

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

MP-9/97 ordersheet pg-1

date-29/01/97 Disposed

MP-166/96 ordersheet pg-1

Disposed date-15/10/96

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::::::::::: GUWAHATI

ORIGINAL APPLICATION NO. 32/96

MISC. PETITION/CONTENT PETITION/REVIEW APPLICATION NO.

(O A).

A. K. Singh

APPLICANT(S)

VS.

W. O. I

RESPONDENT(S)

Mr. B. K. Sharma

Advocate for  
Applicant(s)

Mr. B. Mehta, Mr. S. Sharma

Mr. S. Singh, Advocate

Advocate for  
Respondent(s)

OFFICE NOTE

DATE

29.2.96

None present

Adjourned to 6.3.96

hull

29.2

29/2/96

This application is in  
form and within time  
C. F. of Rs. 50/-

deposited vide

PO/BD No 211/96

Dated 22/2/96

27/2/96  
By Registrar

7.3.96

None is present. No Vakalat  
in the record. To be placed for  
consideration of admission after p  
the Vakalatname on the record.

Vakalatnama not filed  
27/2/96

Member

②  
O.A. 32/96

CA/TA/CP/RA/ MP/ No.

NOTE


DATE.

ORDER.

18.3.96

None is present for both sides.

Adjourned for consideration of admission to 29.3.96.

  
Member

pg

29.3.96


Adjourned to 2.4.96 at the request of learned counsel Mr S.Sarma.

  
Member

pg

2.4.96

Adjourned to 3.4.96.


  
Member

pg

3.4.96

None is present for the applicant. Mr S.Ali, Sr.C.G.S.C for the respondents. Mr Chanda informs that Mr P.K.Tiwari will be the Advocate for the applicant in this O.A and requests for adjournment.

Adjourned to 6.5.96 for consideration of admission.

  
Member

pg

OFFICE NOTE

DATE

ORDER

6.5.96

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

The applicant has contended in this application against the delay in the initiation of the disciplinary proceeding and the delay in the completion of the same.

Issue notice on the respondents before admission to show cause as to why this application should not be admitted and reliefs should not be granted. Returnable on 17.6.96.

List on 17.6.96 for show cause and consideration of admission.

Member

pg

17-6-96

Learned counsel Mr.B.K.Sharma for the applicant. None present for the respondents. Show cause has not been submitted.

List on 18-7-96 for show cause and consideration of Admission.

Member

lm

18.7.96

Mr B.K.Sharma for the applicant. Mr S.Ali, Sr.C.G.S.C for the respondents.

List on 19.7.1996 for consideration of admission.

Member

pg

3.6.96

Notice issued

Vid No.1073-

1076 dt.15.5.96

By order  
Bon

3-6-96

Notice dispensed  
on request No. 4,  
2.

By order  
Bon

15.7.96

W/s filed on behalf  
of R.m. 1, 2, 3 & 4.

By order  
Bon

OA/TA/CP/PA/MP No.

N<sup>o</sup> 19

O.A.32/96

OFFICE NOTE

DATE

ORDER

19-7-96

Learned counsel Mr. B.K. Sharma for the applicant. Leave note of Mr. S. Ali. List for consideration of Admission on 23-7-96.

lm

Member

23.7.96

The applicant is now working as Divisional Engineer, Telecom, Office of the Chief General Manager, Telecom, Shillong.

A memorandum of charges dated 27.1.1992 forwarded vide letter No.ATW/Disc-5/A.K.S./91-92 dated 21.2.1992 (Annexure-5) was served on the applicant under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The charges against the applicant are that he had caused loss of Rs.56,462/- to the Department and he had sold 2 telephone instruments as mentioned in the charges and statement of imputations. This memorandum of charges relates to the events which happened in the year 1987-88. This disciplinary proceeding was pending as on 27.2.1996, the date of submission of this O.A.. According to the applicant the disciplinary proceeding was as a result of the enquiry by the Central Bureau of Investigation (CBI) and the CBI had informed him vide letter No.3994/3/1(A)/89/SPE/JPR dated 10.4.1995 (Annexure-7) that out of 117 instances shown in the statement of imputations (Annexure-II) of the memorandum of charges, 89 instances had been dropped and would proceed only against 28 instances thereof. In this O.A. it is the contention of the applicant that the subject matter of the disciplinary proceedings against him relates to the events that had allegedly taken place in the year 1987 and is, therefore, stale. As such no fruitful purpose will be served by continuing the same and the same should be dropped. Further, the charge memo was served in 1992 and there has been inordinate delay in the continuation of the disciplinary proceedings against him which is still pending. Since the proceedings had not

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23.7.96

been completed within reasonable time the same is liable to be dropped. He also contends that the proceeding was not initiated according to the instructions and guidelines in this regard. Moreover, the CBI had dropped 89 instances out of the 117 instances cited against the applicant as stated earlier and as such the memorandum of charges cannot be permitted to remain in the present form because in the charges of the statement of imputations contained in the memorandum all the 117 instances have been included against the applicant. Consequent to such dropping of the instances it is no longer permissible on the part of the disciplinary authority to proceed with the same memorandum of charges and to continue with the disciplinary proceedings.

The applicant also had drawn the attention of the Tribunal to Annexure-13 by which the CBI in the said letter dated 12.2.1992 had expressed its inability to file chargesheet against the applicant in the criminal case.

The applicant has also submitted that he had requested the respondents many times for dropping of the disciplinary proceedings. In view of the above the applicant has prayed in this O.A. for quashing the disciplinary proceeding and for direction to the respondent Nos.1 to 4 to drop the proceedings. As an interim measure he has also prayed for restraining the respondents from proceeding with the disciplinary proceedings.

Written statement has been submitted. Heard Mr B.K. Sharma for admission. Perused the application submitted by the applicant and the written statement submitted by the respondents. The facts of the case have been briefly stated as above. Having considered the same I am of the view that this application needs not to be admitted at this stage. Therefore, the application is disposed of with a direction to the respondents to finalise the disciplinary proceedings within 31.10.96

QA/TA/CP/RA/MP No. of 19 O.A.No.32/96

OFFICE NOTE

DATE

ORDER

23.7.96

after giving the applicant reasonable opportunity of being heard. Further the applicant is directed to participate in the proceedings and co-operate towards its disposal within the time stipulated above. He is at liberty to submit in the disciplinary proceedings all the contentions that have been raised by him in this original application.

The applicant is at liberty to approach this Tribunal if he is aggrieved with the order passed in the disciplinary proceeding.

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

Member

nkm

7.8.96

Copy of order  
issued to the parties  
vide O.No. 24254  
2431 dt. 7.8.96

sh  
9/8

*[Signature]*  
23/7/96

27 FEB 1996

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

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

Title of the Case : O.A. No. 32 of 1996

Shri Ajay Kumar Singh ... Applicant

- Versus -

The Union of India & Ors. ... Respondents

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Copy served on

Mr. S. B. N. S. C. C.

Received copy  
C. S. C. C.  
27.2.96

For use in Tribunal's office :

Date of filing :

Registration No. :

REGISTRAR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

O.A. No. 32 of 1995

BETWEEN

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

... Applicant

AND

1. Union of India,  
through the Secretary,  
Ministry of Communication  
Department of Telecommunication,  
Sanchar Bhawan, Ashoka Road,  
New Delhi.
2. The Director General,  
Government of India,  
Ministry of Communication  
Department of Telecommunication,  
Sanchar Bhawan, 20, Ashoka Road,  
New Delhi.
3. Assistant Director General (Vig.A),  
Government of India,  
Department of Telecommunications,  
Dak Bhawan, Sansad Marg,  
New Delhi - 110 001.
4. The Deputy Director General (Vig.)  
Government of India,  
Ministry of Communication,  
Department of Telecommunications,  
Dak Bhawan, Sansad Marg,  
New Delhi 110 001.

... Respondents

DETAILS OF APPLICATION

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

The instant application under Section 19 of the  
Administrative Tribunals Act, 1985 is made against

following orders and developments arising therefrom :

- (a) The Government of India memorandum No. 8/15/91-  
Vig. II of the ~~Government~~ Deptt. of Telecommunications  
dated 27.1.92, issued in the name of the President  
of India, by Assistant Director General (Vig. A)  
pursuant to which inquiry against the appellant has  
been initiated under Rule 14 of the CCS(CCA) Rules,  
1965. The charges in respect of which the inquiry  
has been initiated, are related to the events that  
had allegedly taken place in the year 1987-88 i.e.  
4/5 years prior to framing of charges.
- (b) Inordinate delay in the completion of disciplinary  
inquiry against the applicant which is pending since  
last 4 years and is related to events that had  
allegedly taken place 405 years ago prior to the  
framing of charges. .

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

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

4. FACTS OF THE CASE :

The ~~ix~~ applicant in the instant case is aggrieved  
by the inordinate delay in the completion of frivolous

Contd...P/3.

and vexatious disciplinary inquiry (Under Rule 14 of the CCS(CCA) Rules, which is pending against ~~thexx~~ him since last 4 years. The aforesaid inquiry is related to events that had allegedly taken place 4/5 years ago prior to the framing of charges. During the pendency of this inquiry the competent authority vide order dated 10th November ~~thx~~ 1995 promoted the respondent Nos. 5 to 11 (in O.A. No. 273 of 1995 which he had filed earlier) to Junior Administrative Grade of Indian Telecom Service Group A on adhoc basis ignoring the applicant's claim for such promotion. As respondent Nos. 5 to 11 (in O.A. No. 273 of 1995) are all junior to applicant, therefore, the applicant is also aggrieved by his supersession and he has reasons to believe that he has not been promoted to JAG Grade only because of pendency of disciplinary inquiry against him. Being thus high aggrieved by his non promotion and supersession the applicant has already filed the O.A. No. 273 of 1995 which is pending disposal before this Hon'ble Tribunal.

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

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

4.2 That during the period when the applicant was posted as S.D.O. (Phones) at Jaipur, on 31.1.89, the

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

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

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

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

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

Contd...P/5.

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

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

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

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

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

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

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

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

4.8 That the CBI vide its letter No. 3994/371(A)/89/SPE/JPR dated 10.4.95 intimated the applicant that out of 117 instances shown in the statement of imputations of the memorandum of charge, 89 have been dropped as most of the issue slips have not been countersigned by the applicant. It was also intimated that now the prosecution would take 28 instances out of 117 into consideration. It is pertinent to mention that those SDOs who had signed the issue slips other than this applicant have not been hauled up with the disciplinary proceeding and this applicant has been singled out for a discriminatory treatment.

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

4.9 That during this period, applicant also sent the representation dated 15.2.95 to the Secretary, Telecom. Department of Telecommunications, Government of India

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

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

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

4.10 That the Government of India vide order No. 314-9/95-STG.III dated 10.11.95 made promotions in

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Junior Administrative Grade of ITS, Group A and as apprehended by the applicant, his name did not figure in the list of promoted officers while his juniors (i.e. respondent Nos. 5 to 11 in O.A. No. 273/95) were promoted in the Junior Administrative Grade of ITS Group A. In the list contained in order going by his seniority position, the name of the applicant ought to have appeared after Shri Ram Krishna whose staff No. is 8111. It is stated that the petitioner's staff No. is 8113 and he is senior to respondent Nos. 5 to 11 (in O.A. No. 273/95). It is stated that the DPC was bound to consider the adhoc promotions of the applicant notwithstanding the fact that the disciplinary inquiry against the applicant is pending. It is further stated that on the name of disciplinary proceeding the sword of Damocles cannot remain hanging over the head of the applicant through out and the pendency of the disciplinary proceeding against him can never be a reason for denial of promotion to the higher grade.

Copy of the order dated 10.11.95 is annexed hereto and marked as ANNEXURE-9.

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

Contd...P/9.



in the disposal of the disciplinary cases and suggested steps which are to be taken for ensuring the same.

A copy of the letter No. 5/2/91-M dated 2.12.92 is annexed hereto and marked as ANNEXURE-10.

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

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

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

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

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

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

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

Contd...P/11.

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

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

4.17 That the instant case is a fit case where this Hon'ble Tribunal may be pleased to stay any further continuation of disciplinary proceeding against the applicant.

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

Copy of the CBI report dated 12.2.92  
is annexed hereto and marked as ANNEXURE-13.

4.19 That in the instant case the inordinate delay in the finalisation of departmental proceedings against the applicant is primarily due to laches on the part of officials involved in the initiation of disciplinary proceedings against the applicant. Even as late as 12.9.95 the concerned authority ~~taxia~~ failed to provide opportunity to the applicant to inspect the additional documents, the inspection of which was necessary to enable the applicant to file an effective written statement against the initiation of disciplinary inquiry against him. As a result of which the applicant till this date could not even file written statement. The Commissioner for Departmental Inquiries vide Memorandum dated 12.9.95 advised to expedite necessary action in connection with the Inspection of Additional documents. Moreover, the Inspector of Police CBI vide letter dated 29.9.95 expressed his regret for the delay in providing the applicant with an opportunity to inspect the additional documents. It is stated that after the letter dated 29.9.95 no progress has taken place in the departmental proceeding and the same lying dormant as before.

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

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

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

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

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

4.23 That the applicant had demanded justice but the same was denied to him. Hence the applicant files this application ~~bon-~~afide and to secure the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

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

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

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

5.4 For that the dropping of 89 instances of irregularities against the applicant by the CBI bears testimony to the fact that there has been total nonapplication of mind in framing charges against the applicant and the memorandum of charge was prepared hastily for ulterior purposes. ~~xxxxx~~ After the CBI dropping 89 instances

against the applicant, it is no longer open for the disciplinary authority to pursue with the enquiry against the applicant and the same is liable to be dropped.

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

5.6 For that all the charges of the alleged instances of irregularities in respect of which inquiry is being held are related to the events that had allegedly taken place nearly 8 years ago. Moreover, the charges were framed after nearly five years of alleged happening. The charges are therefore, stale and there has been substantial delay in framing of the charges. Hence on this count alone all the charges are liable to be set aside and quashed.

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

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

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

5.10 For that the applicant has been singled out for a discriminatory treatment and other SDOs who had signed the issue slips have been allowed to go scot free. Thus, the action of the authority smacks of malafide.

6. DETAILS OF REMEDIES EXHAUSTED :

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

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

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

8. RELIEFS SOUGHT FOR :

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

- 8.1. Quash and set aside the memorandum No. 8/15/91-Vig.II dated 27.1.92 (Annexure-5)
- 8.2 Quash and set aside the charters contained in Annexure-5 memorandum dated 27.1.92
- 8.3 Direct the respondent Nos. 1 to 4 to drop the disciplinary proceeding against the applicant which is continuing pursuant to Annexure-5 memorandum dated 27.1.92.

Contd...P/17.



8.4 Pass any other order or orders or give direction/ directions as may be deemed fit and proper in the facts and circumstances of the case.

8.5 Award cost of this application to the applicant.

9. INTERIM ORDER PRAYED FOR :

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

Pending disposal of the application, the ~~respondent~~ Hon'ble Tribunal may be pleased to restrain the respondent Nos. 1 to 4 from taking any further action in pursuance of the memorandum No. 8/15/91-Vig.II dated 27.1.92 (Annexure-5).

10. ....

The application is filed through Advocate.

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

(i) I.P.O. No. : 09 328191  
(ii) Date : 26.2.96  
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

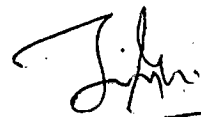
As stated in the Index.

Verification....

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

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

And I sign this verification on this the day of February 1996 at Guwahati.



(AJAY KUMAR SINGH)

विल्ली विशेष पुलिस स्थापना

शाखा

JAIPUR

BRANCH

DELHI SPECIAL POLICE ESTABLISHMENT

प्रथम सूचना

FIRST INFORMATION REPORT LN: 7285

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

मपराध संख्या

Crime No. 1(A)/89

रिपोर्ट करने का समय और तारीख

31-01-1989

Date and time of report

घटना-स्थल और राज्य का नाम

JAIPUR (Rajasthan)

Place of occurrence with State

घटना का समय और तारीख

During 1986-1988

Date and time of occurrence

करियारी या सूचना देने वाले का नाम और पता

Source Information

Name of complainant or informant with address

मपराध का विवरण

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

Offence

परिपुक्त का नाम और पता

Name and address of the accused

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

(3).....

Not registered.

सफाई अधिकारी

Investigating Officer

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

सूचना

INFORMATION

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

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

contd...

Advocate

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

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

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

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

CONFIDENTIAL  
REGISTERED

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

Date: 31/1/89

Copy forwarded to :

1. The Special Judge, SPE Cases, Jaipur - Rajasthan.
2. The Dy Inspr Genl of Police, C.B.I., SIC-IV, New Delhi.
3. The Dy Director General (Vig), P & T Board, Dak Tar Bhawan, New Delhi.
4. The Dy Secretary (By Name) Ministry of Communication, Sardar Patel Bhawan, New Delhi.
5. The Director, C.V.C. (By Name), New Delhi.
6. Shri Ram Chandra, Inspector of Police, SPE/CBI, Jaipur.

\*\*\*\*\*

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

Dated: 13.10.1989.

*Suspension*  
 ORDER

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

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

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

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

*R.D.*  
 ( R.S. BANJAL )  
 General Manager(Vigilance)

Copy to:

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

*[Signature]*  
 (SHR. POONAM JUNEJA)  
 Asstt. Dir. General(Vig-A).

*[Signature]*  
 Antec. ed.

Advocate.

110011 for information please.

*[Signature]*  
 (B.L. ARORA)  
 INCHARGE OF POLICE  
 SER: JALP

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

ORDER

*Revocation*

Dated: 13.10.1989.

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

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

(By order & in name of President)

*R/San*

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

Copy to:

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

*Poonam Juneja*

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

Attested  
*B. G. H.*  
Advocate

DEPARTMENT OF TELECOMMUNICATIONS

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

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

Dated : Feby. 20, 1990.

*Promotion*

MEMORANDUM

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

Necessary charge reports may be sent to all concerned.

*B.R. Shukla*  
20.2.90

( B.R. Shukla )

Asstt. General Manager (Admn)

A copy of this memo is issued to :-

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

Ates.cd

*B.R. Shukla*  
Advocate.

ANNEXURE- 5

- 24 -  
Annexure : 5

37

Confidential

DEPARTMENT OF TELECOMMUNICATIONS

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

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

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

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

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

*(Signature)*  
(Lav Gynta)  
Area Manager (West)

Encl: as above

The receipt of the above mentioned memorandum is hereby acknowledged.

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

Attestd.

*(Signature)*  
Advocate.



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

DAK TAR BHAWAN  
SAVSAD MARG  
NEW DELHI-110001.

Dated the 27-1-72

MEMORANDUM

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

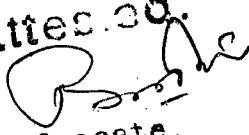
2. Shri A.K. Singh is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

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

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

contd.....2/-

Attestd.  
  
Advocate.

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6. Receipt of this Memorandum shall be acknowledged.

By order and in the name of the President,

*Poonam Juneja*  
( MRS. POONAM JUNEJA )

ASST. DIRECTOR GENERAL (VIG.A)

✓ Shri A.K. Singh  
ADET, Gujarat Telecom Circle,  
Ahmedabad.

(Through Chief G.M. Telecom, Gujarat Circle, Ahmedabad).

ANNEXURE-I

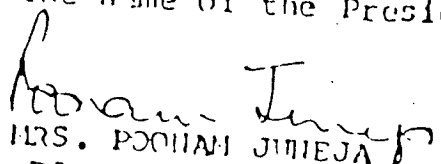
Statement of articles of charge framed against Shri A.K. Singh formerly JDOP(North), Jaipur Telephones and now ADET in Gujarat Telecom Circle.

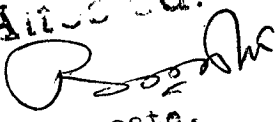
ARTICLE-I

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

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

By order and in the name of the President,

  
( MRS. POONAM JHIEJA )  
ASSTT. DIRECTOR GENERAL (VIG.N)

Attested.  
  
Advocate.

ANNEXURE-I

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

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

2.

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

contd....2/-

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

Block No. 10, Sakinagar House, Ardur Road, New Delhi - 110011 for information please.

Attested

  
Advocate

(S.L. Arora)  
Inspector of Police  
Secy: Sd/- JALP

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

CANCELLED O.B.s

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

Contd.

2.

3.

4.

5.

6.

7.

S.D.O(P)

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

contd.....5/-

Attest. co.

Advocate

1.	2.	3.	4	5	6	81.	82.
62.	39 (W)	21	39 dt. 04.06.87	L.K. Kul-Shreetha	21/28.05.87	L. 0hr	83.
63.	"	26	271 dt. 30.6.87	S.N. Singh	Falsely drawn		
64.	40 (W)	21	209 dt. 27.4.87	K. Singh	21/08.05.87	K. Singh	
65.	"	26	271 dt. 30.06.87	S.N. Singh	Falsely drawn		
66.	41 (W)	21	209 dt. 27.04.87	K. Singh	21/08.05.87	K. Singh	
67.	"	26	271 dt. 30.06.87	S.N. Singh	Falsely drawn		
68.	42 (W)	21	209 dt. 27.04.87	K. Singh	21/ 8.05.87	K. Singh	
69.	"	26	271 dt. 30.06.87	S.N. Singh	Falsely drawn		
70.	43 (W)	21	209 dt. 27.4.87	K. Singh	21/08.05.87	K. Singh	
71.	"	26	271 dt. 30.06.87	S.N. Singh	Falsely drawn		
72.	142 (W)	"	67 dt. 08.07.87	P.C. Arya	26/14.07.87	P.C. Arya	
73.	"	"	249 dt. 28.07.87	S.N. Singh	Falsely drawn		
74.	143 (W)	"	67 dt. 08.07.87	P.C. Arya	26/19.12.87	S.N. Singh	
75.	"	"	249 dt. 28.07.87	S.N. Singh	Falsely drawn		
76.	144 (W)	"	67 dt. 08.07.87	P.C. Arya	26/10.07.87	P.C. Arya.	
77.	144 (W)	"	249 dt. 28.07.87	S.N. Singh	Falsely drawn		
78.	145 (W)	"	67 dt. 08.07.87	P.C. Arya	26/22.07.87	S.N. Singh	
79.	"	"	249 dt. 28.07.87	S.N. Singh	Falsely drawn		
80.	146 (W)	"	67 dt. 08.07.87	P.C. Arya	26/05.08.87	S.N. Singh	



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

3. Shri S.N. Singh, JTO after dishonestly obtaining the aforesaid telephone instruments from the central stores, O/o SOOP, Jaipur, neither made the entry in his stock register nor deposited the instruments back, but misutilised/misappropriated the same.
4. The said telephone instruments were issued from the central stores on the basis of the orders of Shri A.K. Singh, endorsed on the issue slips submitted by Shri S.N. Singh, JTO.
5. Shri A.K. Singh also prepared false inspection reports and, after his transfer, he neither submitted the inspection reports to the O/o the DE, Jaipur nor took any action against the concerned subscribers. During the search of Shri A.K.

contd..

Attested.  
Block No. 10, Jagmohan House, Arora Road, New Delhi-110011 for information please.  
Advocate

(3.L.A.M.A.)  
INSPCTR OF POLICE  
SEB: CBI: JAIPUR

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-1 7 1-

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

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

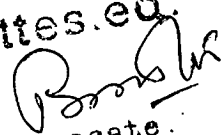
Sl. No.	OB. No. & Section	Slip No. date	By whom drawn	Installed which section & dt. of execution.	By whom executed.
1.	2.	3.	4.	5.	6.
1.	25(N) 12	53 dt. 04.03.86	J.B. Sharma	Falsely drawn	
2.	" "	8 dt. 02.03.87	- do -	12/2.3.87	J.B. Sharma
3.	" "	41 dt. 06.05.87	K.M. Srivastava	Falsely drawn	
4.	172(N)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

contd.....8/-

229 (N)	12	94 dt. 14.9.87	Laxman Dass	Cancelled on 15.6.87
12. 230 (N)	"	122 dt. 21.5.87	- do -	- do -
13. "	"	132 dt. 28.5.87	L.L. Banerji	12/28.5.87 L. Das
14. 258 (N)	"	122 dt. 21.5.87	Laxman Dass	12/22.6.87 - do
15. "	"	94 dt. 12.8.87	- do -	Falsely drawn
16. 292 (N)	"	87 dt. 12.8.87	- do -	12/1.8.87 - do
17. "	"	94 dt. 14.9.87	- do -	Falsely drawn
18. 336 (N)	"	94 dt. 14.9.87	- do -	12/20.8.87
19. "	"	148 dt. 21.10.87	- do -	Falsely drawn
20. 374 (N)	22	dt. 3.6.87	- do -	Cancelled
21. 178 (N)	14	202 dt. 22.6.87	- do -	Cancelled
22. 286 (N)	"	184 dt. 21.5.87	- do -	- do -
23. 317 (N)	"	69 dt. 21.5.87	- do -	- do -
24. 344 (N)	"	117 dt. 20.5.87	- do -	- do -
25. "	"	202 dt. 22.6.87	Laxman Dass	12/18.7.87 Laxman Dass
26. 483 (N)	24	128 dt. 15.6.87	G.L.K.	24/18.5.87 G.L.K.
27. "	14	217 dt. 24.6.87	Laxman Dass	Falsely drawn

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

contd.....9/-

Attested  
  
 Advocate

8. Further, Shri A.K. Singh unauthorisedly sold one Telephone instrument each to Shri K.C. Gupta of Jhotwara having telephone connection No. 842433 and Shri M.J.S. Ahluwalia of 65, Gopalwari, Jaipur having telephone connection No. 72711. The said two telephone instruments unauthorisedly sold by Shri A.K. Singh were recovered from the houses of S/Shri K.C. Gupta and M.J.S. Ahluwalia, respectively. They have stated that the said two instruments seized from their residences had been purchased by them from Shri A.K. Singh.
9. Thus, by his above acts, Shri A.K. Singh failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant thereby contravening Rule 3(1) (i), (ii) and (iii) of the CCS(Conduct) Rules, 1964.

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ANNEXURE-III

u5

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

---

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

.....

Attested.

  
Advocate

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

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

Attest.

Advocate

- 39 -

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- 1 2 :-

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

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**ANNEXURE - 6A**

Annexure: 6A

-40-

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

u8

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

Dated the 21-12-91

O R D E R

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

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

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

By order and in the name of the President,

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

To,

- ✓ 1. Shri A.K. Singh  
TDE, Jind

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

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

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

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

contd.....2/-

Attestd.

R. S. M.  
Advocate



49

-: 2 :-

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

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

Annexure: 6 B

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

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

Dated the 21-12-94

O R D E R

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

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

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

By order and in the name of the President,

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

To,

1. Shri A.K. Singh  
TDE, Jind

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

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

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

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

Contd....2/-

*B. Singh*  
Advocate.

- iii) No defence statement has been submitted by the Charged Officer.
- iv) Department of Telecom Order No. 8/15/91-Vig.II(i) dated 21-12-1994 appointing Shri Amit Cowshish, COI, CVC, Jamnagar House Hutments, Akbar Road, New Delhi-110011 as the Inquiring Authority.

## ANNEXURE-7

Annexure 7

- 44 -

CONFIDENTIAL

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

Registered

Supdt of Polfx

Director

Central

Dated: 10-4-95

To

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

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

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

Sir,

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

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

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

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

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

Yours faithfully,

(B.L. AGRAWA)  
INSPECTOR OF POLICE

SECRETARY, JAIL  
ROHTAK

Encls. A/a.

A/A.

Endst. NO.

/3/1(A)/89/SPE/JM Dated:

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

(B.L. AGRAWA)  
INSPECTOR OF POLICE  
SECRETARY, JAIL

Banshi

LIST OF DOCUMENTS

1. F.I.R. No.1(A)/89 of SPE:CBI:Jaipur dated 31.1.89.
2. Issue slip No.148 dated 21.10.87.
3. -do- 9 dated 2.11.87.
4. -do- 190 dated 29.10.87.
5. -do- 60 dated 12.11.87.
6. -do- 8 dated 2/3.87.
7. -do- 41 dated 6.5.87.
8. -do- 122 dated 21.5.87.
9. -do- 194 dated 28.5.87.
10. -do- 94 dated 14.9.87.
11. -do- 87 dated 13.3.87.
12. -do- 22 dated 3.6.87.
13. -do- 202 dated 23.6.87.
14. -do- 134 dated 21.7.87.
15. -do- 69 dated 11.5.87.
16. -do- 117 dated 20.5.87.
17. -do- 128 dated 15.6.87.
18. -do- 217 dated 24.6.87.
19. N.T.C. OB Register of SDOP(N) for the year 1987.  
Relevant NTC OBs are 25(N), 172(N), 210(N), 219(N),  
229(N), 230(N), 253(N), 292(N), 374(N), 173(N),  
286(N), 317(N), 344(N), 463(N),
20. N.T.C. OB Register relating to SDOP(N) maintained in  
the O/o Commercial Officer relating to NTC OB Nos.  
524 & 526.
21. File containing loose papers regarding account bills,  
inspection reports & misc. papers from S.No. 1 to 99  
(Relevant pages are 2, 40 to 48, 524) mentioned at item  
4 in search list dated 2.2.89.
22. Search list dated 2.2.89 showing house search of  
Shri A.K.Singh.
23. Recovery memo u/s 27 Evidence Act dated 5<sup>th</sup> Aug  
& 85, 87, 89 to 98.

*(Signature)*  
P.O

To,

ANNEXURE- 8A

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

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

Hon'ble Sir,

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

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

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

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

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

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

With regards

Yours faithfully,

Dated at ITN:- 15.2.95

Encls: A/A,

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

Repurse via 55

To

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

(Through Vigilance Cell of DOT-N.D)

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

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

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

Hon'ble sir,

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

P A R T - I

BACKGROUND OF THE CASE IN BRIEF

1. I belong to I.T.S. batch 1983 (joining the Department in May, 1985) and was posted as SDOP(N) Jaipur on my first posting (during probation it-self) after completion of my training in January, 1987 at ALTTC-Ghaziabad.
2. I was served with a charge memo dated 27.1.92 in furtherance of an unlawful, malafide and bogus FIR earlier lodged by the CBI authorities against me on dated 31.1.89 with prejudice and strong bias against me. (Details in part-II). Regarding malafide, biased, unjust and arbitrary way of carrying out the proceedings against me by the CBI authorities I had also informed your kind honour vide my earlier representation dated 30.6.89 (Annexure-II/1 & II/3: Relevant paragraphs highlighted refer).

Contd/2/

Attested  
R. Singh  
Advocate

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

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

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

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

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

B-GH



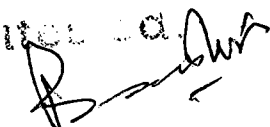
7. From the above, it is clearly evident that CBI authorities are prolonging the matter malafidingly for causing an undue harassment to me. At this pace nearly 1/4th of my official span had only been involved and submerged in this false, unjustified and non judicious disciplinary proceeding against me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

P A R T-II

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

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

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

Attestd.   
Advocate

Contd/4/

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

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

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

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

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

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

Atte-  
B. S. Singh

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

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

### P A R T - III

#### MERITS OF THE CASE

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

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

Shri A.K. Singh also unauthorisedly sold one telephone instrument

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

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

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

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

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

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

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

Total telephone instruments drawn in excess 16

Telephone instruments drawn by Shri J.B.Sharma (since retired) and Shri K.M.Shrivastva(since expired) (-) 3

OBs executed nos.529 (N), 545(N), 563(N) and 600 (N) against which no telephones drawn from Central stores. (-) 4

Net outstanding against the JTO the said Shri Laxman Das . - 9 -

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

Attested  
B. J. J.  
Advocate

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

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

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

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

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

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

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

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

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

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

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

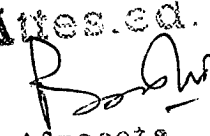
P A R T - IV

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

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

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

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

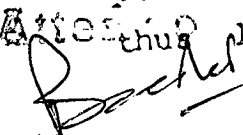
Attes. ed.  
  
Advocate

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

2. Inordinate un-explained delay in initiating and getting finalised the disciplinary proceedings against a govt. servants was also taken as a sufficient cause (s) in it-self by different Benches of the Tribunal and also the Supreme Court in quashing the proceedings and also the punishment order(s) if so passed in any such case (Annexure-VII/part-II page nos. 2 to 5 refers). In the second case appearing at page 3 of Annexure-VI (which is mostly similar to the instant case of mine) the delay of nearly 3 1/2 years only was considered as a sufficient ground for quashing the charge memo (there also the charge memo was served in furtherance of a criminal case earlier registered against the applicant) from the date of FIR. And in my case even 6 years already elapsed the finality to which is even yet remote as the documents are yet to be collected from the court and supplied to me for preparing my defence statement. Further to this, the Supreme Court in the case of State of M.P. vs Bani Singh & Anr. IATR 1990 (1) SC 581 [has not permitted the departmental enquiry to proceed due to there being no satisfactory explanation to the inordinate delay in issuing the charge memo and in the case of Mansha Ram vs S.P. Pathak [1984 (1) SCC 125] Exercise of power in a reasonable manner inheres the concept of its exercise within a reasonable time has also been stated by the Apex court. Replying on the later judgement of the Supreme court, the Principal Bench of the Tribunal has set aside the memorandum of charges against the applicant (Case of K.K. Sood v. V.O. I Annexure-VII/page 5 refers).

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

Attest  
  
 Advocate

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

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

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

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R. S. Bhat  
1990.09.10

P R A Y E R

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

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

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

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

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

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

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

With regards.

Encls: As per Annexure-I

Dated at ITN; 15.2.95

Sincerely yours,

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

Attested.

Advocate

ANNEXURE-I

List of documents attached

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

The President of India  
(The Appointing Authority)

(Through Vigilance Cell of DOT-ND)

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

- Subject: 1. Request for Withdrawing the charge memo. dt. 27.01.92 served on the Applicant.
2. Failure in getting a judicious favour at your hands will be a compulsion on me to move the Hon'ble Court for justice.

Hon'ble Sir,

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

- PART I: Background of the case in brief.
- PART II: Issues which disclose the biased, illegal and unfair attitude of CBI authorities in carrying out the investigations.
- PART III: Merits of the case.
- PART IV: GOI's instructions and judicial pronouncements relating with the subject.

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

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

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

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

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

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

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

Attested.

Advocate.

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

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

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

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

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

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

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

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

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

Subject: Expeditious finalisation of disciplinary cases.

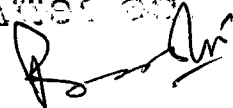
DOT D.O. No.4-32/91-VIG. I dt.23.09.91

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

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

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

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

Attested  
  
 Advocate



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

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

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

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

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

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

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

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

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

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

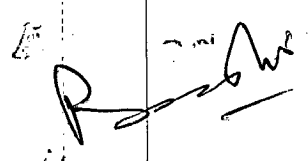
CAT Bench of Jabalpur in the judgement dated 29.4.94 in the O.A.No. 701 of 1990 in S.L. Johia vs..State of M.P. and Ors..'s case has quashed the impugned order saying " Undue delay in the completion of departmental inquiry ,entalls promotion from due date with all consequential benefits. "

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

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

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

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



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

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

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

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

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

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

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

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

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

**Ates ed.**  
  
**Advocate**

- 69 -

7. To sum up it can be said that

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

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

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

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## PRAYER

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

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

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

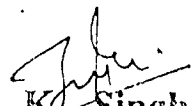
May I once again request your kind honour for reconsidering my case sympathetically on merits so as to relieve me of these unjustified inquiry proceedings which has caused oppression to me.

With regards.

Dated: 20.10.1995

Place: Ghaziabad.

Yours Sincerely

  
( A. K. Singh )

DE ( MARR ) Installation

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

Shillong -793001

P/C

Copy to:

1. Chairman, U.P.S.C, Dholpur House, New Delhi
2. Chairman, CVC, Bikaner House, New Delhi
3. Shri Amit Cowshish, CBI/CVC, New Delhi  
Copy of my earlier representation to V.g. Cell of DOT is enclosed.

Attas.00

  
Advocate

Annexure : 9

Promoted

Government of India  
Department of Telecommunications  
Sanchar Bhawan-20 (Ashoka Road New Delhi - 110001)  
(STG, III Section)

No. 314-B/95-STG-III

November 10, 1995

ORDER

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

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

Sl. No.	Name & St. No.	Present posting	Posting on transfer	Remarks
1.	AL Patel (8026)	TEC JEP	NEP	Existing vacancy
2.	AK Bajpai (8092)	MP	TECH DI	Existing vacancy
3.	Rama Krishna (8111)	TECH DI	Data H. Delhi	Existing vacancy
4.	HC Mehta (8114)	MTNL BY	MP	Existing vacancy
5.	V Raju (8115)	AP	RAJASTHAN	Existing vacancy
6.	INY Prasad (8116)	KTK	KTK	Existing vacancy
7.	R. G. Raghavan (8117)	OTF BB	NE TF	Existing vacancy
8.	Haq Nizamul (8118)	QA BB	PUNJAB	Existing vacancy
9.	Nannalala S. V. L. (8119)	MTNL BY	MTNL BY	Existing vacancy
10.	S.K. Chaturvedi (8120)	MP	GUJARAT	

2. Charge reports may be furnished to all concerned.

(Sd/-)  
DIRECTOR (STG)

Attest.

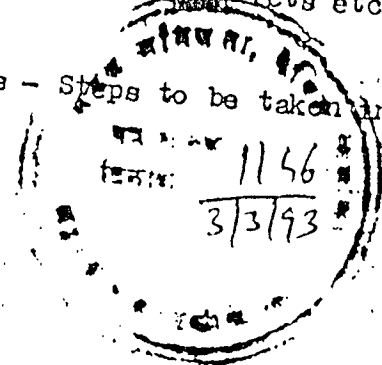
(Sd/-)  
10/11/95

Annexure : 10

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

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

28 FEB 1993  
Sir,



.....

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

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

Approved

Advocate.

contd....p/2...



for inspection of the charged official and it is seen that in many cases the delays take place in the inspection of additional documents and either the documents are not traceable or are destroyed. While the guidelines permit issue of a non-availability certificate by the custodian, the process takes considerable time resulting in delay of the disciplinary proceedings and in the process prosecution may lose the case for want of documentary evidence. Therefore, adequate care should be taken by disciplinary authorities at all levels to foresee the documents required and take them into custody and where necessary to issue appropriate instructions not to destroy such records till the disciplinary case is finalised.

(f) When a report of investigation is received by the disciplinary authority, the service particulars of the concerned official should be collected immediately with a view to ascertain the correct disciplinary authority and, more important whether the official is due for retirement. No statutory penalty as specified in Rule 11 of the CCS (CCA) Rules, 1965 can be imposed on a Government servant after retirement and in order to withhold the pension or effect a cut in the pension, the misconduct should be grave enough to warrant such an action. Further, action under Rule 9 of the CCS (Pension) Rules 1972 is not possible for events of more than four years old. Therefore, every effort should be made to collect the service particulars so that the guilty officials are not allowed to go unpunished by default.

(g) The time gaps in the procedure for processing of disciplinary cases should be effectively utilised. To amplify, at present when a charge sheet for major penalty is issued, action to appoint IO and PO is initiated only after considering the defence statement of the charged official which normally is received after about a fortnight or so, after allowing the statutory time limit of 10 days for submission of defence statement. This time gap can be utilised by the disciplinary authority to nominate a suitable IO and PO so that as soon as the defence statement denying the charges is received, orders for appointment of IO and PO can be issued. In cases coming through CBI and CVC, the matter should be taken up with the concerned authorities immediately after issue of the charge sheet for nomination of suitable officers.

(h) Where officers are available to function as IO and PO from within the Department, efforts should be made while submitting the charge sheet to the disciplinary authority for approval to propose the names of IO and PO for appointment in case the charged official denies the charges. This will eliminate the repeated submission of disciplinary file to the concerned authority for approval.

(i) While submission of any case to the Directorate for disciplinary action, all the relevant records in original duly referenced or flagged along with one set of photo copies (where the documents are not very bulky) should be furnished along with a draft charge sheet.

(j) The vigilance Training Cell of the Directorate have organised and trained a large number of officers in vigilance/disciplinary procedures. A list of such trained officers should be maintained in each circle and their training experience should be effectively utilised.

(k) While it is the duty of the presiding officer to procure and enable inspection of additional documents by the charged officer, the Vigilance Officer in each Circle/District should co-ordinate and expedite the inspection of the additional documents.

(l) Once an officer has been appointed to conduct oral inquiry, he should be asked to work out and furnish a time schedule to the Disciplinary Authority for completion of the inquiry and a range of IO should discourage.

(m) Where cases are under investigation, there should be pursued by periodical reminders for early completion of the cases and should be taken up in the quarterly co-ordination meetings with the CBI for early completion of

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

.... 3 ....

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

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

3. Receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-

( K.Nagarajan )

Asstt. Director General (M)

Nb:ATA-27/Disc.Rlg./Estt/45

Dated at Ahmedabad, the 24.2.93

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

*B. N. D. S.*

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

*B. N. D. S.*

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

Dear Shri Dua,

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

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

Contd....P/2.

4. Kindly advise all Disciplinary Authorities accordingly.

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

With regards,

Yours sincerely,

Sd/-

(M.B. RAMAMURTHY)

Endst. No. Vig./Rlg./III

Dtd. at AM the 25<sup>th</sup> October, 1991

Forwarded for information and necessary action to:-

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

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

## ANNEXURE

To

All Inquiry Officers

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

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

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

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

Subject :- Expeditious finalisation of disciplinary cases.

Sir,

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

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

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

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

- (2) Appointment of Inquiry Officer/Presenting Officer

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

..... 2/-

*B. S. W.*

-79-

(3) Delay on the part of the disciplinary authorities

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

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

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

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

(5) Delay due to suspected public servant

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

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

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

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

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

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

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

Yours faithfully,  
Sd/-

(Mrs. Gargi Mukherjee)

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

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

Asstt. Engineer (Staff)  
Ambedkar Telecom. District.



थाना : एल.पी.ई., जयपुर

जिला : जयपुर

बारोप पत्र संख्या : 4

तारीख

शिकायतकर्ता या शायक का नाम, पता और पेशा : सुत्र सुचना

प्रथम सुचना रिपोर्ट संख्या : 185/89

तारीख 31.01.89

1	2	3	4	5
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श्री एल.एन. सिंह,  
पुत्र श्री जमीचन्द,  
जे.टी.ओ. सेक्शन-26,  
एस.डी.ओ.पी. उत्तर,  
कार्यालय जी.एम.टी.,  
जयपुर, निमोम्बत,  
निवासी-वीरम का दास,  
थाना - मन्डावा,  
जिला - धनुषा ।

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

सूची संलग्न

सूची संलग्न ।

श्रीमान,

सारांश अभियोग इस प्रकार है  
कि श्री एल.एन.सिंह पुत्र श्री जमीचन्द  
ने वर्ष 1986-88 में कार्यालय महाप्रबन्ध

"दरभाष जिल जयपुर में अनुभाग 26 में उपमंडल अधिकारी फोन उत्तर में कनिष्ठ दरसंवार  
अधिकारी के रूप में नियोजित रहते हुए तथा एक नोक सेक् के रूप में कार्य करते हुए अपने पद  
का दुरुपयोग कर बेईमानी व कथपुर्क एक ओ.बी. के निस्तारण हेतु एक से अधिक दरभाष द  
प्राप्त किये। ऐसी ओ.बी. जिनका निस्तारण स्वयं श्री एल.एन.सिंह द्वारा या किसी क  
व्यक्ति द्वारा किया जा चुका था, के विरुद्ध छल करने हेतु दरभाष फं.फं.ों की प्राप्ति किया  
तथा उन्हें विभाग में वापस जमा नहीं कराया जिनका विवरण निम्न प्रकार है :-

क्र.सं.	ओ.बी.सं.	वर्ष	निर्गम पर्व की संख्या व अधिकारी जिसे द्वारा क्रियान्वयन किया- दिनांक जिस पर उपकरण क्रियान्वयन किया गया की तिथि न्वयन प्राप्त किया गया ।	एवं सेक्स करने वाला
1.	133/उ	1	13 दि. 29.11.86	जे.एन.लुन्हेलवाल 24/1.12.86 जे.एन. लुन्हेलवाल
2.	138/उ	2	14 दि. 28.1.87	एस.एन. सिंह गलत प्राप्त नहीं किया गया न्याया एस.एन. सिंह
3.	141/उ	2	14 दि. 28.1.87	एस.एन. सिंह 26/10.1.87 एस.एन. सिंह

48	141/उ	26	104 दि. 18.12.87	एस.एन. सिंह	गलत प्राप्त किया गया	एस.एन. सिंह
5.	143/उ	26	141 दि. 28.1.87	एस.एन. सिंह	26/13.1.87	एस.एन. सिंह
6.	143/उ	28	104 दि. 18.12.87	एस.एन. सिंह	गलत प्राप्त किया गया	एस.एन. सिंह

इस तरह श्री एस.एन. सिंह ने उपर्युक्त बी.बी. के विरुद्ध अतिरिक्त टेलीफोन उपकरणों को छल से प्राप्त कर विभाग को स्पष्ट 2289/- की सदोष डानी एवं राय को सदोष लाभ पहुँचाया। श्री एस.एन. सिंह का यह कृत्य भारतीय दण्ड संहिता की धारा 420 तथा भ्रष्टाचार निरोध अधिनियम की धारा 5(2) समिति 5(1)(3) के तहत दण्डनीय है। स्वयं विभागीय अधिकारी से श्री एस.एन. सिंह के विरुद्ध अभियोजन के लिए स्वीकृति प्राप्त की जा चुकी है। श्री: मामले की अन्वीक्षा की जाकर अभियुक्त को उचित दण्ड दिया जाये।

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

जयदीप प्रसाद 12/2/90  
निरीक्षक

डे. व. ब्यूरो/वि.पु.स्थापना/अमर

CONFIDENTIAL 91

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

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

M E M O R A N D U M

Subject : Departmental Inquiry against Shri AK Singh, TDE

.....

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

*Amit Cowshish*

(Amit Cowshish)

Commissioner for Departmental Inquiries

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

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

Copy to Shri AK Singh at the following address also :

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

Attested

*[Signature]*  
Advocate

CONFIDENTIAL

NO. 83- /SPE/JPR

Annexure: 1413

*Delay*

Dated:

To

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

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

Ref.: Your letter NO.D4/CD1/AC/296  
dated 12.9.95.

Sir,

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

Yours faithfully,

*Sd/-*

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

Endst.NO. 10851 /SPE/JPR Dated: 29.9.95

Copy to :-

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

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

*(Signature)*



અહમદાબાદ દૂરસંચાર જિલ્લો

વાસના ટેલીફોન એક્ચેન્જ, વાસના,  
અહમદાબાદ-380 007.

D.R.KAMAL

મહાપ્રબંધક (પ્રચાલન-અનુરક્ષણ)

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

AHMEDABAD TELECOM. DISTRICT

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

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

25.4.91

My dear Singh,

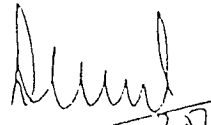
I am extremely happy to place on record my appreciation for your commendable performance in maintaining 47,48 & 49 exchanges in perfect working condition. It has contributed to a large extent in obtaining a score of 72.4 for the Ahmedabad Telecom District in the recently conducted fifth assessment of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

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

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

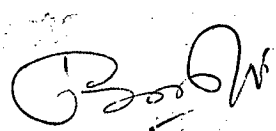
With best wishes,

Yours sincerely,

  
( D.R. KAMAL )

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

Copy to : Area Manager(West)





A m m e x u : 15 B

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## अहमदाबाद दूरसंचार जिला

वासना टेलीफोन एक्चेंज, वासना,  
अहमदाबाद-380 007.

### AHMEDABAD TELECOM. DISTRICT

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

D.O.No.AT/GM(O&M)/STA-6A/92-93  
Dated : 21.05.92

D.R. KAMAL,

प्रबंधक (प्रशासन-अनुसंधान)

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

My dear Singh,

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

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

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

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

With best wishes,

Your sincerely,

( D.R. Kamal 31/5 )

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

Copy to: Area Manager (West)

*[Handwritten signature]*

RAJESH PILOT

સંજીવ રાજેશ પીલોટ  
ગીરજા  
MINISTER OF STATE  
COMMUNICATIONS  
INDIA

10 6 APR 1992

Dear Shri Kulkarni

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


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

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

Yours sincerely,

(RAJESH PILOT)

Shri M.G. Kulkarni  
Chief General Manager  
Gujarat Telecom Circle  
Ambika Chambers  
Near Gujarat High Court  
Ashram Road  
Ahmedabad-380004

Amended  
  
ADVOCATE

गुप्त  
R. Gupta

मुख्य महा प्रबन्धक, हरियाणा दूर संचार परिमण्डल

HARYANA TELECOM CIRCLE

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

फैक्स/Fax : 0-171-641040



मुख्य महा प्रबन्धक  
हरियाणा दूर संचार परिमण्डल,  
अम्बाला छावनी-133 001  
Chief General Manager  
Haryana Telecom Circle  
AMBALA CANTT.-133 001

D. O. No. : Engg/HR/WP-1998

Dated : 8.4.94

My Dear Singh,

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

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

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

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

With best wishes,

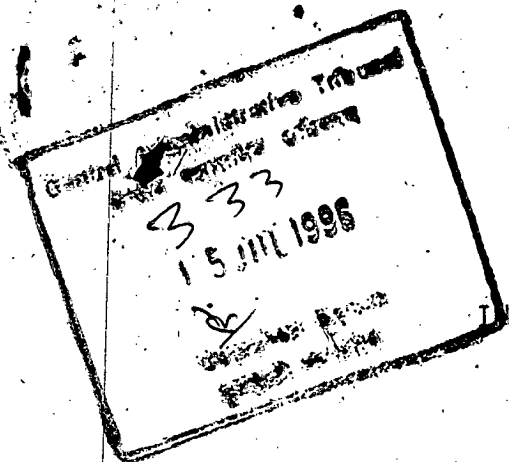
Yours sincerely

(R. K. Gupta)

Shri A. K. Singh  
Telecom District Engineer  
JIND

Received  
R. K. Gupta





88

94  
Filed by  
Shamshad  
8/8/96  
15/7/96

THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BRANCH:

GUWAHATI.

IN THE MATTER OF:

O.A. No. 32/96

A.K. Singh

-Vs-

The Union of India & Ors.

-AND-

IN THE MATTER OF:

Written statements submitted by  
the Respondents No. 1, 2, 3 & 4 .

WRITTEN STATEMENTS

The humble Respondents  
submit the Written State-  
ments as follows:-

- 1) That, with regard to the statements made  
in paragraphs 1, 2, & 3 of the application the  
Respondents have no comments.

(Contd.)

R  
15.7.96

2) That, with regard to the statements made in paragraph 4 of the application the Respondents beg to state that a Government servant can be proceeded against at any time during his service period for an alleged misconduct committed by him. Even, after retirement also a Govt. servant can be proceeded against for a grave misconduct subject to certain conditions. Therefore, the plea of the applicant regarding delayed institution of disciplinary proceedings is not tenable .

Facts regarding promotion are admitted. the Officers juniors to Shri A.K. Singh have been promoted to JAG of ITS Group 'A' on adhoc basis. Shri A.K. Singh was also considered by the screening Committee for ad-hoc promotion alongwith his juniors. Since disciplinary proceedings are pending against him, he has not been given ad hoc promotion as per rules.

3) That, with regard to the statements made in para 4.1 to 4.5 of the application the respondents have no comments the same being matters of record.

4) That, with regard to the statements made in para 4.6 of the application the Respondents beg to state that, the disciplinary proceedings were initiated against the applicants vide Memo No. 8-15/91 -Vig. 11 dated 27-1-1992 for the alleged misconduct after detailed investigations.

- 3 -

5) That, with regard to the statements made in para 4.7 of the application the Respondents beg to state that, the same is not correct and hence denied. The Respondents further begs to state that, the Respondents himself is ~~app~~ responsible for delay in finalisation of the disciplinary proceedings against him as he did not submit written statement of defence for nearly about 3 years.

6) That , with regard to the statements made in para 4.8 of the application the Respondents beg to state that the same is not correct and denied. There is no discrimination against the applicant as disciplinary proceedings have been initiated after detailed investigations.

7) That, with regard to the statements made in para 4.9 of the application the Respondents begs to state that the same are not correct and hence denied . The charge sheet has been issued after detailed /thorough investigations which prima-facie revealed irregularities against the applicant. When a disciplinary case is pending his promotion etc. are regulated as per the instructions of the Government of India on the subject. Since disciplinary proceedings are pending against the applicant he has not been given promotion.

Incidentally, it may be mentioned here that the applicant had earlier filed an O.A. No.273/95

in Central Administrative Tribunal , Guwahati in which he had raised the issue of non-promotion. A counter-reply to the said O.A. has already been filed assailing the grounds mentioned by him . O.A. No. 273 of 1995 is still pending consideration in Central Administrative Tribunal ,Guwahati.

8) That with regard to the statements made in para 4.10 of the application the Respondents beg to state that, the facts regarding the promotion are correct . The Officers junior to Shri A.K. Singh have been promoted to JAG of ITS Group 'A' on ad hoc basis. Shri Singh was also considered by the Screening Committee for ad-hoc promotion along with his juniors. As per DOP & T.O.M. No. 22011/4/91 - Estt. (A) dated 14-9-1992 the promotion to a Government servant against whom disciplinary case is pending cannot be given till the proceedings are concluded.

9) That , with regard to the statements made to 4.15 in para 4.11 of the application the respondents beg to state that , it is admitted that there are administrative instructions which lay down guide lines for finalisation of disciplinary proceedings . It is not always possible to adhere to these guidelines because of various factors like availability of documents, consultation with CVC and UPSC etc. However, in the instant case the applicant himself

(Contd.)

has been creating impediments for the smooth conduct of the disciplinary proceedings.

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10) That, with regard to statements made in para 4.16 of the application the Respondents beg to state that, the same are not correct and hence denied. However, the matter of ~~xxx~~ dropping of instances by the C.B.I. as mentioned by the applicant can be brought by him before the Inquiry Officer.

11) That with regard to the statements made in para 4.17 of the application the respondents beg to state that , the departmental proceedings have been instituted against the applicant after detailed investigation. Therefore, the prayer for staying the proceedings by the applicant may be rejected.

12) That, ~~wxx~~ with regard to the statements made in para 4.18 of the application the respondents beg to state that, the same is incorrect and ~~thence~~ denied. The disciplinary proceedings have been initiated against the applicant after detailed investigation .

13) That, ~~xxx~~ with regard to the statements made in para / 4.19 of the application the Respondents beg to state that the same are incorrect and hence denied. The charge sheet was served on the applicant on 22-2-1992. The applicant had not submitted the written statement denying or admitting the

(Contd.)

charges. Since the applicant was very much non-cooperative, the disciplinary Authority had taken initiative to appoint the IO and PO and they were appointed on 21-12-1994. The preliminary hearing was held on 20-1-1995. The regular hearing was held on 20-5-1995. It is expected that with the cooperation of the applicant the disciplinary proceedings would be finalised soon.

14) That, With regard to the statements made in para 4-20 of the application the Respondents beg to state that so far as the appreciation letters are concerned, these are matters of records and hence no comments are required. In so far as consideration of Shri Singh by the DPC is concerned, it is submitted that Shri Singh was considered by the Screening Committee for adhoc promotion along with his juniors. Since disciplinary case is pending he could not be promoted as per Govt. of India instructions on the subjects.

15) That with regard to the statements made in para 4.21 of the application the Respondents beg to state that, the statements are false and baseless and hence denied. A Govt. servant can be proceeded against at any time during his service period for an alleged misconduct committed by him. Even after retirement also a Govt. servant can be proceeded against for a grave misconduct subject to certain conditions. Therefore, the plea of disciplinary

proceedings is not tenable and liable to be rejected. The disciplinary proceedings have been initiated against the applicant after detailed investigations.

16) That, with regard to the statements made in para 4.22 of the application the Respondent begs to state that, the statements are baseless and false and hence the same are denied by the ~~applicants~~. Respondents. No injustice has been done to the applicant.

17) That with regard to the statements made in ~~xxx~~ para 5 regarding the grounds for reliefs and legal provisions the Respondents beg to state that none of the grounds mentioned in para 5.1 to 5.10 is not maintainable in law as well as in facts. The applicant is being proceeded against for specific charges as mentioned in the charge memo according to (CCS) Rules, 1965 after detailed investigation. The inquiry in this case is already in progress. On receipt of the inquiry ~~in this case~~ report further necessary action will be taken to finalise the case subject to the co-operation of the applicant. There is no discrimination against the applicant.

18) That ~~xxx~~ with regard to the statements made in para 6 of the application the Respondents beg to state that the statements are incorrect and hence denied. The Respondent further beg to state that, the applicant himself is employing dilatory tactics. He should co-operate in the inquiry in his own interest so that the proceedings can be finalised early.

finalised early .

19) That with regard to the statements made in para 7 of the application the Respondents beg to state that, the applicant has made a false statement in this para. The applicant had earlier filed an D.A. No. 273/1995 in Centra Administrative Tribunal , Guwahati in which also he had inter-alia raised the issue of inordinate delay in finalisation of proceedings. The said D.A. is still pending for consideration of Hon'ble Tribunal.

20) That with regard to the statements made in para 8 of the application regarding ~~interim~~ relief sought ~~xxxx~~ prayed for , the ~~xxx~~ Respondents beg to state that the applicant is not entitled to get any relief sought for , and as such, the application is liable to be dismissed.

21) That with regard to the statements made in para 9 of the application regarding the interim ~~prayer~~ order as prayed for the Respondents beg to state that , in view of the facts and circumstances of the case mated the applicant is not entitled to get any interim order.

22) That with regard to the statements made in para 10, 11 & 12 of the application the Respondents beg to state that they have no comments.

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23) That , in view of the disciplinary proceedings given against the applicants ,this application is not maintainable , and as such, the same is liable to be dismissed.

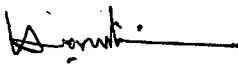
24) That, due to not co-operation of the applicants the disciplinary proceedings seemed delayed If the applicants would have co-operated the proceeding could have been completed and finalised long back.

25) That if the petitioners would have co-operated then the department will be able to finalise the proceedings at an early date. Hence, the application should be disposed of upon with direction to disposed up the proceeding within a specified time and also direction should be given to the applicants to give full co-operation to the proceedings.

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

I, Sri C. Murmu Vigilance Officer, as authorised do hereby declare and state that the above statements are true to my knowledge, belief & information and I believe to be true .

I sign this verification to-day on 12th day of July, 1996 at Guwahati/Shillong.

  
12/7/96.  
जनता अधिकारी  
मुख्य महा प्रयोग का कार्यालय  
शिल्लोंग  
Vigilance Officer  
O/o. C.G.M.T., Shillong