

BEFORE THE LOKAYUKTA, MAHARASHTRA

Complaint no.

Navin Singh, IFS Complainant
4, Allied Heights, Salunke Vihar Road,
Pune-411048

Vs

1. Mr J.P. Dange IAS,
Additional Chief Secretary,
Revenue & Forest Department (Revenue)
Mantralaya, Mumbai-32

2. Mr Rajendra Mangrulkar, Joint Director,
Anti corruption Bureau,
Madhu Industrial Estate, 1st Floor,
Pandurang Budhkar Marg, Lower Parel, Mumbai – 400 013.

..... Public servants complained against.

Herein the complainant complains as follows:

1. I, Navin Singh is an officer of Indian Forest Service, 1983 batch of Maharashtra cadre. The Government of Maharashtra vide order no. AFO 1301/CR128/F-7 dated 13-1-2003 has placed me under suspension, under Rule 3(1) of All India Services (D&A) Rules 1969, framed under the provision of All India Services Act, 1951. My suspension order was not reviewed under the provisions of Rule 3(8)(a) as desired by law, but it is being shown that they have purportedly reviewed my suspension order under the rules. Thus I am being kept under invalid suspension since 13-4-2003 due to maladministration. They are not paying me subsistence allowance regularly. Some times they do not pay it for years together.

The Rule 3 (1) and 3(8) of AIS (D&A) Rules, 1969 :

“3. Suspension.- (1) If, having regard to the circumstances in any case and, where articles of charge have been drawn up, the nature of the charges, the Government of a State or the Central Government, as the case may be, is satisfied that it is necessary or desirable to place

under suspension a member of the Service, against whom disciplinary proceedings are contemplated or are pending, that Government may-

3(1)(a) if the member of the Service is serving under that Government, pass an order placing him under suspension, or

3(1)(b) if the member of the Service is serving under another Government request that Government to place him under suspension, pending the conclusion of the disciplinary proceedings and the passing of the final order in the case.

3 (8)(a) An order of suspension made under this rule which has not been extended shall be valid for a period not exceeding ninety days and an order of suspension which has been extended shall remain valid for a further period not exceeding one hundred eighty days, at a time, unless revoked earlier.

3(8)(b) An order of suspension made or deemed to have been made or continued, shall be reviewed by the competent authority on the recommendations of the concerned Review Committee.

3(8)(c) The composition and functions of the Review Committees and the procedure to be followed by them shall be as specified in the Schedule annexed to these rules.

3(8)(d) The period of suspension under sub rule (1) may, on the recommendations of the concerned Review Committee, be extended for a further period not exceeding one hundred and eighty days at a time:

Provided that where no order has been passed under this clause, the order of suspension shall stand revoked with effect from the date of expiry of the order being reviewed.

2. After placing me under suspension on 13-1-2003, my suspension was extended for the first time by order dated 24-4-2003, i.e. after 101 days from suspension date. As per rule 3(8)(a), the first extension was statutorily required to be done before 13-4-2003 (within 90 days of suspension order). Because no extension of suspension was done in 90 days of suspension, as required by law, my suspension order stood revoked on 13th April 2003. But instead of issuing my reinstatement order after deemed-revocation, government on the contrary issued an extension order after 101 days. This act of administration was not only unreasonable, unjust, oppressive but also invalid and illegal.
3. Further, the government has extended my invalid/illegal suspension by order dated 8-10-2003 for 180 days. Sir, when the rules are so clear that this extension can not be granted until and unless the original suspension order has been extended within 90 days of issuance, still by abusing the power, I am being kept under

suspension without any authority, legality and validity. (Government order no. AFO 1301/CR 128 (Part III-B)/F-7, dated 18-6-2008 is annexed herewith as annexure A.)

4. I have been told that to keep me under suspension , some unauthorized persons acted as member of the review committee. If review committees' files are examined , one would find that even the then Forest secretaries, who can only be co-opted in review committee as per rules, has also acted member of the review committee in blatant violation of statutory Rules. As per rule 3(8)(c) committee should be as follows:

SCHEDULE

{see rule 3(8)(c) }

1. Composition of Review Committees:-

(b) A Review Committee constituted by the State Government shall consist-

(i) Chief Secretary - Chairman;

(ii) Senior most Additional Chief Secretary/Chairman, Board of Revenue/ Financial Commissioner or an officer of equivalent rank and status - Member;

(iii) Secretary, Department of Personnel in the State Government - Member Secretary.

Note:- (i) The Home Secretary/Director General (Police) of the concerned States may be coopted wherever a case concerning a member of the Indian Police Service is considered.

(ii) The Secretary Forest/Principal Chief Conservator of forest of the concerned state may be coopted wherever a case concerning a member of the Indian Forest Service is considered by the Committee.

5. Meanwhile, when I approached the then JT Secretary, R&FD, Mr Rajendra Mangrulkar, he demanded from me 10 (Ten) lacs of Rupees to put my case favourably before the government. He told me that **“Government does not take decisions on representations or Rules, but it takes decisions on note sheet written by department”**. He further told me that **till he is in-charge of F-7 desk (which deals in establishment matters of IFS officer), my case would be reviewed as per note sheet directed by him to be prepared; and not**

as per provision of the rules". Mr Mangrulakar dictated and forced the desk officers not to write actual provisions of law in the note sheet. Thus during his entire tenure, with the blessing of Mr Ashok Khot and Mr J.P.dange, who were Additional Chief Secretaries, Forests during the relevant period, Hon'ble Minister for Forests and Hon'ble Chief Minister were never informed of correct provisions of Rules and law. Thus both, Hon'ble Minister and Hon'ble Chief Minister have always approved the files presented by the above named officers after suppressing the material fact. It was a criminal conspiracy with corrupt motives. Since I could not pay him 10 lacs of rupees and Mangarulkar remained Joint Secretary in- charge of (F-7) for more than 5 years, I am being kept under invalid suspension. Mr Mangrulkar also ensured that I do not get my subsistence allowance in time.

6. Sir, as per law, if first extension was not done within 90 days of suspension and order is deemed revoked, then where is the authority of constituting a review committee in the law. And if further extensions are also not done within 180 days of earlier extension then also suspension is deemed revoked. Under which authority this review committee is formed ?
7. Thus , it is more than clear that the above named officers have abused their official position causing me undue harm and hardship. They have discharged their functions with improper and corrupt motives. it can also be seen that because of their maladministration coupled with corrupt motives, they are providing me sustained injustice and undue hardships.
8. Since by not placing correct facts, or by placing half truth before the Hon'ble Minister and Hon'ble Chief Minister , they have always obtained incorrect and invalid approvals in my said case. I can not go to the Hon'ble Central Administrative Tribunal against them for not releasing my subsistence allowance in time , because every time I go to CAT , lawyer's fee is around Rs 50000 for every single case. Moreover, this is not being done to me alone in the department.
9. These said officers know it very well that Central administrative Tribunal can not step into the shoes of executive, and re-appreciation of evidence can not be done by CAT. They knew it well that Hon'ble CAT can not give any relief to me, if decisions taken in the matter by Hon'ble Chief Minister are based on half truth and without the knowledge of rules, since these were never informed in the files by these said officers.

10. Similar cases are of Mr Ravendra Mohan Dayal, IFS, Mr Ashok Khadse IFS, Mr Pandav IFS, Mr SS Srivastava IFS. They all are being kept under invalid suspension for reasons best known to officials.
11. My last two illegal extensions of suspension orders have been done on 5-11-2007 and on 18-6-2008 for 180 days each. Thus further rendering my suspension order invalid, having not done in 180 days each. I have not received any extension order there after. But my last subsistence allowance authorization slip has been issued on 30-5-2009, which shows that probably my suspension has further been illegally extended from 4-3-2009. Copy of the said slip dated 30th may 2009 is also annexed herewith as annexure B.
12. It can be seen in the said authorization slip that on 30th may 2009, I have been authorized to get my subsistence allowance for a period of 10-9-2008 to 8-3-2009. I have not been paid any subsistence allowance for more than one and a half years, though my department knows it very well that my wife is suffering from cancer and under going extremely expensive treatment.

Prayer:

In light of above, it is requested to :

1. Kindly examine the related files of review of my suspension in light of provisions of law; and direct the government to take disciplinary proceedings against the guilty, for not providing correct provisions of rules to the Review committee, Hon'ble Minister, and Hon'ble Chief Minister because I could not pay Rs 10 lacs as bribe to Mr Rajendra Mangrulkar.
2. Government may please be recommended to issue my reinstatement order from the date it first became invalid so that an administrative justice could be given to me.
3. It is further requested to start an enquiry by ACB in the whole matter and against the assets of Mr Rajendra Mangrulkar.
4. The persons guilty of not providing me subsistence allowance during my continuous invalid suspension , should also be penalized suitably. Hence it is prayed that, if found guilty in the investigation, proper recommendation against them be made to the government for taking criminal and administrative action against them .

5. Kindly recommend to fix my salary as per amended AIS pay Rules, after 6th pay commission. Because I have already lost very substantial amount of money in interest on pay arrears, LTC, not-paid subsistence allowance etc.
6. Issue any other relief or order required to be made in the interest of justice.

A duly sworn in affidavit supporting the averments in the complaint is filled herewith.

Date: 29-10-2009

Signature of the Complainant

AFFIDAVIT

I, Navin Singh solemnly affirm that this is my name and signature and the contents of this affidavit are true.

I further solemnly affirm that what is stated in paragraph 1 is true to my personal knowledge and what is stated in the paragraphs 2 to 12 is true to my information and is believed to be true.

Date: 29-10-2009

Affiant

Place: Mumbai