

30/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Disposed Date- 21/2/97

E.P/M.A No. 139/96.....

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14. Amendment Reply by Respondents.....
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16. Counter Reply.....

SECTION OFFICER (Judl.)

OF 115/96

MP No.

DA

RA No.

DA

CP No.

DA

23.9.96

Learned Sr.C.G.S.C Mr S.Ali for the respondents prays for time to submit show cause. The applicant has already submitted Misc.Petition No.139/96 seeking for amendment of the O.A. The applicant has been allowed to amend the application. The applicant is directed to take steps within two weeks and submit the amended application with copy to the counsel for the respondents.

List for order on amended application and for admission on 4.10.96.

25-9-96

*69*  
Member

As per order d. 23.9.96 pg  
found in MP No. 139/96 23/9  
the applicant - Am. filed  
amendment - petition on 4.10.96

Mr. A.Thakur for the applicant.

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

Copy of amended application has been submitted. Let a copy of the same be served on the respondents. Mr. Ali, Sr. C.G.S.C. seeks one month time more to submit the show cause.

List for show cause and consideration of admission on 12.11.1996.

*69*  
Member

1) Notice duly served on  
O.P. No. 3.  
2) Show cause has not been  
filed.

trd  
*M*  
*11/10*

12.11.96

Mr D.L.Bajolia in person.

Show cause has not been submitted.

List for show cause and consideration of admission on 21.11.96.

*69*  
Member

pg

*M*  
*12/11*

21.11.96

Learned counsel Mr. A. Thakur for the applicant.

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

The respondents have submitted show cause today which has been served on the counsel of the applicant. Perused the show cause and the application. After considering them and the submissions of the learned counsel of both sides, it is considered that this application needs not be admitted at this stage but it is to be disposed of. Accordingly it is disposed of with the direction to the respondents to complete disciplinary proceedings initiated vide Memo No.C-13011/10/Vig/94 dated 25.10.1994 Annexure 'A'(2) to this application within a period of 3 (three) months from today. It is further directed that the applicant shall cooperate in completion of the proceedings.

The application is disposed of. The applicant is at liberty to approach this Tribunal again if he is aggrieved with the result of the disciplinary proceedings.

Copy of the order be supplied to both the counsel of the parties.

Member

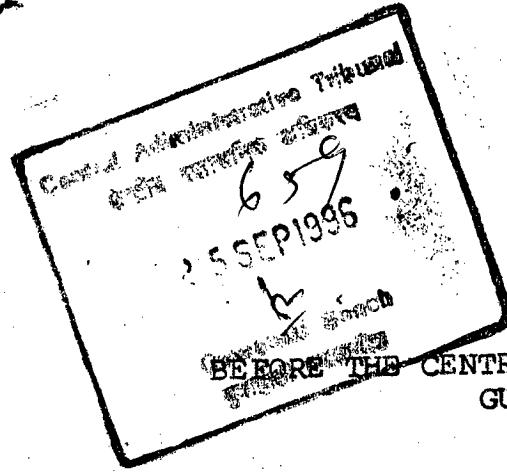
trd  
m/  
21/11

28.11.96

sl  
Copy of order  
issued to L/Advocates of  
the parties vide d.no -  
3866-67 d. 28.11.96.

sl  
Copy of order  
issued to the parties  
vide d.no - 4085 to 4087

sl dtd. 10.12.96  
6/11



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BRANCH

O.A. - 115/96

BETWEEN

Darshan Lal Bajolia

... Applicant

- vs -

1. Union of India,

2. The Secretary,

Ministry of Defence,

Government of India,

Sona Bhawan, New Delhi,

3. The Engineer-in-chief,

Army Head Quarter

DH P.O. New Delhi-110 011.

4. The Garrison Engineer,

Air Force, Tezpur,

P.O. Salenibari (Assam)

... Respondents.

1. Particulars of the applicant

i) Sri Darshan Lal Bajolia

ii) S/O Sri Dhondaram Bajolia

iii) AGEE(M) Air Force

C/O Garrison Engineer (A.F)

Tezpur, Assam,

iv) Tezpur

2. Particulars of the Respondent:

1) The Secretary,

Ministry of Defence,

Govt. of India, Sena Bhawan,

New Delhi,

2) The Engineer-in-chief,

Army Head Quarter,

AH P.O. New Delhi-110 011.

D. L. Bajolia  
(Darshan Lal Bajolia) S  
23/9/96

Amendment - petition  
D. L. Bajolia  
(Darshan Lal Bajolia) S  
23/9/96

3) The Garrison Engineer,  
Air Force, Tezpur,  
P.O. Salenibari (Assam)

3. Particulars of the order against which  
application is made

Memo No.C-13011/10/VIG/94 dated 25.10.94  
of Ministry of Defence, Govt. of India  
received by the Petitioner through the  
Chief Engineer, Chandigarh Zone, Chandigarh.

4. Jurisdiction of the Tribunal:

The applicant declares that the subject  
matter of the order is within the juris-  
diction of this Tribunal.

5. Limitation:

The applicant further declare that the  
application is within limitation pres-  
cribed under Section 21 of the Adminis-  
trative Tribunal Act.

6. The fact of the case:

1) That on or about 16.3.95 this applicant  
received the impugned memorandum No.C-13011/  
10/VIG/94 dated 25.10.94 from the Ministry  
of Defence along with three annexures con-  
taining article of charge, statement of  
imputation of misconduct and list of  
documents forwarded to the petitioner  
through the Chief Engineer, Chandigarh  
Zone. Said memorandum is annexed herewith  
and marked as Annexure 'A'.

2) It was alleged in the said memorandum  
that while the applicant was working as

D. L. Bajalia  
D  
C. Dasgupta Lal Bajalia

88-70

as AGE(I) Bakshi-Ka-Talab and Engineer-in-charge of the work under the Contract Agreement No. CCE/LKO/HKT/29 of 90-91 he (applicant) "failed to exercise effective control over execution of the said work shown negligence in contract administration, did not maintain site documents properly, committed procedural lapses while supervising the work as well as financial irregularity, which resulted in poor workmanship and bad quality of work executed against the above said contract".

3) The allegations against the applicant were based on a surprised checking by an Executive Engineer which without the knowledge of the superior officer of the Station under whose direct supervision the contract work was executed.

4) That his applicant has replied to the said charge vide his reply dated 20.3.95 denying all the charges as alleged. The said reply is annexed herewith and marked as Annexure 'B'.

#### 7. Details of remedies exhausted:

Several appeals had been made to the authority for an expeditious inquiry in this regard and to settle the matter within the time limit prescribed by Rules and instructions of the Department; but of no avail.

The copies of the said appeals are annexed herewith and marked as Annexure 'C', 'D' and 'E'.

- 4 -

8. The applicant further declares that no appeal/writ petition/suit is pending.

9. Relief sought for and grounds:

The applicant prays that the impugned memorandum of charges be set aside.

#### G R O U N D S

1. That the impugned memorandum of charge (No.C-13011/10/VIG/94 dated 25.10.94) are false, fabricated and not based on any preliminary inquiry as required by law.
2. That the drawal of memo of charges is in contrevention of provisions of Central Civil Service (Classification, control and Appeal) Rules.
3. That the impugned charges are drawn in utter violation of the Rule 594 and Provisions of Military Engineer Service Regulation (Defence Service Regulations).
- ~~4. That the charges are vindictive as it relate to a contract work of 1990 but charges were served in the year 1995.~~
5. That the socalled surprise checking (on the basis of which the memo of charge was drawn) was made in the year 1991 without giving any information of the same eighter to this applicant or to his superior who was in charge of the work concerned. Moreover the relates to a span which was within the maintenance period guaranteed in the contract agreement; therefore,

Lax.  
Dastur  
Bijolia

therefore, if the matter was brought to the notice of either to the applicant or to his superior i.e. the Commander Works Engineer of the Station the less or damage, if any, could have been recovered from the contractor.

6. That further, no scope was afforded to this applicant to vindicate his stand since the year of surprise checking in the year 1991 till the time of drawal of the charges in the year 1994.
7. That the vigilence report was of the year 1992 but the memo of charge was served on this applicant only in the year 1995. There is an inordinate delay in framing the alleged charges.
8. That in gross violation of the official orders/instructions no inquiry was instituted till date.

A copy of the official instruction is annexed herewith and marked as Annexure 'F'.

9. That the applicant had joined in the service in the year 198<sup>3</sup> through U.P.S.C. as Asstt. Executive Engineer, promotion was due to the applicant in the year 1992 but for the inordinate delay caused by the respondents in settling the disciplinary proceedings this applicant is deprived of his legitimate right of getting promotion to the next higher rank of Executive Engineer. A panel of Asstt. Executive Engineers to the Grade of Executive Engineer in the Ministry Military Engineer Services, Ministry of Defence, India has been released on 4th April, 1996 vide No.A/10/AEE/EIR(O) under the

Shan laki  
Bapuji

under the signature of Col. Jagmohan Uppal,

Director of Pers (B) for Engineer-in-Chief.  
which is annexed herewith and marked as annexure 'X'.

10. That the impugned memorandum of charge and subsequent inactions/delay on part of the respondents adversely affected the service prospects of the applicant; and such delay and inaction is violative constitutional provisions defeats the intention of the legislature and also violative of the principles of natural justice.

It is prayed that the Hon'ble Tribunal be pleased to admit the application cal for the records from the Respondents and after hearing the impugned memo of charges No.C-13011/10/VIG/94 dated 25.10.94 be quashed and the Departmental promotion which was due to the applicant in the year 1992 as per Service policy be settled and appropriate directions be issued to the Respondents for granting promotion to the applicant as per promotion list/panel published by the respondents on 4.4.96 to the Executive Engineer cadre with all the benefits.

Darshan Lal  
Bajalia

- 7 -

10. Interim Order:

It is further prayed that pending hearing of the application directions be given to effect promotion to the applicant.

11. Postal order No. \_\_\_\_\_

issued by the Post Office at Guwahati.

VERIFICATION

What are stated in the foregoing Paragraphs are true to my knowledge, information and belief and I sign this Verification on this the 15<sup>th</sup> day of September 1996 at Guwahati.

D. L. Bajalia  
(Darshan Lal Bajalia)

238  
✓

APPENDIX 'A' to E-in-C's Branch/ETR (O)  
Letter No. A741024/AEE/95-96/ETR (O)  
Dated 04 APR 1996

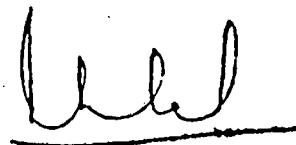
PANEL FOR PROMOTION OF ASSISTANT EXECUTIVE ENGINEERS  
TO THE GRADE OF EXECUTIVE ENGINEERS IN THE MILITARY  
ENGINEER SERVICES, MINISTRY OF DEFENCE - 1995-96

<u>Srl. No.</u>	<u>MES No.</u>	<u>Name of the officer</u>	<u>Date of birth</u>
01.	191812	S/Shri	
02.	425658	Rajesh Kachhawah	30 Jan 64
03.	300281	Pradeep Agarwal	27 Jun 62
04.	198175	Premod K Ralhan	11 Mar 63
05.	300265	V Suresh Kumar	23 Jul 62
06.	300267	Atul Sikka	02 Jan 63
07.	421576	Rakesh Saini	27 Mar 64
08.	462263	Sanjay Ekbote	22 Nov 63
09.	425552	Sudhir Kumar	01 Jul 63
10.	191810	Pradeep Kumar Simaliya	14 May 62
11.	300271	Ravindra Choudhary	01 Jul 62
12.	190072	Prem Chaudhary	04 Jul 60
13.	507785	Vivek Sonkar	20 Jul 62
14.	400578	Darshan Lal Bajalia	05 Jul 60
15.	439095	Ashok Kumar Singh	31 Dec 57
16.	485017	Rakesh Kumar Sengar	23 Apr 60
17.	405375	Jaya Prakash	04 Nov 63
18.	405369	Ashok Barua	29 Jun 62
19.	300280	Shailendra K Thakle	17 Nov 61
20.	400579	Brij Mohan Mittal	24 Nov 63
21.	113507	Satish Chandra Amar	07 Feb 64
22.	439096	KK Madracha	22 Jun 63
23.	602027	Shriram Kr Misra	31 Jan 65
24.	439591	Rajiv Yadav	18 Feb 61
25.	300277	Sanjay Kumar	11 Nov 64
		Ishwar Kumar Jindal	03 Mar 63

Contd. .... 2.

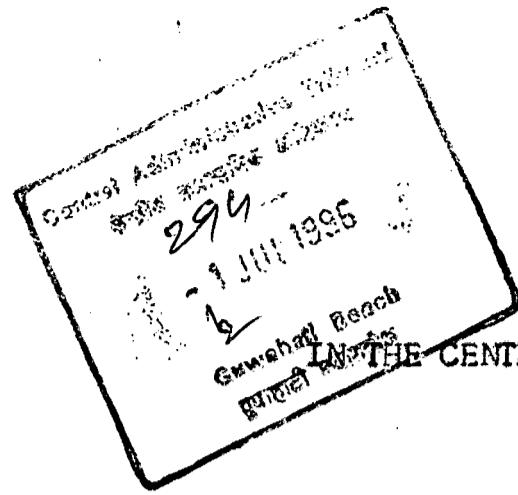
<u>Srl No.</u>	<u>MES No.</u>	<u>Name of the Officer</u>	<u>Date of Birth</u>
		S/Shri	
26.	266064	SC Choudhary	01 Jan 61
27.	263361	SK Tewari	23 Oct 62
28.	485022	Pushkar Sahay	26 Jul. 64
29.	439596	Dinesh Agarawal	26 Nov 63
30.	264709	Dhrub Kumar Lal Das	02 Jan 59
31.	186166	Ajay Kumar Sharma	16 Feb 64
32.	300269	Rajendra Kumar Mishra	19 Dec 62
33.	263333	Avadesh Singh	18 May 64
34.	439592	Navneen Kumar	30 Jun 64
35.	485020	Nawal Kishore Sharma	01 Apr 62
36.	263362	Pravin Kumar	05 Oct 62
37.	N Y A	Mahendra Pal	18 Apr 64
38.	300325	Subash Chand Negi	12 Apr 65
39.	186179	Madan Lal Meena	20 May 63
40.	113514	Prakash Chand Meena	02 Feb 66

(TOTAL FOURTY NAMES ONLY)



(Jagmohan Uppal)  
Col  
Director of Pers (B)  
for Engineer-in-Chief

TJJ/



10

Mr. Justice  
B. J. Dasgupta  
01-7-96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

O.A. No. ...115..../96

0

Sri Darshan Lal Bajolia

- Vs -

Union of India & Others

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Filed by

(A. Thakur)

Advocate.

Acknowledgment date 22.5.91 21

Darshan Lal Bajolia

25-6-96

11

S  
D. Arvind Kumar  
01.7.96  
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

BETWEEN

Darshan Lal Bajolia

..... Applicant

- Vs -

Union of India & Ors.

1. The Secretary, (For union of India)  
Ministry of Defence,  
Government of India,  
Sena Bhawan, New Delhi
2. The Engineer-in-chief,  
Army Head Quarter  
DH P.O. New Delhi - 110 011.
3. The Garrison Engineer,  
Air Force, Tezpur,  
P.O. Salenibari ( Assam )

..... Respondents.

1. Particulars of the applicant  
i) Sri Darshan Lal Bajolia  
ii) S/O Sri Dhondaram Bajolia  
iii) AGEE (M) Air Force  
C/O Garrison Engineer ( A.F. )  
Tezpur, Assam.  
iv) Tezpur

2. Particulars of the Respondent:

- 1) The Secretary,  
Ministry of Defence,  
Govt. of India, Sena Bhawan,
- 2) The Engineer-in-chief,  
Army Head Quarter,  
AH P.O. New Delhi - 110 011.

Contd....2

D.L. Bajolia

3) The Garrison Engineer,  
Air Force, Tezpur  
P.O. Salenibari ( Assam )

3. Particulars of the order against which application is made

Memo No. C-13011/10/VIG/94 dated 25.10.94 of Ministry of Defence, Govt. of India received by the petitioner through the Chief Engineer, Chandigarh Zone, Chandigarh.

4. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order is within the jurisdiction of this Tribunal.

5. Limitation :

The applicant further declare that the application is within limitation prescribed under section 21 of the Administrative Tribunal Act.

6. The fact of the case :

1) That on or about 16.3.95 this applicant received the impugned memorandum No.C-13011/10/VIG/94 dated 25.10.94 from the Ministry of Defence along with three annexures containing article of charge, statement of imputation of misconduct and list of documents forwarded to the petitioner through the Chief Engineer, Chandigarh Zone. Said memorandum is annexed herewith and marked as Annexure 'A'.

Contd....3

Dr. L. Bagchi

-3-

2) It was alleged in the said memorandum that while the applicant was working as AGE(I) Bakshi-Ka-Talab and Engineer-in-Charge of the work under the Contract Agreement No. CQE/LKO/KKT/29 of 92-92 he (applicant) "failed to exercise effective control over execution of the said work shown negligence in contract administration, did not maintain site documents properly, committed procedural lapses while supervising the work as well as financial irregularity, which resulted in poor workmanship and bad quality of work executed against the above said contract".

3) The allegations against the applicant ha were based on a surprised checking by an Executive Engineer which without the know ledge of the superior officer of the Station under whose direct supervision the contract work was executed.

4) That his applicant has replied to the said charge vide his reply dated <sup>20.3.95</sup> ..... denaying all the charges as alleged. The said reply is annexed herewith and marked as Annexure 'B'.

7. Details of remedies exhausted :

Several appeals had been made to the authority for an expeditious inquiry in this

Contd----4

A.H. Dey, M.A

-4-

in this regard and to settle the matter within the time limit prescribed by Rules and instructions of the Department ; but of no avail.

The copies of the said appeals are annexed herewith and marked as Annexure 'C', 'D', and 'E' and 'F'.

8. The applicant further declares that no appeal/writ petition/suit is pending.

9. Relief sought for and grounds:

The applicant prays that the impugned memorandum of charges be set aside.

#### G R O U N D S

1. That the impugned memorandum of charges (No.C-13011/10/VIG/94 dated 25.10.94) are false, fabricated and not based on any preliminary inquiry as required by law.
2. That the drawal of memo of charges is in contravention of provisions of Central Civil Services ( Classification, control and Appeal) Rules.
3. That the impugned charges are drawn in utter violation of the Rule 594 and provisions of Military Engineer Services Regulation (Defence Service Regulations).

Contd -.....5

D. L. Bagdi

4. That the charges are vindictive as it relate to a contract work of 1990 but charges were served in the year 1995.
5. That the se-called surprise checking (on the basis of which the memo of charge was drawn) was made in the year 1991 without giving any information of the same either to this applicant or to his superior who was in charge of the work concerned. Moreover the relates to a span which was within the maintenance period guaranteed in the contract agreement; therefore, if the matter was brought to the notice of either to the applicant or to his superior i.e. the commander works Engineer of the Station the less or damage, if any, could have been recoverd from the contractor.
6. That further, no scope was afforded to this applicant to vindicate his stand since the year of surprise checking in the year 1991 till the time of drawal of the charges in the year 1994.
7. That the vigilence report was of the year 1992 but the memo of charge was served on this applicant only in the year 1995. There is an inordinate delay in framing the alleged charges.
8. That in gross violation of the official

Contd. ....6

J. L. Dagarin

-6-

official orders/instructions no inquiry was instituted till date.

A copy of the official instruction is annexed herewith and marked as Annexure - 'G'.

9. That the premotion was due to the applicant in the year 1993 but for this inordinate delay caused by the respondents in settling the disciplinary proceedings this applicant is deprived of his legitimate right.
10. That the impugned memorandum of charge and subsequent inactions/delay on part of the respondents adversely affects the service prospects of the applicant; and such delay and inaction is violative constitutional provisions defeats the intention of the legislature and also violative of the principles of natural justice.

It is prayed that the Hon'ble Tribunal be please to admit the application call for the records from the Respondents and after hearing the impugned memo of charges No.C-13011/10/GIG/94 dated 25.10.94 be quashed and the Departmental premotion which was due to the applicant in the year 1992 as per service policy be

Contd ....7

D. L. Bagalia

-7-

be settled and appropriate directions be issued to the Respondents for granting the same to the applicant with all the benefits.

10. Interim order :

It is further prayed that ~~and~~ pending hearing of the application directions be given to effect promotion to the applicant.

11. Postal order No. 345286 d. 1. 7-96  
issued by the Post Office at  
Guwahati.

VERIFICATION

Contd...8

D. L. Bajahar

VERIFICATION

What are stated in the foregoing para No. 1,2,3,6,7,8,9 and 10 Paragraphs are true to my knowledge and para No. 4, & 5 information and belief and rest are my humble submission and I sign this Verification on this the 25 th June day of June, 1996 at Jorhat.

D.L. Bajalia

D.L. Bajalia  
(Darshan Lal Bajalia)

Annexure 'A' (1)

CONFIDENTIAL

19

Headquarters  
Chief Engineer  
Chandigarh Zone  
Chandigarh -03

18148/ 2 /EID

09 Jan 95

MES-507785 Shri DL Bajalia, AEE E/M (Two copies)  
Headquarters  
Chief Engineer  
Chandigarh Zone  
Chandigarh-03  
( Through EIO Section )

DISCIPLINE : MES-507785 SH DL BAJALIA, AEE E/M

1. A sealed envelope containing Govt of India, Min of Def Memo No C-13011/10/Vig/94 dated 25 Oct 94 is forwarded herewith in original/for serving upon MES-507785 Shri DL Bajalia, AEE E/M. Acknowledgement in token of having received the above memo and defence statement may please be obtained from the officer and forward to this HQ in quadruplicate for onward submission to higher authority.

2. The following documents listed in Annexure III of the Charge Memo are also forwarded herewith to hand over to the officer :-

- (a) Surprise Vigilance check report dated 14 Jan 92 carried out by Shri SK Garg, EE of CE Lucknow Zone.
- (b) CE Lucknow Zone, Lucknow letter No 122015/116/E1(Con) dated 30 Dec 91, STP (Ltd) Calcutta letter No DMET/91-92/ 3778 dated 12 Feb 92 and 22 Feb 92.

3. Typed acknowledgement having received the Govt of India, Min of Def memo bearing No. C-13011/10/Vig/94 dated 25 Oct 94 alongwith Annexure I to IV is also enclosed.

4. Please ack receipt.

*lf*  
( KC Sehgal )  
Lt Col  
SO-2 (D&V)  
For Chief Engineer

CONFIDENTIAL

BR 18148/ 19

*Received  
A. Upadhyay*

'A'(2)

10

No. C-13011/10/Vig/94  
Government of India,  
Ministry of Defence,  
New Delhi, the 25th Oct. 1994

MEMORANDUM

The President proposes to hold an inquiry against MES-507785 under Rule 14 of the Central Civil Service (Classification, Control & Appeal) Rules, 1965. The substance of the imputations of misconduct or mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV).

2. Shri D.L.Bajalia, AEE, 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 D.L.Bajalia, AEE, 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 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 D.L.Bajalia, AEE, 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 interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri D.L.Bajalia, AEE, is aware of such a representation and it has been made at his instance, and action will be taken against him for violation of Rule 20 of C.C.S. (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

( By order and in the name of the President )

To

Shri D.L.Bajalia, AEE,

MES-507785

  
Under Secretary to the Govt. of India  
(S.S.BEDI)  
Desk Officer (Vig)

- Thro' EID/B-in-C's Branch

*Attached  
Copy  
Copy*

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST  
MES-507785 SHRI DL BAJALIA AEE E/MARTICLE-I

That the said MES-507785 Shri DL Bajalia, AEE E/M while functioning as AGE(I) Bakshi-Ka-Talab and Engineer-in-Charge of the work under Contract Agreement No. CWE/LKO/BKT/29 ... of 91-92 "Repair to runway joints and surface of runway taxi track at Bakshi-Ka-Talab near Lucknow" from 27 Nov 90 to 26 Feb 91, failed to exercise effective control over execution of work, shown negligence in contract administration, did not maintain site documents properly, committed procedural lapses while supervising the work as well as financial irregularity, which resulted in poor workmanship and bad quality of work executed against the above said contract.

By his above acts, the said MES-507785 Shri DL Bajalia, AEE E/M failed to maintain absolute integrity and maintain devotion to duty thereby violating Rule 3 (1)(i) and (ii) of CCS(Conduct) Rules, 1964.

\*\*\*\*\*

STATEMENT OF IMPUTATION OF MISCONDUCT OR MIS-BEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGE  
FRAMED AGAINST IFS-507785 SHRI DL BAJALIA,  
AEE E/M

That the said IFS-507785 Shri DL Bajalia, AEE E/M while functioning as AGE(I) Bakshi-Ka-Talab and Engineer-in-Charge of the work under Contract Agreement No.CWE/LKO/BKT/29 of 91-92 "Repair to runway joints and surface of runway taxi track at Bakshi-ka-Talab near Lucknow" from 27 Nov 90 to 26 Feb 91, shown lack of control over execution of work, slackness in administration of contract, maintenance of site documents and committed financial/procedural lapses resulting in poor workmanship and quality of work executed. The irregularities, lapses and shortcomings noticed on the part of Shri D.L.Bajalia, AEE are detailed below:-

- (a) Not applied sealing compound for joints in concrete slabs as per IS-1838-1984 was to be incorporated. Against the theoretical requirement of 11,085 Kgs. of sealing compound for the work, only 10,140 Kg was used in the work as per material entered in the Measurement Book. Thus 945 Kgs. of sealing compound was used less in the work.
- (b) The test certificates for sealing compound were not asked for from the contractor.
- (c) The samples of sealing compound were not got tested to ascertain properties as per IS-1834.
- (d) Original voucher duly verified by Engineer-in-Charge for sealing compound and primer were not available with AGE and could not be produced to the vigilance officer. The material was also not found entered in any Measurement Book.

...2/-

P. S. Bajalia  
AEE E/M

(e) Date of measurement was not found to be recorded in Measurement Book. No record of physical consumption of the material was maintained as required under contract.

(f) SPP Ltd. Calcutta was approached by CE Lucknow Zone vide their letter No.122055/116/E1(Con) dt.30 Dec 91 regarding supply of sealing compound to M/s Pal & Co. Or M/s Pal Bros, who have confirmed vide their letter No.DMEI/91-92/3778 dt.12 Feb 92 and letter dt.22 Feb 92 that they have not supplied any such material to them which establishes the fact that vouchers produced by contractor were fake and forged.

(g) Out of 3 Nos. invoices entered in the Measurement Book only xerox copy of 2 invoices were made available. In xerox copy of invoice No. 108 dt. 2.1.91 for 3900 Kgs. there is over-writing in number and it is evident that No.107 has been converted into 108, leading to the conclusion that Voucher No.107 dt. 2.1.91 has been used twice to cover up less quantity of material brought at site and incorporated in work. Total quantity of sealing compound less used thus worked out to  $945+3900 = 4,845$  kg.

(h) The workmanship of the work was not as per specifications and substandard work has been passed and paid to the contractor, which is considered a loss to the State.

(j) The site documents were also not maintained properly.

By his above acts, Shri D.L.Bajalia, AEE, failed to maintain absolute integrity and maintain devotion to duty, thereby violating Rule 3(1)(i) and (ii) of CCS(Conduct) Rules, 1964.

\*\*\*\*\*

As regards  
Attached  
A.S.P.

A (5)

14 (5)

24 ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF  
CHARGE FRAMED AGAINST MES-507785 SHRI DL BAJALIA,  
AEE E/H ARE PROPOSED TO BE SUSTAINED

1. Surprise vigilance check report dt. 14 Jan 92 carried out by Shri SK Garg, EE of CE Lucknow Zone, Lucknow.
2. Chief Engineer, Lucknow Zone, Lucknow letter No.122015/116/E1(Con) dt. 30 Dec 91, STP Ltd. Calcutta letter No.DMEI/91-92/3778 dt. 12 Feb 92 and 22 Feb 92.
3. Contract Agreement No.CWE/LKO/BKT/29 of 91-92: Repair to runway joints and surface of runway taxi track at Bakshi-Ka-Talab near Lucknow.
4. Measurement Book.

\*\*\*\*\*

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLE OF  
CHARGE FRAMED AGAINST MES-507785  
SHRI DL BAJALIA, AEE E/M, AGE(I) BAKSHI-  
KA-TALAB ARE PROPOSED TO BE SUSTAINED

MES-228916 Shri SK Garg, EE Chief Engineer, Lucknow Zone.

\*\*\*\*\*

*Attached  
Other  
names*

Annexure 'B'

15

29

CONFIDENTIAL

No 1188/P/DLB/ADM/ty

Dated 20 Mar 95

From • M/S-507785  
D L Bajalia  
AGE E/M  
Office of H.O. Chief Engineer  
Chandigarh Zone  
'N' Area Air Post Road  
CHANDIGARH

To

The Secretary  
Govt of India,  
Ministry of Defence  
NEW DELHI

(THROUGH PROPER CHANNEL)

Sub MISCELLANEOUS : M/S-507785 DL B.JALIA, AGE E/M

Respected Sir.

1. Reference your H.O. letter No C-13011/10/VIG/94 dated 25 Oct '94 received on 16/3/95 through H.O. Chief Engineer Chandigarh Zone Chandigarh.

2. It is a fact the said contract was executed under my supervision/tenure as AGE (I). I have executed this contract to the best of my ability to the entire satisfaction of users/superior officer through highly experienced staff. Therefore, I deny each and every article of charges framed against me.

3. Please ack receipt.

Thanking you.

Yours faithfully,

*20/3/95*  
( D L B.JALIA AGE E/M )

Advance Copy

To

*418-21*  
The Secretary  
Govt of India  
Ministry of Defence  
NEW DELHI

CONFIDENTIAL

*Attached  
AFR  
pw*

Annexure

COPY

CONFIDENTIAL

✓/b

16

MES/507785 Shri DL BAJALIA  
ACE, AGC S/M

Garrison Engineer Air Force  
Terpur, PO - Galenibati(Assam)

22 Aug 95

1188/pers/DLB/ /B1

Chief Engineer (AF)

Shillong Zone

Shillong

(Through Proper Channel)

DISCIPLINE : MES/507785 SIRI DL BAJALIA, ACE E/M  
Respected Sir,

1. Reference to Govt of India, Ministry of Defence memo  
No C-13011/10/VIC/91 dated 25 Oct 91 handed over vide  
CE Chandigarh Zone Letter No 1818/2/ELD dated 09 Jan 95  
on 16 Mar 95.

2. Reply of the letter under reference was submitted vide  
undersigned letter No. 1188/pers/DLB/Chd/B1 dated 20 Mar 95  
through CE Chandigarh zone for onward submission to the  
Secretary, Govt of India, New Delhi.

3. I hereby submit the few lines for your kind consideration  
and favourable action please :-

(a) I executed said work in the year of Feb/Mar 91  
and Charge Sheet was served me after the gap of four  
year.

(b) Before issue of Charge Sheet no chance was given  
to clear my position, neither written or verbal  
statement was taken nor show cause notice was issued.

(c) No inquiry officer is detailed so far after the  
elapse of almost six month and case is likely to  
delayed further.

(d) My name is already in the zone of consideration  
for the promotion of E2.

4. In view of above, it is my humbly submission to look  
into the matter and I shall be ever grateful to this act  
of benevolence.

Thanking you,

Yours faithfully,

(S/L Bajalia )  
ACE E/M

CONFIDENTIAL

P. K. Chakraborty  
AFCI  
present

CONFIDENTIAL

Shri D.L. Bajalia, IAS  
AGB, AGB 3/II (AF)Garrison Engineer Air Force  
Tezpur, PO-Salonibari (Assam)

1188/Pers/DLB/Tez/ 16 /E1

26 Dec 95

Engineer-in-Chief's Branch  
Army Headquarters  
DRB PO, New Delhi  
Pin- 110011

(Through proper channel)

DISCIPLINE : MS/507735 SIRI DL BAJALIA AGB 3/M

Respected Sir,

1. This has reference to Govt of India, Min of Defence memo No C-13011/10/VIG/94 dated 26 Oct 94, and further to my application bearing letter No 1188/Pers/DLB/Tez/E1 dated 22 Aug 95 addsd to Chief Engineer (AF), Shillong Zone (through proper channel). In this content I beg to submit the following few lines for your kind information and favourable consideration please:-

(a) That, I was served with the Charge Sheet v/sd Chief Engineer, Chandigarh Zone letter No 13134/2/21D dated 09 Jan 95.

(b) That, the Charge sheet was served to me after four years of my getting the work executed.

(c) That, I was not given any chance to clear my position before issue of the Charge Sheet.

(d) That, the Charge Sheet has been issued to me even without giving any Show-Cause Notice.

(e) That, I had replied to the memo with in 10 days of the date of serving the same to me.

2. Your honour will appreciate that as per the instructions contained in AGB (DV), AG's Branch, Army Headquarters, New Delhi Letter No 4/00311/AG/DV-1 dated 26 Nov 93 that all the disciplinary case are required to be finalised with in a span of 6 months. It is highlighted that even after eight months, enquiry officer has not been appointed. The non-finalisation of the case has put me under a lot of mental stress and strain which is adversely affecting my official as well as domestic life.

Contd., 2/-

CONFIDENTIAL

D. Bajalia  
SIRI  
PERS

CONFIDENTIAL

3. It may not be out of place to mention here that I stand in the consideration zone for my promotion to GS and also I am at the verge of crossing my Efficiency Bar. The delay in the proceedings may therefore affect my career.

4. In view of the above, I beseech your honour to kindly look into the matter for expeditious finalisation of my proceedings.

5. Hoping for a favourable consideration please,

Thanking you.

Yours faithfully,

*rever*  
(DL Bajalia)  
AGB E/M

CONFIDENTIAL

COMEDIMENTAL  
COPY

VOE, VCB E\W (VA) DE  
Copy of DL Basjatis

Gasrison Engineer At Police  
Tebm, PO-Satyopasati(Assam)  
06 Apr, 96

188\lets\DLB\Te\SAT\SI

Debjit-ji-Chet, a Bridge  
Villa Headmaster  
DHO Bo, New Delti  
Pin - 770011  
(Thonep Project Chipur)

DISCRETIVE : MGS\203785 SHRI DL BAJALI, VCB E\W

Respected Sir,

I am writing to you as per my application dated 06 Dec 95, I letter  
of complaint first. Now this has been passed since I had first  
redressal to expedite the proceedings for finalising my  
disqualification case but so far no action has been taken.  
I have already submitted my first letter to you.  
I am giving you a copy of my case to express my  
strong protest against my case.

I therefore wish you kind honour to issue  
necessary instructions for settling my case finally within  
one month or I shall be obliged to knock at the door of  
law.

3. Hoping for a favourable consideration please.

Thanking you,

Yours faithfully,

sg/-  
(DL Basjatis)  
VCB E\W

COMEDIMENTAL

Copy of  
DL Basjatis

Annexure 'F' (29) (64)  
19 31

~~CONFIDENTIAL~~

MES/507785/ Shri DL Bajalia  
AEE, AGE E/M

Garrison Engineer Air Force  
Tezpur, PO-Salonibari(Assam)

1188/pers/DLB/ 94 /E1

May 96

Shri IM Momin, IDSE  
ES, DCWS ( B/R )  
CWS ( AF ) Jorhat

DISCIPLINE : MES/507785 SHRI DL BAJALIA, AEE, ACE E/M

Respected Sir,

1. With due respect I beg to submit a few lines for your kind and favourable consideration please:-

(a) That, I beg to draw your kind attention to GOI, MOD letter bearing No C-13011/10Nig/94 dated 22 Feb 96 under which your honour has been appointed to inquire the unputation of charges levelled against me.

(b) That as per Engr-in-Chief's Branch, Army HQ letter No A/102/AEE/95-96/R(D) dated 09 Apr 96, I have been approved for promotion to EE but my promotion has been sealed till finalization of the above Inquiry.

(c) That Sir, you will appreciate that the delay is depriving me of fruit of my promotion.

(d) That, I therefore request you for speedy disposal of my case by fixing early date of hearing and venue.

(e) That, I further request you to kindly fix the venue in AGS (I) Bakshi Ka Talab to facilitate an ~~accoste~~ concerned documents, witnesses and site where the work was executed.

2. Hoping for a favourable consideration please.

Thaking you.

Yours faithfully,

(DL Ba jalia)  
AEE E/M

Copy to: -

CONFIDENTIAL

## COME I DE FEI VEN

A. Fletcher  
John Fletcher

Copy of ADG (D & V), AG's Br AHQ New Delhi letter No A/00411/AG/DV-I dt 26 Nov 93.

- AS ABOVE -

1. The policies on various aspects of C of I eg time sch, monitoring procedures, regularisation/write off and discipline, in respect of losses of stores/public money are laid down in para 903 of the Regulations for the Army 1987. AI 116/63 as amended AO 376/73, AO 51/81 and this HQ letters No A/00411/AG/DV-I dt 16 Jun 89 and 22 Mar 93.

2. Time sch :- The following time sch is laid down for convening processing and finalisation of C of I :-

(a) Convening of Court of Inquiry - Within 15 days of detection of loss.

(b) Completion of Court of Inquiry- 90 days.

(c) Progressing of opinion of Court- To be fwd to service of Inquiry at the level HQ within 45 days of lower Fmn/Commands.

(d) Consideration/decision of cases at service HQ. - 30 days

180 days

Process at (b) may be delayed by 30 days with permission of the Army Commander, process at (c) may be delayed by 15 days with permission of the COAS and process at (d) may be delayed by 15 days with permission of the Central Govt.

3. Monitoring procedure. The progress of Courts of Inquiry is monitored through quarterly progress report submitted by the Stn or Grp or equivalent to concerned Br/Head of Service at Army HQ, by 15 Jan, Apr, Jul and Oct. These report which state the current position of each case, together with reasons for delay in finalisation of proceedings of Courts of Inquiry and disciplinary action, are consolidated by concerned Branch/Head of Service at Army HQ and fwd to their respective controlling sections in the Min of Def by the last day of Jan, Apr, Jul and Oct for information and scrutiny of concerned Jt Secretary.

4. In flagrant contravention of existing policy guidelines, finalisation of C of I is being delayed well beyond the stipulated time sch. The delays in convening and finalisation of Courts of Inquiry, inadequate monitoring of Courts of inquiry, insufficient investigation of cases referred to the Court of Inquiry and non-reporting of financial irregularities to the CDA and statutory audit authorities, have been highlighted prominently in the latest C & AG report. As per the audit report, time sch for finalisation of Courts of Inquiry was exceeded in 62% of cases examined by audit, while in 40% of cases, completion of courts of inquiry was delayed for more than a year.

5. \*\*\*\*

6. \*\*\*\*

7. All concerned are advised to strictly abide by the existing time sch. The intermediate fmn HQs must maintain a record and monitor the progress of courts of inquiry scrupulously. The concerned Branch/Head of Service at Army HQ will closely monitor the progress of such inquiries. Accountability for delays in ordering and finalisation of courts of inquiry, shall be fixed and necessary action taken against the defaulting offrs. The COAS has directed that no delay in convening processing and finalisation of court of inquiry will henceforth be accepted.

Sd/- xxx

(Srinivas Nath)

Lt Gen

COAS

Parashar  
O/P

Annexure H'

(To be down graded to UNCLAS  
after declassification  
Enclos).

CONFIDENTIAL

HF GD/SDS

Telc : AF : 325

Garrison Engineer Air Force  
Tezpur : PO: Saloniabari (Assam)

No. C-DIB/ATJ/507785/AF/3b : AIC

22/ May 96

CWE (AF) Jorhat

DISCIPLINARY CASE IN RESPECT OF MFS/ 507785  
SHRI DL BAJALIA , AFE , AGE E/M (AF) - TEZPUR

1. Representation on finalisation of disciplinary case, bearing letter No 1188/Pers/DIB/92/EI dated 20 May 96, addressed to the Secretary Govt of India, Min of Def, New Delhi, received from MFS/507785 Shri DL Bajalia, AFE, AGE E/M (AF) - Tezpur, is forwarded herewith in six copies for further disposal at your end please.

2. Also please find enclosed copies of representation of the above named officer in six copies bearing letter No 1188/Pers/DIB/94/EI dated 20 May 96 on the above subject matter addressed to the Presiding officer - Shri IM Momin, EE, DCWE B/R, CWE-(AF) Jorhat and copy endorsed to the Presenting Officer - Shri SK Karmakar, AFE, AGE (I) Bakshi-Ka - Talab (AF) - Lucknow, for your further necessary action/disposal please, under intimation to this office please for further information to the concerned offr - Shri DL Bajalia, AFE, AGE I/M of this division.

Encls : 12 Scts.

*A. R. Venkateswaran*  
( AM Sandaram)  
Capt  
Offg Garrison Engineer, AFE

Copy to :

Shri DL Bajalia, AFE, AGE E/M (AF) - Tezpur - for information please.

CONFIDENTIAL

*Plotted  
Gan  
Gan*