

A Study of some Disciplinary Cases under MLO 9

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Executive Summary

The Constitution of Bangladesh provides for a group of persons who would be the public officers and in the service of the Republic. The Penal Code speaks of the term 'Public Servant' and the Civil procedure Code speaks of 'Public Officers'. The Bengali version of the Constitution speaks of the 'Govt. servant' which is also found in the case laws as well as other established rules. However, the term 'public servant' has a broader connotation than the term 'Govt. servant', the former being inclusive of the employees of all autonomous bodies and local Govt. institutions.

Art. 133 of the Bangladesh constitution provides that the appointment and conditions of the persons in the service of the Republic shall be regulated by the Acts of Parliament and until the Parliament frames such laws, these will be governed by the rules framed by the President. In fact, the Parliament in Bangladesh as well as the Parliament in erstwhile Pakistan framed only few laws on above and the rest are governed by the rules framed by the President. Even more, the conduct rules of the Govt. servants were framed by the Vice-president in 1979.

Art. 135 of the Constitution gives some safe-guards to the persons in the service of the Republic against arbitrary dismissal and removal. Under it, nobody should usually be punished without giving a reasonable opportunity of showing cause. In case of inflicting major punishment, the accused should also be served with a second show-cause notice.

But the problem arises when occasional coup takes away this fundamental principle of natural justice and a public servant is removed or dismissed arbitrarily. Such were the 303 case of President Ayub Khan, P.O. 9 of President Sheikh Mujibur Rahman and MLO 9 supplemented by MLO 131 of President General Ershad. Under MLO 9, CMLA could remove and dismiss any public official working in Govt., autonomous or semi-autonomous bodies and even local institutions. Under MLO 131 CMLA might also vary an earlier order.

The High Court Division while disposing a writ petition in the matter of Mahtabuddin Ahmed vs. state ruled that the president should create a forum for disposing of all review applications under MLO 9. On appeal, the Appellate division, however, opined that it could not be binding on Govt., but Govt. might take a cue. As a result, the Govt. formed a Review Forum on 12.10.91 and the Forum examined about 60 cases out of nearly 400 MLO 9 cases.

In the present study, the researchers were exposed to about twelve cases of highly classified nature out of which three cases were selected for study : one from a development department, one from a regulatory department and one from a service department. The objective was to see to what extent a public servant was given protection under law-to be dealt with in the due process of law.

In the first case, Mr. H. was an Assistant Director of Jute Production. He was charged for receiving money by giving informal receipt, granting illegal advance and taking unauthorised leave etc.

Mr. H denied all charges and disclaimed taking of any money with illegal receipt. An anti-corruption case was started against him. The court found no substance in the case and discharged him. He was later dismissed under MLO 9 although his signature in the main receipt was not verified by forensic test. The review forum later wanted to reinstate him on his job but he could not prove to have sent his review application to the former CMLA before the deadline in 1986.

In the second case Mr. P was an additional S.P. and was charged for having an affair with a minor girl. The S.P. put the girl to a hajat to make an inquiry. At the end of the third day, the additional S.P. managed to take her out of hajat at night, produced her before a magistrate, got a statement in his favour in his and the magistrate's presence, and also sent her to a remote district on the same night. He was dismissed from service under MLO 9, although he took the plea of abiding by the constitutional provision of producing an accused to the nearest magistrate within 24 hours. The Review forum also did not give him any relief.

In the third case, Mr. Z was the Executive officer of a Govt.^{owned} company. He was charged with corruption for illegal sale of a television, illegal purchase and sale of potatoes, irregular construction of a wall etc. Mr. Z denied all charges and showed that although he could not observe some financial rules and procedures,

his tenure was marked by the profit of the company as against the loss in the previous years. He was degraded to a lower position for which he made an appeal to the Secretary, Ministry of Commerce. But before his appeal was finally disposed of, he was compulsorily retired from service under MLO 9. The Review forum found merit in the case and recommended for his reinstatement.

By analysing the first case, the researchers found that two clear injustice were done to the accused-first, for not sending the first receipt for forensic test and second, for not re-instating him only for not being able to produce a postal receipt for his Review application.

In the second case, the researchers found that a police officer took the garb of protecting the legal right of a person to cover up his malafide actions. He did not deserve any sympathy. But it is also curious to note that nothing was done to the S.P. for keeping a minor girl in the hajat for over 3 days violating constitutional and legal provisions.

By analysing the third case it was found that the accused suffered double jeopardy for the same facts. Moreover, to turn a reduction in rank to a compulsory retirement was against the disciplinary rules. Moreover, in a commercial concern, there should be separate set of financial rules to ensure its profitability. Mr. Z, brought profits to the company but got punishment instead of reward.

It is found that the constitutional safeguards for the public servants are too inadequate to allow them to work without fear or favour, affectation or ill-will and to serve the nation instead of serving particular superiors and political parties. The public servants should be protected by Acts of parliament and the national accord in order to make them more effective in the discharge of their responsibilities.

Introduction

Background :

The Constitution of the people's Republic of Bangladesh has termed a group of people as 'in the service of the Republic' and as 'public officers'. 'Public Officer' means a person holding or acting in any office of emolument in the service of the Republic¹. It further provides that every person in the service of the Republic has a duty to strive at all times to serve the people².

More usually, however, a term 'public servant' is in use, which is a broader term than 'Govt. servant' and includes the employees of all autonomous bodies, corporations and local bodies. The Penal Code defines a public servant as follows³:

First - (Omitted);

Second - Every Commissioned Officer in the Military, Naval or Air Forces of Bangladesh;

Third - Every Judge including any person empowered by any law to perform, whether by himself or as a member of anybody of persons, any adjudicatory function;

Fourth - Every officer of a Court of Justice whose duty it is, as such officer, to investigate or report or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court; and every person specially authorized by a Court of Justice to perform any of such duties;

¹ The Constitution. Art. 152

² Ibid., Art. 21(2)

³ Section 21 of the Penal Code 1860 as amended upto date.

Fifth - Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant;

Sixth - Every arbitrator or other person to whom any case or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

Seventh - Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eight - Every officer of the Government whose duty it is as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Ninth - Every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interest of the Government;

Tenth- Every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

Eleventh - Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

Autonomous bodies, corporations and local bodies frame their own rules for hire and fire as well as for discipline of their employees. On the other hand, the Constitution provides as follows for the persons in the service of the republic⁴.

Subject to the provisions of this Constitution Parliament may by law regulate the appointment and conditions of service of persons in the service of the Republic :

provided that it shall be competent for the president to make rules regulating the appointment and the conditions of service of such persons until provision in that behalf is made by or under any law, and rules so made shall have effect subject to the provisions of any such law.

In fact, however, few laws have been made by the parliament to regulate the appointment and conditions of service of persons in the service of the Republic either in the Pakistan period or in the Bangladesh period, and mostly these are framed by the president. (Sometime before even by the Vice President e.g., Govt. Servants' (conduct) Rules 1979). In Bangladesh, we find few laws passed by the parliament like Public Servants Retirement Act, Services Re-organization Act and Public Servants (Special Provisions) Act⁴. The over-

⁴ The Constitution, Art. 133.

whelming majority conditions of service of persons in the service of the Republic e.g. Recruitment Rules, Discipline Rules etc. are still framed by the President (After 12th Amendment of the Constitution on the advice of the Prime Minister). However, this is not generally grudged as long as it is in accordance with the constitutional guarantees for the persons in the service of the Republic.

The constitution reads as follows⁵;

(1) No person who holds any civil post in the service of the Republic shall be dismissed or removed or reduced in rank by an authority subordinate to that by which he was appointed.

(2) No such person shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause why that action should not be taken ;

Provided that this clause shall not apply -

- (i) Where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction of a criminal offence; or
- (ii) Where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that, for a reason recorded by that authority in writing, it is not reasonably practicable to give that person an opportunity of showing cause; or
- (iii) Where the President is satisfied that in the interests of the security of the State it is not expedient to give that person such an opportunity.

⁵The Constitution, Art. 135.

(3) If in respect of such a person the question arises whether it is reasonably practicable to give him an opportunity to show cause in accordance with clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.

(4) Where a person is employed in the service of the Republic under a written contract and that contract is terminated by due notice in accordance with its terms, he shall not, by reason thereof, be regarded as removed from office for the purposes of this article.

But the problem arises when the constitutional safeguards are not there, because of their absence, abrogations or suspension. The 303 matter during Ayub regime in Pakistan, P.O. 9 of President Shaikh Mujibur Rahman in Bangladesh and MLO 9 of Chief Martial Law Administrator General Ershad were such examples.

By the Proclamation of March 24, 1982 General Ershad suspended the constitution. Some provisions of the proclamation were as follows⁶;

১৯৮২ সালের ২৪শে মার্চ, বুধবার সকালে যে সকল আইন, অধ্যাদেশ, প্রেসিডেন্টের আদেশ ও অন্যান্য আদেশ, বিধি, উপ-বিধি, বিজ্ঞপ্তিও এবং অন্যান্য আইনানুগ বিধি নিষেধ চালু ছিল তাহা রদ, বাতিল কিংবা সংশোধিত না হইলে বলবৎ থাকিবে। প্রধান বিচারপতিসহ সুপ্রিম কোর্টের বিচারপতিগণ, এটর্নী জেনারেল, প্রধান নির্বাচন কমিশনার, নির্বাচন কমিশনার অথবা কমিশনারগণ, পাবলিক সার্ভিস কমিশনের চেয়ারম্যান ও সদস্যগণ কম্পট্রোলার ও অডিটর জেনারেল এবং অন্যান্য যাহারা প্রজাতন্ত্রের চাকরীতে নিযুক্ত আছেন তাহাদের কাজ অব্যাহত থাকিবে। অস্থগিত রাখা সংবিধানের ১০২ অনুচ্ছেদ হইতে উদ্ভূত এবং উহার সহিত সম্পর্কিত সকল রীট আবেদনের শুনানি অস্থগিত থাকিবে।

⁶ The Proclamation dated March 24, 1982, para 'Cha' & 'Ga' vide the Daily Ittefaq dt. 25.3.82, P. 1,8.

এই ঘোষণা অথবা কোন সামরিক আইন বিধি অথবা আদেশ অথবা উক্ত বিধি অনুযায়ী আমার দ্বারা জারিকৃত অন্যান্য আদেশ, অথবা এই ঘোষণা অনুযায়ী কিংবা এই ঘোষণা দ্বারা জারিকৃত কোন আদেশ অথবা আদেশ করা হইয়াছে বলিয়া এই ঘোষণায় উল্লেখিত, অথবা এই ঘোষণা দ্বারা কিংবা ইহার অধীনে কৃত কোন কাজ কিংবা ব্যবস্থা অথবা কোন কাজ করা হইয়াছে বলিয়া এই ঘোষণায় উল্লেখিত, অথবা সামরিক আইনের কোন বিধি কিংবা আদেশ কিংবা এই ঘোষণা অনুযায়ী আমার দ্বারা জারিকৃত কোন আদেশ অনুসারে কোন কাজ কিংবা ব্যবস্থা গ্রহণ করা হইলে সুপ্রিম কোর্ট, কিংবা ট্রাইব্যুনাল কিংবা কোন কর্তৃপক্ষই কোন আদালতই কোনভাবে সে সম্পর্কে কোন প্রশ্ন তুলিতে পারিবে না কিংবা ইহাকে বেআইনী কিংবা অনর্থক ঘোষণা করার ক্ষমতা তাহাদের থাকিবে না।

Soon after, the Martial Law Order No. 1 made the following provision⁷:

- (1) Appointments of persons in the service of the republic and conditions of service of such persons shall be regulated by law.
- (2) No consultation with the Supreme Court shall be necessary in respect of any matter relating to appointment of persons to offices, and control or discipline of persons employed in the judicial service.
- (3) All persons who, immediately before this proclamation, were in the service of the Republic shall continue in that service on the same terms and conditions as were applicable to them immediately before this proclamation.

Provided that any such person may be retired from service by the Chief Martial Law Administrator or his appointing authority at any time after he has completed twenty five years of service without assigning any reason.

⁷ The Proclamation Order No. 1 of 1982, Schedule, Para 8, vide The Bangladesh Times dt. 12.4.82, p 1/6

More specifically, Martial Law Order 9 was promulgated on the 6th April 1982 for screening the public servants which was again amended by MLO 131 on the 7th July, 1986⁸. It was a serious blow on the security, neutrality and morale of the public servants which was issued under the proclamation of the 24th March, 1982. Notwithstanding anything contained in any other law, it empowered the Chief Martial Law Administrator to remove any person appointed or employed by or serving under the Govt. or a corporation, organization, body, authority or an institution established by the Govt. or constituted under any law including nationalized enterprises without assigning any reason, if he is of opinion that such removal was necessary in the interest of the Govt. or the institution concerned.

This was a measure which was against the basic principle of the Rule of Law which states that nobody is punishable either in body or in goods except for a distinct breach of law proved in an ordinary manner in an ordinary court of law. Besides, it made the public employees subservient to the political and arbitrary will of the Head of the Govt.

M.L.O-9 further provided that no claim, suit or legal proceeding should lie against the Govt. or the relevant organization

⁸ Vide The Bangladesh Gazette Extraordinary dated April 6, 1982, P.733 and July 13, 1986, P. 8457 respectively.

for such removal or action. It further explained the term removal to include dismissal, retirement, release, discharge and termination of contract of service.

Thus, the law was not only arbitrary but also it indemnified the authority which exercised the power under MLO-9. True, different constitutions of the world provide that the persons in the service of the Republic would work during the pleasure of the President Head of state. But many case laws are found to explain that such pleasure or discretion cannot be arbitrary and must invariably invoke the rule of law under reign of law. This was totally absent under MLO-9.

Even more, the amendment of MLO-9 made by MLO-131 stated that the CMLA might on application or suo moto review, confirm, vary, amend or rescind such order and it was made effective from the 6th day of April, 1982--the date of the issue of the MLO-9.

Under the second order, the CMLA could vary the earlier decisions from time to time but such variation was not always for the better--sometimes it was also for the worse. Sometimes, a reduction-in-rank was turned into discharge, and sometimes discharge into dismissal. It was alleged that hardly the accused was given the adequate opportunity to put forward his point of view or excuses.

Objective of the Study

For any Govt., a troop of faithful, active and motivated public servants are necessary. In spite of the constitutional and legal guarantees, some occasional coup on the rights and privileges shatters their morale to serve for the country. MLO-9 was an example of this nature.

The objective of this study was, therefore, to find out the methods in respect of the applicability of this Martial Law Order and to assess its legality and justifiability from the stand point of Rule of Law, justice and equity. A public servant should not be treated as personal or domestic servant. There is no master-servant relationship between the Government and public servants. The political boss, the superior officers and the subordinate officers or staff are but the partners in the service to the people and the welfare of the teeming million.

Hence this case-study is made in context of MLO 9 with the following specific objectives :

- a) Are there proper constitutioned or legal guarantees for a public servant to work with neutrality and honesty?
- b) Do the public servants get adequate opportunity to place their points when they are accused or convicted?
- c) When accused, is the case of a public servant decided speedily ?
- d) How does the activities of informal groups influence personnel administration?

Scope of the Study

The Study is some case collections and analysis under M.L.O 9. Three cases were selected covering a development department, a regulatory department and a service department. The study includes the case in brief, the charges brought against the accused, procedure of

appointing Inquiry Officer, the defence in brief, presentation of papers to the decision-makers and the ultimate decision or the decision in the process, including the petition to and procedure of the review committee.

Mr. H. was an Assistant Director under the M/O Agriculture and was charged for giving informal receipt for accepting official money and misappropriation of the same. In addition, he was charged with granting illegal advance and making illegal official trips.

Mr. P. was a Police Officer of 'X' district. He was charged with moral turpitude, exerting undue influence for getting false statement, and doing illegal things in the garb of abiding law.

Mr. Z was an Executive Officer under the Ministry of Commerce and was charged with misconduct and corruption in discharge of his professional duties.

Limitation of the study

The study had the following limitations :

a) The cases searched into were highly classified (secret) ones. None of them could be approached without the authorization of the high authority in the ministry and without great many efforts. Moreover, the researchers were instructed to observe high caution to report the cases so that identify and other classified matters might not be disclosed.

b) Some of the relevant highly classified documents were not made available to the researchers e.g. report of the Intelligence branch, National Security Intelligence (NSI) report, Forces

Intelligence (DGFI) report, Bureau of Anti-Corruption report etc. Similarly, the researchers were not given any chance to sit with the Review Forum Proceedings of the on-going cases, because of the restrictive nature of procedure.

c) The researchers restrained themselves to the study of 'audi alteram partem' aspect without involving themselves in separate judicial pronouncement-like statement, because it was not within their competence to do so.

Methodology

Nature of research :

This is a case study type research, mainly based on secondary sources of information.

Population :

All the discharged/dismissed Govt. officers under Martial Law Order 9, 1982, ^{and reviewed by the Forum} were the population of this study. Although the exact number could not be made available to the researchers, it was around sixty.

Sampling :

For understanding the case study, three cases were considered. All these cases were selected purposively.

Process of Sampling :

The researchers tried to review all the available discharged/dismissed cases under Martial Law Order 9, 1982. The records of the following twelve(12) officers were made available to them :

- i) Mr. 'H'
Assistant Director (Jute Production)
Zone 'X'
Ministry of Agriculture and Forests.
- ii) Mr. 'G'
Upazila Nirbahi Officer, District 'N'
- iii) Mr. 'V'
Assistant Secretary
Ministry of Works, Dhaka.
- iv) Mr. 'Z'
Administrator
M/S.E.....& Company Limited
Ministry of Commerce.
- v) Mr. 'K'
Deputy Secretary
Ministry of Health and Family Welfare.
- vi) Mr. 'M'
Deputy Secretary
Ministry of Establishment.
- vii) Mr. 'A'
Deputy Secretary
Ministry of Home.
- viii) Mr. 'K'
Addl. District Magistrate.
- ix) Mr. 'P'
Additional Superintendent of Police
District 'M'
- x) Mr. 'D'
Assistant Commissioner
District 'M'.
- xi) Mr. 'B'
Assistant Controller
Directorate of Forms and Publication.

- xii) Mr. 'F'
(Ex) Circle Officer (Dev.)
District 'M'.

While the researchers reviewed the records it was found that many necessary papers and documents of the discharged/dismissed officers were not available. While the sampling was undertaken, the researchers kept in mind the following aspects :

- i) Availability of necessary or maximum papers and documents.
- ii) Whether the case had been reviewed by the forum.
- iii) Different types of cases.
- iv) Different types of organisations e.g. development department, regulatory department, service department.

Considering the above aspects the cases of the three officers (i.e., i, iv, ix) were undertaken: one case under M/O Agriculture, one case under M/O Home Affairs, and one case under M/O Commerce.

Techniques of data/information collection :

The following techniques of data collection have been used in this study :

- i) Review of Records
The files and records of the concerned three victims were thoroughly reviewed.
- ii) Interview with the concerned officers
The dealing officers of the concerned ministries/ departments were interviewed to collect information about the cases. In addition the relevant officers of the Ministry of Establishment, M/O Law etc. were also consulted.
- iii) Interview with the Accused
Where possible, the accused was also interviewed in order to get his point of view.

Data collectors and data collection period :

All the data and information were collected by the researchers themselves. Data/information collection took place from June 1992 to December 31, 1992.

Organization of the Report

Chapter 1 is the Introductory chapter. It consists of the background, objective, scope, limitation and Methodology of the study.

Chapter 2 describes and analyses the case of a development department.

Chapter 3 describes and analyses the case of a regulatory department.

Chapter 4 describes and analyses the case of a service department.

Chapter 5 is the concluding chapter. It includes the findings and recommendations.

Chapter 2

Case No 1

Case in brief

Mr. 'H' was Assistant Director, Jute Production (J.P.), previously under the M/O Agriculture. During his incumbency as Assistant Director, Jute Production, 'B' Zone, Mr. 'H' was placed under suspension by order No. ext-1/conf-3/82/203 dated 17.3.82 of the Ministry of Agriculture and Forests with the decision to start a departmental proceeding against him in due course. Subsequently, a departmental proceeding was drawn against Mr. 'H' ex-Assistant Director (JP) under Govt. Servants' (Discipline and Appeal) Rules, 1976 under memo no Agri 1/conf-3/82/185 dated 23.2.83 of M/O Agri and Forests. A Committee enquired into the charges against him and submitted report to the authority. Authority, however, did not proceed further against him under the (Discipline and Appeal) Rules, 1976. The President and the Chief Martial Law Administrator dismissed Mr. 'H' from service under M.L.O 9 vide order containing memo No. Agri/Sa-1/Secdt-14/85/677 dated 23.8.86.

Defence in brief:

Mr. 'H' ex-Asstt. Director (JP) denied all the charges of corruption brought against him. According to his submission, he was a victim of conspiracy plotted by some of his subordinate officers and staff who were charged for corruption by Mr. 'H'.

Charge brought against Mr. 'H':

1. Mr. 'H' ex-Asstt. Director received Tk. 70,000/- from Mr. 'S', J.E.O. by giving informal receipt and misappropriated the same money which was recoveries of loan granted to the jute growers.

2. He granted advance of Tk. 17,860/- from Government cash to Mr. 'S' JEO, Mr. 'M' JEO, Mr. 'A' Driver and Mr. 'T' of Zone. The money was not adjusted and he was responsible for it.

3. During his incumbency, he purchased for use in the office of Zone/^Gsome furniture worth Tk. 31,164/- through tender from M/S B (Private) Ltd. An amount of Tk. 9,864/- was not paid to the firm and he was responsible for it.

4. He did not deposit Tk. 14,527/- in the Bank while serving in Zone/^Bin 1979 and the recoveries of loan money for rape seeds were not deposited by him and he was responsible for it.

5. While he was serving in Zone he received recoveries of loan money amounting to Tk. 100,000/- for his own purpose from some officers and misappropriated the same.

6. While he was serving in Zone/^B, he assisted Mr. 'R' to misappropriate Govt. money amounting to Tk. 40,258/- and he (Mr. H) received Tk. 20,000/- through Mr. 'K' and thus he mis-appropriated Govt. money amounting to Tk. 2,21,947/60.

7. During his service in Zone/^Ghe assisted Mr. 'N' to misappropriate Govt. money amounting to Tk. 2,80,640/- and he himself misappropriated some amount of the money. He assisted Mr. 'N' to receive Tk. 33,500/- from S Unit.

8. He nominated Mr. 'K' J.E.O. a diploma certificate holder, for overseas training.

9. Mr. 'H' established an unit office of Sadar without taking any permission from Director (J.P.) and certificate from P.W.D. and thereby made opportunity for Mr. 'K' to work staying at his home.

10. He used to send Mr. 'U' frequently to Dhaka and other places for his personal purpose and not for official work and thereby gave him an opportunity to draw good amount of money as travelling allowances from Govt. fund. He granted an advance of Tk. 11,478/- to Mr. 'U' in order to purchase a radio for a Samity. Mr. 'U' did not purchase the radio, but misappropriated the money.

11. During his incumbency in/^GZone Mr. 'H' wrote a chart book himself, misused his power and managed to sell the books each of worth paisa 70/80 at Tk. 5/- each to the growers through Jute Extension Officers at the time of disbursement of loan money and created pressure upon J.E.Os & J.E.As, G Zone and thereby received an amount of Tk. 50,000/- to Tk. 60,000/- illegally. He set up a rice mill at/^Swith the money received as above.

12. He left HQ and stayed at his home at from 23rd Dec. 81 to 1st Jan. 82 unauthorisedly. He influenced the Jute growers society to shift Zonal H.Q. at/^Sfrom place B.

13. While serving in B Zone by misuse of power he received recoveries of loan money amounting to Tk. 100,000/- from some officers of that zone and misappropriated the same.

Statement of allegations:

Statement of allegations against Mr. H. was as charges above.

Appointment of Inquiry Officer:

Ministry of Agriculture and Forests vide order No. Ag-1/conf-3/82/184 dated 23.2.83 appointed Mr. 'Y' , an (O.S.D) Establishment Division as Inquiry Officer under rule 7(2) and 10 of the Government Servants (Discipline and Appeal) Rules, 1976 and charges were framed against Mr. 'H' under rule 3(b) and 3(c) of the same rule for misconduct and corruption asking him to submit his statement before I.O. as to why he should not be dismissed or otherwise suitably punished and also to state whether he intended to be heard in person.

Submission of written statement by Mr. 'H'

Mr. 'H' ex-Asstt. Director (J.P.) , being asked to show cause, submitted a written statement on 5.3.83 to the I.O. in his defence. He denied the charges brought against him. He submitted following contentions in his written statement of defence :

1) He never received money from Mr. 'S' , J.E.O. G Zone with receipt or without receipt and the allegations against him were false, baseless, concocted and fabricated.

2) He granted no advance personally and illegally to Mr. 'S' JEO, Mr. 'M' JEO, Mr. 'A' driver from Govt. cash. He submitted that nobody named Mr. 'T' served in ^G Zone. The allegation brought against him was false and fabricated.

3. The whole amount was duly paid to M/S B (Prvt.) limited through Cashier within 30th June, 1980, The allegation brought against him was false, baseless and concocted.

4. The money of rape seed loan recovered in 1979 was duly deposited in the Bank in accordance with the rule and he was not liable for it.

5. During his incumbency in ^B Zone, he did not receive money from anybody and so the allegation in respect of receiving Tk. 100,000/- should not arise. The allegations was false, baseless and brought with malafied intention.

6. During his incumbency in B Zone he did not assist Mr. 'R' to misappropriate Govt. money and did not receive money through Mr. 'K' JEO and so the allegation brought against him was false, baseless, and concocted.

7. During his incumbency in G Zone, he did not assist Mr. 'N', JEO to misappropriate Govt. money and he himself did not misappropriate money. He did not assist Mr. 'N' to receive any money from unit. He did not violate Govt. rule in nominating Mr. 'K' for overseas training. He did not accord any permission to hire a house for official purpose in violation of Govt. rule. He did not make any opportunity for Mr. 'K' to work staying at his home. He never engaged Mr. 'U' JEA for his own purpose and he was not sent anywhere without official purpose and he (Mr. 'U') was not granted any excess T.A. No opportunity was made for Mr. 'U' to misappropriate Govt. money.

8. He sold the books at appropriate price. The jute growers spontaneously purchased the books. The allegation of creating pressure for selling the books and spending the sale proceeds received thereby in setting up a rice mill at his own place at S was false, baseless and brought with malafide intention.

9. Since the Zone consisted of both a district and another subdivision, he performed journey in some units of S subdivision on official duty according to Govt. rule from 23.12.81 to 26.12.81 and since 27.12.81 was a holiday, he enjoyed casual leave from 28.12.81 to 31.12.81. So the allegation of staying at his home was false, baseless and brought with a ill-motive.

10. During his incumbency in B Zone he did not receive even a single coin for his own purpose from the recoveries of loan disbursed and so the question of receiving Tk. 100,000/- could not arise. The allegation was false, baseless and brought with ill motive.

Mr. 'H' also added in his statement of defence the following points for information and sympathetic consideration of the authority.

a) The allegation on the basis of which the charges were framed was totally false, concocted, fake, baseless, fabricated and brought with malice and the allegation was the result of a conspiracy.

b) The allegation was brought on imaginary thoughts, and the charges were not framed according to rule as mentioned in order No.R-iii/15-5/70/81 dated 17.01.70 of Regulation Branch, Section (iii). The authority did not follow any rule in the above order and hence no charge could stand.

c) It was violation of service rule to take disciplinary action against a class-1 officer on the basis of such baseless information and he had been deprived of justice for taking action against him.

d) Mr. 'H' submitted the attested copies of his applications written on 23.01.83 and 3.2.83 addressed to the Secretary M/O Agriculture and Forest and application dated 30.4.81 addressed to the Director, Agri(J.P.) enclosed with written statement requesting I.O. to consider the contents of the attested copies as his statements.

e) During his incumbency in G Zone, some person being failed to frighten him and his family members by throwing crackers through ventilator at dead of night and by harassment in several ways, at last committed dacoity in his house. The allegations against him were brought out of conspiracy and he would explain the same at the time of hearing.

Under the above circumstances Mr. 'H' prayed and requested I.O. to call for and examine the related documents regarding the allegations and also to examine witnesses to extend proper justice so that he could be reinstated with full pay and status from the date of suspension.

Revised statement of Allegations

Statement of allegations was revised and signed by the Secretary Ministry of Agriculture and Forest in continuation of previous statement of allegations. The revised statement of allegations was

communicated to Mr. 'H' vide memo No. Agri-1/conf-3/82/433 dated 4th May, 1983. Revised statement was prepared on the ground that some amount of money which was advanced by Mr. 'H' was realised after the charges framed previously and also on the ground that the misappropriated amount stood less subsequently.

Reappointment of I.O.

Mr. 'Y' on his leave preparatory to retirement sent back the connected papers of the case to Ministry of Establishment. The case was again taken up. An enquiry committee was formed consisting of 3(three) members namely. Mr. 'X' Addl. Director Agriculture Extension, Chairman of the Committee, Mr. 'O' R.D, Agriculture, member. (3) Mr. L. Joint Director Agriculture, member. The committee was requested to enquire into the allegations brought against Mr. 'H' and submit report within 1(one) month. Copy of the order containing memo No. Ag/M.1/conf-3/82/580 dated 25.8.84 was also communicated to Mr. 'H' for information and necessary action. Charges alongwith statement of allegations were sent to Mr. 'X' and Mr. 'H' for information and necessary action.

Summary prepared by the Secretary, Ministry of Agriculture.

A Summary of the case of Mr. 'H' was prepared by the Ministry of Agriculture. Secretary forwarded the same for decision on 20.5.86 to the Minister who was pleased to forward the same to the President and the Chief Martial Law Administrator on 24.5.86. In the summary it was contained that the enquiry Committee submitted

report on 28.2.85. After examination of the related papers, Secretary, Ministry of Agriculture opined that 9(nine) charges out of total 10(ten) about misappropriation and illegality by the accused officer had been proved.

Anticorruption officer, B lodged a case to the P.S. against Mr. 'H' and it was under investigation.

Ministry of Establishment framed new Discipline and Appeal Rules, 1984 on 19.7.84 and circulated the amended Rule. As per provision laid down under rule 7 (ii) of the said Rule, if final decision in a proceeding could not be taken within 150 working days from the date of suspension/Charges the accused officer would stand discharged of the charges. Final decision in this proceeding could not be taken within 150 days from the date of communicating the charges to the delinquent officer and for this reason no particular person was alone responsible. The enquiry committee was constituted before circulation of the amendment of Discipline and Appeal Rules 1984 on 19.7.84. Ministry of Law and Justice was requested to give opinion about the dismissal of the accused officer under the provisions of M.L.O 9. Ministry of Law and Justice opined that the accused officer could not be punished by any other law except under the provisions of Government Servants (discipline and appeal) rules, 1984 and it would not be lawful to remove Mr. 'H' from service on the basis of charges brought under Government servants(Discipline and Appeal) Rules, but the Ministry of Agriculture considered it necessary that whereas

charges of corruption and other allegations had been proved, so it would not be justified to retain him in service. In the circumstances proposal for removal of Mr. 'H' was forwarded to the president and the Chief Martial Law Administrator who dismissed Mr. 'H' from service on 9.7.86. The order was communicated to Mr. 'H' under memo No. Agri/Sa-1/Sectt-14/85/677 dated 23.8.86.

Review petition submitted by Mr. 'H' ex-Asstt. Director to the president.

Being dismissed from service Mr. 'H' submitted a petition for review of the dismissal order and for reinstatement in service mentioning the following grounds amongst others:-

1) Mr. 'Y' Inquiry officer submitted a report without taking into consideration the documents submitted by him (Mr. 'H') and suppressed truth.

2) Mr. 'H' initiated action against his officers and staff who misappropriated government money. These officers and staff created a forged receipt of Tk 100,000/- and on the basis of such forged receipt, the authority placed him under suspension without examining the receipt. During/enquiry Mr. 'K' did not examine the receipt which was a forged one and submitted his report.

3) Mr. 'Y' submitted a malicious report against Mr. 'H' to save his brother-in-law who actually misappropriated the money.

4) Mr. 'Y' was biased in submitting the report on the basis of forged receipt of Tk. 100,000/- which was proved false from the statements of 6(six) persons whose names were mentioned in the receipt.

5) 5) During enquiry though it was revealed that cashier Mr. 'V' misappropriated Tk. 2000/- , Mr. 'Y' did not ask Mr. 'V' to appear before him with intent to give him opportunity to retain Mr. 'V' in service and for the sake of personal interest and bias he submitted a report against Mr. 'H'.

6) Though charges brought under allegation No. 5 and 6 were proved false and void for absence of Mr. 'R' during inquiry, Mr. 'Y' submitted a report against the accused with ill motive.

7) Though Mr. 'N' admitted his guilt and proved the allegation false, the Inquiry officer considered it true and submitted a report against Mr. 'H'.

8) Mr. 'H' had been deprived of getting copies of the report and from legal right to place his submission on the report.

9) As per provision of sec 7(ii) Discipline and Appeal Rules, he (Mr. 'H') would stand discharged of the charges brought against him, and yet he had been deprived of the remedies as provided by law and was dismissed under Martial Law.

On the above grounds the report of Mr. 'X' being biased, was not acceptable and proposal for punishment on such a report was also not acceptable.

On the above grounds Mr. 'H' prayed to the president to review the order of dismissal to reinstate him in service.

Documents submitted by Mr. 'H'

Mr. 'H' submitted the following documents for consideration:-

- 1) His written statement of defence.
- 2) Copy of report of the I.O. of the criminal case No. 43(9)84 u/s.409 prp. c. and u.s .5(2) of Anti-corruption Act Lodged against him.
- 3) Copy of order passed in MLTR case No. 10/82, State vs. Nurul Islam s/o . Saifullah Mondol of Dourpara, P.S. Gabtali, District. Bogra, ex-Jute extension officer and others.
- 4) Copy of petition addressed to the president for review of the case and reinstatement in service.
- 5) Nomination order of officer for overseas training.
- 6) Opinion with recommendation of Director General, Agriculture Extension for reinstatement of Mr. 'H'.
- 7) Copy of suspension order of Mr. 'Q' J.S.O, passed by Mr. 'H' on 24.9.81. regarding misappropriation of money by Mr. 'Q', J.S.O. S -2.
- 8) Copy of the show cause notice issued to Mr. 'H' for misappropriation of money amounting to Tk. 32,369/- by Mr. 'R' J.E.O.,

9) Copy of the order appointing Mr. 'O' to cause inquiry in the matter of Mr. 'K', J.E.O. who did not deposit recoveries of the loan money amounting Tk. 1,10,300/-.

10) Copy of Memo addressed to Mr. 'P' , Director Agriculture in charge (J.P.P.) Dhaka with a request to transfer Mr. 'K' J.E.O. from to Dinajpur issued by Mr. 'H'.

11) Copy of the show-cause notice upon Mr. 'K' for mis-appropriation of money amounting to Tk. 1,10,300/-.

12) Photo copy of an order regarding/for transfer of Mr. 'B' J.E.O., Mr. 'K' and Mr. 'W'.

13) Copy of transfer order of Mr. 'U', J.E.O. and Mr. 'E', J.E.O. issued by Mr. 'H', AD(JP).

14) Copy of a letter addressed to police Super, fm B for taking personal security measure for Mr. 'H'.

15) Copy of some receipts and vouchers.

Later Development

An anti-corruption case was started at the Upazila Magistrate's court. On perusal of the investigation report of Anti Corruption Department and order of the learned Upazila Magistrate, it was inter alia, found that no sanction of the Government to start case against Mr. 'H' was submitted in the court. Learned Magistrate took this into consideration and discharged Mr. 'H' from the case.

Persuing the copy of the MLTR case it was found that Mr. 'N' and Mr. J' were convicted by the Summary Martial Law Court, R to suffer rigorous imprisonment and also to pay fine.

On perusal of a summary in respect of the departmental proceeding brought against Mr. 'H', it was found that D.G. Agriculture Extention, Dhaka held the opinion that Mr. 'H' was victim of circumstances, and in the result of a conspiracy of the corrupt subordinate officers and staff he was victimised and ultimately dismissed from service, and the proceeding needed to be set aside and the review petition for reinstatement in service submitted to the president could be considered with sympathy.

D.G. Agriculture Extension recommended that Mr. 'H' was an honest, hard working and efficient officer. Mr. 'H' had been deprived of justice, for action was not taken as per provision of law in force. Court of Law discharged him from the criminal case. In consideration of the above facts and circumstances Mr. 'H' could be reinstated in service.

Decision by the Review Forum

The Review Forum sat on 21.5.92 and considered the case against Mr. 'H' as baseless. He deserved to be reinstated if he had submitted the Review petition to the President & CMLA before 10.11.86 as per Circular dt. 12.10.91. Mr. H. claimed to have sent the petition to CMLA on 18.9.86 by Registered post, but lost the receipt by so many years. The post office could not help him. So after years of efforts. Mr. H has remained jobless and in misery.

Chapter 3

Case No. 2

Case in Brief

Mr. 'P' was Addl. S.P. of District M. During his incumbency as Addl. S.P., he attempted to outrage the modesty of his maid servant Miss. 'Q' on 4.01.81 and 5.01.81 at about 00.30 hours. Later, he managed to send her away from the Thana hajat against the orders of S.P. Subsequently a departmental proceeding under rule 3(b) of the Govt. servants (Discipline and Appeal) Rules, 1976 was drawn against him under order No. P10c-8/81(1) M.H.A(Police-1) dt. 6.7.82 of the Ministry of Home Affairs.

Defence in Brief

Mr. 'P' denied the charges levelled against him. According to him charges were brought out of ill motive and malafide intention.

Charges were as follows:

a) During his incumbency as Addl. S.P.(HQ), M district Mr. 'P' attempted to outrage the modesty of his maid servant Miss. 'Q' during the absence of his wife and other members his family from his residence.

b) Mr. 'P' illegally managed with the assistance of Mr. 'H' Inspector, C.I.D. to bring out the said maid servant from K Thana building on 17.1.81 at about 21 hrs wherein she was kept in safe custody for an inquiry to be held by the S.P., M and exerted undue influence upon her for getting her false statement before a Magistrate, 1st class, (in presence of the Addl. S.P.) on the same night.

c) Mr. 'P' arranged to send the said maid servant to her Fupa at a remote district on the same night.

d) Mr. 'P' by his aforesaid acts displayed conduct prejudicial to good order, service discipline, and unbecoming an officer amounting to misconduct within the meaning of rule 2(c) of the Govt. Servants (Discipline and Appeal) Rules, 1976.

Statement of Allegation

Statement of allegation on which the above charges were based are below :-

a) During his incumbency as Addl. S.P. (HQ), Mr. 'P' attempted to outrage the modesty of his maid servant Miss. 'Q' at his residence at about 00.30 hours on 4.1.81 and 5.1.81 by catching and pulling her by hand for immoral purpose during the absence of his family from his residence.

b) During his incumbency as Addl. S.P. (HQ). M Mr. 'P' with a view to creating false defence to escape disciplinary action for his offence involving moral turpitude, alongwith Mr. 'H' Inspector, C.I.D. took out the said maid servant from Kotwali Thana building on 17.1.81 at about 21.00 hrs. where she was kept by the S.P., M in safe custody for her examination by the S.P. and exerted undue influence upon her and ultimately succeeded in getting a forced untrue statement from her which was recorded by a Magistrate, First class in presence of him (The Additional S.P.) . He, thereafter,

arranged to send Miss 'Q' to her Fupa (uncle) to a remote district. Mr. 'P' Addl.S.P. concealed the said statement.

Appointment of Inquiry Officer

Ministry of Home Affairs appointed Mr. 'R' , Deputy Secretary as I.O. under Rule 10(1) of the Government servants (Discipline and Appeal) Rules, 1976 with request to inquire into the matter and submit report thereon. Copy of charges alongwith the statement of allegation was communicated to Mr. 'P' for information and use in the proceeding asking him to show cause as to why he should not be dismissed from service or otherwise suitably punished under the said Rules. He was also directed to submit a written statement and to state whether he desired to be heard in person or adduce evidence, if any, in his defence. Being appointed as I.O. Mr. 'R' caused service of notice upon Mr. 'P' under Memo No. 31/82-D.S.-2(Enq)/128 (2)12 dated 13.9.82 asking Mr. 'P' to appear before him with necessary papers and adduce evidence if any.

Submission of Mr. 'P'

Mr. 'P' appeared before the I.O. on 13.9.82 and put forth his submission denying the charges against him. His contentions were as follows :-

1) Regarding outraging of modesty;

Mr. 'P' submitted that he was on duty outside the HQ and continued till 3.00 hrs. in the night of 4.1.81. He submitted copy of his tour diary to D.I.G. The tour diary was duly forwarded by the S.P. He stated that his orderly

constable Mr. 'S' developed illicit connection with his maid servant Miss. 'Q' and the said constable enticed away 'Q' from his residence in the night of 4.1.81 and induced her to marry him. The then S.P. brought charges against Mr. 'S' in which he admitted his guilt. Mr. 'P' submitted that his ailing wife as well as his father and mother-in-laws were present in his residence in the alleged night. He also added that his nephew, a student of class VII of Police line High School was present and attendance register of police line High School could be called for to examine and prove his presence. Mr. 'P' further submitted that 3(three) constables were deputed in his residence as security guards in the night and if necessary their C.C. (command certificate) could be called for. According to him the fact of absence of the inmates of his family was false and fabricated.

ii) Regarding Judicial statement made by Miss. 'Q':

Mr. 'P' submitted that it was the responsibility of a superior officer to send a accused to the nearest Magistrate if the accused was kept in Thana Hajat for more than 24 hrs. It was also his submission that he discharged lawful duties by producing the innocent maid-servant before the Magistrate, since she was confined in custody for 3(three) days. According to him it would not be a lawful decision for S.P. to send the maid servant from one district to another incurring expenditure from the Government exchequer.

- iii) Regarding sending the maid servant to her Fupa(uncle) :

Mr. 'P' submitted that it was not lawful to arrange marriage of a tender aged girl with a man who had first wife. Keeping in view this principle and obligation he thought it was not an offence to send the maid servant to her uncle at his (Mr. P's) own cost.

Documents Submitted:

Mr. 'P' produced and submitted following documents :

- 1) Extract of his inspection report held on 3.01.81 at T P.S.
- 2) Photo copy of his tour diary for the month of January, 1981.
- 3) Photo copy of the charges brought against constable 'S'.
- 4) Statement of Miss. 'Q' before Addl. S.D.O. and Magistrate 1st class.

Observations:

Having gone through the charges brought against Mr. 'S' orderly constable to the Ex. Addl. S.P., it appeared that Mr. 'S' developed illicit connection with the maid servant of Mr. 'P' and on 4.1.81 he took her to his residence without permission from Addl. S.P. and subsequently kept her in the house of a retired Railway

driver, with a view to malign said Addl. S.P. It was also found that on 5.1.81 the maid servant was picked up from the house of the driver and she was sent to O.C./P.S. He connived to bring her back to have his skin.

On the above charges the S.P. discharged the accused constable from service on 31.1.84. Mr. 'P' in his submission stated that the constable admitted his guilt in writing and he was punished. Allegations and charges against him were false, fabricated and concocted and brought with malafide intention. In her statement before the learned Magistrate, Miss. 'Q' stated that orderly constable 'S' enticed her away to marry her at his residence and Addl. S.P. rescued her and sent her to her Fupa but she came back to the house of constable 'S'. She further stated that she voluntarily went to get married with 'S', and Addl. S.P. had no involvement in this affair. She also stated that Addl. S.P. did not induce her for immoral purpose or illicit connection.

Moreover, on perusal and examination of the documents and related papers submitted by the accused officer it was found that he made an inspection at T P.S. on 3.1.81. During his inspection 4 officers and 11 constables were present. His tour diary for the month of January, 1981 was forwarded by S.P. to D.I.G. From the tour diary it was revealed that Mr. 'P' left T P.S. at 00.30 hrs. and returned to HQ at 03.00 hrs. on 4.1.81. The time as mentioned in the charges of attempting to outrage the modesty of the maid

servant was about 00.30 hrs. on 4.1.81 and 5.1.81. It appeared that the accused officer returned to HQ after the time of alleged occurrence. Confusion could arise as to how occurrence took place at the same time at 00.30 hrs. on both the days.

Secondly, in case of attempting to outrage modesty of the maid servant during the absence of wife and other members of the family, as alleged in the charge, again the question arises as to who saw such an attempt. Although complaint by the maid servant could be entertained, corroborating evidence was also necessary. The maid servant did not state anything against Mr. 'P'.

But one point was very important in this case that the maid servant Miss. 'Q' was kept in thana hajat for the purpose of holding an inquiry by the S.P. Mr. 'P' Addl. S.P. was a subordinate officer of the S.P., M. District. He brought out the maid servant from thana hajat at 21 hrs. at night, produced her before the Addl. S.D.O. and Magistrate First class on the same night, and after obtaining her statement before the Magistrate, First class, allegedly in his presence, he sent Miss. 'Q' to her Fupa (uncle) quickly at a remote district on the same night without consulting the S.P. Mr. 'P' wilfully acted against the inquiry to be held by the S.P. by sending the maid servant away. If Mr. 'P' had the sincerity of purpose, he would have consulted the S.P. about the detention of the maid servant in thana hajat for more than 24 hrs. and would have taken action on the instruction of the S.P. This appears to be a gross insubordination and misconduct by a senior police officer.

Decision and recommendation of the review 'Forum':

The review petition of Mr. 'P' was taken up by the 'Forum' for decision and recommendation. The Forum discussed the review petition of Mr. 'P' and found that there was no good ground for considering the case of the incumbent and to give him redress. The Forum expressed the opinion that the dismissal from service of Mr. 'P' was reasonable and justified. Case of the incumbent was not considered for reinstatement or otherwise.

Case in Brief:

Mr. Z was Executive Officer (Admn.), Department of Special Properties, Commerce Division. During his tenure he was in charge of the administration of M/S E. and Co. Ltd. from 11 July, 1975 to 9.8.77 and was Administrator of the said unit from 10.8.77 to 22.10.79 in addition to his own duties. While working as Executive officer, he was placed under suspension on the allegation of misconduct and corruption vide order No. 1(1)-Fin/79/723 dt. 22.10.79 of Commerce Division. A departmental proceeding was started against him. Mr. M. section officer was appointed Inquiry Officer who enquired into the allegations and submitted his report. Mr. Z was found innocent and thereon he was reinstated in service vide order No. 1(1)-Fin/79/284 dt. 30.7.80 of the Ministry of Commerce.

Mr. Z. was again placed under suspension on 2.6.82 followed by a departmental proceeding case bearing No. 2-A-1/80-A.P. dt. 2.6.82 of Special Property Cell, Commerce Division, M/O Industries and Commerce on the allegations of misconduct and corruption committed during his tenure as incharge of the administration of M/S E and Co. Ltd. from 11 July 1975 to 9.8.77 and as administrator of the said unit from 10.8.77 to 22.10.79.

Mr. H. Asstt. Economic Adviser, Ministry of Commerce was appointed Inquiry Officer who enquired into the allegations and, submitted his report. On the basis of this report Mr. Z. was demoted

from the post of Executive Officer and reduced in rank to the post of Accountant in the scale of Tk. 425/- - 1035/- and also with deduction of 40% of salary for an indefinite period, vide order No. 2A-3/AP/11 dt. 30.12.82 of the Ministry of Commerce.

Being aggrieved by the order, Mr. Z. preferred an appeal to the Secretary, M/O/en ^{Commerce} 6.3.83 against the order of reduction in rank and deduction of salary.

Subsequently Mr. Z. was retired from service on the same allegations under MLO 9 communicated vide order No. 6(16)/83.A.I. dt. 30.5.83 of the M/O Commerce.

Defence:

Mr. Z. in defence submitted that the suspension and the subsequent departmental proceedings were started out of malafide intention and biased attitude. That the charges were mis-conceived, factually inaccurate, legally untenable and he was victimized for biased attitude and ill-will of some officers and employees. He further submitted that the prosecution could not produce any paper/files or adduce any evidence to prove the charges brought against him, the allegations were baseless, he was innocent and not guilty. He could not place his grievances ^{to} the authority as no second show-cause notice was served upon him. The impugned order was illegal and liable to be set aside.

Statement of allegations

Statement of allegations were as follows :

a) One N.E.C. television which was procured from M/S T. was kept in office. In the early part of 1979, one day, Mr. Z. took the television to the workshop of E and Co. Ltd. with the plan to repair it. It was learnt that he took the television to his own house for personal use and did not keep in office. The value of the television was assessed to Tk. 1900/- for sale on auction. Mr. Z. was out of Dhaka on the day of auction. The television was brought in the office for sale, but since the amount of bid was not satisfactory, it was kept in the office. Mr. 'Z' again took it to his residence. On the subsequent day of auction Mr. Z. produced an old television from M/S E. and Co. Ltd. and placed it for sale in auction instead of the N.E.C. television and the old television was sold with other properties. The date of auction was 10.5.77. The total amount of bid money was Tk. 8600/-. Many employees had the opinion that bid money was not satisfactory due to replacing the N.E.C. television by old one and for declaring the N.E.C. television as unusable before auction.

b) Mr. 'Z' during his incumbency as administrator appointed the following persons irregularly :

	<u>Name</u>	<u>Date of appointment</u>
1)	AS	15.9.76
2)	BH	8.3.77
3)	NR	19.10.77
4)	MR	1.8.78
5)	NA	7/75
6)	KI	9/75
7)	EH	7/77

c) Mr. 'Z' purchased potatoes by the cash of F cold storage but kept in his own name. There was an allegation against him that he sold the potatoes with profit in the market. He purchased 1122/30 mnds of potatoes at a price of Tk. 50/- per mnd. by the fund of F coldstorage and kept in his own name. Afterwards when the price of potatoes was higher he sold the same at Tk. 116/- per mnd., but deposited @ Tk. 50/- per mnd. and rent @ Tk. 23/- per mnd. having a total of Tk. 73/- per mnd. to the company and thereby misappropriated a profit of Tk. 48,790/- from the sale proceeds of 1122/30 mnds. of potatoes and thus he caused financial loss to the company.

d) He constructed a wall measuring 458'X10"X10' 6" for protection of the coldstorage from river erosion and also constructed a wharf with an expenditure of Tk. 1,38,520/03, but did not follow any rule. No estimate was prepared before the work done. He did not invite any tender or quotation and also did not take any approval from the higher authority. He committed the offence of misconduct by execution of the work following no rule and he misappropriated money showing excess expenditure.

e) During his incumbency as administrator of M/S F and Co. Ltd., he opened an account bearing No. 148 at Rupali Bank, F Branch in his own name. His transactions to that account was Tk. 1,23,236/50 during the period from 4.10.77 to 27.8.78. No reasonable ground appeared to how the amount he deposited to the Bank. So, it was presumed that he misappropriated money from the fund of the company.

f) During his incumbency as administrator of M/S E and Co. Ltd. he, by marking MKBR, kept 1026 mnds. of potatoes in 456 bags in cold storage in the name of K on 12.4.79, 3.5.79, 9.5.79, 10.5.79, 11.5.79, 22.5.79. He granted a sum of Tk. 48,000/- in favour of K as loan, but did not realize the money at the time of delivery of potatoes. He misappropriated the amount Tk. 48,000/- by granting the money in the name of K and thereby caused financial loss to the company.

g) During his incumbency as administrator of M/S E & Co. Ltd. he did not take any effort to realize Tk. 20,923/- from M, an employee of F cold storage who was absconding. He lodged only a case No. 8 U/S 409 B.P.C. at F. P.S. On inquiry it was revealed that on 4.1.77 when M left office there was no cash money in the cash book of cold storage. In the ledger a sum of Tk. 20,338/50 was found debited in the name of M, but with no date. So it was presumed that the accused officer by means of corruption himself misappropriated the money and thus caused financial loss to the company.

h) M. Z. received the following amounts in violation of Financial rules :

<u>Date</u>	<u>Amount</u>
10.1.76	1500/-
4.5.77	1600/-
10.11.78	2500/-
15.3.79	4000/-
11.4.79	1000/-
Total Tk.	10,600/-

He received money from company without taking any approval from the higher authority. Besides, inspite of the letter issued by the Director, S.P.C. vide letter of 18.7.81, 10.9.81, 26.12.81 he paid Tk. 300/- of the above money. He did not pay the rest amount. According to his assessment if any amount was payable to him, even then without prior approval, he had no right to take any amount of money or to return any money already taken by him. Therefore he had misappropriated a sum of Tk. 10,300/- from the fund of the company and thereby committed the offence of insubordination.

i) On scrutiny of the records of stock, purchase and sale of petrol, Diesel and octane for the year 77-78, 78-79, and 79-80 of M/S E. and Co. Ltd. it appeared that in FY. of 77-78 the stock of aforesaid (3 three) kinds of fuel were as petrol 69,008 gallons, diesel 1,68,141 gallons and octane 2000 gallons and during these years there was no deficit or depreciation. During 78-79 when he was administrator of the company at that time the stock position of the above noted fuel were petrol 72,090 gallons, diesel 1,70,327 gallons, octane 10,165 gallons respectively and during that year the deficit was shown as petrol 562 gallons, diesel 669 gallons, and octane 221 gallons and on account of the deficit the loss was shown Tk. 27,532/08. Therefore it was presumed that by negligence in duty and taking recourse to corruption the accused officer caused loss of Tk. 27,532/08 to the company in the FY 78-79.

Charges

Charges were framed against Mr. Z. for misconduct and corruption under rules 3(B) and 3(c) of Govt. servant (Discipline and Appeal) Rules, 1976. The charges were as follows :

1) An old television instead of the N.E.C. television was sold in auction and thus involved him in corruption by way of replacing and selling at less price than the assessed value of the NEC television. Besides, he committed the offence of misconduct by taking the television to his residence without taking permission from the authority.

2) During his tenure as administrator of M/S E. and company he committed the offence of corruption by appointing 7 persons.

3) Mr. Z. purchased potatoes incurring money from the fund of F cold storage and kept the same in his own name and sold with profit. He purchased potatoes sold at Tk. 116/- P.M. He deposited sale proceeds to the company @ Tk. 73/ P.M. including rent and thereby misappropriated a profit of amount Tk. 48,790/-.

4) Mr. Z. constructed a retaining wall to protect the cold storage from erosion of river. He also constructed a wharf measuring 62'X18'. Total cost of construction was Tk. 1,38,520/03. The work was done during the period from Dec. 78 to April 79, but no estimate was prepared and no tender or quotation was invited.

Mr. Z. did not take any permission from the higher authority for execution of the work. As no rule was followed in the work done it was presumed that there was misappropriation.

5. There was a personal account bearing No. 148 in the name of Z. in Rupali Bank, F.B. A sum of Tk. 1,23,236/-50 was found transacted in the said account during the period from 4.10.77 to 27.8.78.

6. He did not take any effort for realization of money amounting to Tk. 48,000/- disbursed as loan to AR. Nobody could say who was that AR. The actual fact was that Mr. Z. kept 1026 mnds. of potatoes in 456 bags in coldstorage on 12.4.79, 3.5.79, 9.5.79, 10.5.79, 11.5.79 and 22.5.79 marking MBRR on the bags in the name of K. C/O A. R. No record was found available to prove whether the loan was given to K following legal procedure.

7. He did not take any action to realize Tk. 20,923/- from Mr. M, an employee of the cold storage who was absconding.

8. Mr. Z. illegally claimed charge allowance and received a sum of Tk. 10,600/- without permission of the authority.

9. In the petrol pump of M/S E Co. Ltd. in the year 77-78, 78-79, 79-80 it was found that the stock of petrol, diesel and octane was 69,008 gallons. 1,68,141 gallons and 2,000 gallons respectively and no loss was found. During his tenure as

administrator of the company in 78-79 the stock was found as petrol 72,090, diesel 1,70,327, octane 10,165 gallons and in that year loss was shown as petrol 562 gallons, diesel 669 gallons, octane 221 gallons. The total loss in term of money was Tk. 27,532/08.

Appointment of Inquiry Officer

Mr. H. Asstt. Economic Adviser, Commerce Division was appointed as Inquiry Officer for inquiry into the allegations and charges framed against the accused officer Mr. Z.

Showcause notice

In view of the allegations of corruption, misconduct and misappropriation Mr. Z. was directed to explain his conduct within 7 days from the date of receipt of the charges to the I.O. Mr. Z, Asstt. Economic Adviser, Commerce Division, as to why he should not be punished under Rules 4(3)(A)4(3)(B), 4(3)(C)&4(D) of the Govt. Servant (Discipline & Appeal) Rule, 1976. He was also directed to mention in his explanation as to whether he would desire to be heard in person. If no reply was submitted by him to the I.O. during that period it would be presumed that he had got nothing to say on his account and the I.O. without further waiting for his reply could submit his report and necessary action would be taken accordingly.

Action taken by I.O.

Being appointed as I.O. Mr. H. sent a notice on 13.7.82 to the accused officer to submit his explanation immediately and informed that on failure the report would be submitted accordingly.

Explanation submitted by Mr. Z.

Mr. Z. submitted a written statement to the I.O. and he desired to be heard in person. His reply against the charges were as follows :

1) Being promoted from the post of super, Special property cell he took charge as Executive Officer on 24.1.76. In the same year in October Mr. A.S. and Mr. SA were promoted as Executive officer and so he was given the charge of E.O. (Ex. and Adt.) of the cell. The then chief of the cell passed an order on 22.6.78 to sell the old furnitures and vehicles immediately which were procured from vested and enemy property firms. E.O.(A) and E.O. (Ex and Adt.) were given the responsibility to make inventory of the old furniture . Accordingly he and Mr. SA made the inventory of the old furniture on 5.8.78. The television as mentioned in the charges was included in the list. The television was procured from M/S T. for use of Mr. B. The then vice chairman of vested property. After his departure Mr. M.A. vice chairman used the same. After his making over charge the television was kept in the godown of the office. Subsequently Mr. SA , E.O.(A) and Mr. A.M. D.D.(A) assessed the value of the old furnitures including the television in 2 (two) lots for sale. The value of the television

was assessed to Tk. 900/- . It was decided that the television would be sold on auction on 18.11.78. Since it could not be sold on that date a further date for auction sale was fixed on 3.5.79 through notice hanging on the notice board by the above officers.

In this connection it was mentioned that he took over charge as D.D.(A) on 30.4.79 from Mr. A.M. , D.D.(A). Afterward on 3.5.79 he came to know that with the television set the price of air Condition^c and refrigerator was assessed by the mechanic of E. and Co. Ltd. and MC under the supervision of E.O.(A) wherein he had no involvement. In the assessment report it was stated that the television set was completely out of order and it would be of no use. Therefore, the question of taking the television set to his residence as per charge no. 1 did not arise at all. Consequently the story of bringing of television from his residence on the date of auction was also not true. In the previously advertised auction held on 3.5.79 the old furniture in 2(two) lots were sold in presence of former Director (Ex & Audit) and former Director (A&A). As he was in charge of the office of D.D. he was present during the auction. Mr. S.A. , E.O.(A)&A) and Mr. SH. E.O.(Ex & Audit) assisted the auction sale and on that date the properties of 1st and 2nd list including the television set were handed over^{to}/the auction purchaser on his signature as per letter written by Mr. SA on the approval of Director (A&A). The price of the other properties with television set was fixed at Tk. 3231/- . but in the auction these were sold at Tk. 6100/-. The price of the auction sale was about 2(two) times of the assess price. It was not a fact that old television in place of above television was sold with other properties

on the date of auction on 10.5.79. Therefore, framing allegation for taking recourse to corruption against him for changing the television and selling it at a much low rate than the assessed price was not true. As the television was not brought to his residence, therefore, the allegation of the office of committing misconduct brought against him was false.

Charge No. 2

In order to run the company the posts which were fallen vacant due to leaving job by the employees had to ^{be} ^{ed} /fill/up by other experienced persons and no person was appointed creating new posts. The persons whose names had been mentioned in the charge were appointed with the prior approval of the local authority of the company and according to written advice of the authority and following recruitment rules.

Charge No. 3

During his temporary charge as Administrator in March 1978, a sum of Tk. 6,00,000/- (Six lac) was sanctioned by BKB for purchasing potatoes. S.P.C. had approval on it. The amount was drawn in 2(two) instalments on 29.3.77 and 15.4.77 Tk. 4,50,000/- was disbursed to cultivators and businessman as per rule and rest amount Tk. 1,50,000/- remained deposited in the bank. About 2500 mnds of potatoes were kept, but there was vacant place for storing more 2000 to 2500 mnds of potatoes. After discussion with the directors of S.P.C. and with all the officers of the company it was decided to purchase potatoes in the name of company. According to the

decision the potatoes were purchased with assistance of Accounting-in-charge and Cashier, marking EBCS on 100 bags and the same was stored.

Allegation came to him to the fact that rotten potatoes were purchased incurring higher price and due to purchasing of rotten potatoes reputation of the company would be hampered. Then and then he on 22.5.78 personally inquired the matter on spot and discussed with the staff and in their presence and with consent he had talk with the higher authority over telephone. Afterwards discussing with staff and getting their consent he entered his comments in the register as 'Today according to petition of the staff, potatoes would be stored in name of Administrator instead of the company marking ZEBCS and the store would be filled up'. It was also a condition that in case of any loss the company would not share the loss and the Administrator himself would be liable for the loss. Under the above circumstances the tension was diminished and greater interest of the company remained uninterrupted.

A sum of Tk. 51,174/- was spent in purchasing 1122 mnds 30 seers of potatoes @ Tk. 45/58 P.M. including other expenditure. When the price raised at Tk. 73/74 P.M. in the month of August of that year, after discussion with the staff and authority it was decided to sell the potatoes at Tk. 73/P.M. to 2(two) businessman through informal slip. A sum of Tk. 28,678/- was received as profit

from the sale proceeds and as rent. This amount was entered in the accounts of the company with date and memo number. It was recorded in company's memo book, register and audit report. The company would have been deprived of this sum if the potatoes were not purchased on the responsibility of the administrator.

Charge No. 4

He had to inform the authority about the income and expenditure of the previous year and before drawal of money sanctioned by BKB he informed that purpose on which the money would be spent. He informed that Tk. 1,50,000/- would be spent for the construction work. On such information authority recommended for the subsequent loan and it was recorded in the company's register. He constituted a project committee consisting of the employees of the company for execution of work properly after discussion with the higher authority of S.P.C. Since he had to discharge additional duties, the project committee was formed to execute the work under his supervision and also keeping it in view that the expenditure would be more if executed by contractor through inviting tender. The work was properly done by the project committee. The money in respect of cost of sand, cement, bricks and labour were paid as recommended by the company. He only supervised the work and paid money on submission of bills by the project committee.

Charge No. 5

Storing of potatoes in coldstorage started from February/March. He did not agree with the proposal of the local traders to purchase the whole quantity of potatoes by money sanctioned as loan by BKB and as such at the instigation of the trader, none came with potatoes at the company's wharf. On the other hand, electric units were increasing day by day, because machine was in operation. In such situation 2(two) weeks passed, but none came with potatoes at the wharf. He discussed this matter with Mr. AK, Dy. Director, S.P.C. who inquired into the matter locally, He realized the problem and in the interest of the M/S/^Eand Co. asked the local traders to keep 4,000 mnds. of potatoes in the name of A. Agency. Afterwards, the traders began to come with potatoes at the company's wharf. After 2(two) days, as per recommendation of the D.D. it was decided that further quantity of 4,000 mnds. potatoes be stored in the name of D, lessee of NM He suggested to open an account in the name of A Agency. When the question arose as to under what account the money in respect of potatoes would be deposited, it was decided that it would be deposited to DS's account.

Then for depositing money of the parties the account as mentioned in the allegation was opened. Local administration knew this fact. Mr. FR Asstt./Cashier deposited the sale proceeds of the potatoes to that account. Subsequently share of every person was paid by the incharge of the drawal of money from Bank. In this connection it was to be stated that the amount which was deposited to that account

was never kept to his account or was not spent by him. If bank registers were examined, detail/particulars could be gathered. On examination of records of the company it would also be clear that the money received from sale proceeds of the potatoes of the parties was deposited to the account and was given to them according to their share. In view of the circumstances the account was opened in his name and this fact had actually protected the company's interest. If an alternative step would be taken according to advice of contractors, he could earn profit, but company's reputation would be hampered. He did not permit against his conscience. Therefore, the question of being corrupt or misappropriation of money by him from the company fund did not arise. The allegation relating to corruption was not true.

Charge No. 6

Mr. AR was an established businessman. He submitted a petition to M/S E Bux and Co. on 4.3.79 for storing 4000 mnds of potatoes at ABC coldstorage. On this ground Mr. AR came in the last week of March and paid a sum of Tk. 12,000/- to a local contractor for storing 5,000 mnds. of potatoes in the name of K Begum under mark MKBR contractor started purchasing from 8th or 9th April in the name of K Begum under mark MKBR. As Mr. AR was absent after much request from the contractor Mr. Z arranged a loan of sum Tk. 20,000/- at his responsibility. Subsequently he arranged a further loan of sum Tk. 18,000/- on 12.5.79. Contractor submitted a written document stating that he would realize the money from AR. On 16.5.82 AR met Z and signed the loan agreement deed. It was informed to him that

a sum of Tk. 38,000/- was paid to contractor for purchasing potatoes under mark MKBR out of the money amounting Tk. 48,000/- mentioned in the agreement deed. Mr. AR then agreed to receive Tk. 10,000/- as cash and refunded him Tk. 38,000/-. On this ground after discussion with the authority it was decided to pay Mr. AR Tk. 10,000/- as cash and in order to realize Tk. 38,000/- which was given by him not to pay Tk. 48,000/- through cheque to the wife of Mr. AR but to receive the money by him through cheque. In view of the above agreement Mr. AR was paid Tk. 10,000/- and a receipt of Tk. 48,000/- was taken. Consequently the cheque was not issued in his name. He did not commit the offence of cheating and did nothing which could hamper the reputation of the company. This step was taken rather in the interest of the company. The aforesaid money had been debited in the company's ledger. If there be any ill motive, he would not use his name.

The loss and profit of the coldstorage for the period from 1971-72 to 1980 were as below :-

1)	1971-72	loss	45,616/44
2)	1972-73	loss	61,266/30
3)	1973-74	loss	23,641/87
4)	1974-75	loss	16,960/22
5)	1975-76	loss	57,645/10
6)	1976-77	profit	+ 9,198/39
7)	1977-78	profit	+ 1,04,857/94
8)	1978-79	profit	+ 2,22,698/73
9)	1979-80	profit	+ 2,10,547/187

He was in temporary charge as administrator of the company from 11.7.75 to 22.10.79. It was clear from the above information that during his tenure the coldstorage had profit. It was not possible to show profit if he would be corrupt or misappropriate money or had ill motive. He never hesitated to take any risk for the company and in the interest of the company. Therefore, the allegation brought against him was not true.

Charge No. 7

He found Mr. M as in charge of the coldstorage after taking charge from Mr. AZ, Manager of the coldstorage, Mr. M left the coldstorage without showing any accounts after delivery of potatoes in the month of Dec. 1976. He was absconding. A case was lodged at F, P.S. against Mr. M and in absence of him accounts were scrutinized by Accountant and Cashier cum Asstt. and found that J Mr. M did not deposit money of potatoes kept under different marks in different times. Subsequently finding no memo book, the stock register and receipts of the bank were scrutinized by Accountant and Cashier and found that about Tk. 16,000/- had been misappropriated by Mr. MI. Afterwards, a case was lodged against him at F, P.S. and the then Chief of S.P.C. was informed by sending a copy stating the occurrence. DD. S.P.C. was deputed to inquire into the matter. He required and submitted report. Thana authority seized stock book and bank statement of that year after investigation and kept the same in his (accused officer) custody. Afterwards, F, Thana Special case

No. 2/78 was started. Mr. M had been appearing in that case on bail. Mr. Z, being the informed received summon on 16.3.82. He gave evidence against Mr. M on 5.4.82. He also gave evidence on 27.5.82 in the Court against M. Hence the allegation that he did not take any attempt to realize the money was not true.

Charge No. 8

During his incumbency as administrator of the company like predecessors and Directors following the rules of the company he received as advance a sum of Tk. 10,000/- at different times against honourarium/allowance for additional charge. He spent only a sum of Tk. 4,100/- out of the above amount for his personal affair and the rest amount Tk. 6,500/- was received for S.P.C. at the instruction of higher authority and the amount was spent in the following manner :-

i) A sum of Tk. 1500/- was taken from the fund of the company on different dates and spent for special reasons of S.P.C. and since it was necessary to repay immediately, subject to the approval of the authority the amount was shown in the register of the company as loan against allowance for additional work. The aforesaid money was not repaid by S.P.C. till now and since the allowance for additional work was not determined it was not possible to adjust the money. However to keep proper accounts the said amount was shown as loan in his favour under debit voucher on 15.11.76 and was mentioned in the opposite side of the vouchers of that time.

ii) A sum of Tk. 3,000/- in cash was paid from the fund of the company to driver of vehicle No. 7929 of S.P.C. on 16.8.78 as per order of Director to purchase tyre and tubes and for repair of the vehicle. A further sum of Tk. 1000/- was paid from the fund of the company in connection with the tour of Director. A sum of Tk. 4000/- was not adjusted by S.P.C. and so to keep the proper accounts of the company and subject to adjustment from his allowance, on his own responsibility it was shown under debit voucher on 15.3.79.

iii) A sum of Tk. 1000/- was paid as loan from the fund of company to Mr. SH. E.O. for tour to Chittagong as per order of Director, S.P.C. and subsequently the amount was repaid by S.P.C. for adjustment. This amount was spent under verbal order at different times for repair of electrical and other works, but could not be realized previously. Under the circumstances, to keep proper accounts, the money was shown in the debit voucher on 11.8.79 subject to adjustment from his allowance. Therefore, a sum of Tk. 4100/- was received as loan personally subject to adjustment from allowance and for keeping proper accounts the money was shown under debit voucher on 4.5.77 and 10.11.78. But on the other hand, S.P.C. authority created pressure upon him at different times to repay Tk. 10,600/-. He requested to adjust the money from his allowance, but the authority without accepting this prayer directed him again to repay the money. In compliance of the order he repaid

Tk. 300/- on 27.2.82 and sought permission to allow for repay the rent amount on instalment basis. It was to be mentioned here that the duties which were being performed by him alone previously were now being done by appointing 2(two) administrators and each of them had been receiving allowance for additional charge at the rate of 20% of their basic pay vide order No. 2A-3/80 AP(Part)/123/1(3) dt. 17.3.82. It was also to be mentioned that administrators and managers who were appointed by S.P.C. previously, each of them received charge allowance from the respective office, but the authority permitted none of them to receive charge allowance.

Charge No.9

He took charge temporarily as Manager of petrol pump of M/S E and Co. on 11.7.75. On that date there was no so much fuel in the petrol pump. After taking over charge, he found the pump as dry for want of fund and it had been mentioned in the book of the company. After his taking over charge as manager and after lifting fuel and allied oils from Burma Eastern, the pump never became dry for want of fund. Subsequently during his tenure as administrator of the company from 1.7.77 to 30.6.77, he received a petition on 18.7.77 stating that 140 gallons of petrol had evaporated out of the fuel sold. He discussed with the incharge, accountant and cashier about the evaporation and took decision

that the incharge of the pump would be responsible for such evaporation and they gave undertaking in this respect that in future there might not be any deficit on account of evaporation. Moreover, he came to know from a letter of the employees bearing no date that quality of petrol, diesel and octane had become abnormally low on account of pucca seal made by officers of Burma Eastern. He personally discussed with the authority of BE. Ltd. and they in his presence checking the gallons of pump made every thing alright by breaking the pucca seal. He then asked the concerned employees to submit report after determining the quantity of loss, if any, during the sale of petrol for the next 10(ten) days. They submitted a report on the loss of petrol sold in 10(ten) days. He again discussed with the E. about report, but the authority of BE. did not extend any cooperation, because they did not agree to increase the rent of the pump land. They tried to take the petrol pump under their control, but they could not fulfil their intention and it appeared that so they made some technical trouble in the pump, which was not possible for him to detect. All precautionary steps were taken to protect from any loss, with integrity as observed in trade. and he also warned the employees in writing on 30.7.79. Yet receiving a letter from the employees about deficit, he informed the matter to the ministry, but no direction was sent to him from the ministry. On perusal of the audit report, the loss and profit in the period from 1972 to 1980 were found as follows :

a)	1971-72	loss	18112/48
b)	1972-73	loss	2950/68

c)	1973-74	loss	22620/16
d)	1974-75	loss	11464/11
e)	1975-76	Profit	+ 10464/11
f)	1976-77	Profit	+ 15270/11
g)	1977-78	Profit	+ 61341/49
h)	1978-79	Profit	+ 8552/84
i)	1979-80	loss	- 22234/82
j)	1980-81	loss	- 47703/91

Keeping in view the above audit report, it could be stated that during his incumbency as administrator of the company from 11.7.75 to 30.6.79 the petrol pump earned much profit. The profit was some extent less in 78-79 due to the problems mentioned above, but he tried his best to solve the problems in order to raise profit upto expectation.

Subsequent action taken by I.O.

Mr. H., I.O. sent a notice to the accused office on 13.7.82 to submit explanation immediately stating that on failure the report of I.O. be submitted accordingly. Mr. Z submitted his explanation. The Inquiry Officer sent another notice on 17.7.82 to the accused officer for submission of necessary supporting papers on his explanation. It appeared that Mr. Z submitted photo copy of the necessary papers on 6.8.82. Inquiry Officer fixed another date on 11.8.82 and requested department of special property on 12.8.82 to depute an officer with necessary files,

papers and evidence to assist him. In reply SH. E.O. S.P.C. sought time to furnish papers on the date of hearing on 17.8.82. It also appeared that next date was fixed on 24.8.82 and then on 28.8.82. Copy was sent to Mr. Z. It further appeared that Mr. SH could not produce relevant papers, files, So., I.O. after talk visited the department of special property cell and company's office but the relevant papers and files could not be made available. So he requested SM. Director(Admn) S.P.C. and Section Officer, Commerce Division on 3.11.82 about it.

Documents submitted by Mr. Z to I.O.

It appeared that Mr. Z. submitted following documents to the I.O. to defend against the charges brought against him :-

1. a) Paper relating to making and taking over charge of the office of D.D.(A).
- b) Release Order of D.D.
- c) Order for delivery of properties sold on auction.
- d) List of properties sold and assessment report
- e) Bid sheet
- f) Assessment report of properties.
2. a) Appointment letter of ex administrator Mr. RA
- b) Appointment letter of Mr. Z. as manager, Dhaka office of M/S E. and Co. Ltd.

- c) Appointment letter of Mr. Z as manager of Fatulla Coldstorage.
 - d) Appointment letter of Mr. Z. as administrator Chittagong office of M/S E and Co. Ltd.
 - e) Letter of authority handed over by ex administrator of the company.
 - f) Copy of the appointment letter of employees of the company.
 - g) Copy of rules in respect of appointment of new employees.
3. a) Allegation of employees in respect of lifting of potatoes.
- b) Explanation of successor administrator in respect of audit report.
4. a) Letter seeking approval for execution of work
- b) Letter of approval by the authority for execution of work.
- c) Explanation of successor administrator on audit report.
5. Copy of the receipt of payment of money to the party from Bank.

6. a) Petition of Mr. AR
 - b) Receipt of money disbursed to local contractors by him .
 - c) Receipt of realization of money from Mr. AR.
 - d) Debit and credit vouchers showing deposit of money to the accountant.
 - e) Notice asking to show cause for misappropriation of money in different years by cashier.
 - f) Copy of explanation for realization of money from contractor by the successor administrator as per audit report.
7. a) Copy of ejahar lodged against Mr. MI
 - b) Copy of explanation by the successor administrator on the basis of audit report.
 - c) Summen from special court to give evidence
 - d) Copy of hajira filed in the court.
8. a) Debit vouchers of Tk. 10,000/- - 5 copies
 - b) Token voucher - 2 "
 - c) 3rd copy of the petition praying for granting charge allowance.
 - d) A petition praying for exemption of the alleged money due to inability.
 - e) Petition praying for payment of money in installments in order to comply the order of the authority.

- f) Order of granting charge allowance to the successors administration.
 - g) 4th copy of the petition praying for granting charge allowance.
- 9.
- a) Petition of concerned employees dt. 18.7.77 in respect of evaporation and decision thereon.
 - b) Another petition in respect of evaporation bearing no date.
 - c) Enquiry report regarding loss of petrol
 - d) An objection letter in respect of loss of fuel supplied by Burma Eastern Ltd.
 - e) An application submitted by in charge in respect of evaporation.
 - f) Petition on respect of loss of petrol rent to the ministry.

Action taken against Mr. Z. by authority.

Mr. Z. was placed under suspension on 2.6.82 under Rule 11 of Govt. Servant (Discipline and Appeal) Rule, 1976. He was reinstated in service with imposing punishment of reduction to a lower post of accountant. The punishment also included realization of money misappropriated by him from his pay at 40% of his monthly pay and in ~~lump~~ lump, from the amount

rein
 that be released in his favour on/statement in service, for the period of his suspension. Amount outstanding if any, at the time of leaving service, on retirement or otherwise, would be realized from him, in lump, from his dues, that be payable to him, at the time of leaving service. Outstanding if any, even thereafter, would be realized from him, in lump, in any other appropriate manner. The above punishment was imposed vide order No. 2A-3/C-AP/11 dated 30th Dec. 1982 of Commerce Division

Petition of Appeal submitted by Mr. Z

Being aggrieved Mr. Z. preferred an appeal on 7.3.83 to Secretary, Commerce Division against the order of reduction to a lower post and deduction from salary on the following grounds :-

1) For that he was a gazetted officer of the Government and the impugned order was passed without jurisdiction by the Joint Secretary who had not any authority either to draw the proceeding or to pass the final order.

2) For that the impugned order was made without any factual basis and legal authority. No evidence was adduced or documents produced before the inquiry officer as would be evident from his letter dated 3.11.82 and if there was any examination of records subsequently, it was done at the back of him (accused officer) and hence it was illegal and void.

3) For that Joint Secretary, who passed the final order, exercised undue influence on the inquiry officer and his report, if any, was vitiated by dictation.

4) For that no record show cause notice was issued, it was mandatory that a 2nd show cause notice together with a copy of the inquiry report was to be served on him. He had been gravely prejudiced as he did not know what and how any thing had been proved against him.

5) For that before imposing a major penalty it was mandatory requirement of law to consult with the P.S.C. which was never done and as such the whole proceeding had become illegal and void.

6) For that the impugned order was totally silent and vague as to the amount of money, he was supposed to have misappropriated which was now proposed to be deducted from his salary @ 40% per month. The order directing deduction from his pension or gratuity was totally illegal and void. The impugned order was illegal and void as it was indefinite and vague.

7) For that even under a court order the pension or gratuity was not attachable u/s. 60(1)(g) of the code of civil procedure and there be a limit of 24 months beyond which salary cannot be attached. The impugned order was passed arbitrarily and without any application of mind and was liable to be set aside.

8) For that impugned order was illegal and void as it was passed with malafide intention.

Mr. Z. requested the Government for early disposal of his appeal.

Retirement under M.L.O 9

Mr. Z was retired from service under MLO 9 dated 6th April, 1982 before disposal of his appeal petition filed on 7.3.83 to the Secretary, Commerce Division. The punishment of retirement so imposed was communicated to him vide order No. 6(16)/83 A.I. dated May 30, 1983 of Commerce Division.

Further appeal petition submitted by Mr. Z.

Mr. Z. submitted a petition of appeal against the order No. 2A-3/80-AP/11 dt. 30.12.82 and order No. 6(16)/83 A.I. dt. 30.5.83 on 15.12.86 for reinstatement in service to the Secretary, Commerce Division. He again submitted appeal petition to secretary, commerce division on 30.3.87 for reinstatement in service and for in case of rejection of his appeal to regularize the period of suspension so that he could process necessary papers for pension.

Reply by the authority

With reference to the appeal petition of Mr. Z. dt. 15.12.86, Commerce Division vide memo No. 2A-3/80-A.P.(Part)/14 dt. 14.1.87 informed that his petition related to the case falling under the purview of the scrutiny committee as instructed from CMLA

Secretariat under letter dt. 25.7.85 and the appeal petition did not cover his case already disposed of and closed earlier. He was also informed that any further correspondence other than that of processing of his pension would be filed.

2) With reference to his petition dt. 30.3.87, Commerce Division vide memo No. 2A-3/80-AP(Part)/110 dt. 2.8.87 informed him that there was no scope to consider his petition other than that of pension matter.

3) With reference to petition submitted by Mr. Z on 12.10.87 to J.S.(A.P.) Commerce Division, for review of the case, Commerce Division vide order No. 2A-3/80-AP(Part)/162 dt. 22.10.87 and No. Com/2A-3/80/AP/150 dt. 31.8.87 informed him that there was no scope to consider his case other than processing of pension.

Observations

On perusal of the papers relating to order of suspension, initiating departmental case, framing of charge on the basis of allegation, inquiry, written statement of Mr. Z. order of punishment under Govt. Servant (Discipline & Appeal) Rule 1976, subsequent punishment under MLO 9, Appeal petition & submitted by Mr. Z. to the authorities for reinstatement in service/regulation of suspension period for processing pension papers, decision taken by Commerce Division and some other related papers, the following facts revealed :-

1) Mr. Z., E.O. S.P.C. while working as administrator of M/S E. and Co. Ltd. during the period from 11.7.75 to 22.10.79, charges were brought on the basis of allegation against him for misconduct and corruption. Mr. H. being appointed as I.O. submitted punishment upon him reducing his rank with deduction from his salary for an indefinite period until the amount misappropriated be adjusted. Being aggrieved Mr. Z. preferred an appeal to the Secretary, Commerce Division to set aside the impugned order of reduction of rank, deduction from salary and to reinstate him to his former post as Executive Officer. He was retired under M.L.O 9 before disposal of his appeal petition. He submitted appeal petition on 15.12.86 to Secretary, Commerce Division for reinstatement in service. He also submitted petition on 30.3.87 and 12.10.87 for reinstatement/regularizing of the period under suspension for processing his pension paper, but he was informed that there was no scope to reconsider his case other than processing of pension matter.

On perusal of case papers it also revealed that Mr. Z. submitted a petition on 24.11.90 before the Hon'ble Vice President stating his grievances for reinstatement in service. It was stated in the petition that he submitted a review petition to the Chief Martial Law Administrator on 6.10.86 (Copy of such petition was not found with the case papers) M/O Establishment vide memo No. ME(Rule-4) 91-1 dt. 30.1.91 forwarded a petition of Mr. Z. ^{to} Secretary, Commerce

Division for taking necessary action in respect of him. It appeared that Commerce Division made a quiry to solicitor, M/O Law and justice in respect of a writ petition No. 738/1980 filed by Mr. Z. with request to inform the Commerce Division as to whether any writ petition was filled by Mr. Z. A copy was also sent to Mr. Z. In reply Mr. Z. informed the Secretary, Commerce Division that he did not lodge any case in any court relating to his service. He also stated in his submission dt. 3.5.92 that the said writ petition was filed by Deputy Manager of Jiban Bima Corporation in connection with his salary. He submitted a photo copy of the order of Hon'ble High Court Division wherein it appeared that the writ petition No. 738/1989 was filed by A.K.M. Ziaul Huq. Deputy Manager, Jiban Bima Corporation.

Government constituted a forum in each Ministry for review and consideration of the petitions which were submitted by officers before 11.10.86 who were dismissed/removed or retired from service under MLO 9 .

Mr. Z. submitted a review petition to the Chief Martial Law Administrator before 11.10.86.

It was found that his petition for reinstatement in service was bying pending with the M/O Commerce.

Mr. Z. submitted a written statement in his defence to Mr. H., I.O. On careful examination of his statement it appeared that allegation relating to the charges No. 3,4,5,6 and 8 were proved against him. There was inconsistency in his statement. So

it could be opined that the order of reduction in rank to the post of accountant was justified. It also appeared that before disposal of his appeal petition submitted to Secretary, Commerce Division he was retired under MLO 9. The order of retirement under MLO 9 was hard for him and he had been deprived from justice.

Findings

For ends of justice, decision in respect of the review petition lying pending in the Ministry of Commerce should be finalized immediately. He deserves sympathetic consideration. He should be reinstated in service to the post of Accountant with pay, allowances and other benefit from the date when he will join.

Decision and recommendation of Forum

a) In a meeting held on 12.8.92 forum decided that the procedure followed in sending the case of Mr. Z. to the office of the Chief Martial Law Administrator under MLO 9 and his compulsory retirement was wrong and for that the forum recommended to revoke and nullify the punishment of compulsory retirement.

b) Forum also considered that appeal of Mr. Z. against the order of punishment for compulsory retirement on 30.12.82 was not disposed of according to rules and for that the concerned authority should dispose of the appeal petition, but the order of punishment unless otherwise set aside by the appellate authority should remain in force.

Chapter 5

Conclusion

The MLO 9 was a definite blow on the morale of the public servant as was the case with earlier P.O. 9 or Ayub's 303. MLO 9 was an arbitrary order which was against the fundamental principle of public service. It encompassed not only the employees serving under the Govt. but also persons appointed or employed under any corporation, organization, body, authority, institution and also nationalized enterprises. Even more, under MLO 131 the Chief Martial Law Administrator was empowered to review, confirm, vary, amend or rescind such order on application or sue motu.

The power to 'vary' was considered to be so wide that CMLA could also turn the acquittal into conviction. In a celebrated case of Bangladesh versus Mohammed Ali and six others, the Appellate Division of the Supreme Court held¹ that unless the power of conversion of acquittal into conviction is specifically provided in a statute such power cannot be read into it and exercised.

Findings

In our present study of three sample cases, we find that the prima facie of all the three cases indicated that the accused could be tried in the ordinary court with the due process of law. But they were hurried to MLO 9 by which the basic principle of Justice was violated by the initial presumption of crime as against presumption of innocence.

¹ Vide (1990) 10B.L.D(A.D.) 292

In the first case that has been studied, an Assistant Director(JP) under the Ministry of Agriculture² working in the field was seemingly a victim of conspiracy of a group in his department.

Hawthorne experiment of Western Electrics in 1930s revealed that an employee cannot work in an enterprise to the best of his ability according to his will, he is to obey the group norms and group discipline, failing which he will be cajoled, ridiculed or even physically tortured to the detriment of the organizational development.

The incumbent Mr. H was charged with taking illegal money by giving a receipt. That receipt was not sent to forensic examination and yet over his denial and categorical objections, it was considered to be signed by him. The second receipt was sent to forensic examination which was found to be a signature which was a forged one in his name. And yet Mr. H. had to suffer for the first receipt which was not tested.

The researchers kept the incumbent under their observation and found him to be a man of piety and integrity. His family members and himself have been leading a poor living and it was quite unlikely that so much of money was taken by the incumbent. But a group of people of his department could make him dishonest by a single untested receipt, and the result was the loss of his job and he has to lead a miserable life.

² Jute production was later transferred to the Ministry of Jute.

But still more misery was waiting for him. This was after the Review Forum inquiry wherein it was revealed that basic principles of justice were denied to the accused and he should get either his job back or adequate compensation for it. Yet it was a matter of another receipt which stood on the way. That was whether or not he submitted his review application to the earlier President on time³. The poor man did not preserve it and hence could not get his job back in spite of such long-drawn proceedings.

We found that Director General of the department considered 'H' as an honest, hard-working and efficient officer, court of law discharged him from the criminal case. Yet 'H' could not be reinstated in service because of a simple procedure.

In the second case, we find that 'P' was a subordinate officer of the S.P. of 'M' district. He brought out the maid servant from the Thana hajat, produced before a Magistrate and quickly managed to send her away without the knowledge of S.P. who wanted an inquiry against P. Had 'P' not been personally involved in the matter for alleged moral turpitude, the matter would have looked very innocent, as Additional S.P. and S.P. have concurrent powers as is the case of District Magistrate and Additional District Magistrate or District and Session's Judge and Additional District and session's Judge. In fact, powers of the 'additional' in such cases are secondary and helpful to take away some of the burdens of the Principal officer. But as the Additional S.P. himself was allegedly involved in the case, he ought to have kept his hands clean.

³Before 10.11.86 under M/O Establishment Circular No. ৭৭/৭-৩/৮৯(অংশ)
৫৮৯২-১০-১১ ১

The Police is a disciplined force. But the force has distinct characteristics. Unlike Army, Navy or Airforce, the Police is to look into the law of the land in every step. For military forces 'Theirs not to make reply, theirs not to reason why, theirs but to do or die' holds good. For Police, sometimes for emergency operations, this also holds good. But in general it is distinct from Military and it must have an eye on the law of the land.

The law of the land has ascribed the function of law and order both to the magistracy and the police, the principal responsibility being that of the magistracy. Such is the provision of the Code of Criminal Procedure 1898, the Police Act 1861 or the Police Regulations of Bengal (P.R.B.) 1943 or other relevant laws. P.R.B. clearly states that the S.P. is to carry out the orders of the District Magistrate but the District Magistrate is not to interfere with the internal organization and discipline of the police force.

The relevant case was mingled with the internal discipline and rule of law. Under Article 33 of the Bangladesh constitution as well as section 61 of the Code of Criminal Procedure, an arrested person is to be produced before a magistrate within 24 hours of his arrest, excluding the time for transportation. The additional S.P. took the garb of protecting the fundamental right of a citizen and thus hurriedly produced the accused to a magistrate and influenced her to make a statement to be able to send her away without informing the S.P.

The police is a powerful agency of the Govt. 'Power corrupts, and absolute power corrupts absolutely', goes the saying. The law of the land gives so much power to the police at the level of the thana and district which is unparalleled to those in many advanced countries. Section 54 of the Cr. P.C. is an example whereunder a police officer can arrest a person without any warrant under certain circumstances. It has also power to bail out such person with their discretion. Apart from formal power, the informal power and role of the police are extra-ordinary. It can be used for either good or bad purposes. In many cases, a police officer can settle a dispute more effectively than many others if he so desires. On the other hand, as a veteran said, nobody generally can or does complain against a police on the fear that if action is taken against one police, the community of police will make his life miserable. Again a police can obstruct giving evidences or induce some simple villagers to adduce false evidence. Thus, the common view of the public is that a police officer can make anything and everything. When this is combined with the garb of protecting legal rights, the power of the police officer becomes boundless.

Thus in the concerned case it was difficult to take any action against the Additional S.P. in the ordinary process of law and hence perhaps the provision of the Martial Law was invoked. But this rather explains for the inadequacy of our law and legal system than justification of invoking MLO 9.

In the third case, Mr. Z. an Executive Officer while in Additional responsibility of a company, was charged with misconduct and corruption and thus was reduced in rank and later lost his job. The charges included misappropriation of the properties, embezzlement of money, illegal appointments etc. His case was dealt under Govt. servants (Discipline and Appeal) Rules and he made an appeal to the Secretary, Commerce Division. But before it was finally disposed of by the appellate authorities, he was compulsorily retired under MLO 9. The matter was thus a subjudice and whatever be the good or bad intention of the Martial Law authority, it was definitely against the ends of justice. It is a well established principle that justice should not only be done but also should be shown to have been done.

Secondly, compulsory retirement is definitely a higher degree of punishment than reduction to lower rank. As already mentioned, the Appellate Division of the Supreme Court in a different Martial Law case ruled that the reviewing authority should not impose a greater punishment than what was originally awarded. Thus, even if the Martial Law authority was considered to be the reviewers, it was a bad justice whatever be the merit of the case. Moreover, he got a punishment once. By punishing him again on the same facts are against the principle of 'autre fois acquit' and 'res judicata' and is a 'double jeopardy'.

Thirdly, Mr. Z tried to show more or less convincingly that during his charge of M/S E. & Co., the company made profits while

in other years the company made a loss. But this could not save him. He broke the established financial norms and rules, and his personal profits were also mingled with company's profits. Mr. Z appears to have taken some innovative measures but could not remain within the orbit of the established financial discipline and thus got the punishment instead of rewards.

Fourthly, it appears that the lower level employees of the company forced some decisions on him particularly in respect of potato-accounts and profits. Here the employees' role was relatively positive and they had a vigilant eye on the activities of their Administrator.

By analysing the cases, we find that all the three cases could have been tried according to the due process of law and in the ordinary court of law. In the first case, of course, the ordinary court of law discharged the accused Mr. H, even the Forum found him innocent and yet he could not get his job back because of a procedure. In the second case, although Mr. P. the Addl. S.P. broke the norms of a disciplined force, putting a minor girl in the thana hajat by the S.P. for more than three days was also both illegal and immoral which was not looked into.

Again, the MLO 9 was operated in all cases with unnecessary quickness. Particularly in the third case, it was operated at the time when the case was at the normal appeal stage. Martial Law is

not the usual law of the land. It is the product of any successful coup. Supreme court of Pakistan had opined in Dosso's cases that a successful coup brings about a new form of legality and norms. Yet we find that it is short-lived and if it clashes with the norms of public service, the morale in the public service cannot but be shattered.

In course of inquiry, the researchers also came across cases where a public servant who was in the contract service in the public interest was withdrawn from service before the expiry of contract period under MLO 9. More curiously, an officer was compulsorily retired from service a few days (less than a month) before his normal super-annuation, even paying him three months' pay/^{as extra-benefit}. Such hurry was not at all desirable.

Secondly, in all the three cases the concerned public servants did not get any chance to be heard in person before MLO 9 was made operative to them. This was a gross injustice as the principle of 'audi alteram partem' was not followed there.

Thirdly, although the subsequent Govt. formed the Review Forum, the Forum's hand was tied by putting a date deadline of petitions to the earlier President. Since the earlier President himself promulgated MLO 9 in his capacity as Chief Martial Law Administrator, many victims did not consider it to be useful to apply to him. Even the review of the cases took a long time and the victims were in agony and distress for over a decade.

Recommendations

1) There should be proper constitutional and legal guarantees for the public servants to protect themselves from arbitrary removal or dismissal.

2) There should be a national accord that a public servant is not supposed to serve the wishes of a particular political boss or political party-in-power, rather he is to serve the nation and the people with full neutrality without fear or favour, under of course, the supervision and direction of political leadership.

3) The composition and functions of the Administrative Tribunal should be extended as to include the trial of cases relating to corruption and misconduct of public servant to lessen the procedure of departmental proceedings.

4) The Review Forum should not be restricted by any particular date, rather should ^{be} empowered to review all MLO 9 cases even on fresh applications.

5) Revised financial rules might be framed for the Government-owned companies as to encourage initiative for profitability by taking risk in the commercial line.

6) If a public servant is found not guilty of a criminal charge by a court of law, he should get his job back without any further departmental proceedings. However, the department concerned may appeal to the higher court if it is convinced about his guilt.

7) The Higher Authorities should keep a vigilant eye on the activities of informal groups in organisations so that they remain within bounds.

8) There should be a national accord to incorporate in the constitution a provision discouraging coup d'etat in the country.

Annex 1

The Bangladesh Gazette
Extraordinary
Published by Authority
Tuesday, April 6, 1982

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
OFFICE OF THE CHIEF MARTIAL LAW ADMINISTRATOR
MARTIAL LAW ORDER NO. 9
Dhaka, the 6th April, 1982

In pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make the following Order :-

1. Notwithstanding anything contained in any other law for the time being in force or in any term or conditions of service or in any contract, the Chief Martial Law Administrator may, by order, remove any person -
 - a) appointed or employed by or serving under the Government; or
 - b) appointed or employed by or serving under a corporation, organisation, body, authority or institution established, constituted or maintained by the Government or constituted by or under any law; or
 - c) appointed or employed by or serving under a nationalised enterprise

without assigning any reason therefor, if he is of opinion that the removal from service of such person is necessary in the interest of the Govt. or, as the case may be, of the corporation, organisation, body, authority, institution or enterprise concerned.

2. No claim, suit or legal proceeding shall lie against the Govt. or, as the case may be, the corporation, organisation, body, authority, institution or enterprises concerned or against any person for any order of removal made or action taken under this order.

Explanation — Removal means Dismissal, Retirement, Release, Discharge and termination of contract of service.

H.M.ERSHAD, ndc, psc
LIEUTENANT GENERAL
Chief Martial Law Administrator
and
Commander-in-Chief

Annex 2

The Bangladesh Gazette
Extraordinary
Published by Authority
Sunday, July 13, 1986

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
OFFICE OF THE CHIEF MARTIAL LAW ADMINISTRATOR
MARTIAL LAW ORDER NO. 131
Dhaka, the 7th July 1986

Whereas it is expedient to amend Martial Law Order No. 9, for the purpose hereinafter appearing;

Now, therefore, in pursuance of the Proclamation on the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make the following Martial Law Order :-

1. In Martial Law Order No. 9, hereinafter referred to as the said Order, after paragraph 1, the following new paragraph shall be inserted, namely :-

"1A—The Chief Martial Law Administrator may, on application or suo moto, review an order made under this Order and may, on such review, confirm, vary, amend or rescind such order".

2. The Order shall be deemed to have come into force on the 6th day of April, 1982 and any order made by the Chief Martial Law Administrator at any time before the commencement of this Order, making any variation in, or amendment to, or rescinding, any order made in exercise of powers under the said order shall be deemed to have been made under paragraph 1A inserted in the said Order by this Order.

H.M.ERSHAD, ndc,psc
LIEUTENANT GENERAL
Chief Martial Law Administrator
and
Commander-in-Chief.

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গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
সংস্হাপন মন্ত্রণালয়
শ্রংখলা শাখা-৩

" বিজ্ঞপ্তি "

নং সম/ডিও-৯/৮৯(অংশ)-১৬

তারিখ : ২৭-১-১৬ বাং
১১-০১-১২ ইং

এম, এল, ও-৯/৮২ এর আওতাধীন কৃতিপ্রসু ব্যক্তিবর্গের দাখিলকৃত অনিশ্চপন রিভিউ পিটিশনগুলি পর্যালোচনা করিয়া সুপারিশ প্রদানের জন্য সরকার গত ১২-১০-১১ ইং তারিখের বিজ্ঞপ্তি নং সম/ডিও-৯/৮৯(অংশ)-১৫৬ এর মাধ্যমে প্রত্যেক মন্ত্রণালয় / বিভাগে একটি ফোরাম গঠন করেন।

২। উক্ত ফোরামের কার্যকাল ১১-১-১২ ইং তারিখে সমাপ্ত হইতেছে। অথচ অনেক মন্ত্রণালয়/বিভাগে বেশ কিছু সংখ্যক পিটিশন পর্যালোচনার অপেক্ষায় আছে বলিয়া জানা গিয়াছে এবং ঐ সকল মন্ত্রণালয়/বিভাগ সময় বৃদ্ধির জন্য অনুরোধ জানাইয়াছেন। তাই উক্ত ফোরামের মেয়াদকাল সরকার ৩০-৬-১২ ইং পর্যন্ত বৃদ্ধি করিয়াছেন। তবে ঐ তারিখের মধ্যে অবশ্যই ফোরামের সমস্ত কার্যক্রম সমাপ্ত করিতে হইবে।

রাষ্ট্রপতির আদেশক্রমে,
স্বাক্ষরিত / ১১-১-১২ ইং।
(মোঃ হাসিনুর রহমান)
সচিব।

(𐎧𐎫𐎲𐎠𐎹𐎶 𐎧𐎫𐎲𐎠𐎹𐎶 𐎶𐎫𐎲)

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⁶ ৱৰ্ণন ৱৰ্ণন ৱৰ্ণন ৱৰ্ণন

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1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

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୧୭୧-୧୭/୦-୦୭/୧୫-୧୫

୧୫-୧୨-୧୯୫୫
 ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ
 ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ

உதக ஸ்தலம் ஸ்ரீராம சுவாமி

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

। പാലക്കാട് കോളേജ്

പാലക്കാട് കോളേജ് ഓഫ് എഡ്യൂക്കേഷൻ പാലക്കാട് പ്രിൻസിപ്പൽ
കെ.എസ്. പ്രൊഫസർമാർക്ക് അഭിനന്ദനങ്ങൾ ഉണ്ടായിരിക്കട്ടെ.

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1. පැවැත්ම 1962 වසරේ පැවැත්ම 1962 වසරේ
 2. පැවැත්ම 1962 වසරේ පැවැත්ම 1962 වසරේ
 3. පැවැත්ම 1962 වසරේ පැවැත්ම 1962 වසරේ
 4. පැවැත්ම 1962 වසරේ පැවැත්ම 1962 වසරේ
 5. පැවැත්ම 1962 වසරේ පැවැත්ම 1962 වසරේ
 6. පැවැත්ම 1962 වසරේ පැවැත්ම 1962 වසරේ
 7. පැවැත්ම 1962 වසරේ පැවැත්ම 1962 වසරේ
 8. පැවැත්ම 1962 වසරේ පැවැත්ම 1962 වසරේ
 9. පැවැත්ම 1962 වසරේ පැවැත්ම 1962 වසරේ
 10. පැවැත්ම 1962 වසරේ පැවැත්ම 1962 වසරේ

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(୧୨୯-୩) ମୁଦ୍ରା

କଳି - ୧ ଶବ୍ଦର ସଂଖ୍ୟାରୁ ଏ ପ୍ରାୟ ୭ ହଜାର ୧୦

(1945-1946)

1945 - 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 27

අනුමැතිය - අනුමැතිය ලබාදීම/අනුමැතිය ලබාදීම (9)

[illegible]
$$\frac{1119-0-02}{1275-02-22} = 2.119$$

୧୦୯-(୧୧୫) ୯୭/୯-୧୫/୧୧ ୧୧

ॐ नमो भगवते वासुदेवाय

୧-୧୫ ୧୫ ୧୫ ୧୫ ୧୫

১৯১৬-১৭ ১৯১৭-১৮
 ১৯১৮-১৯ ১৯১৯-২০ ১৯২০-২১