member in my family consisting of my wife and 5(five) children. The whole members of my family depend on my meagre income for their food, clothings and education. My children are also to face the pains of starvation if I am deprived of my service and they would never continue their studies.

9. That, under the above facts and circumstances my service may kindly be re-instated by quashing the dismissal order on the following grounds among others :-

Parashuram

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G R O U N D S :

- 1) For that I was not given opportunities of defence;
- ii) For that I was dismissed while I was on duty;
- iii) For that I was punished twice by giving double punishment, first by withholding my pay and allowances and thereafter for the same alleged charge/offence, I was dismissed;
- iv) For that I was dismissed without reasonable cause;
- v) For that my dismissal was in violation of the Central Civil Services Rules (C.C.A.) Rules;
- vi) For that the dismissal was illegal and illogical;
- vii) For that the dismissal order puts stigma; such order putting stigma is highly deprecated by the Highest Court of this country.

It is, therefore, payed that the Hon'ble Director General of Security may be pleased to quash the dismissal order and take up necessary action for re-instating my service in the interest of natural justice.

The undersigned as in duty bound shall ever duty.

Signature of the applicant.

Dated/Imphal  
The 15th March, '95.

(Shri Rama Hora)  
Ex-Driver of

FSB in the Office of Divisional