

**Extract of Agenda Item No. 9 passed during 156<sup>th</sup> BOD held on 04/04/2008.**

**To consider and decide regarding compulsory retirement of Shri M.P. Kamat, Dy. Financial Controller (Costing & Budget) under FR 56(J).**

The Board be appraised that Shri Mahesh Kamat, joined the services of the Corporation on 16/12/1982 on attaining the age of 28 years as Accountant. Thereafter, he was departmentally selected to the post of Asstt. Financial Controller with effect from 1/10/1985 and promoted as Dy. Financial Controller with effect from 24/03/1990. While functioning as Dy. Financial Controller, Shri Mahesh Kamat was issued three Charge-Sheets on different Articles of Charges. All the Charge-Sheets were placed for the departmental enquiry before the enquiring authority. He was placed under Suspension as Statistical Officer pending departmental enquiry and final action with effect from 24/2/2001 till 27/8/2002. Since no charges framed against Shri M. P. Kamat were proved in two Charge-sheets, he was exonerated from the charges framed against him vide order No. KTC/ADMN/1-2/2003-04/72 dated 20.11.2003 and No.KTC/ADMN/1-2/2006-07/122, dated 17/2/2007 respectively. As regards to the third Charge-sheet framed against him, it is learnt that the departmental enquiry has been completed and the enquiry report is in the Office of the Disciplinary Authority for final action.

His contention is that he has having unblemished service record. During his service tenure he has been suspended 4 times prior to last suspension. He had embezzled Postal Saving commission of employees which ought to have transferred to the employees Social Welfare fund. During the time of his posting as a personnel Manager he has changed the service record of Shri Narahari Naik, Accountant without approval of the Appointing Authority (Managing Director). Being officer (employees) of Corporation he has been involved in side business like selling the Maruti car on premium. One of cause of said business is that he had forgely sold car of Shri V. V. S. Kunkolienkar, Dy. G.M. (Traffic). This tussel leads to litigation and they went to the Apex Court for the same.



He has been posted as Dy. Financial Controller (Costing & Budget) with effect from May 2007. Accordingly, he has been allotted the duties of the post vide order No.KTC/PERS/110(566)/2006-2007/3392, dated 20/2/2007. Subsequently, he has been posted with one Jr. Stenographer and one C.L.D.C. for every half day and two clerks were issued with the transfer order from the Civil department, however, it is learnt that, both the clerks had approached the then Managing Director/ Hon'ble Chairman saying that, they are not willing to work under Shri Mahesh P. Kamat. Further, the Jr. Stenographer provided to him vide order No. KTC/PERS/3/2006-2007/3373, dated 16/2/2007 has been withdrawn by the Managing Director vide Order No. KTC/ADMN/1-2/2007-08/4, dated 12/4/2007.

He draws a gross salary of Rs. 34,500/- per month but he is inefficient and does not do work. He does not want to take efforts and does not have will to work. He avoids work on the pretext of lack of staff, non-cooperation/inefficiency of staff and by addressing letters seeking information from various departments. His conduct impedes the smooth working of KTCL. He has a negative attitude towards work, is non-cooperative and incorrigible.

By Order dated 07.01.2006, he was transferred and posted to his cadre post of Deputy Financial Controller (Accounts Department). However, by letter dated 10.01.2006 he expressed his unwillingness to take charge to the Managing Director. KTCL took objection to his words that "*I would be compelled to fulfill the expectations of the management as desired of me vide the Charge Sheet dated 04/03/1998. In the process, the confrontations are inevitable and might create problems for the Department rather than solving the problems as might be contemplated under Transfer Order dated 07/01/2006*". His request was allowed to allay any apprehensions in his mind. Pages E-2/1 to E-2/3 are copies of letters dated 07/01/2006, 10/01/2006 and 06/05/2006.

By Order dated 16/05/2006, he was posted as Dy. Financial Controller (Costing and Budget). On 22.05.2006 he addressed a 'Note' to the Managing Director calling for various information regarding the post, pay-scale, sitting place, staff allotted, handing over of charge etc. He had to be reverted back to continue as Officer on Special Duty (O.S.D.) as additional charge. Page E-2/4 is copy of the Note dated 22/05/2006.



On 20/02/2007 he was issued written instructions to undertake regular work as Deputy Financial Controller (Costing & Budget). However, by letter dated 22/01/2007 he expressed his difficulties and closed the costing and budget exercise on plea that officers are not co-operating, not providing information, lack of staff and facilities. Page no. E-2/5 is a copy of the letter dated 22/02/2007.

By letter dated 26/04/2007 he was assigned duties to ensure accounting of 'spares'. However, by letter dated 06/06/2007 addressed to the Managing Director he stopped further work with a one line note that '*information for the period 16/05/07 to 31/05/07 is not maintained by concerned addresses*'. He complained non-cooperation from officers and shortage of staff. Pages E-2/6 to E-2/7 are copies of letters dated 26/04/2007 and 06/06/07.

He was assigned adhoc duty for 'line checking' vide Order dated 30/04/2007. By report dated 08/05/2007 he represented that he should not be given this work as he '*does not have moral sanctity to ckeck the conductors who might have pilfered some revenue in Rs. Tens or few thousands*'. Pages E-2/8 to E-2/9 are copies of report dated 08/05/2007.

In his application for leave dated 30/05/2007 he admits that his 'absence from work place shall not make any difference to KTCL'. Page E-2/10 is a copy of the Application dated 30.05.2007. His Annual Confidential Reports (ACRs) for the period 1985, 1986, 1990 to 1994 are missing. We may assume for his benefit that there is nothing adverse in his confidential reports of the said period. His ACRs for the period 1997 to 2002 and 2007 are not written. His ACR available on the record do not contains any adverse remarks. However, in latest ACR for the period 2005 do not contain any adverse remarks. However, in latest ACR for the period 2006, it is observed remarks that "During the period under report the officer registered his protest on various occasions killing valuable time of the management showcasing his personal rivalrey and differences with other officers of KTCL which was detrimental to the interest of KTCL. All appeals to him in person could not yeild any results otherwise he was Good Officer".



He is without charge/work since June 2006 and whatever work is assigned to him has not been completed by him by giving excuses and without making any serious efforts. All junior staff allotted to him refuses to work under him due to his personal behaviour.

He labors under the impression that KTCL staff is harassing him at the instance of a co-officer Mr. Kunkolienkar. There are criminal and civil cases between them pending in the courts. He has made KTCL a platform to settle personal scores with Mr. Kunkolienkar.

He keeps busy addressing letters to Managing Director and other personnel – calling information or alleging other officers of KTCL regarding their exoneration, service benefits etc. The tenor of his letters is insincere, accusatory, mocking and threatening. Pages E-2/11 to E-2/18 are copies of some letter by him.

He has abused his right under Right to Information Act against KTCL seeking information to settle personal scores.

He has so far addressed 24 number of requests under RTI Act to the PIO, KTCL seeking inspection of his own confidential reports, promotional records of other employees and other information. In a recent incident, he rushed to the Goa State Information Commission in a complaint against KTCL, inter alia, for not giving him inspection, without first exhausting his remedy under Sec. 19 of the RTI Act which provides an appeal against the refusal/failure before the Managing Director. Pages E-2/19 to E-2/32 is a copy of the proceedings in Complaint 39/2006. He has also filed another complaint no. 47/07-08/817/2007 before the Goa State Information Commission against KTCL. He prays for imposing penalty on the PIO, KTCL.

He was issued a Memorandum for misusing office stationery and staff for his personal representation and grievances. Page no. E-2/33 is a copy of the memorandum dated 07.06.2007.

He was directed to handover the mobile phone/SIM card given to him by KTCL because of his poor performance. However, despite repeated reminders,



oral and written, he refused to handover the handset and SIM. Page E-2/34 is a copy of the note dated 04.06.2007 directing him to deposit the handset with SIM. In reply, he writes that this will be 'contempt of Court' with allegations that the Disciplinary Authority 'appears to be incapable of deciding on inquiry findings'. Pages E-2/35 to E-2/36 is a copy of the said reply dated 06.06.2007.

He has vide letter dated 19/05/2007 claimed interest @ 10% per annum on payment of difference between subsistence allowance and increments on the premise that it is released 2 years after inquiry Report and demands 'action' to be taken for 'undue and unreasonable delay'. Page no. E-2/37 is a copy of the said letter dated 19/05/2007.

He sought permission to hold a press conference vide letter dated 05.06.2007 and demands 'reasons' in case KTCL has objection. Permission was denied vide Memorandum dated 08/06/2007. Pages E-2/38 to E-2/39 are copies of the said letter dated 05.06.2007 and memorandum dated 08/06/2007. He refused to accept the said Memorandum despite and left for home without receiving it. In the past also, vide letter dated 18.04.2006 he has sought permission for holding a press conference.

Presently he is under suspension w.e.f. 8.6.2007. He refused to accept this order also, as a result we were forced to paste it on outer door of his residence. He is a drain on public money without any productive use of KTCL. His conduct and reputation is menace to public service, injuries to public interest and an impediment to the smooth working of KTCL.

By Order dated 19.7.07 Shri. Mahesh Kamat was compulsorily retired under FR56(J). This Order was challenged by him before the high Court of Bombay at Goa in Writ Petition 492/2007. This petition was disposed of on a statement by our Counsel that the Board wants to reconsider the said order dated 30.10.2007. However, in light of the aforesaid, Board may discuss and decide the matter accordingly by passing suitable Resolution in this regard.

**RESOLUTION No. 9/2008**



E-2/1

No.KTC/PERS/3/2005-06/2964  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim, Bardez - Goa.

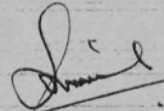
Date:- 7<sup>th</sup> January, 2006.

TRANSFER ORDER

Due to administrative convenience, Shri M. P. Kamat, Officer on Special Duty is hereby transferred and posted to his cadre post of Dy. Financial Controller, Accounts Department, Head Office, Porvorim with immediate effect. Shri M. P. Kamat should take charge of Accounts Department, H.O. from Shri Y. D. Gaude, Asst. Financial Controller.

Shri M. P. Kamat, shall continue the charge of Officer On Special Duty till further orders.

The order shall come into force with immediate effect and should be comply by 12/1/2006.

  
(S. V. Naik )  
MANAGING DIRECTOR

To,  
Shri M. P. Kamat,  
Officer On Special Duty,  
Kadamba Transport Corporation Ltd.,  
Head Office.

C.C. to the Hon<sup>ble</sup> Chairman, for favour of kind information.

Copy to:-

1. The General Manager, for information.
2. The Asst. Financial Controller, for information.
3. Personal file.
4. Office copy.
5. Guard file.
6. All Sectional Heads.



E-2/2

6/c (84)

PERSONNEL DEPARTMENT  
WARD No. 6031  
12/1/06

From: Shri. M. P. Kamat,  
Officer On Special Duty,  
K.T.C.L.,  
Porvorim - Goa.

194  
2560

Dated: 10/01/2006.

To,  
The Managing Director,  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No	5249
Date:	10/1/06

Ref: Transfer Order No. KTC/PERS/3/2005-06/2964  
dated 07/01/2006.

Sir,

This is with reference to the Transfer Order referred to above, requiring my posting as Dy. Financial Controller to take charge of Accounts Department, Head Office by 12/01/2006. In that regard, I am to submit as follows:

Vide Transfer Order dated 07/11/1996, I was transferred from the cadre post of Dy. Financial Controller, Accounts Department, Head Office, which transfer was followed by suspension and further followed by inquiry vide Memorandum No. KTC/ADMN/1-2/97-98/205 dated 04/03/1998, which inquiry is till being dragged upon and still not reaching to its logical conclusion. In fact, the proposed transfer is another attempt of humiliation, since after occupying the said post and discharging the duties as Dy. Financial Controller from the Executive Chamber, I will be compelled to occupy the seat of the Charge Sheeted Officer before the Enquiry Officer facing against me, Shri. Ganpati Budhwant, Peon, Shri. A. Shirvoikar, Personnel Officer and Shri. Narayan Naik as the Presenting Officer. Having adequately harassed, victimised and humiliated, it is my bonafide appeal to you not to inflict further humiliations on me. At the outset, I am making it clear that there is nothing personal in the issue and further that you as the Managing Director and the Chairman were not the parties of the problem, but it is equally true that I as an individual is being hurt deeply and only me can know the pains suffered in the hurting process. Inside me is a victim crying for help, being unnecessarily harassed and victimised under the CCS (CCA) Rules for the misconducts of some other's who are eventually rewarded through promotions.

In a nutshell, some of the major allegations behind my transfer from the cadre post of Dy. Financial Controller way back in the year 1996 are as follows:

That as Dy. Financial Controller while verifying the bills and making the payments, I did not:

- verify the future prices of materials.
- verify the materials while taking into stock.

And that I did:

- purchased non genuine, spurious materials at higher rates.



- (b) procured excess quantity of materials at higher rates
- (c) blocked the funds through inventory.
- (d) placed Purchase Orders/Order for supply of materials.
- (e) misplaced records of purchase transactions amounting to purchases in violation of the procedure and in excess of tender requirements and
- (f) purchased materials violating tenders/without inviting tenders.

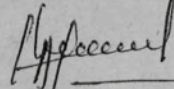
Subsequent, to my transfer way back in the year 1996, various Officers handled the Finance Department, namely, Shri. U. B. Naik, Shri. T. K. Pawase, Shri. Narahari Naik, Shri. George Fernandes, Shri. Y. D. Gaude. But none of these Officers acted the way as desired by the Management from me vide the Charge Sheet dated 04/03/1998.

With the expectations of KTCL Management different against me and the inquiry instituted against me, still incomplete, I would be compelled to fulfill the expectations of the Management as desired of me vide the Charge Sheet dated 04/03/1998. In the process, the confrontations are inevitable and might create the problems for the Department rather than solving the problems as might be contemplated under Transfer Order dated 07/01/2006.

In view of above, it is my genuine request to hold back the proposed Transfer Order till the inquiry instituted against me is at its logical conclusion. I am further drawing your attention to my Representation laid before the Board in the 144<sup>th</sup> Board Meeting held on 23/09/2005, wherein, the Board had assured to look into the episode and decide within 15 days. The said issue is also pending before the Board over 3 months since then and I further request that atleast till the conclusion of the next Board Meeting, the proposed transfer be kept in abeyance since I desire to represent before the Board in person.

Once again I repeat that we (i.e. self, Managing Director and Chairman) have nothing personal amongst us, but the said notings are also inevitable from a victim undergoing the process of pain that started way back in the year 1996 and still continuing.

Yours faithfully,



( M. P. Kamat )

OFFICER ON SPECIAL DUTY



E-2/3

74a 85

No.KTC/PERS/(566)/06-07/ 520  
Kadamba Transport Corpn.Ltd.,  
Alto Porvorim-Goa.

193

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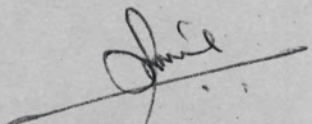
Date: 6.5.2006

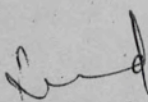
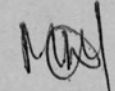
To,  
Shri M. P. Kamat,  
O.S.D.,  
K.T.C.L.,  
Alto, Porvorim-Goa.

- Ref: 1. Transfer Order No.KTC/PERS/3/2005-06  
2964 dated 7.1.2006  
2. Your letter dtd. 10.1.2006.

With reference to above, it is regretfully noted that, you are reluctant to work on the post assigned and to honour the subject transfer order. Further wording used by you in the said letter such as "I would be compelled to fulfill the expectations of the Management as desired of me vide the Charge Sheet dated 04.03.1998. In the process, the confrontations are inevitable and might create the problems for the Department rather than solving the problems as might be contemplated under Transfer Order dated 07.01.2006" is not acceptable.

However, Management has agreed to keep the said order in abeyance and desires that the services of the Senior Officer like you be utilized in the best possible manner and as such a suitable duties without living any room for apprehensions as raised by you in your letter, will be allotted to you at the earliest.

  
( S. V. NAIK )  
Managing Director

o/c  
  
  
19/5/06



F-2/A

No.KTC/OSD/2006-07/19  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Dated: 22.5.2006

**NOTE**

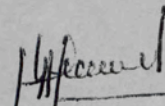
Sub: Transfer Order.

8/86  
192  
254/c  
1361  
2015 loc

With reference to the Transfer Order No. KTC/PERS/3/2006-07/548 dated 16.5.2006 actually received by me on 22.05.06 at 11.10 hrs., I submit as follows:


1. The post designated Dy. Financial Controller (Costing & Budgeting) is ordered to be occupied by me which post is filled up in the Corporation for the first time since inception during 1980. In view of which I may please be informed :
  - a) The grade of the post.
  - b) The pay scale of the post.
2. The sitting place allotted to the undersigned as Dy. Financial Controller (Costing & Budgeting) in the Accounts Department. Preliminary enquiries with A.F.C. and the Asst. Engineer does not reveal anything since they are unaware of the transfer order as at this moment.
3. The staff allotted to the undersigned as Dy. Financial Controller (Costing & Budgeting)
4. The rights, duties and responsibilities assigned to the department and the head of the department.
5. Upon transfer whom the charge of O.S.D. to be handed over and from whom the charge of Dy. Financial Controller (Costing & Budgeting) to be taken over.

Pending clarifications as above, the acknowledgement of the transfer order by me on 22.5.2006 at 11.10 a.m. itself be treated as joining. I may be informed of proposed rights, duties and responsibilities at the earliest so that I can initiate further necessary action in public interest and Administrative convenience.

  
( M. P. KAMAT )  
Officer on Special Duty

To,  
The Managing Director, K.T.C.L.

C.C. to: 1. The Hon. Chairman, KTCL.  
2. The Personnel Officer, KTCL.

Ms. P. chair  
  
23/5



KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 8394  
Date: 22/2/07

E-2/5

9018  
24/2/07

87

191

253/c

Dated: 22.2.2007

NOTE

Ref: (A) Office Memo KTC/Pers/110(566)/2006-07/  
3392 dt. 20.2.07.

(B) Note No.KTC/OSD/2006-07/19 dt. 22.5.96.

With reference to note dated 22.5.96, I have desired compliance on several issues of which only sitting place was provided to me and of late the duties and responsibilities attached to the post of Dy.F.C. (Costing & Budget) are issued.

Vide Memo dated 20.2.07, you have desired tentative Budget latest by 25<sup>th</sup> March 2007. The Budget Dept. in KTCL is just conceived and shall require some time to deliver the results. However the attempts can be made, provided the initiatives are taken to provide:

- (A) Budget staff.
- (B) Sitting place for Budget Staff and
- © Computer.

It is come to my knowledge that number of transfer orders are issued but none had ever reported me till date. It is also learnt that some part time transfers are made and CLDCs are transferred. I am writing this in anticipation to avoid further correspondence subsequently and in the interest of budget desired by you.

I do not need a CLDC at this stage wherein I have to call for lot of information from various units of KTCL to prepare a Master Budget. The compilation shall take some time and when it comes to compilation part time adjustment of Asst. Accountant, Accountant and A.F.C is agreeable to me. However if a full time steno is provided to me instantly without the transfer of CLDC, it is still workable for me so that I can use the steno for the work of CLDC for time being.

It is learnt from Personnel Manager, that the steno attached to traffic dept. is posted in the morning session in this department. If this order is modified to make the posting effective in the afternoon session with flexibility that in the event of non-availability of Section head in the morning session in that department her services can be used by me, I am hopeful to use the steno for full day which will be in mutual interest of myself, steno, LDC on transfer and KTCL.

*Mahesh Kamat*  
Mahesh Kamat

To,  
Managing Director.

C.C: Chairman, Kadamba Transport  
Corpn.Ltd.

*- order part time staff / part time staff  
has already been issued  
- they shall continue to work from  
their own tables until sitting arrangements  
is made.  
- Any of the computers could be  
shared till separate computer is  
provided from another -  
28/2/07  
PM*



E-2/6

No.KTC/ADMN/1-2/2007-08/8  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.

24/10

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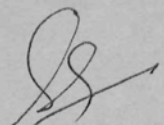
252/c

Dated: 26.4.2007

NOTE

It has been decided to generate effective MIS reports to help informed decision making by the Management. Henceforth, it is directed that all consumption of spares at Central Stores/Central Workshop and Depots should be booked against specified bus only so that the cost effectiveness of maintaining particular buses at specified depots be identified and necessary action taken. It would also help in better compilation of bus-wise information. The information shall be sent to Dy.F.C.(Costing) and he shall submit it to M.D. on regular basis.

This should start from May 1, 2007 positively.

  
( Sanjay Goel, IAS )  
Managing Director

To,

1. The General Manager
  2. The Works Manager
  3. Depot Managers/Vasco/Margao/Porvorim/Panaji depot.
  4. A.S.O.
  5. A. F. C.
  6. Dy.F.C. (Costing)
- C.C. to: The Dy. G. M. (Trf.)



E-2/7

29

37/C  
189  
25/6

KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 1683  
Date: 6/6/07

Date: 6.6.07

NOTE

Ref: Note No.KTC/ADMN/1-2/200708/8  
dated 26.4.07

The information for the period 16.05.07 to 31.05.07 is not maintained by the concerned addressees.

(M.P. Kamat)  
Dy/F.C(C&B)

To,  
The Managing Director,  
K.T.C.Ltd.,  
Porvorim.

R.M.  
7/6



KADAMBA TRANSPORT CORPORATION LTD.  
 Inward No. 1036  
 Date: 9/5/07

M. P. Kamat,  
 Dy. F. C. (B & C)  
 Kadamba Transport corpn. Ltd.,  
 Porvorim-Goa.

Dated: 8.5.2007

Office of the Dy. F.C. Porvorim - Goa  
 K. T. C. Ltd.  
 Inward No. 542  
 Date: 11/5/2007

**REPORT**

Sub: Line Checking Programme dated 30.4.2007.

1182  
 12/5

With reference to the above, checking was done by me. At the outset, I would like to state that I do not have any moral sanctity to check the conductors who might have pilfered some revenue in Rs. tens or few hundreds. The inspecting authority should not be under the clouds. I myself is facing serious allegations running into few lakhs of rupees. Natural justice demands that the inspecting authority should not be under clouds. Despite this, to honour your instructions, I have carried out the checking and I would like to submit as below:

1. The bus proceeding from Cortalim to Margao, Cortalim to Vasco and Cortalim to Panaji were checked at Cortalim between 14:35 hrs. till 15.00 hrs. i.e. for a duration of 25 minutes. It is observed that during this period, as many as 6 big buses and 5 mini buses operated from Cortalim to Margao. The departure time at Cortalim were observed as 14.40 hrs., 14.42 hrs. 14.46 hrs. excluding the mini buses. Likewise, from Cortalim to Vasco buses departed at 14.37 hrs. 14.40 hrs. and 14.45 hrs. From the above, it can be seen that there are clash timing operations. The number of Kms operated may be more but the revenue earning per Km is very less. The buses were observed operating below 50% seating capacity. Particularly the buses proceeding to Vasco and coming from Vasco were found with less than 25% load factor. It is suggested that the schedules on the nationalised routes to be reviewed. The earnings per Km will rise in the event the same Kms are operated by less number of buses. These surplus buses can be withdrawn and put on local intra routes.

2. At Canacona Bus Stand on 2<sup>nd</sup> May 2007 at 5.45 p.m. and on 3<sup>rd</sup> May at Curchorem Bus Stand at 10.00 a.m., the respective bus stands were observed fully occupied by buses without a single KTC bus in the parking bay of the bus stand. It is necessary to look into the scale of operation on local intra routes.

3. On 2<sup>nd</sup> May 2007, on Margao-Canacona route distance 40 Kms except for one bus proceeding to Mysore no bus was seen on this route from 3.30 p.m. till 5.45 p.m. Likewise on 3<sup>rd</sup> May from 9.15 a.m. till 10.30 a.m. not a single bus was seen on route Margao till Mollem distance 50 Kms. This brings to focus scale of operations on local intra routes.

GM  
 Dy GM  
 my pl. see  
 for comments  
 10/5  
 11/5  
 14/5

Most of the observations are related to rate section but for ASB 10 which will be replied by technical section. May therefore see  
 Dy GM (T.P.P.) A.R. Naik M. Putuh at H. ① ② ③  
 15/7 1215



4. On 2<sup>nd</sup> May 2007, it was seen that following schedules were not operated :

1. 28A/28
2. 43A/43
3. 44A/44
4. 118A
5. 42A

*Defect is not mentioned to which schedule attached*

It is also seen that schedule No. 36 was out of operation for considerable long time. It is also observed at Canacona Bus Stand that people were enquiring whether the bus on schedule 44A/44 likely to arrive for Night Out at Cabo De Ram. It was revealed from the passengers that the said bus had not reported for previous two days. Similar is the case with Night Out at Kuskem.

*Letter be made to D.M. PRV.*

5. It was reported by the Controller at Canacona Bus Stand that early morning bus arriving from Mysore and reaching Cancona at 6.15 hrs. is not entering the Bus Stand. It was informed that quite a few passengers are available for transportation on KTCL Bus Stand.

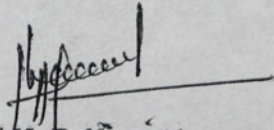
6. It is necessary to ascertain whether complete schedule with all the trips are operated. It is suggested that a list should be called from Depot Managers wherein all the trips in a schedule are operated for full week. Considering the non availability of the buses for checking on routes over a long distance it is felt that may be only a few late evening trips in the sensitive areas are operated to show the operation of full schedule. This is very vital as it amounts to under utilisation of the crew and fleet.

7. Default case was noticed which is reported separately. It was found that the conductor was without cash bag. It needs to be ascertained whether the cash bag was not provided or the conductor deliberately did not carry the cash bag. The amount of Rs. 150/- was found on person of the said conductor. This might have been a tactic adopted to pilferage the revenue since it is not practical for full checking of the conductors inner wear.

8. The said conductor when being checked was found receiving mobile calls. This raises a very vital issue about the confidentiality and worth of long checking programmes. The checking squad information can be leaked within a fraction of the moment thereby nullifying the importance of long checking programmes. The important issue is whether the conductors should be permitted to use mobile phones on duty.



9. It is also suggested that apart from surprise checking of the conductors and the line checking squad, at an appropriate higher level, the Managing Director should also instruct the counter checking of self drawn checking programmes. There is information that self drawn checking programmes are tuned in the personal interest and not strictly in the interest of the Corporation such as family trips, purchases, etc. In such a situation the Managing Director may propose the counter checks by other senior officers to ensure that the line checking is strictly done in the interest of the Corporation.
10. It is suggested that on long distance interstate checking very old vehicles should not be provided. The latest vehicles should be spared for long distance line checking.
11. Bus Station conditions were observed normal.
12. Enquiries with conductors revealed that late departure of buses. The unpunctual operations might lead to revenue dilution arising out of passenger diversion.

  
( M. P. Kamat )  
Dy. Financial Controller (B & C)

To,

The Managing Director,  
K.T.C.L, Porvorim-Goa.



KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 1562  
Date: 30/5/07  
31/5

E-2/10

From :

Shri M.P. Kamat,  
Dy.F.C.(C&B)  
KTCL, Porvorim-Goa.

92-7C  
186  
248/C

Date : 30.5.2007

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Sub : Privilege leave

Sir,

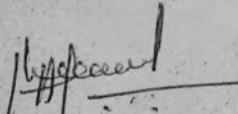
I request you to kindly grant me 5 days privilege leave w.e.f. 4.6.2007 to 8.6.2007 in view of most urgent work. I have applied for leave vide application dated 11.5.2007, 16.5.2007 and 30.5.2007 all leave applications had been rejected. The application dated 16.5.2007 and 30.5.2007 are rejected without assigning any reasons.

It is observed that other Officers in the KTCL are sanctioned leave during corresponding period. This is unnecessary harassment caused to me despite keeping me away from work under false enquires.

Despite from sitting in headquarters officially, with no opportunity to deal with any official work it is unreasonable and unfair to me not to sanction leave. My absence from work place shall not make any difference to KTCL.

I had appeared before your Authority with the rejected leave application for personal discussion, but surprised to find threat of compulsory retirement, In fact I have appeared before you almost after a month wherein I was also threatened with disciplinary actions. I am putting things in writing since I am refused to be heard by Higher Authority.

The application dated 30.5.2007 is resubmitted with a request to sanction or at least spell out the reasons for not sanctioning.

  
( M.P. Kamat )  
Dy.F.C.(C&B)

Encl. as above

7AEMJ  
MK

1D



E-2/11

Dated: 08/03/2007.

To,  
The Board of Directors,  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No	8745
Date:	8/3/07

185  
247/c

Dear Sirs,

Shri. S. V. Naik, Managing Director, KTCL, now on transfer had called a Board Meeting on 9<sup>th</sup> March, 2007. Apart from other items on the Agenda, the confirmation of the Minutes of the previous Meeting includes Resolution No. 19/2007 to drop the Departmental Enquiry and Charge Sheet initiated against Shri. V. V. S. Kunkolienkar. Shri. S. V. Naik, Managing Director, KTCL had reordereed inquiry against me alleging the irregularities in certain purchase transactions amounting to acts of connivance with Shri. S. V. Naik and Shri. P. A. Gaonkar, the then Dy. General Manager (Tech) and Purchase Officer respectively. Despite knowing the fact that Shri. S. V. Naik and Shri. P. A. Gaonkar had already been exonerated on the subject matter of alleged transactions and further that the principal witness, Shri. George Fernandes, having gone on records that he had deposed falsely as put to him by his Presenting Officer, Shri. V. V. S. Kunkolienkar. It is also a matter of fact that the inquiry Report is received by Shri. S. V. Naik, Managing Director, KTCL dated 13/10/2006. The said Report is resting in his Office. Despite this and having repeatedly brought to his notice the acts of Shri. V. V. S. Kunkolienkar in the said transactions, he had conveniently preferred to set in motion the process of dropping the Departmental Enquiry and Charge Sheet initiated against Shri. V. V. S. Kunkolienkar.

The facts of the case briefly stated are as below:

- (a) Shri. V. V. S. Kunkolienkar, then Works Manager initiated indents for purchase of body building material identifying the material by Ruby part numbers, which material can be supplied only by M/s. Vishnui Enterprises, a sister concern of M/s. Ruby Coach Builders Pvt. Ltd., Mumbai.
- (b) Shri. T. K. Pawase, Asstt. Controller of Stores, initiated stores indent corresponding to user indents initiated by Shri. V. V. S. Kunkolienkar.
- (c) Shri. S. V. Naik, then Dy. General Manager (Tech) on visit to M/s. Ruby Coach Builders Pvt. Ltd., Mumbai, dispatched the material through KTCL bus from M/s. Vishnui Enterprises.
- (d) Shri. T. K. Pawase, then Asstt. Controller of Stores received the material at the Central Stores without a valid pre-audited purchase order.
- (e) Shri. P. A. Gaonkar, then Purchase Officer initiated purchase orders bypassing the Purchase Committee, directly for the clearance by Internal Auditors, Shri. Vaman S. S. Shirodkar.
- (f) Shri. S. B. Joshi, Chief Auditor of M/s. V. S. S. Shirodkar accepted the purchase proposal accompanied by Goods Receipt Notes (GRN) from Stores, delivery challans, supplier's invoices and remark of the Purchase Officer that "materials supplied" and cleared the purchase order with remarks "as per invoice".
- (g) Shri. George Fernandes, the Accountant then, accepted the bills, accounted them in the Books of Accounts, scrutinised the Bills and released the vouchers for payment by the Competent Authorities. To make a mention one payment voucher was detained for 60 days by him and was released for payment when the undersigned was on leave for 1/2 day on a particular date.

The above events from (a) to (g) represent the sequence in which, the transaction was originated and completed by different Authorities in KTCL.

During the whole process, the undersigned was on sanctioned leave on LTC to



Rameshwaram, Kanyakumari and Trivendrum. The sequence of the events stated at (a) to (g) above were not even functional concerns of the undersigned in the routine course, except that the participation of the undersigned as Purchase Committee Member, which was functionally expected of me, but which stage has been intentionally bypassed by placing the purchase orders directly before the Internal Auditors by the then Purchase Officer, Shri. P. A. Gaonkar.

For the above irregular transactions, the participants at (b), (c), (d), (e), (f) and (g) are rewarded as below:

- (1) Shri. S. V. Naik, Dy. General Manager (Tech) promoted to General Manager.
- (2) Shri. P. A. Gaonkar, Purchase Officer promoted to Controller of Purchases.
- (3) Shri. George Fernandes, Accountant promoted to Manager, EDP.
- (4) Shri. T. K. Pawase, Asstt. Controller of Stores promoted to Dy. Financial Controller (Budget & Costing).
- (5) Shri. S. B. Joshi as Chief Internal Auditor

Shri. V. V. S. Kunkolienkar with respect of whom the Departmental Inquiry Proceedings are now dropped is now unprocedurally cleared of inquiry for promotion as Dy. General Manager and Shri. Vaman S. S. Shirodkar for reappointment as Internal Auditor with percentage hike in the remuneration. On the contrary, the undersigned who had no role to play in the whole episode and was on sanctioned leave is punished with disciplinary proceedings now spread over 10 years. Not only that the inquiry proceedings are complete, the Report is received and the falsity of the allegations is established, but Shri. S. V. Naik, Managing Director, KTCL had overlooked the said Report though he had time to look into the unfinished inquiry against Shri. V. V. S. Kunkolienkar. The premature closure of the disciplinary proceedings against Shri. V. V. S. Kunkolienkar by Shri. S. V. Naik, Managing Director, KTCL are unprocedural and illegal since

- (a) The Disciplinary Authority of the Managing Director cannot be sub-delegated.
- (b) The disciplinary proceedings cannot be closed on the ground that the Report is not received within 90 days.
- (c) The disciplinary proceedings closed upon advice of Shri. S. V. Patnekar, a Private Advocate and Private Counsel of Shri. V. V. S. Kunkolienkar without processing the same through Office of O.S.D and L.A.
- (d) The arguments in favour of self and against KTCL led before the Grievance Committee by Shri. V. V. S. Kunkolienkar himself.
- (e) Shri. S. V. Naik, Managing Director, KTCL participated in the membership of the Grievance Committee.
- (f) The disciplinary proceedings taken synonymously with the grievances and brought under the scope of Grievance Committee.
- (g) The conduct of inquiry instituted under Rule 14 of CCS (CCA) Rule is mandatory.

The Grievance Committee felt that the Article of Charges framed against Shri. V. V. S. Kunkolienkar was without any substance. If this was true, it was in the mutual interest of KTCL as well as Shri. V. V. S. Kunkolienkar to expedite the Report from the Enquiry Officer, Shri. Thali, wherein, the deposition and cross examination on both sides was complete and the Report submission was awaiting. This would have helped the Corporation to procedurally complete the inquiry proceedings without leaving Shri. V. V. S. Kunkolienkar at the mercy of the Grievance Committee to set aside the inquiry proceedings instituted against him. It may be the case that the Grievance Committee had erroneously decided on the disciplinary matter and the Board in the 151<sup>st</sup> Meeting accepted the said Report of the Grievance Committee, such acts of the Grievance Committee as well as the Board of Directors does not absolve Shri. S. V. Naik, Managing Director, KTCL from his responsibility as Disciplinary Authority. The findings of the Enquiry Officer are not binding on the Disciplinary Authority as is evidenced in the similar case, wherein, the adverse findings against Shri. P. A. Gaonkar erroneously not accepted by the then



H/C  
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24/10

Disciplinary Authority, Shri. Arun Desai. Therefore, it was also prudent on the part of Shri. S. V. Naik, Managing Director, KTCL to reject the adverse findings, if any, from the Enquiry Officer, Shri. Thali as against Shri. V. V. S. Kunkolienkar, giving some reasons and disowning the inquiry findings to suit the interest of Shri. V. V. S. Kunkolienkar. Despite the Report of the Grievance Committee and the Resolution No. 19/2007 of B.O.D, the role of Disciplinary Authority still continues. It is he who has to finally decide whether to accept the Report of the Grievance Committee and the Resolution No. 19/2007 of the Board with thorough reasoning before accepting and dropping the inquiry proceedings. The Report of the Grievance Committee and Resolution No. 19/2007 shall not suffice by itself unless it is accepted by the Disciplinary Authority with adequate reasons.

As is the case, this Board is blaming the previous Board for relieving of Shri. S. V. Naik and Shri. P. A. Gaonkar from the inquiries, pending the inquiry against the undersigned in global Charge Sheet, it is feared that the new Board may also question the acts of the present Board for prematurely dropping the inquiry instituted against Shri. V. V. S. Kunkolienkar and not booking Shri. V. V. S. Kunkolienkar in this inquiry alongwith Shri. S. V. Naik and Shri. P. A. Gaonkar and reappointing M/s. V. S. S. Shirodkar as Internal Auditors.

The precedent laid down in this Board shall have a damaging effect on the Corporation in the long run since it will have the implication of eliminating the Disciplinary Authority from the functioning of KTCL. Thousands of workmen may sight this model case and demand for Grievance Committee of the Directors to look into their inquiries by setting aside the Disciplinary Authority in their case, which is non other than Shri. V. V. S. Kunkolienkar himself. If such a thing happens, then there will be absolute elimination of disciplinary system and administrative procedures in this Corporation.

It is therefore, prayed that:

- (a) Managing Director, KTCL should be instructed to return the Enquiry File and obtain Enquiry Report in disciplinary proceedings against Shri. V. V. S. Kunkolienkar, setting aside the Grievance Committee Report and rescind Resolution No. 19/2007.
- (b) Managing Director, KTCL should be asked to expedite action on Enquiry Report dated 13/10/2006 in the inquiry against undersigned.
- (c) Initiate action against Shri. V. V. S. Kunkolienkar and Shri. George Fernandes for leading false evidence against the undersigned.
- (d) Issue order of reinvestigation in this episode of irregular purchases.
- (e) Seek clarification from M/s. Vaman S. S. Shirodkar & Co., Chartered Accountants for clearing the disputed purchase orders accepting "suppliers invoices" in lieu of "Purchase Committee Approval" amounting to professional misconduct, before granting reappointment with increased remuneration for next year 2007-08.

*M. P. Kamat*

( M. P. Kamat )

DY. FINANCIAL CONTROLLER (C&B)

Copy to:

- ✓ (1) The Managing Director, KTCL.
- (2) The Vice Chairman, KTCL.
- (3) The Hon'ble Chief Minister of Goa.
- (4) The Chief Secretary, Government of Goa, Porvorim
- (5) The Secretary (Transport).
- (6) O/C.



E-2/14-

36

29/c

182

ZMH/C

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	1111
Date:	26/5/07

From:  
Mahesh P. Kamat,  
Dy.F.C.( C&B)  
Kadamba Transport Corpn.Ltd.,  
Porvorim.

Date: 25.5.07

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Sir,

Without assigning any reasons, during the year 1996 I was abruptly transferred from my substantial Grade I post of Dy.F.C to Grade II post as Statistical Officer. While officiating as Statistical Officer I was suspended and disciplinary proceedings were initiated against me vide two separate inquiries. The 1<sup>st</sup> inquiry alleged misconducts that had already committed in the Statistical Department prior to my transfer in that Department. In the second inquiry the alleged misconducts had been committed in the Corporation during my leave period and with respect of issues with which I was not functionally concerned.

Apart from these inquiries I was denied of sitting place, designation, pay and allowances, ordered to sit along with class IV officials of KTCL and kept without work at the Depot.

Thereafter again I was suspended from Statistical Department and was reinstated after 18 months. The disciplinary authority exercised by Shri V.V.S. Kunkolienkar, without possessing such authority and treating sanctioned leave as absenteeism formed major part of misconducts in said inquiry.

The Management of KTCL did not persue the inquiry proceedings with result that 1<sup>st</sup> inquiry report was available to Corporation after five years, second after 7 years and third after four years. The disciplinary authority acted upon the first inquiry report within reasonable period, however delayed the action on second report over a period of 2 years and third enquiry report dated 13.10.06 is awaiting action till date i.e over a period of



6 ½ months. The above facts establish that management failed to expedite inquiry proceedings and further failed to take timely action on inquiry reports as and when received.

The acts of Management as below implicated humiliations and insults on me.

- (1) Accounting system in KTCL since 1980-81 till 1993-94, during 1994-95 and subsequently till date being unchanged, Statutory Audit Report making similar observations, even of higher magnitude compared 94-95, no disciplinary proceeding initiated against other heads of departments at material time namely Shri U.B. Naik, Shri T.K. Pawase, Shri Y.D. Gaude. It's only me who has been singled out for the year 1994-95 under CCS(CCA) rules for disciplinary proceedings.
- (2) Appointment of Shri Kunkolienakr as presenting officer of Disciplinary Authority against me who actually raised the faulty indents compelling purchases from a particular party and initiated irregular transactions..
- (3) Exhonoratation of Shri P. Gaokar disagreeing to the proved charges passing blame on Internal Auditors vis a vis ordering inquiry against me on same article of charges.
- (4) Exhonoaration and promotion of Shri S.V. Naik and Shri P. Gaokar simultaneously ordering inquiry against me with alleged misconducts in connivance with Shri Naik and Shri Gaokar on same article of charges.
- (5) Examination of Shri G. Fernandes, as prime witness in the inquiry proceedings despite not being author of CID Report and a junior officer working under me as an Accountant without any knowledge of purchase procedures at the material time.
- (6) Promotion of Shri George Fernandes who defaulted in accounting and payments in alleged transactions of misconduct.
- (7) Disciplinary Authority overlooked false deposition by its prime witness on its behalf and rushed the closure of an act perjury by Shri G. Fernandes through a casual warning.
- (8) Promotion of Shri T.K. Pawse who over-ruled Purchase Committee decision and diverted order on different party *and overstocked material.*
- (9) Promotion of T.K. Pawse as Dy.F.C.(C&B) when undersigned holding the said post without work assigned and office staff attached and without his joining and relieving routed through the Department of Dy.F.C(C&B)



E-2/16

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etc

180

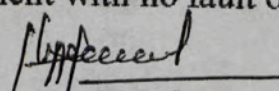
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- (10) Appointing Shri V.S.S. Shirodkar as Internal Auditors for the year 2006-07, whose professional negligence let go the purchase proposals initiated by Shri P. Gaokar bypassing purchase committee.
- (11) Disciplinary Authority rushing the exoneration proceedings and promotions of Shri Naik and Shri Gaokar simultaneously delaying the action on inquiry findings over years as against undersigned and not initiating proceeding for connivance of Shri Kunkolienkar, Shri G. Fernandes, Shri T.K. Pawse and Shri V.S.S. Shirodkar with Shri Naik and Shri Gaokar in irregular purchases.

The Management KTCL had mentally tortured me by imposing inquiries on non-essential grounds, delaying action on inquiry findings, withholding salaries, dropping designations, making me sit without work, offering sitting place along with class iv officials, without office attendants, withdrawing one local newspaper, <sup>denying</sup> tea allowance on par with equal rank officers, and denial of conveyance for 2 kms from Panjim bus stand to H.O. Premises at Porvorim and back simultaneously overlooking the misuse of office vehicles for to and fro residential transportation, contrary to rules and regulations by Shri Naik and Shri Kunkolienkar over hundreds of kms, imposed reversion and referred enquiry report for opinion of Shri Kunkolienkar prior to acceptance.

The year to date (1996 to 25.5.07) effect of aforesaid management actions has caused me harassment, humiliation, victimisation, fear, anxiety, duress, mental torture and agony. My health is deteriorating, efficiency is receding, memory and recalling power is eroding. The Management, KTCL shall be entirely responsible for delayed output from me prior to this date or herein after and for any errors, omissions etc. in any statement, declaration, submissions made prior to this date and hereinafter. The year (1996) to date (25.5.2007) effect of aforesaid actions of Management, KTCL is to keep me continuously under state of depression, entirely at the risk and consequence of KTCL Management. The state in which I am to day is the result of the hazards of environment created and surrounding me arising out of actions of KTCL Management with no fault of mine.

  
( M.P. Kamat )  
Dy.F.C(C&B)

c.c.

To  
The Personnel Manager  
KTCL



E-2/17

99-6/C

Date: 23.5.07.

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2nd C

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim.

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	1382
Date:	23/5/07

Notice regarding unauthorised and  
exercising abusive disciplinary powers.

Sir,

Vide note dated 20.2.07, I have represented before your authority regarding erroneous exercise of Disciplinary Authority against me by Shri V.V.S. Kunkolienkar enclosing therein Memos dated 22.4.2000, 16.8.2000 and Warning dated 22.8.2000. The above Memos and Warning formed part of misconducts with respect of which inquiry was initiated and I was placed under suspension for 18 months.

The inquiry officer's finding vide report dated 29.9.05 are accepted by the Disciplinary authority and since none of the charges were proved against me, vide order dated 30.12.2006, order of exoneration from charges was issued to me.

I am to inform you that above memos and warning had come to be issued to me by Shri V.V.S. Kunkolienkar for late coming and absenteeism on those days on which I was on duly sanctioned leave and the said leave had been deducted from my leave account balance.

The Charge sheet with alleged misconducts and Enquiry Officer's Report exist on KTCL records. Vide letter KTC/Pers/143/2006-07/354 dt. 12.3.2007 it is reported that there are no Govt. Orders received by KTCL appointing Shri V.V.S. Kunkolienkar as Managing Director of KTCL.

Shri V.V.S. Kunkolienkar himself committed misconduct calling for disciplinary action, since,

- (a) He exercised Disciplinary Authority never vested in him, and
- (b) He wrongfully treated the sanctioned leave against me as absenteeism.

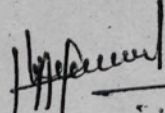
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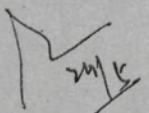
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In view of above, disciplinary proceeding should be initiated against Shri V.V.S. Kunkolienakr and to ensure fair and impartial proceedings he should be placed under suspension. I have suffered for 18 months having placed under suspension non-judiciously and for such an unauthorised and arbitrary act KTCL had to pay full wages and allowances exceeding Rs. 4 lacs.

This may be taken as intimation cum notice. Necessary action may be initiated against Shri Kunkolienkar within 60 days of receipt of this intimation, failing which I shall be compelled to take further necessary action as may be deemed fit. In the absence of any communication in this regard it shall be presumed that above said contents are admitted.

  
( M. P. Kamat )  
Dy.F.C.(C&B)





2-19

(107)  
177  
239/c

**BEFORE THE GOA STATE INFORMATION COMMISSION**  
**ADMIN (O.S.D), K.T.C.I. AT PANAJI**

Inward No. 0146  
Date: 06-11-2006

Appeal No. 39/2006 / 238

Mahesh P. kamat  
Shivnery Co.op. Housing Society,  
Comba-Margao-Goa.

... Appellant.

V/s.

1. The Public Information Officer,  
Shrikant V. Naik  
Kadamba Transport Corpaoration,  
Parasio de Goa,  
Porvorim, Bardez, Goa.

KADAMBA TRANSPORT CORPORATION LTD.
Inward No. 5744
Date: 27/10/06

... Respondent No. 1

2. First Appellate Authority  
Sakharam V. Naik  
Kadamba Transport Corpaoration,  
Parasio de Goa,  
Porvorim, Bardez, Goa.

... Respondent No. 2

**NOTICE**

1. The Public Information Officer,  
Shrikant V. Naik  
Kadamba Transport Corpaoration,  
Parasio de Goa,  
Porvorim, Bardez, Goa.

... Respondent No. 1

2. First Appellate Authority,  
Sakharam V. Naik  
Kadamba Transport Corpaoration,  
Parasio de Goa,  
Porvorim, Bardez, Goa.

... Respondent No. 2

Whereas the above named appellant has/have filed an Appeal before this Commission against the Order dated NIL /deemed refusal by the Respondent No. Nil. (A copy of memo of the appeal is enclosed herewith)

And whereas the hearing of the said appeal has fixed on 13th Nov.2006 at 11.00 a.m. for reply of the respondent, if any, and arguments on merits.

You are, therefore, required to appear before this Commission in person or duly authorized agent/pleader on the aforesaid date and time, failing which the appeal will be decided in absence.

Given under my hand and on this 24<sup>th</sup> day of Oct, 2006.

By order of the Commission

(V.V. Sawant)  
Under Secretary,  
Goa State Information Commission,  
Panaji - Goa.

Copy to: -

Mahesh P. kamat  
Shivnery Co.op. Housing Society,  
Comba-Margao-Goa. ... Appellant

He/she is required to remain present in person or duly authorized agent on the aforesaid date, time and place.

(V. V. Sawant)  
Under Secretary,  
Goa State Information Commission,



E 2/20

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238/C

BEFORE THE STATE INFORMATION COMMISSION  
AT PANJIM

INFORMATION APPEAL NO /2006

Shri Mahesh P. Kamat,  
Shivnery Co.op. Housing Society,  
Comba-Margao-Goa. ----- Appellant

versus

1. Shri Shrikant V. Naik,  
Public Information Officer,  
(under Right to Information Act, 2005)  
C/o Kadamba Transport Corporation Ltd.,  
Parasio de Goa, Porvorim, Bardez, Goa.
2. Shri Sakharam V. Naik,  
First Appellate Authority  
(under Right to Information Act, 2005)----- Respondents  
C/o Kadamba Transport Corporation Ltd.,  
Parasio de Goa,  
Porvorim, Bardez, Goa.

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E 2/21

(103)  
175  
237/c

BEFORE THE STATE INFORMATION COMMISSION  
AT PANJIM

INFORMATION APPEAL NO /2006

Shri Mahesh P. Kamat,  
Shivnery Co.op. Housing Society,  
Comba-Margao-Goa. ----- Appellant

versus

1. Shri Shrikant V. Naik,  
Public Information Officer,  
(under Right to Information Act, 2005)  
C/o Kadamba Transport Corporation Ltd.,  
Parasio de Goa, Porvorim, Bardez, Goa.
2. Shri Sakharam V. Naik,  
First Appellate Authority  
(under Right to Information Act, 2005)----- Respondents  
C/o Kadamba Transport Corporation Ltd.,  
Parasio de Goa,  
Porvorim, Bardez, Goa.

APPEAL UNDER SECTION 19(3) OF THE RIGHT  
TO INFORMATION, 2005

MAY IT PLEASE THE COMMISSION:

BRIEF FACTS:

The Appellant above named is employee of KTCL. Shri Shrikant V. Naik is the Public Information Officer, KTCL (hereinafter referred to as Respondent No.1) and Shri Sakharam V. Naik, KTCL is the 1<sup>st</sup> Appellate Authority under Right to Information (hereinafter referred to as Respondent No.2). M.D., KTCL and Disciplinary Authority received an Enquiry Report on 28.7.2005 with respect of the Appellant in the disciplinary proceedings instituted against the Appellant by the Disciplinary Authority. The Disciplinary Authority was duty bound to process the enquiry under provisions of CCS (CCA) Rules 1965. However the Disciplinary Authority processed the Enquiry Report as a departmental file with direction to the Personnel Officer to route the report through the subordinate level officers. (Exh."D" colly) The respondent No.1 officiating as GM,



104  
174  
236c

KTCL and holding the charge of Administration at the material time, put up noting to respondent No.2 for routing all Administration files by the Personnel Officer through him, misleading the Respondent No.2 to route the Enquiry Report through Respondent No.1. The Appellant was officiating in KTCL as OSD at the material time and pursued the issue rigorously with Respondent No.1 and Respondent No. 2 and confirmed that the file was not traceable within KTCL. However, later the file was ultimately traced in the office of Respondent No.1 who has detained the file from 17.12.05 to 23.9.06 unauthorisedly and without reasons and further malafidely detached the supplementary noting sheets attached to the original proposal by the Personnel Officer (Exh."D"(27) colly) Respondent No.1 thereafter returned the file to Respondent No.2 without comments. Respondent No.1 was thereafter divested of the charge of Administration by Respondent No.2 and another officer Shri V.V.S. Kunkolienkar was assigned the charge of Administration with Disciplinary Authority despite disciplinary proceedings and vigilance investigations pending against him at the point of issue of order. This change of arrangement by the Respondent No.2 was intentional since Shri V.V.S. Kunkolienkar had personal rivalry and litigations against the appellant. Respondent No. 1 by such revisionary order assured that either the file shall be detained further and for indefinite time or shall be commented upon adversely by Shri V.V.S. Kunkolienkar or that the Appellant shall not be in position to follow up with Shri V.V.S. Kunkolienkar. This is how the file came into possession of Shri V.V.S. Kunkolienkar and further process got stalled. In these circumstances the Appellant had to file an application under Right to Information Act, 2005.

2. The Appellant by his application dated 27.5.06 sought certain information under Right to Information Act 2005 concerning the notings of Action on enquiry Report dated 28.7.05 starting from the issue of part issue of Enquiry Report upto page No.25 against nearly 33 pages forming part of the said Report. The subject of the report is briefly stated in para I above.

Details of the information sought are stated in the application, the copy of which is annexed hereto with the Acknowledgement Receipt



for having received the application by Respondent No.1, marked as Exh. "A".

3. The Respondent No.1 vide letter No.KTC/Tech/166/2006-07/306 dated 23.06.06 conveyed his consent to furnish xerox copies of 5 noting sheets i.e. 9 papers against payment of Rs.10/- per page. The letter is marked as Exh."B".

4. The appellant as desired and to avoid the delay on further correspondence deposited sum of Rs.90 (Rupees ninety only) under Receipt No.601039 dated 24.6.06 and forwarded the same to the Respondent vide letter dated 24.6.06. The said letter alongwith Deposit Receipt is marked as Exh."C" & "C(A)" Colly.

5. The fees payable for requested information under Right to Information Act 2005 are as per provisions of subsection (1) of Section 6 and subsection (1) of section 7 of the Act as below:

(A) As Application Fee Rs.10/-

(B) Rupees 2/- for each page created or copied.

The fees payable under application dated 27.5.06 (Exh. "A")) works out to:

(A) Application Fee Rs.10/-

(B) Copying/Xeroxing charges ( 5 sheets of 9 papers x Rs.2) Rs. 18/-

Total Rs.28/-

The respondent No.1 overcharged the Applicant Rs.62/- (Rupees sixty two only).

The Appellant is entitled for refund of Rs.62/- (rupees sixty two only) unauthorisedly and arbitrarily overcharged by the Respondent No.1.

6. Respondent No.1 vide letter No.KTC/Tech/166/2006-07/307 dated 24.6.06 furnished certified copies of 5 sheets consisting of 9 pages. The said letter is marked as Exh. " D " Colly.



7. Exh. " D " colly page No.N/4 is a blank space certified with a slanting line with respect of which Rs.10/- is recovered from the appellant. The Appellant vide letter dated 8.9.06 demanded refund of Rs.10/- for unnecessarily certifying a blank space from the Respondent No.1. The respondent No.2 vide Appeal order dated 1.09.06 at clause (2) categorically submit that "Noting on N/4 need not have been certified being blank." Appeal order marked as Exh. " I". The Respondent No.1 vide letter KTC/Tech/166/06-07/681 dated 23.9.06 clearly submit that "It is meaningless to certify an unnumbered blank reverse page of N/9". The submissions of Respondent No.1 and No.2 match with the demand of Appellant. Hence the Appellant is entitled for refund of Rs..10/- unnecessarily charged with respect of blank space N/4. The Appellant further state that the Respondent No.1 did not create nor copy Noting Sheet N/4, hence acted illegitimately in demanding fees with respect of said page. Therefore the appellant is entitled for refund of Rs.72/- (Rupees seventy two only) pursuant to Clause No.5 and Clause No.7 put together.

8. The Appellant immediately and within half an hour upon receipt of copies vide Exh. " E " reported to Respondent No.1 that (A) Noting N/6 is invisible desiring a rexerxed copy or newly typed copy under his attestation alongwith. (B) Confirmation that N/9 is the end of subject matter and further progress after 27.3.06 and/or with additional notings in the event matter progressed beyond 27.3.06. The Respondent No.1 did not respond till the order in Appeal by Respondent No.2 on para (A) and did not comply till date on para (B).

9. The Respondent No.1 ought to have furnished the information complete in all respects as sought by the Appellant as expeditiously as possible and in any case within 30 days from the receipt of application dated 27.5.06 i.e. On or before 26.6.06 as required under section 7(1) of the Right to Information Act, 2005. The Respondent No.1 vide letter dated 24.6.06 (Exh. " D ") furnished xerox copies which mismatched with the provisions of the Act in various aspects as brought to the notice of the Respondent No.1 vide letter dated 25.7.06, marked as Exh. " G " The Respondent No.1 in meantime was



reminded of non-compliance of letter dated 24.6.06 vide letter dated 11.7.06, marked as (Exh." F "). The Respondent No.1 did not respond beyond conveying vide letter dated 12.7.06 that file had been recalled from KTCL for compliance The letter marked as (Exh. "O ").

10. Being aggrieved, the Appellant preferred an appeal before the respondent No.2, vide letter dated 25.7.06 marked as Exh." H" clearly setting out the grounds from serial (a) to (e) for direction to the Respondent No.1 for complete information and inspection of Records.

11. The Respondent No.2 disposed off the Appeal vide order dated 1.09.06 on issues raised by the Appellant further confirming the date of termination of notings as on 30.5.06. Despite agreeing to the contentions of Appellant, and passing appropriate order the Respondent No.2 did not find the actions of Respondent No.1 as faulty. This is a paradoxical and biased. Appeal Order is marked as Exh. " I ".

12. The Respondent No.1 offered inspection to the Appellant vide letter KTC/Tech/166/06-07/617 dated 6.9.06, marked as Exh." J " The Appellant pursuant to inspection on 8.9.06, vide letter of 8.9.06 brought to the notice of Respondent No.1 non-compliance of order of Respondent No.2. With further request to refund sum of Rs.10/- for unwarranted certification of Noting Sheet N/4. Under copy to Respondent No.2, marked Exh. " K ".

13. The Respondent No.1, not responding to the order of Respondent No.2, the Appellant filed another application dated 18.9.06 before the Respondent No.2 requiring specific performance of order of 1.9.06, the Respondent No.1 thereafter vide letter KTC/Tech/166/06-07/661 dated 21.9.06 filed compliance to order of Respondent No.1. Marked as Exh." P "



14. The Compliance of Respondent No. 1 vide Exh. " Q " is incomplete and evasive and defeating the order of Respondant as:

- a) blank space on N/4 is attested to deprive the appellant of refund of Rs. 10/-.
- b) N/6 is attested as of 21.9.06, other sheets without date. But with the seal of PIO ( Exh " Q ")
- c) Reverse page of N/9 kept blank, adopting different procedures of arbitration with respect of N/4 & N/9 overleaf.
- d) Non compliance to para (b) of letter dated 24.6.06 (Exh. " E " & " C " .

15. The Appellant during the inspection of records on 8.9.06 observed that there were some notings of Shri V.V.S. Kunkolienkar on reverse of page N/9 which notings are covered by pasting supplementary page distinctly numbered N/10 with notings of V.V.S. Kunkolienkar marked to PIO under desire of MD. The date of the notings on the pasted page is overwritten at the top right and bottom right corners. The notings did not show any acknowledgement by the Respondent No. 1 as P.I.O.

16. The Appellant vide letter dated 12.9.06 marked as Exh "M" requested the Respondent No. 2 to remove the supplementary noting sheet on of N/9 overleaf and confirmation of date at the extreme right corners as stated vide para clause 15 above.

17. The Respondent No. 2 vide letter No. KTC/OSD/14(1)1-2/06-07/62 dated 14.9.06 disagreed with request of Appellant for removal of page numbered N/10 but confirmed the overwritten date as 30.6.06. This disagreement by Respondent No.2 amounts to his agreement of fact of pasting a supplementary page with overwritten dates marked as Exh. "N".



18. The Respondent No. 2 vide Appeal order dated 1.09.06 submits vide clause (2) that N/4 need not be certified being blank and on same count vide clause (3) that reverse of sheet N/9 is not necessary since Respondent No. 1 had certified a blank N/4. This is the position confirmed by Respondent No. 2 on 1<sup>st</sup> Sept. 06 Confirming that at that point of time reverse side of N/9 was blank.

at that time there is time between

19. The Respondent No. 1 vide Exh. "R" on 23.9.06 confirms that Certification of blank space on reverse of N/9 is meaningless being unnumbered and blank. This submission of the Respondent No. 1 amounts to existence of N/9 overleaf as blank. It also amounts to production of duplicate Records for inspection of Appellant on 8.9.06 with distinctly numbered N/10 with notings of V.V.S. Kunkolienkar.

20. The Appellant vide letter dated 29.9.06 marked as Exh. "S" brought to the notice of Respondent No.1 & No.2 perpetual errors and omissions and production of duplicate Records, with respect of which no cognizance is taken by Respondents 1 and 2. It is therefore obvious that respondents No.1 and 2 knowingly and deliberately furnished incorrect and misleading information to cover up their misdeeds.

21. It is pertinent to note that the Appellant is persistently trying to obtain the information presently sought by him since 27.5.06 but in spite of several and repeated requests he has not succeeded in obtaining correct and complete information so far.

22. Over and above, the Respondent No.1 and General Manager who detained the enquiry report file from 17.12.05 to 23.3.06 and also malafidely detached the supplementary noting sheets (Exh. "D"(27) Colly) being one and same person. The Respondent No.2 and the Disciplinary Authority expected to act on the enquiry report deliberately endorsing the report as departmental file to subordinate officers including Respondent No.1 further directing enquiry Report for comments of V.V.S. Kunkolienkar, with stain relations with the Appellant, is also one and same person, The



Respondent No.1 and 2 would not give decisions against their own omissions and commission and as such had denied the complete information to the Appellant and knowingly permitted the supplementary posting of page to hide original contents on page N/9 overleaf.

23.The Respondent No.2 in Appeal order confirmed that subject notings terminated as of 30.5.06. This confirmation is of 1.09.06. This is confirmation of notings existing as on 30.5.06. The Respondent No.1 deliberately and with malafide intentions refused to furnish copy of Notings as on 30.5.06 vide his letter No.KTC/Tech./166/2006-07/307 dated 24.6.06 and once again vide letter No.KTC/Tech./166/06-07/661 dated 21.9.06 and the default continues till date.

24.The Respondent No.2 vide Appeal order of 1.09.06 submits the termination of notings as on 30.5.06. This amounts to pasting of Noting Sheet N/10 dated 30.6.06 any time after 1.09.06. The Respondent No.1 as of 23.9.06 submits that Noting Sheet overleaf N/9 is blank. This amounts to false submission by Respondent No.1 as of 23.9.06 vis a vis production of duplicate records for inspection on 8.9.06 with notings dated 30.6.06.

25. The deliberate lapse on part of Respondent No.1 and/or his act of connivance with Shri V.V.S.K enabled the later to cover up original notings of 30.5.06 and replace the same by other notings as of 30.6.06 in mutual interest to match the date of submission by Respondent No.1 as 24.6.06. The overwriting of date on top and bottom right hand corners of N/10 of 30.6.06 with respect of month of the year is not a mere co-incidence but deliberate act in connivance with others to the detriment of the appellant.

26.The Respondent No. 1 addressed to the Appellant entire correspondence through the office of Kadamba Transport Corporation Ltd., Parasio De Goa, Porvorim Bardez-Goa, as evident from the Exhibit s enclosed and forming part of this Appeal.



The Respondent failed to correspond independently from the office of PIO, and have acted under influence of Respondent No. 2 very much to the detriment of the Appellant.

27. The Appellant submits that he did not find the information sought by him within the time under section 7(1) of the Act without any reasonable cause and later knowingly furnished incomplete and misleading information and recovered excessive fees for records created/copied.

28. The Respondents malafidely denied the request for information sought for by the Appellant.

29. In the aforesaid circumstances it is clear that the required information is denied to the Appellant by the Respondents 1 and 2. In the circumstances aforesaid the Appellant prefers this Memo of Ind Appeal on the following among other grounds which are urged in the alternative and without prejudice to one another.

GROUNDS

I

The Respondents have acted illegally and arbitrarily in refusing correct and complete information without any reasonable cause.

II

The Respondents No.1 and 2 being combined persons and acting in conflicting capacities, it is not expected that the respondents would give decisions on their own omissions and commissions.

III

The Respondents have failed to appreciate that the information which has been furnished was misleading, incomplete and evasive.

IV

The Respondents have failed to appreciate that there were no good reasons and grounds for them not to furnish complete information to Appellant.

V

The Respondents have misconstrued the scope and ambit of the Right to Information Act, 2005 and the relevant position there on



VI

The Appellant submits that no reasons are given by the Respondents for not removing the page on N/9 overleaf and refund of excess fees.

VII

The Respondent No.1 failed to exercise the appropriate procedures as regards official stamping, charging of fees, correspondence under the reference of KTC/Tech/166/06-07/\_\_\_\_\_ and so on, and redating the copies as of 21/9/06. Moreover adopted different set of procedures for certifying blank space N/4 and alleged blank space over leaf N/9.

VIII

Appellant submits that the inspired action of the Respondent is illegal, arbitrary and bad in law.

IX

Respondent No.1 has knowingly given incomplete information to the Appellant and has malafidely denied total compliance to the order of Respondent No.2 dated 1.9.06

X

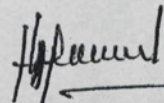
Any other ground with the leave of the Ommission.

In the circumstances the Appellant therefore pray that:

1. The Appeal be allowed.
2. Records and proceeding of Appeal including the correspondence relating to movement of records from 27.3.06 till date from among Personnel Officer, Dy.G.M(Trf.& Admn.), GM(Tec.) and M.D. KTCL be called from Respondents/KTCL.
3. The Respondents be directed to furnish complete information sought by the Appellant.
4. As stipulated under section 20(1) of the Act, penalty of Rs.250/- per day be imposed on Respondents from 24.6.06 i.e the date on which he was required to furnish the information till the date on which he furnished correct and complete information.
5. The Respondent No.1 be directed to refund the fees overcharged with interest till the date of refund.



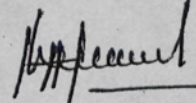
6. Any other relief which this Hon. Commissioner thinks fit and proper.

  
Appellant

Place: PANJIM  
Date: 12-10-06

Verification

I Shri Mahesh P. Kamat, Resident of Shivnery Co-op. Housing Society, Comba Margao- Goa state and verify that what has been stated in foregoing papers is true to my knowledge and on the basis of records which are annexed as Exhibit except the submissions which I believe to be true.

  
Appellant

Place: PANJIM  
Date: 12-10-06



E-2/33

(11A)

38/R

No.KTC/ADMN/1-2/2007-08/22  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

164  
226/C

Dated: 7.6.2007

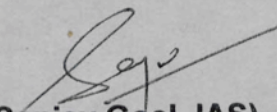
1393  
7/6/07

**MEMORANDUM**

It has been noticed that, you have been using office stationery and staff for your personal representation and grievances, which is not permissible and calls for disciplinary action.

You are therefore asked to explain why disciplinary action should not be taken against you for misuse of office stationery and staff.

Your reply should reach within three days from the receipt of this memo.

  
( Sanjay Goel, IAS )  
Managing Director

To,  
Shri M. P. Kamat,  
Dy. Financial Controller (Costing & Budgeting)  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.

✓ C.C. to: The Personnel Department.



E-2/34

115

34/c

163

225/c

No.KTC/ADMN/1-2/2007-08/20  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.

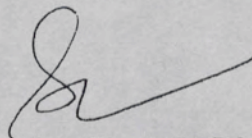
Dated: 04.06.2007

1358  
04/06/07

NOTE

The Mobile handset alongwith Mobile cell connection bearing No. 9422441044 allotted to Shri M. P. Kamat, Dy. Financial Controller (C & B) is hereby withdrawn with immediate effect.

He is directed to deposit the handset alongwith cell connection to O.S.D immediately.

  
( Sanjay Goel, IAS )  
Managing Director

To,  
Shri M. P. Kamat,  
Dy. Financial Controller (C & B)  
K. T. C. Ltd.,  
Porvorim.

C.C. to:

All Sectional Heads.

P. M.

14/6



E-2/35

(116)

36/c

Date: 6.6.07

162  
224/11

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	1680
Date:	6/6/07

Sir,

Ref: Note dated 4.6.07

With reference to the above, I am to submit that I am entitled for all allowances and facilities as applicable to the class of officers to which I belong in general and to my substantial post as Dy. Finance Controller. This is a settled position under orders of High Court of Bombay, Panjim Branch upon writ petition filed against this institution. Hence any discrimination and exclusive restrictions imposed upon me amount to Contempt. Decision of Competent Authority to withdraw such facility from officers/officials of KTCL or reasons for exclusive withdrawal of cell connection from me be conveyed to enable me to take further necessary action.

Endorsement of copies of said note to various section heads except OSD amounts to an act of humiliation. The Disciplinary Authority has failed and appears to be incapable of deciding on the inquiry findings dated 13.10.06 and since the matter is persued by me, I am harassed and humiliated by the Disciplinary Authority by resorting to such type of measures.

The Disciplinary Authority had erroneously implicated me in some irregular purchase and payment transactions transpired within KTCL during my leave period. The prime witness of Management Shri George Fernandes had withdrawn his entire deposition stating it to be false. Shri Narayan Naik, Presenting Officer supported the withdrawal of False Deposition by his witness. The Inquiry Authority reported whole episode as false. The Disciplinary Authority did not question the above act of its Presenting Officer and Witness and its silence amounts to acceptance of entire proceedings as false.



E-2/36

117

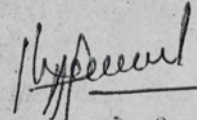
357 C 16/C

-2-

161  
222/C

The Disciplinary Authority having fallen in error and being incapable of deciding on Inquiry Findings dated 13.10.06 is resorting to pressure tactics to keep me under state of depression contineously. Delayed action on inquiry findings amounts to committing irregularities contineously by the Disciplinary Authority which in capacity of M.D., KTCL follows same purchase and payment procedures cited as irregular and misconducts by itself in disciplinary proceedings against me.

Hence I request that the Disciplinary Authority should take immediate action on the finding dated 13.10.06 without resorting to unilateral and exclusive restrictions as against me amounting to harassment, humiliation and Contempt of Court.

  
( M.P. Kamat )  
Dy.F.C(C&B)

To,  
All Section Heads.





E-2/37

118 160  
15/5  
22/5

KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 1288  
Date: 21/5/07

Ex. MN (O.S.D.), K.T.C.L.  
Inward No. \_\_\_\_\_  
From: 22/5/07  
Mahesh P. Kamat,  
Dy.F.C.(C&B).

21/5  
1293  
26/5/07

Date: 19.5.2007

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim.

Sir,

Vide Order No.KTC/ADMN/1-2/2006-07/111 dated 30.12.2006 followed with addendum No.KTC/ADMN/1-2/2006-07/122 dated 17.2.2007, difference of subsistence allowance and withheld increments are released to me. However the release of pay and allowances is nearly after 2 years from the date of inquiry officer's report. Herein I raise a claim for interest @ 10% per annum for delayed payment beyond 90 days of the date of receipt of inquiry report.

May I draw your attention to remarks of Ex M.D., Shri S.V. Naik on page nos. 10 and 11 of the subject file which reads as follows:

"Further the file was processed by Personnel Dept. in the month of Nov. 05 which was pending in the Office of G.M and D.A upto 23.3.06 as can be seen from 'A' at page N/7. The above delay may have to be explained by the Personnel Dept./Office of G.M., KTC."

In view of above remarks, the explanation should be called from Personnel Dept. and Office of G.M., KTC and action should be taken for undue and unreasonable delay. Please release the interest on delayed payments at the earliest.

*M. P. Kamat*  
( M. P. Kamat )  
Dy.F.C.(C&B)

The Accounts Dept. had released arrears of salary as per orders referred above. The further matter may be looked into as referred above.

*P.M.*  
Detail note dt. 30.5.07 is placed herewith for MD reference. Submitted please.  
MD  
28/5/07  
PMS 30/5/07

*28/5/07*  
*M. P. Kamat*

*28/5*

*28/5*

*AFQPM*

*1248*  
*28/5/07*

*P.M.*



E-2/38

(119)  
337/C  
27/10  
159

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	1681
Date:	6/6/07

From:  
Mahesh P. Kamat,  
Kadamba Transport Corpn.  
Ltd.,  
Porvorim-Goa.

Date: 5.6.07.

To,  
The Managing Director,  
Kadamba Transport Corpn Ltd.,  
Porvorim.

Sir,

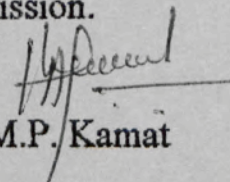
Regd: Press Conference

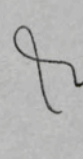
Way back in the year 1996 I was suspended on two occasions and disciplinary proceedings were initiated as many as three times. The suspensions were widely published in local news papers and such reports are relied upon in private litigations, by opposite party.

Now that the inquiry findings are available to me in all three inquiries and it has been an established fact that I have been a victim of misconducts of various other officers of KTCL. Since the press had published earlier suspensions and allegations I desire to address the press to publish the findings and facts. If required under the rules, this may be taken as an intimation. Your objection if any, with reasons should be conveyed to me by the 15<sup>th</sup> of June 2007. In the absence of any communication, the permission if at all required shall be deemed to be granted.

My earlier request for a press conference is pending administrative process on inquiry reports which is not forthcoming till date.

The issue of press conference is personal between self and press. However KTCL needs to be involved for initiating inquiry and suspensions which were published, hence the purpose of this submission.

  
M.P. Kamat

RM  
nt up &  
comment  




E-2/39

(120) 158  
78/1  
220/1

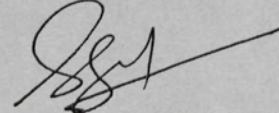
KTC/ADMN/1-2/2007-2008/ 22  
Kadamba Transport Corporation Limited,  
Paraiso-de-Goa., Alto-Porvorim,  
Bardez - Goa.,  
Date:- 8/6/2007

MEMORANDUM

Sub:- Press Conference

I am to refer your representation dated 5.6.2007 on the subject cited above and to inform you that, you are not authorised by the management to hold the press conference as required under Rule 11(3) of C.C.S.(Conduct) Rules,1964.

Under the circumstances, your request on the subject is rejected.



( Sanjay Goel, IAS )  
MANAGING DIRECTOR

To,  
Shri. Mahesh P. Kamat,  
Dy. Financial Controller (Costing & Budget)  
KTCL, Porvorim.,

Copy to:-

1. Pers. File.,
2. O/C.,
3. G/File.,



**To consider and decide regarding compulsory retirement of Shri M.P. Kamat, Dy. Financial Controller (Costing & Budget) under FR 56(J).**

At the outset the Managing Director appraised the Board that in view of the affidavit filed before Hon'ble High Court of Bombay at Panaji Bench in Writ Petition No. 492/2007 that the Corporation will reconsider the proposal of Compulsory retirement given to Shri M.P. Kamat, Dy. Financial Controller (Costing & Budget) vide Resolution No. 71/2007 resolved during the 154<sup>th</sup> meeting. Thereafter no meeting was held and the incumbent is still under suspension and we have to pay him 75% of salary as subsistence allowance which comes more than RS. 27,000/- p.m. approximately, without utilizing his Board is of the opinion that since the proposal is bulky and required to examine in detail, the matter may be deferred and may be taken during the next Board Meeting. The Board members further resolved that they will examine the issue and submit their individual opinion to the Hon'ble Chairman within 15 days. According, following resolution passed unanimously.

**RESOLUTION NO. 9/2008**

“RESOLVED THAT, the compulsory retirement of Shri M.P. Kamat, Dy. Financial Controller (Costing & Budget) under FR 56 (J) be and is hereby deferred till next Board meeting”

“RESOLVED FURTHER THAT, the Managing Director be and is hereby authorised to take all necessary action in this matter.”



**Extract of Agenda item no. 15 passed during 154<sup>th</sup> BOD Meeting held on 11/06/2007**

**To Consider and decide on compulsory retirement/Dismissal of Shri M.P. Kamat, Dy. Financial Controller (B&C)**

To conduct of Shri M.P Kamat, Dy.FC (B&C) in the past has been very insincere, irresponsible and of insubordination. He is continuously engaged in complaining about the other regarding their exoneration, service benefit etc. seeking information under Right to Information asking permission for holding press conference etc. he is having habit of closing all office work assigned to him under the superficial pretext of non-Co-operation from the other Officers or shortage of staff etc. in the recent case of insubordination he refused to hand over his mobile set/sim inspite of repeated written/verbal direction from Managing Director and he also refused to except the letter intimating him denial of permission to hold press conference on superficial ground. He was placed under suspension w.e.f 08/06/2007 for these acts and he even refused to accept the same at his residence which has to be finally pasted to his door as a service of acknowledge. Board therefore, decide either to dismiss him/ Compulsory retirement as a punishment after departmental enquiry or to award him as a Compulsory retirement as an Administrative decision under F.R.56 and accordingly suitable resolution may be passed

**RESOLUTION NO. 71/2007**

**To Consider and decide on compulsory retirement/Dismissal of Shri M.P. Kamat, Dy. Financial Controller (B&C)**

At the outset The Managing Director explained the conduct of Shri M.P.Kamat, Dy.FC. (B&C) and act of insubordination. He has appraised the Board that he is placed under suspension W.e.f 08/06/2007. He further informed that Shri M.P.Kamat, Dy.FC had made various unwarranted correspondence and also refused to work on assigned duties under the superficial pretext. He has recommended some punishment shall be given for his misbehavior like compulsory retirement under FR-56. Board after prolong discussion unanimously decided to award him compulsory retirement as an Administrative decision under FR-56. Accordingly following resolution passed.



**RESOLUTION NO. 71/2007**

“RESOLVED THAT, to award compulsory Retirement to Shri M.P.Kamat, Dy. Financial Controller (B&C) as an Administrative decision under FR-56 be and is hereby approved”.

“RESOLVED FURTHER THAT, the Managing Director be and is hereby authorised to take all necessary action in the matter”.



**Extract of Agenda item no. 4 of 157th BOD meeting held on 21/04/2008.**

**To consider and decide regarding compulsory retirement of Shri M. P. Kamat, Dy. Financial Controller ( Costing & Budget) under FR 56(J).**

Since the Board could not examine the agenda item which was placed during 156<sup>th</sup> Board meeting for a decision in view of affidavit submitted in writ petition no. 492/2007. It was decided to submit the opinion in this matter directly to the Hon. Chairman. The detailed agenda alongwith the exhibits were already giving during last Board meeting held on 4.4.2008. Board may consider and decide in this matter. Accordingly suitable resolution may be passed.

**Resolution No. 43/2008**

**To consider and decide regarding compulsory retirement of Shri M. P. Kamat, Dy. Financial Controller (Costing & Budget) under FR 56(J).**

At the outset the Managing Director appraised the Board regarding the proposal of compulsory retirement of Shri M.P. Kamat, Dy. Financial Controller (Costing & Budget). The detailed agenda notes and exhibits were already provided to all Board directors in the previous Board meeting held on 04/04/2008. He submitted that in view of the affidavit filed by the Corporation under written petition no. 492/07 Board has to reconsider the proposal, as mentioned in the affidavit. The Board after prolonged discussion on various aspects agreed that the service of said Officer cannot be productively utilized in the Corporation and continuing him in the Corporation would be a severe drain in public resources. (as the Corporation is substantially funded by the Govt.) It was therefore, decided to approve the proposal and accordingly following resolution passed unanimously.



**Resolution No. 43/2008**

“RESOLVED THAT, to award the compulsory retirement of Shri M.P Kamat, Dy. Financial Controller (Costing & Budget) under FR 56(J) as an administrative decision be and is hereby approved”.

“RESOLVED FURTHER THAT, the Managing Director be and is hereby authorised to take all necessary action in this matter”.





YEAR 2007 - 08

FILE NO 105 HC

SUBJECT W.P. 492/07  
Mahesh P. Kamat v/s.  
M.D. KTCL

FROM \_\_\_\_\_ TO \_\_\_\_\_

Regd. Office: Corner Wing, Paraiso-de-Goa, Alto-Porvorim, Bardez, Goa.



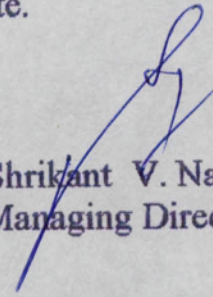
83/c

No.KTC/ADMN/1-2/2008-09/153  
Administration Department,  
Kadamba Transport Corpn.Ltd.  
Porvorim Goa.

Date : 05.01.2009

OFFICE MEMORANDUM

In continuation with order no. KTC/ADMN/1-2/2008-09/20 dated 20.6.2008 without prejudice to the outcome of writ petition no. 569/2008 notice pay of Shri M. P. Kamat shall be release in full. The matter will come up for order after 9.1.2009 as per the convenient of the Hon. High Court. Meanwhile, status-quo should be maintained till date.

  
( Shrikant V. Naik )  
Managing Director

To,  
The Personnel Manager,  
KTCL, Porvorim

Copy to : A.F.C.



82/c

**IN THE HIGH COURT OF BOMBAY AT GOA**

WRIT PETITION NO. 492 OF 2007

MAHESH PRABHAKAR KAMAT

... Petitioner

Versus

KADAMBA TRANSPORT CORPORATION  
LIMITED THROUGH MANAGING DIRECTOR  
AND ANR.,

... Respondents

Mr. S.D.Lotlikar, Sr. Advocate with Mr. Ryan Menezes, Advocate for the  
petition.

Mr. Amey Kakodkar, Advocate for the respondent No.1

Mr. Salkar, Advocate for the respondent No.2.

Coram:- R.M.S. KHANDEPARKAR &  
R. S. MOHITE, JJ.

Date:- 30th October, 2007

P.C.

The learned Counsel appearing for the respondent upon taking instructions states that since Board wants to reconsider the matter, the impugned order stands withdrawn. Consequent to the said statement, which is accepted by this Court, the learned Senior Counsel appearing for the petitioner seeks leave to withdraw the petition with liberty to approach the Court afresh in case of need arising in the matter. The petition is accordingly allowed to be withdrawn and stands disposed of accordingly. It is made clear that we have not expressed any opinion on any of the points or issues sought to be raised in the matter and all the issues which are sought to be raised are kept open.

R.M.S. KHANDEPARKAR, J.

R. S. MOHITE, J.





81/c

**ITEM NO 4**

**To reconsider and decide regarding compulsory retirement of Shri M. P. Kamat, Dy. Financial Controller (Costing & Budget) under FR 56 (J).**

Since the Board could not examine this agenda item which was placed during 156<sup>th</sup> Board meeting for a decision in view of affidavit submitted in writ petition no. 492/2007. It was decided to submit the opinion in this matter directly to the Hon. Chairman. The detailed agenda alongwith exhibits were already giving during last Board meeting held on 4.4.2008. Board may consider and decide in this matter. Accordingly suitable resolution may be passed.

**RESOLUTION No. 43/2008**

**ITEM NO 5**

**To Consider and decide about the construction of Bus Stand in Assonora by GSIDC**

The Corporation is in receipt of letter No. GSIDC/Engg/Works/489/5258 dated 27/3/2008 from GSIDC whereas it has been informed by them that GSIDC in its 70<sup>th</sup> Board meeting resolved to take up the work of construction of Bus Stand and Shopping Complex at Assonora Bardez Goa. GSIDC therefore has forwarded a report of their Consultant M/s. Vijaykumar Sawant and Associates comprising layout plans pertaining to proposed Bus Stand and Shopping Complex. Director of Transport vide their letter No. D.TPt./Est/F298/Assonora/2008/615 dated 24.3.2008 addressed to the Managing Director, GSIDC has already conveyed approval of the Govt. for the said project and it has been desired by Director of Transport and GSIDC to submit views of KTCL.

At present there is no built up structure at Assonora Bus Stand and the land is lying vacant without any proper use except for arrival and departure of the buses since the proposal has already been approved by the Govt. and as the proposed Bus Stand and Shopping Complex, after handed over to KTCL, it will fetch sizable revenue to the Corporation. We issue NOC for the same to GSIDC, on the condition that the constructed Bus Stand be handed over to KTCL afterwards.

Board may discuss and decide the matter accordingly suitable resolution may be passed.

**RESOLUTION No. 44/2008**

*approved*      *NOC*



No.KTC/LA/BM-158/08-09/115  
Legal Department,  
Kadamba Transport Corpn.Ltd.,  
Porvorim-Goa.

Date : 30.5.2008

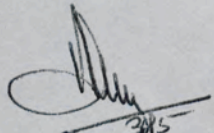
NOTE

The 157<sup>th</sup> Board of Directors meeting was held on 21<sup>st</sup> April,2008. Minutes of the meeting were forwarded to the Board of Directors on 30.4.2008 requested to communicate the additions/deletions to the minutes on or before 5<sup>th</sup> May , 2008. No additions/deletions to the minutes received from any Board of Director during stipulated time except one letter from Shri Santosh Raiturkar, Director dated 8.5.2008 requesting to provide him opportunity to record his changes/corrections to the minutes at item no. 4 but nothing is received afterwards. So there is no additions/deletions to the minutes as on date. We may therefore take action on the resolution passed for implementation.

Resolution no. 43/2008 is passed to award the compulsory retirement of Shri M.P.Kamat, Dy. Financial Controller (Costing & Budget ) under FR 56 (J) as a Administrative decision. This resolution was taken in connection with affidavit submitted to the Hon'ble High Court for reconsideration of earlier resolution no. 71/2007. Board has now passed above resolution .

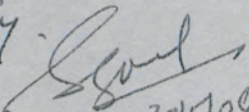
In view of above Managing Director may decide in the matter.

Submitted

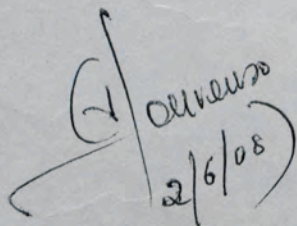
  
( V.D.Harmalkar )  
Legal Assistant

M.D.

*we may implement the decision of the  
BoD accordingly.*

  
30/5/08

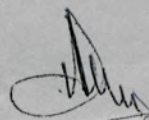
~~Hon. Chairman~~

  
2/6/08

~~LA~~ As per the approval order drafted and placed in the file for signature please. This matter was discussed during 158<sup>th</sup> BoD meeting held on 12/6/2008 and the minutes of 157<sup>th</sup> BoD meeting are confirmed vis-a-vis approval of Hon-chair.

Submitted

P.T.O

  
20/6/2008



N/7

~~CTAD~~  
20106108  
LA

NOTES

The 137<sup>th</sup> Board of Directors meeting was held on 21<sup>st</sup> April 2008. Minutes of the meeting were forwarded to the Board of Directors on 24<sup>th</sup> April 2008. It is requested to communicate the additional information to the Board on or before 7<sup>th</sup> May 2008. The additional information to the minutes received from the Board of Directors during the meeting was except for the Board of Directors. Director dated 23.2.2008 requesting to provide the opportunity to record the changes/corrections to the minutes of item no. 4 but nothing is received. There is no additional information to the minutes as on date. The only resolution taken on the resolution passed for implementation.

Resolution no. 43/2007 is passed in regard to the company's statement of financial position. The resolution (copying to Board) under no. 43/2007 is an Administrative Decision. This resolution was taken in connection with the submission to the Hon'ble High Court for winding up of the company. The 137<sup>th</sup> Board has now passed above resolution.

In view of above Managing Director is requested to

Submitted

(Sd/-) (Signature)  
1 (Copy)

M 13



# RYAN MENEZES

B.S.L., LL.M. (U.K.)

ADVOCATE

79/c

KADAMBA TRANSPORT CORPORATION LTD.
Inward No. 2217
Date: 7/17/08

Dated:- 04.07.2008

To,  
The MANAGING DIRECTOR,  
Kadamba Transport Corporation Ltd.,  
Paraiso De Goa, Alto - Porvorim,  
Bardez, Goa.

**Subj : Legal Notice.**

Sir,

On instruction from and on behalf of my client Mr. Mahesh P. Kamat, r/o 2F/2, Shivnery, Co-operative Housing Society, Comba Margao [hereinafter referred to as 'My Client'], I am to address you as under:

1. My Client informs me that you have on 20.06.2008 issued an order purportedly pursuant to Resolution Nos. 9/2008 and 43/2008 wherein the Board of Directors, K.T.C.L. during its 156<sup>th</sup> and 157<sup>th</sup> meetings, to compulsorily retire my Client in the public interest.
2. Previously vide order dated 19.07.2007, for identical reasons, pursuant to Resolution No. 71/2007 dated 11.06.2007 taken at the 154<sup>th</sup> meeting of the Board of Directors of K.T.C.L., it was directed that my Client was being compulsorily retired as an administrative action in the public interest. My Client challenged the said order by filing Writ Petition No. 492 / 2007 before the Hon'ble High Court of Bombay at Goa.

When the matter came up for admissions before the Hon'ble High Court, the Counsel for K.T.C.L. stated that the impugned order was withdrawn as the Board wanted to reconsider the matter. The said statement was accepted. Consequent to the same, leave was granted to my Client to withdraw the said Petition, with liberty to approach the Hon'ble High Court again in case of need arising in the matter.

Thereafter, vide Note bearing No. KTC/ADMN/1-2/2007-08/77 dated 22.11.2007, issued by you, the order of Compulsory Retirement was withdrawn till further re-consideration of the matter by the Board of Directors of K.T.C.L.

3. Vide Resolution No. 40/2008, the Board of Directors, K.T.C.L. has confirmed the minutes of the 154<sup>th</sup>, 155<sup>th</sup> and 156<sup>th</sup> meetings of the Board of Directors of K.T.C.L., and as such has confirmed Resolution No. 71/2007, though a statement was made before the Hon'ble High Court that the matter would be reconsidered and after the withdrawal of the order of compulsory retirement, vide note dated 22.11.2007.

RC speak  
CA  
7/17/08  
K. T. C. L.  
Legal Department  
Inward No. 2217  
Date: 09/07/08

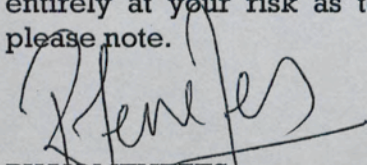


78/c

4. After making a show of before the Hon'ble High Court of withdrawing the order of compulsory retirement to reconsider the matter, the order of compulsory retirement has been re-issued for identical reasons, which is a gross breach of the statement made on behalf of K.T.C.L. before the Hon'ble High Court, and constitutes contempt of Court.

I therefore call upon you to forthwith and immediately, and in any case not later than 10 days from the receipt of this notice, withdraw the Order 20.06.2008 directing that my Client shall retire from the service of K.T.C.L.

Should you choose to ignore this notice and not to withdraw the order dated 20.06.2008 directing that my Client shall retire from the service of K.T.C.L., my Client will have no choice but to file a petition before the Hon'ble High Court of Bombay at Goa, seeking necessary reliefs/orders in the matter including compensatory costs for having been compelled by K.T.C.L. to repeatedly approach the Hon'ble Court for necessary reliefs, entirely at your risk as to the costs and consequences thereof, which please note.



RYAN MENEZES,  
Advocate.



# RYAN MENEZES

B.S.L., LL.M. (U.K.)

ADVOCATE

Dated:- 04.07.2008



To,  
The MANAGING DIRECTOR,  
Kadamba Transport Corporation Ltd.,  
Paraiso De Goa, Alto - Porvorim,  
Bardez, Goa.

**Subj : Legal Notice.**

Sir,

On instruction from and on behalf of my client Mr. Mahesh P. Kamat, r/o 2F/2, Shivnery, Co-operative Housing Society, Comba Margao [hereinafter referred to as 'My Client'], I am to address you as under:

1. My Client informs me that you have on 20.06.2008 issued an order purportedly pursuant to Resolution Nos. 9/2008 and 43/2008 wherein the Board of Directors, K.T.C.L. during its 156<sup>th</sup> and 157<sup>th</sup> meetings, to compulsorily retire my Client in the public interest.

2. Previously vide order dated 19.07.2007, for identical reasons, pursuant to Resolution No. 71/2007 dated 11.06.2007 taken at the 154<sup>th</sup> meeting of the Board of Directors of K.T.C.L., it was directed that my Client was being compulsorily retired as an administrative action in the public interest. My Client challenged the said order by filing Writ Petition No. 492 / 2007 before the Hon'ble High Court of Bombay at Goa.

When the matter came up for admissions before the Hon'ble High Court, the Counsel for K.T.C.L. stated that the impugned order was withdrawn as the Board wanted to reconsider the matter. The said statement was accepted. Consequent to the same, leave was granted to my Client to withdraw the said Petition, with liberty to approach the Hon'ble High Court again in case of need arising in the matter.

Thereafter, vide Note bearing No. KTC/ADMN/1-2/2007-08/77 dated 22.11.2007, issued by you, the order of Compulsory Retirement was withdrawn till further re-consideration of the matter by the Board of Directors of K.T.C.L.

3. Vide Resolution No. 40/2008, the Board of Directors, K.T.C.L. has confirmed the minutes of the 154<sup>th</sup>, 155<sup>th</sup> and 156<sup>th</sup> meetings of the Board of Directors of K.T.C.L., and as such has confirmed Resolution No. 71/2007, though a statement was made before the Hon'ble High Court that the matter would be reconsidered and after the withdrawal of the order of compulsory retirement, vide note dated 22.11.2007.

R/Speak  
CA  
7/7/08  
K. T. C. L.  
Legal Department  
Inward No. 277  
Date: 09/07/08

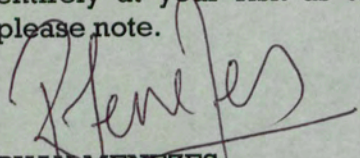


76/C

4. After making a show of before the Hon'ble High Court of withdrawing the order of compulsory retirement to reconsider the matter, the order of compulsory retirement has been re-issued for identical reasons, which is a gross breach of the statement made on behalf of K.T.C.L. before the Hon'ble High Court, and constitutes contempt of Court.

I therefore call upon you to forthwith and immediately, and in any case not later than 10 days from the receipt of this notice, withdraw the Order 20.06.2008 directing that my Client shall retire from the service of K.T.C.L.

Should you choose to ignore this notice and not to withdraw the order dated 20.06.2008 directing that my Client shall retire from the service of K.T.C.L., my Client will have no choice but to file a petition before the Hon'ble High Court of Bombay at Goa, seeking necessary reliefs/orders in the matter including compensatory costs for having been compelled by K.T.C.L. to repeatedly approach the Hon'ble Court for necessary reliefs, entirely at your risk as to the costs and consequences thereof, which please note.

  
RYAN MENEZES,  
Advocate.



75/c

## IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 492/2007

Mahesh Kamat

... Petitioner

v.

Kadamba Transport Corporation Ltd.&amp; anr

... Respondents

COUNTER AFFIDAVIT OF RESPONDENT NO. 1

I, Sanjay Goel, Indian inhabitant, aged about 32 years, residing at Panjim, Goa do hereby solemn affirm and state as follows:

- 1) I am presently working as Managing Director of Kadamba Transport Corporation Ltd (KTCL). I have perused a copy of the above petition and understood its contents. I am conversant with the facts of this case and authorized to file this affidavit.
- 2) By Order dated 15/10/2007 this Hon'ble Court is pleased to direct this Respondent to indicate the public interest in making the Order of compulsory retirement and to deal with the other points raised in the Petition. In compliance thereof and to oppose admission and grant of interim relief, I am placing on record the material on which the Board of Directors of KTCL (in short 'Board') formed the opinion to compulsorily retire the Petitioner under FR-56(j). Respondent



7A/C

craves leave to file additional affidavit in case the Petition is admitted.

3) The Board consists of 12 members. There were 10 members present when the resolution was passed to compulsorily retire the Petitioner. I was the Managing Director. Mr. Harish Zantye (then M.L.A) was the Chairman.

4) The entire service record (3 volumes) of the Petitioner was placed before the Board. A note prepared by me containing observations and remarks about the Petitioner was placed before the Board with supporting documents. A note prepared by Mr. T.K. Pawase, Personnel Manager KTCL about the Petitioner was also placed before the Board. **Annexure A Colly** are copies of the said notes. The documents are annexed to this affidavit and detailed hereunder.

5) At the meeting, I appraised the Board that:

5A: Despite drawing a gross salary of Rs. 34,500/- per month, Petitioner is inefficient and does not do work; does not want to take efforts and has no will to work; avoids work on the pretext of lack of staff, non-cooperation/ inefficiency of



73/c

staff, or by addressing letters seeking information from various departments. This impedes the smooth working of KTCL. The Petitioner has a negative attitude towards work, is non-cooperative and incorrigible. The following recent instances were brought to notice of the Board:

- a. By Order dated 07/01/2006, Petitioner was transferred and posted to his cadre post of Deputy Financial Controller (Accounts Department). However, by letter dated 10/01/2006 he expressed his unwillingness to take charge to the Managing Director. KTCL took objection to his words that 'I would be compelled to fulfill the expectations of the management as desired of me vide the Charge Sheet dated 04/03/1998. In the process, the confrontations are inevitable and might create problems for the Department rather than solving the problems as might be contemplated under Transfer Order dated 07/01/2006'. His request was allowed to allay any apprehensions in his mind. **Annexure B Colly** are copies of letters dated 07/01/2007, 10/01/2007 and 06/05/2006.



72/c

b. By Order dated 16/05/2006, Petitioner was posted as Dy. Financial Controller (Costing and Budget). On 22/05/2006 the Petitioner addressed a 'Note' to the Managing Director calling for various information regarding the post, pay-scale, sitting place, staff allotted, handing over of charge etc. He had to be reverted back to continue as Officer on Special Duty (O.S.D) as additional charge. **Annexure BB** is a copy of the Note dated 22/05/2006.

c. On 20.02.2007 Petitioner was issued written instructions to undertake regular work as Deputy Financial Controller (Costing & Budget). However by letter dated 22.02.2007 the Petitioner expressed his difficulties and closed the costing and budget exercise on plea that officers are not co-operating, not providing information, lack of staff and facilities. **Annexure C** is a copy of the letter dated 22/02/2007.

d. By letter dated 26/04/2007 Petitioner was assigned duties to ensure accounting of 'spares'. However, by letter dated 06.06.2007 addressed to the Managing Director he stopped further work with a one line note



7/c

that 'information for the period 16.05.07 to 31.05.07 is not maintained by concerned addressees'. He complained non-cooperation from officers and shortage of staff. **Annexure D Colly** are copies of letters dated 26/04/2007 and 06/06/07.

e. Petitioner was assigned adhoc duty for 'line checking' vide Order dated 30/04/2007. By report dated 08/05/2007 Petitioner represented that he should not be given this work as he 'does not have moral sanctity to check the conductors who might have pilfered some revenue in Rs. Tens or few thousands'. **Annexure E** is a copy of report dated 08/05/2007.

f. In his application for leave dated 30.05.2007 Petitioner admits that his 'absence from work place shall not make any difference to KTCL'. **Annexure F** is a copy of the Application dated 30.05.2007.

5B) The Petitioner is without charge/work since June 2006 and whatever work is assigned to him has not been completed by him by giving excuses and without making any serious efforts.



40/c

5C) All junior staff allotted to him refuses to work under him due to his personal behavior.

5D) Petitioner labors under the impression that KTCL staff is harassing him at the instance of a co-officer Mr. Kunkolienkar. I say this is false. There are criminal and civil cases between them pending in the Courts. The Petitioner has made KTCL a platform to settle personal scores with Mr. Kunkolienkar. Petitioner in a letter to the Managing Director writes:

“Finally, I repeat that I have nothing against you in person. Be neutral and live us to our destiny, we are now fighting at the level of Supreme Court. I may go to any extent on the personal issue being faught (fought) by Kunkolienkar through the instrument of KTCL, its M.D's and Chairmen (Chairman) for which I am being the victim since 1996”

5E) The Petitioner keeps busy addressing letters to Managing Director and other personnel – calling information or making accusations on other officers of KTCL regarding their exoneration, service benefits etc. The tenor of his letters is insincere, accusatory, mocking and threatening. **Annexure G Colly** are copies of some letters by Petitioner. This Respondent craves leave to refer and reply upon the other correspondences by Petitioner at the time of hearing. In a letter dated 21/11/2006 the Petitioner writes:



69/c

“Therefore in the event that the enquiry against Shri. V.V.S. Kunkolienkar is prematurely dropped/ closed pending action on inquiry reports with respect of enquiries instituted against me and any promotion/upgradation of Shri. V.V.S. Kunkolienkar, I shall be compelled to resort to criminal proceedings against the concerned for unwarranted harassment, humiliation and victimization for self by KTCL.”

5F) Petitioner has abused his right under Right to Information Act against KTCL seeking information to settle personal scores. In his letter dated 27/11/2006 purportedly under Right to Information Act he writes:

“From the reply, it is confirmed that the desired information is in records of KTCL and that you are aware where it is available. As far as my right under the Act is concerned I am not at all concerned with Administration Dept. of KTCL. I know that office of P.I.O should provide me the copies on or before 30.11.2006.”

5G) Petitioner was issued a Memorandum for misusing office stationery and staff for his personal representations and grievances. **Annexure I** is a copy of the memorandum dated 07.06.2007.

5H) Petitioner was directed to hand over the mobile phone/SIM card given to him by KTCL because of his poor performance. However despite repeated reminders, oral and written, he refused to handover the handset and SIM. **Annexure J** is a copy of the Note dated 04.06.2007 directing



68/c

the Petitioner to deposit the handset with SIM. In reply, the Petitioner writes that this will be 'contempt of Court' with accusations that the Disciplinary Authority 'appears to be incapable of deciding on inquiry findings'. **Annexure K** is a copy of the said reply dated 06.06.2007.

5 I) Petitioner vide letter dated 19/05/2007 claims interest @ 10% per annum on payment of difference between subsistence allowance and increments on the premise that it is released 2 years after Inquiry Report and demands 'action' to be taken for 'undue and unreasonable delay'. **Annexure L** is a copy of the said letter dated 19/05/2007.

5J) In a recent incident, the Petitioner sought permission to hold a press conference vide letter dated 05.06.2007 demanding 'reasons' in case KTCL has objection. Permission was denied vide Memorandum dated 08/06/2007. **Annexure M Colly** are copies of the said letter dated 05.06.2007 and memorandum dated 08/06/2007. Petitioner refused to accept the said Memorandum despite and left for home without receiving it. In the past also, vide letter dated 18.04.2006 the Petitioner has sought permission for holding a



press conference. **Annexure N** is a copy of the said letter dated 18/04/2006.

5K) In the past the Petitioner was suspended twice by two different Managing Directors of KTCL, pending inquiry. Recently, Petitioner is suspended from 08.06.2007. He refused to accept the Order of suspension, which had to be finally pasted on the door of his residence.

6) A concise agenda note was also placed before the Board with a note to decide either to dismiss/retire the Petitioner as a punishment after departmental inquiry – or – to retire him under FR-56. After considering all the aforesaid material, the Board unanimously decided (10 were present) to retire the Petitioner under FR-56.

7) I respectfully submit that Board is of the opinion that it is in public interest to prematurely retire the Petitioner from service. Public interest is served as the Petitioner is a drain on public money without any productive use to KTCL. Petitioner's conduct and reputation is menace to public service, injuries to public interest and an impediment to the smooth working of KTCL.



66/c

- 8) KTCL is a Government company as per Sec. 617 of Companies Act, 1956. The entire share capital of KTCL is received from Government of Goa. Every year KTCL receives subsidy/grant and share capital from the Government of Goa out of public funds.
- 9) I say that in the 69<sup>th</sup> Board meeting held on 28/09/1992 by resolution no. 723 all existing rules, regulations/ notifications/ orders as applicable to the officers of Government of Goa (including future amendments and changes) are adopted by KTCL. This includes Fundamental Rules and Supplementary Rules (FRSR). **Annexure \_\_\_** is a copy of the said resolution. I therefore deny that FRSR have not been adopted by KTCL.
- a. In any case, Petitioner cannot be heard to contend that Fundamental Rules are not applicable as he has received benefits thereunder.
- 10) I deny the allegation that Order dated 19/07/2007 is misconceived or malafide or arbitrary or illegal or that it cannot be sustained or that it violates Articles 14 or 16 of our Constitution. I deny that said Order is based on vague or hazy allegations of misconduct. I deny that the Order is punitive in



nature or that it can be passed only after holding departmental inquiry or by way of penalty/punishment. I deny that said Order amounts to dismissal from service. Article 311 has no application to a case of compulsory retirement under FR-56. The parameters of public interest in compulsorily retirement under FR-56 are wider than canvassed.

- 11) The Petitioner has approached this Hon'ble Court at the brink of the expiry of three months period. The impugned notice is dated 19/07/2007.
- 12) I deny that petitioner is entitled for any relief as prayed.
- 13) Annexures are true copies of their originals.
- 14) I say that what is stated herein above at paragraph \_\_\_\_\_ is true to my knowledge, what is stated at paragraph \_\_\_\_\_ is information I have derived from records to which I have access and what is stated in paragraphs \_\_\_\_\_ are submissions on legal advise.

Solely affirmed at Panaji

aforesaid this \_\_\_\_ day of October 2007

Deponent



NOTEDate:- 6<sup>th</sup> June, 2007

The Board of Director in its 90<sup>th</sup> Board Meeting held on 12.5.1997, approved vide Resolution No. 901 to implement the Central Civil Services (Conduct) Rules 1964 and Control Civil Services (Classification, Control and Appeal) Rules 1965 to the Officers of the Corporation. The same is reproduced herebelow.

Resolution No. 901

**"RESOLVED THAT**, the rules/regulations/notifications Orders referred to in resolution No. 723 passed by the BOD of Directors in 69<sup>th</sup> Meeting held on 28.9.1992 also includes Central Civil Services (Conduct) Rules 1964 and Central Civil Services (Classification, Control and Appeal) Rules 1965 is hereby approved.

**RESOLVED FURTHER THAT**, the Managing Director be and is hereby authorised to take all necessary action in the matter."

Accordingly, by another resolution No. 900, the powers of taking the Disciplinary Action were delegated to the Managing Director of the Corporation. The Resolution No. 900 is reproduced herebelow for reference.

**'RESOLVED THAT**, the Managing Director with the concurrence of the Chairman be and is hereby authorised to transfer Group "A" and Group "B" Officers of the Corporation to different section/Branches."

**"RESOLVED FURTHER THAT** whenever Group "A" Officer is transferred to Group "B" post, the Group "B" post to which the Group "A" Officers has been transferred shall be deemed to have been upgraded to Group "A" post with effect from the date the Group "A" Officer assumes charge and shall remain so upgraded so long as the Group "A" Officer continues on the said post."

**"RESOLVED FURTHER THAT**, the transfer of Group "A" & "B" Officers already effected by the Managing Director be and is hereby ratified."

**"RESOLVED FURTHER THAT** The Power of the BOD to take Disciplinary Action against Group "A" and Group "B" Officer be and is hereby delegated to the Managing Director subject to the conditions that major punishment of demotion and dismissal/removal from the services of the Corporation shall be imposed only with the approval of the BOD."

**' RESOLVED FURTHER THAT** the Managing Director be and is hereby authorised to take all necessary action in the matter."

As per FR-56 (j) which applies to KTCL Officers also, the Appropriate Authority shall, if it is of the opinion that it is in the public interest so to do, have absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice;



(i) If he is, in Group "A" or Group "B" service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years;

(ii) in any other Applicant after he has attained the age of fifty-five years;

( Copy of the extract of FR-56 is placed herewith for ready reference.)

Further, as per Rule 11 of CCA & CCS, Compulsory Retirement as a penalty is different from "Compulsory Retirement" as a administrative action under F.R.56(j) or Rule 48 of the C.C.S. (Pension) Rules,1972. The more important points of difference are-(i) while Compulsory retirement as administrative action can be ordered on assessment of overall records of the employee, the penalty of compulsory retirement can be imposed only on account of a misconduct which is established after holding proceedings in accordance with the prescribed procedure; and (ii) though the pensionary benefits can be reduced to the extent of one -third in Applicant of Compulsory Retirement as a penalty., the normal pension without any deduction is payable in the Applicant of Compulsory retirement of other kind. If goes without saying that the Compulsory retirement in terms of administrative rules is not a penalty and is outside the scope of Art,311(2). ( copies of extract of Rule 11 of CCA & CCS and article 311 are placed herewith for perusal.)

Shri Mahesh P. Kamat, joined the services of the Corporation on 16/12/1982 on attaining the age of 28 years as Accountant. Thereafter, he was departmentally selected to the post of Asstt. Financial Controller with effect from 1/10/1985 and promoted as Dy. Financial Controller with effect from 24/03/1990. While functioning as Dy. Financial Controller, Shri Mahesh P. Kamat was issued three Charge-Sheets on different Articles of Charges. All the Charge-Sheets were placed for the departmental enquiry before the enquiring authority. He was placed under Suspension as Statistical Officer Pending departmental enquiry and final action with effect from 25.10.1997 till 17.12.1997. Also he was again placed under suspension as Statistical Officer pending departmental enquiry and final action with effect from 24.2.2001 till 27.8.2002. Since no charges framed against Shri M. P. Kamat were proved in two Charge-Sheets, he was exonerated from the charges framed against him vide order No.KTC/ADMN/1-2/2003-04/72, dated 20.11.2003 and No.KTC/ADMN/1-2/2006-07/122, dated 17/2/2007 respectively. Copies of the exoneration orders are placed in the file for perusal. As regards to the third Charge-Sheet framed against him, it is learnt that the departmental



62/c

enquiry has been completed and the enquiry report is in the Office of the Disciplinary Authority for final action.

He has been posted as Dy. Financial Controller ( Costing & Budget ) with effect from <sup>May</sup> June, 2006. Accordingly, he has been allotted the duties of the post vide order No. KTC/PERS/110(566)/2006-2007/3392, dated 20/2/2007. Subsequently, he has been posted with one Jr. Stenographer and one C.L.D.C. for every half day and two clerks were issued with the transfer order from the Civil department, however, it is learnt that, both the clerks had approached the then Managing Director/ Hon,ble Chairman saying that, they are not willing to work under Shri Mahesh P. Kamat. Further, the Jr. Stenographer provided to him vide order No. KTC/PERS/3/2006-2007/3373, dated 16/2/2007 has been withdrawn by the Managing Director vide Order No. KTC/ADMN/1-2/2007-08/4, dated 12/4/2007. Presently, he is provided with one C.L.D.C. from the Accounts Department for every half day.

During the period, Shri Mahesh P. Kamat has addressed several correspondances to the Managing Director as well as to the P.I.O. seeking various informations under Right to Information Act and the same are placed in the file from page No \_\_\_\_\_ to \_\_\_\_\_ respectively.

In addition to above he has addressed several correspondence/representation before the Managing Director same are also placed in the file from page No \_\_\_\_\_ to \_\_\_\_\_ respectively

Considering the above position, before taking any decision, the same is required to placed before the BOD in terms of Resolution No.901 above.

Submitted please.

( T. K. Pawase )  
PERSONNEL MANAGER

MANAGING DIRECTOR

In the latest  
cases of insubordination  
regarding refusal  
to surrender  
his mobile phone & sim card  
to refuse to accept the letter  
stating rejection of his request  
for a press conference.  
He has been placed under  
suspension since 28-2-2007 (third time  
in last 10 years)



On perusal of the above submission, following observations regarding mis-behaviour of Shri Mahesh P. Kamat may be noted;

He was transferred and posted as Dy. Financial Controller (Costing & Budget) vide order No. KTC/PERS/3/ 2006-07/548, dated 16<sup>th</sup> May, 2006, and on acknowledging the said order, Shri Mahesh P. Kamat vide his note No. 19, dated 22.5.2006 represented in connection with the transfer order issued to him. On examining his representation, he was asked to continue to hold the charge of Officer On Special Duty vide order No. KTC/PERS/3/2006-07/615, dated 29.5.2006.

① He was issued written instructions dated 20.2.2007 to undertake regular work as Dy. Financial Controller (Costing & Budget). However, vide his letter No. KTC/DYFC/C7B/2006-2007/23, dated 22/3/2007 addressed to the Managing Director, he closed the Costing & Budgeting exercise supposed to be done by him in his capacity as Dy. Financial Controller (Costing & Budget) on the plea that Officers are not Co-Operative with him and not providing him information, lack of staff and facilities. It amounts to insinaty and absolving one's duties on superficial grounds without making any serious efforts on his part to get the assigned work done.

② Further vide letter No. KTC/ADMN/1-2/2007-08/08, dated 26/4/2007 he was assigned duties to ensure accounting of the "Spares" viz-a-viz respective vbuses. However, again vide letter addressed to the Managing Director, he stopped doing further work on grounds of non Co-Operation from the Officers and shortage of Staff.

③ He was assigned adhoc duty for line checking vide order No. Nil, dated 30.4.2007, however, in reply to the said line checking order vide his letter No. Nil, dated 2.5.2007, he has stated that " I, would like to state that, I do not have moral sancity to check the Conductors who might have pilfered some revenue in Rs. tens or few hundreds. The inspecting authority should not be under the clouds. I myself is facing serious allegations running into few lakhs of rupees. Natural justice demands that the inspecting authority should not be under clouds." ( Copy of the same is placed in the file at page \_\_\_\_\_.)

④ On demand of his leave application dated 11.5.2007 to 5.6.2007 to the Managing Director in his reply vide letter No. Nil, dated 30/5/2007 he has stated that, "



My absence from work place shall not make any difference to KTCL." " In fact I have appeared before you almost after a month wherein I was also threatened with Disciplinary Action." ( Copy of the same is placed in the file at page \_\_\_)

(5) In various letters ( Copies enclosed ) to the Managing Director and Chairman, it is clear that he is always making a accusation on the Officers regarding their exoneration, service benefits etc.,

(6) All the junior staff allotted to him has denied to work under him due to his personal behaviour.

(7) Vide letter dated 19/5/2007, Shri Mahesh P. Kamat has claimed that, the payment of difference in subsistence allowance is delayed beyond 90 days after receipt of the enquiry report and for which he has claimed an interest of Rs.10% per anum. ( Copy of the said letter is placed in the file at page \_\_\_)

(8) He is in a habit of addressing letters to the Managing Director and the other authorities almost everyday just accusing others and for the benefits they are enjoying.

(9) Recently, vide Note No. KTC/ADMN/1-2/2007-2008/20, dated 4/6/2007 he was directed to handover the mobile handset and the SIM card, however, despite of written directives from the Managing Director, he refused to handover the mobile hand set and SIM card, this amounts to insubordination. *ad verbal instruction given*

(10) He has addressed several correspondance to the Managing Director and P.I.O., seeking various information under Right to Information Act. ( Copies of the same are placed in the file from page \_---- to \_\_\_)

(11) He has been issued Memorandum No. KTC/ADMN/1-2/2007-2008/22, dated 7/6/2007 for making mis-using Office Stationery and staff for his personal representations and grievances. ( Copy of the same is placed in the file at page \_\_\_)

(12) He is without any charge/work since June,2006. In the past whatever work is assigned to him, he has not completed on the pretext or without making any serious efforts.

All the episodes amounts to total insubordination, lack of positive attitude towards work, improper personal behaviour and a negative mind set.

Since he is drawing the basic pay of Rs. 14,550/- in the Pay scale of Rs. 10,000-325-15,200/-, his total gross salary per month worksout to Rs. 40,264.75 and since Corporation is not able to use his any service due to his above mentioned

(13) In the latest case, he sought permission for holiday plus conference. When the decision letter was sent to him, he refused to accept the same despite of being approached twice by the person in charge of M.S., ~~finally~~ on the plea that there is no staff to receive the letter. Finally he left to his home without reced the letter. This tantamounts to insubordination & defiance of orders. He is placed under suspension w.e.f. 8-6-2007 for these acts pending disciplinary proceedings.



behaviour, he is a right person/Officer to be issued Compulsory Retirement under FR-56(j) as a administrative action in the Public intrest.

It is therefore placed before the Board for consideration and necessary decision please.

( Sanjay Goel, IAS )  
MANAGING DIRECTOR



ANNEXURE  
B COLLY

210

No.KTC/PERS/3/2005-06/2964  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim, Bardez - Goa.

58/c

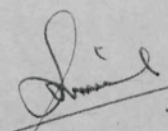
Date:- 7<sup>th</sup> January, 2006.

TRANSFER ORDER

Due to administrative convenience, Shri M. P. Kamat, Officer on Special Duty is hereby transferred and posted to his cadre post of Dy. Financial Controller, Accounts Department, Head Office, Porvorim with immediate effect. Shri M. P. Kamat should take charge of Accounts Department, H.O. from Shri Y. D. Gaude, Asst. Financial Controller.

Shri M. P. Kamat, shall continue the charge of Officer On Special Duty till further orders.

The order shall come into force with immediate effect and should be comply by 12/1/2006.

  
(S. V. Naik.)  
MANAGING DIRECTOR

To,  
Shri M. P. Kamat,  
Officer On Special Duty,  
Kadamba Transport Corporation Ltd.,  
Head Office.

C.C. to the Hon<sup>ble</sup> Chairman, for favour of kind information.

Copy to:-

1. The General Manager, for information.
2. The Asst. Financial Controller, for information.
3. Personal file.
4. Office copy.
5. Guard file.
6. All Sectional Heads.



Personal Secretary  
 FORWARD No. 6031  
 12/1/06

From: Shri. M. P. Kamat,  
 Officer On Special Duty,  
 K.T.C.L.,  
 Porvorim – Goa.

SD/C

Dated: 10/01/2006.

To,  
 The Managing Director,  
 Kadamba Transport Corporation Ltd.,  
 Alto Porvorim – Goa.

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No	5249
Date:	10/1/06

12/1/06

**Ref: Transfer Order No. KTC/PERS/3/2005-06/2964**  
**dated 07/01/2006.**

Sir,

This is with reference to the Transfer Order referred to above, requiring my posting as Dy. Financial Controller to take charge of Accounts Department, Head Office by 12/01/2006. In that regard, I am to submit as follows:

Vide Transfer Order dated 07/11/1996, I was transferred from the cadre post of Dy. Financial Controller, Accounts Department, Head Office, which transfer was followed by suspension and further followed by inquiry vide Memorandum No. KTC/ADMN/1-2/97-98/205 dated 04/03/1998, which inquiry is till being dragged upon and still not reaching to its logical conclusion. In fact, the proposed transfer is another attempt of humiliation, since after occupying the said post and discharging the duties as Dy. Financial Controller from the Executive Chamber, I will be compelled to occupy the seat of the Charge Sheeted Officer before the Enquiry Officer facing against me, Shri. Ganpati Budhwant, Peon, Shri. A. Shirvoikar, Personnel Officer and Shri. Narayan Naik as the Presenting Officer. Having adequately harassed, victimised and humiliated, it is my bonafide appeal to you not to inflict further humiliations on me. At the outset, I am making it clear that there is nothing personal in the issue and further that you as the Managing Director and the Chairman were not the parties of the problem, but it is equally true that I as an individual is being hurt deeply and only me can know the pains suffered in the hurting process. Inside me is a victim crying for help, being unnecessarily harassed and victimised under the CCS (CCA) Rules for the misconducts of some other's who are eventually rewarded through promotions.

In a nutshell, some of the major allegations behind my transfer from the cadre post of Dy. Financial Controller way back in the year 1996 are as follows:

That as Dy. Financial Controller while verifying the bills and making the payments, I did not:

- verify the future prices of materials.
- verify the materials while taking into stock.

And that I did:

- purchased non genuine, spurious materials at higher rates.



- (b) procured excess quantity of materials at higher rates
- (c) blocked the funds through inventory.
- (d) placed Purchase Orders/Order for supply of materials.
- (e) misplaced records of purchase transactions amounting to purchases in violation of the procedure and in excess of tender requirements and
- (f) purchased materials violating tenders/without inviting tenders.

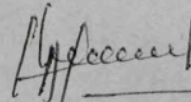
Subsequent, to my transfer way back in the year 1996, various Officers handled the Finance Department, namely, Shri. U. B. Naik, Shri. T. K. Pawase, Shri. Narahari Naik, Shri. George Fernandes, Shri. Y. D. Gaude. But none of these Officers acted the way as desired by the Management from me vide the Charge Sheet dated 04/03/1998.

With the expectations of KTCL Management different against me and the inquiry instituted against me, still incomplete, I would be compelled to fulfill the expectations of the Management as desired of me vide the Charge Sheet dated 04/03/1998. In the process, the confrontations are inevitable and might create the problems for the Department rather than solving the problems as might be contemplated under Transfer Order dated 07/01/2006.

In view of above, it is my genuine request to hold back the proposed Transfer Order till the inquiry instituted against me is at its logical conclusion. I am further drawing your attention to my Representation laid before the Board in the 144<sup>th</sup> Board Meeting held on 23/09/2005, wherein, the Board had assured to look into the episode and decide within 15 days. The said issue is also pending before the Board over 3 months since then and I further request that atleast till the conclusion of the next Board Meeting, the proposed transfer be kept in abeyance since I desire to represent before the Board in person.

Once again I repeat that we (i.e. self, Managing Director and Chairman) have nothing personal amongst us, but the said notings are also inevitable from a victim undergoing the process of pain that started way back in the year 1996 and still continuing.

Yours faithfully,



( M. P. Kamat )

OFFICER ON SPECIAL DUTY



No.KTC/PERS/(566)/06-07/ 520  
Kadamba Transport Corpn.Ltd.,  
Alto Porvorim-Goa.

STC

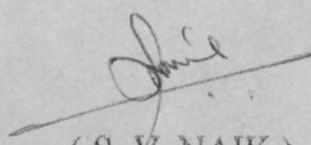
Date: 6.5.2006

To,  
Shri M. P. Kamat,  
O.S.D.,  
K.T.C.L.,  
Alto, Porvorim-Goa.

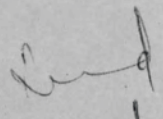
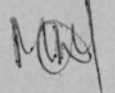
- Ref: 1. Transfer Order No.KTC/PERS/3/2005-06  
2964 dated 7.1.2006
- 2. Your letter dtd. 10.1.2006.

With reference to above, it is regretfully noted that, you are reluctant to work on the post assigned and to honour the subject transfer order. Further wording used by you in the said letter such as " I would be compelled to fulfill the expectations of the Management as desired of me vide the Charge Sheet dated 04.03.1998. In the process, the confrontations are inevitable and might create the problems for the Department rather than solving the problems as might be contemplated under Transfer Order dated 07.01.2006" is not acceptable.

However, Management has agreed to keep the said order in abeyance and desires that the services of the Senior Officer like you be utilized in the best possible manner and as such a suitable duties without living any room for apprehensions as raised by you in your letter, will be allotted to you at the earliest.

  
( S. V. NAIK )  
Managing Director

OK

  
  
19/5/06

11



11

*H. purup*

KADAMBA TRANSPORT CORPORATION LTD.  
 Inward No. 1384  
 Date: 22/5/06

*24/5/06*

1406  
24/5/06

No. KTC/OSD/2006-07/19  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

*SS/c*

Dated: 22.5.2006

**NOTE**

Sub: Transfer Order.

With reference to the Transfer Order No. KTC/PERS/3/2006-07/548 dated 16.5.2006 actually received by me on 22.05.06 at 11.10 hrs., I submit as follows:

1. The post designated Dy. Financial Controller (Costing & Budgeting) is ordered to be occupied by me which post is filled up in the Corporation for the first time since inception during 1980. In view of which I may please be informed :

- a) The grade of the post.
- b) The pay scale of the post.

2. The sitting place allotted to the undersigned as Dy. Financial Controller (Costing & Budgeting) in the Accounts Department. Preliminary enquiries with A.F.C. and the Asst. Engineer does not reveal anything since they are unaware of the transfer order as at this moment.

3. The staff allotted to the undersigned as Dy. Financial Controller (Costing & Budgeting)

4. The rights, duties and responsibilities assigned to the department and the head of the department.

5. Upon transfer whom the charge of O.S.D. to be handed over and from whom the charge of Dy. Financial Controller (Costing & Budgeting) to be taken over.

Pending clarifications as above, the acknowledgement of the transfer order by me on 22.5.2006 at 11.10 a.m. itself be treated as joining. I may be informed of proposed rights, duties and responsibilities at the earliest so that I can initiate further necessary action in public interest and Administrative convenience.

*He shall continue to function as OSD till suitably regulated as addl. charge. other posts be taken care by Personnel Deptt.*

*[Signature]*  
( M. P. KAMAT )  
Officer on Special Duty

To,  
The Managing Director, K.T.C.L.

- C.C. to:
- 1. The Hon. Chairman, KTCL.
  - 2. The Personnel Officer, KTCL.

*[Signature]*  
24/5  
Ms. Chari

*80*



KADAMBA TRANSPORT CORPORATION LTD.  
Inword No 8394  
Date: 22/2/07

Dated: 22.2.2007

9018

24/2/07

SAC

NOTE

Ref: (A) Office Memo KTC/Pers/110(566)/2006-07/  
3392 dt. 20.2.07.

(B) Note No.KTC/OSD/2006-07/19 dt. 22.5.96.

With reference to note dated 22.5.96, I have desired compliance on several issues of which only sitting place was provided to me and of late the duties and responsibilities attached to the post of Dy.F.C. (Costing & Budget) are issued.

Vide Memo dated 20.2.07, you have desired tentative Budget latest by 25<sup>th</sup> March 2007. The Budget Dept. in KTCL is just conceived and shall require some time to deliver the results. However the attempts can be made, provided the initiatives are taken to provide?

- (A) Budget staff.
- (B) Sitting place for Budget Staff and
- © Computer.

It is come to my knowledge that number of transfer orders are issued but none had ever reported me till date. It is also learnt that some part time transfers are made and CLDCs are transferred. I am writing this in anticipation to avoid further correspondence subsequently and in the interest of budget desired by you.

I do not need a CLDC at this stage wherein I have to call for lot of information from various units of KTCL to prepare a Master Budget. The compilation shall take some time and when it comes to compilation part time adjustment of Asst. Accountant, Accountant and A.FC is agreeable to me. However if a full time steno is provided to me instantly without the transfer of CLDC, it is still workable for me so that I can use the steno for the work of CLDC for time being.

It is learnt from Personnel Manager, that the steno attached to traffic dept. is posted in the morning session in this department. If this order is modified to make the posting effective in the afternoon session with flexibility that in the event of non-availability of Section head in the morning session in that department her services can be used by me, I am hopeful to use the steno for full day which will be in mutual interest of myself, steno, LDC on transfer and KTCL.

*Mahesh Kamat*  
Mahesh Kamat

To,  
Managing Director.

C.C: Chairman, Kadamba Transport  
Corpn.Ltd.

*- order posted staff / part time staff has already been issued*  
*- they shall continue to work from their own tables until sitting arrangements is made.*  
*- Any of the computer could be shared till separate computer is provided to from another -*  
*22/2/07*



ANNEXURE 'D' copy

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53/c

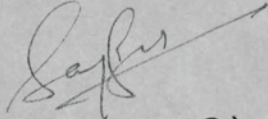
No.KTC/ADMN/1-2/2007-08/8  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.

Dated: 26.4.2007

**NOTE**

It has been decided to generate effective MIS reports to help informed decision making by the Management. Henceforth, it is directed that all consumption of spares at Central Stores/Central Workshop and Depots should be booked against specified bus only so that the cost effectiveness of maintaining particular buses at specified depots be identified and necessary action taken. It would also help in better compilation of bus-wise information. *The information shall be sent to Dy.F.C.(Costing) and he shall submit it to MD on regular basis.*

This should start from May 1, 2007 positively.

  
( Sanjay Goel, IAS )  
Managing Director

To,

1. The General Manager
2. The Works Manager
3. Depot Managers/Vasco/Margao/Porvorim/Panaji depot.
4. A.S.O.
5. A. F. C.

*NA 6*  
C.C. to: The Dy. G. M. (Trf.)



SPC

KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 1683  
Date: 6/6/07

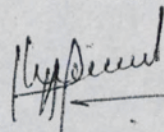
Date: 6.6.07

9

NOTE

Ref: Note No.KTC/ADMN/1-2/200708/8  
dated 26.4.07

The information for the period 16.05.07 to 31.05.07 is not maintained by the concerned addressees.



(M.P. Kamat)  
Dy/F.C(C&B)

To,  
The Managing Director,  
K.T.C.Ltd.,  
Porvorim.

DM  
7/6



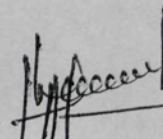
221  
220  
ST/C

9. It is also suggested that apart from surprise checking of the conductors and the line checking squad, at an appropriate higher level, the Managing Director should also instruct the counter checking of self drawn checking programmes. There is information that self drawn checking programmes are tuned in the personal interest and not strictly in the interest of the Corporation such as family trips, purchases, etc. In such a situation the Managing Director may propose the counter checks by other senior officers to ensure that the line checking is strictly done in the interest of the Corporation.

10. It is suggested that on long distance interstate checking very old vehicles should not be provided. The latest vehicles should be spared for long distance line checking.

11. Bus Station conditions were observed normal.

12. Enquiries with conductors revealed that late departure of buses. The unpunctual operations might lead to revenue dilution arising out of passenger diversion.



( M. P. Kamat )

Dy. Financial Controller (B & C)

To,

The Managing Director,  
K.T.C.L, Porvorim-Goa.



ANNEXURE 'F'

50/c

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	1562
Date:	30/5/07

31/5

From :

Shri M.P. Kamat,  
Dy.F.C.(C&B)  
KTCL, Porvorim-Goa.

Date : 30.5.2007

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Sub : Privilege leave

Sir,

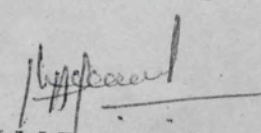
I request you to kindly grant me 5 days privilege leave w.e.f. 4.6.2007 to 8.6.2007 in view of most urgent work. I have applied for leave vide application dated 11.5.2007, 16.5.2007 and 30.5.2007 all leave applications had been rejected. The application dated 16.5.2007 and 30.5.2007 are rejected without assigning any reasons.

It is observed that other Officers in the KTCL are sanctioned leave during corresponding period. This is unnecessary harassment caused to me despite keeping me away from work under false enquires.

Despite from sitting in headquarters officially, with ~~no~~ opportunity to deal with any official work it is unreasonable and unfair to me not to sanction leave. My absence from work place shall not make any difference to KTCL.

I had appeared before your Authority with the rejected leave application for personal discussion, but surprised to find threat of compulsory retirement, In fact I have appeared before you almost after a month wherein I was also threatened with disciplinary actions. I am putting things in writing since I am refused to be heard by Higher Authority.

The application dated 30.5.2007 is resubmitted with a request to sanction or at least spell out the reasons for not sanctioning.

  
( M.P. Kamat )  
Dy.F.C.(C&B)

End. as above



ANNEXURE &amp; COPY.

AG/C

Date: 23.5.07.

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim.

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	1382
Date:	23/5/07

Notice regarding unauthorised and  
exercising abusive disciplinary powers.

Sir,

Vide note dated 20.2.07, I have represented before your authority regarding erroneous exercise of Disciplinary Authority against me by Shri V.V.S. Kunkolienkar enclosing therein Memos dated 22.4.2000, 16.8.2000 and Warning dated 22.8.2000. The above Memos and Warning formed part of misconducts with respect of which inquiry was initiated and I was placed under suspension for 18 months.

The inquiry officer's finding vide report dated 29.9.05 are accepted by the Disciplinary authority and since none of the charges were proved against me, vide order dated 30.12.2006, order of exoneration from charges was issued to me.

I am to inform you that above memos and warning had come to be issued to me by Shri V.V.S. Kunkolienkar for late coming and absenteeism on those days on which I was on duly sanctioned leave and the said leave had been deducted from my leave account balance.

The Charge sheet with alleged misconducts and Enquiry Officer's Report exist on KTCL records. Vide letter KTC/Pers/143/2006-07/354 dt. 12.3.2007 it is reported that there are no Govt. Orders received by KTCL appointing Shri V.V.S. Kunkolienkar as Managing Director of KTCL.

Shri V.V.S. Kunkolienkar himself committed misconduct calling for disciplinary action, since,

- He exercised Disciplinary Authority never vested in him, and
- He wrongfully treated the sanctioned leave against me as absenteeism.

.....2/

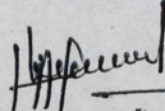
M  
23/5/07



-2-

In view of above, disciplinary proceeding should be initiated against Shri V.V.S. Kunkolienakr and to ensure fair and impartial proceedings he should be placed under suspension. I have suffered for 18 months having placed under suspension non-judiciously and for such an unauthorised and arbitrary act KTCL had to pay full wages and allowances exceeding Rs. 4 lacs.

This may be taken as intimation cum notice. Necessary action may be initiated against Shri Kunkolienkar within 60 days of receipt of this intimation, failing which I shall be compelled to take further necessary action as may be deemed fit. In the absence of any communication in this regard it shall be presumed that above said contents are admitted.

  
( M. P. Kamat )  
Dy.F.C.(C&B)



From: Shri. M. P. Kamat,  
Dy. Financial Controller (C&B),  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.  
Dated: 09/04/2007.

To,  
The Managing Director,  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	289
Date:	10/4/07

Sir,

Vide Memorandum No. KTC/ADMN/1-2/97-98/205 dated 04/03/1998, the then Managing Director and Disciplinary Authority, Shri. P. S. Reddy instituted inquiry proceedings against me. The Article of Charges framed are briefly stated:

- (a) Statutory Auditors Observations for the year 1994-95.  
(b) Violation of purchase procedure, non-genuine purchases, excess stocking and blocking funds in connivance with Shri. S. V. Naik, then Dy. General Manager (Tech) and Shri. P. A. Gaonkar, then Purchase Officer.

The Disciplinary Authority for the best reasons known to him, did not ascertain whether any irregularity existed in the alleged Article of Charges against me and the undersigned was functionally involved or had processed/participated in the alleged transactions in official capacity and in discharge of his duties. It was expected of the Disciplinary Authority to make preliminary inquiries assessing prima facie grounds before instituting disciplinary proceedings.

In the first instance, whether the Statutory Auditors Report 1994-95 with observations understatement/overstatement of profits/losses and assets/liabilities constituted an irregularity is an issue in itself. The Statutory Audit is mandatory and is in existence since the inception of this Institution. There were Statutory Reports with similar observations prior to 1993-94 and subsequent to 1995-96. Hence, selecting the Report for the year 1994-95 as irregular was with a malafide intention to harass me and to dislodge me from the Finance Department, perhaps may be with an intention to manipulate financial affairs. As regards the alleged irregular transactions, the issues raised therein, were concerning indenting of materials, stocking of material and procurement of material with which, the undersigned was not at all functionally concerned. The role of the undersigned was restricted functionally towards participation and contributions to the purchase proposals as a Member of Purchase Committee. However, when the said purchase transactions were processed, the undersigned was on sanctioned leave and out of State of Goa, availing LTC. In one case, the undersigned was available on duty but the file was abruptly withdrawn with reasons "material urgently required" by the Purchase Officer, Shri. P. A. Gaonkar. This act was performed by the then Purchase Officer when the undersigned was on 1/2 day leave and further the purported urgent material was thereafter procured by the Corporation, nearly one year later. In another case, Shri. T. K. Pawase was the officiating Purchase Officer and there existed a Purchase Committee approval, however, disregarding the decision of the Purchase Committee, the purchase order was diverted on some other Party by the officiating Purchase Officer.

It is reiterated that the role of the undersigned was restricted to participation in



- 2 -

the decision making as a Member of the Purchase Committee. It is relevant and worth referring to the Article of Charges as regards the irregular purchases, which clearly states that the alleged material was procured without approval of the Purchase Committee and without following the purchase procedure and the material was already received in the Corporation before release of purchase order and that the Internal Audit, which is a pre-requisite had cleared the purchase orders after receipt of material. The purchase orders produced in the inquiries does not indicate the Purchase Committee's Approval reference, but gives a reference of GRNs, which is conclusive evidence of the material received without following purchase procedures. When this is the case, the question of undersigned participating in the Purchase Committee's decision is totally ruled out. Hence, the inquiry proceedings against the undersigned on that count have come to be issued with a malafide intention to harass, humiliate and victimise the undersigned.

The inquiry against Shri. S. V. Naik, then Dy. General Manager (Tech) and Shri. P. A. Gaonkar, then Purchase Officer was instituted on the basis of CID Report of Superintendent of Police, Crime Branch. The Investigation Report specifically points out the involvement of Shri. S. V. Naik and Shri. P. A. Gaonkar having involved in the alleged irregular transactions through mutual connivance. The Investigation Report nowhere implicates me as involved in connivance with Shri. S. V. Naik and Shri. P. A. Gaonkar.

The above inquiry initiated in the year 1998 was lying dormant for non attendance of the then Presenting Officer, Shri. V. V. S. Kunkolienkar for more than 5 years. In the meantime, the inquiry proceedings against Shri. S. V. Naik and Shri. P. A. Gaonkar were completed and inquiry findings were available with the Corporation. In the said inquiry findings, no connivance of the undersigned with Shri. Naik and Shri. Gaonkar was established. However, as many as 3 charges against the Purchase Officer were proved. Shri. Arun L. Desai was the Managing Director and the Disciplinary Authority then at the material time, disagreed with the findings of the Enquiry Officer on the defence filed by the Shri. P. A. Gaonkar that the approval note of the Purchase Committee, which is a vital document was not produced before the Enquiry Officer nor furnished to the Defence Assistant. He further stated that in the event the approval sheets of the Purchase Committee were produced, the Enquiry Officer's findings would have been different, hence, to that extent the findings of the Enquiry Officer were erroneous. He further passed on the responsibility to the Internal Auditor, stating that he cannot release the purchase orders without approval of the Internal Auditors and there existed a clearance from the Internal Auditors prior to release of respective purchase orders. M/s. Vaman S. S. Shirodkar were the Internal Auditors of the Corporation at the material time. Shri. Arun L. Desai then Managing Director and Disciplinary Authority fallen in error and erroneously appreciated the defence of Shri. P. A. Gaonkar and consequently fallen in error of rejecting the findings of the Enquiry Officer and disagreeing with those inquiry findings eventually ordered exoneration of Shri. P. A. Gaonkar, then Purchase Officer. The acts of Shri. Arun L. Desai are also harmful and injurious to my interest and amounts to further harassment and humiliation for the reason that the alleged connivance can exist with minimum 2 participants in the strict literal meaning of the term. In the instant case, having exonerated 2 out of 3, the allegation of connivance



As/c

- 3 -

ceased to exist upon exoneration of Shri. P. A. Gaonkar and Shri. S. V. Naik. In other words with Shri. Naik and Shri. Gaonkar exonerated, no connivance sustains individually and <sup>alone</sup> ~~above~~ against the undersigned. Shri. Arun L. Desai had also fallen in error by accepting the plea that the Purchase Committee's approval sheets were not produced to the Enquiry Officer to the CO, Shri. P. A. Gaonkar. Judged from this viewpoint that if such approval sheets were not available and were not produced in that inquiry by same logic, the same approval notes cannot be produced in similar transactions against me. Therefore, the acts of Shri. Arun L. Desai then Managing Director re-ordering the inquiry against me vis-a-vis exonerating Shri. S. V. Naik and Shri. P. A. Gaonkar in similar transactions amounts to erroneous act with malafide intention to continue harassment and victimisation of the undersigned.

Shri. Arun L. Desai then Managing Director had committed a gross error in accepting the defence of Shri. P. A. Gaonkar and exonerating him as can be seen from the fact that the charge of the Management is that the subject matter of the purchase transactions was procured without approval of the Purchase Committee. This brings into focus to a very vital question i.e. when and how the Purchase Committee approval note comes into existence. The basic pre-condition is that a purchase proposal is required to be initiated by the Purchase Officer and placed before the Purchase Committee for decision making. The charge of the Management against Shri. P. A. Gaonkar is that he has specifically not done this, but here the question arises how the Disciplinary Authority can produce approval note of the Purchase Committee when the Purchase Officer has not initiated the purchase proposal and placed it before the Purchase Committee for approval. The very defence taken by the Purchase Officer amounts to the confirmation of Article of Charges and the findings of the Enquiry Officer and act of erroneous decision on part of the Disciplinary Authority to accept the fanciful defence and exonerate Shri. P. A. Gaonkar. Further it is seen from the copies of the purchase orders that the reference of stores documents i.e. GRN is given in the purchase order itself. In the reference column of the purchase order, the reference of Purchase Committee's approval note is required to be given. The stores reference does not come on the purchase order since the act of supply of the material by the supplier never precedes but follows the purchase order. This is also a conclusive evidence that the material procured by the Purchase Officer without the approval of the Purchase Committee, which has been conveniently overlooked by Shri. Arun L. Desai then Managing Director and Disciplinary Authority.

The inquiry file with respect of inquiry proceedings ordered by Shri. Arun L. Desai was returned by the Enquiry Officer on termination of his engagement with the Government as Ombudsman. This file thus came into possession of Shri. S. V. Naik, then Managing Director and Disciplinary Authority. When this file was returned to Shri. S. V. Naik, then Managing Director, following facts were established

- (a) Shri. S. V. Naik and Shri. P. A. Gaonkar alleged in connivance were already exonerated and were also promoted to successive higher posts by Shri. Arun L. Desai, Managing Director and
- (b) Shri. George Fernandes the principal witness of the Management had withdrawn his deposition categorically stating that he had deposed falsely as put to him by the



- 4 -

Presenting Officer, Shri. V. V. S. Kunkolienkar. He admitted his deposition was wrong and that the undersigned was not at all responsible for the allegations cited in the Charge Sheet. Despite the above categorical facts and submissions, Shri. S. V. Naik, then Managing Director re-ordered the inquiry. This is also a continuation of the process of harassment initiated by Shri. P. S. Reddy and nurtured by Shri. Arun L. Desai. The Enquiry Officer furnished the findings as of 13/10/2006, which are since then resting in the Office of the Disciplinary Authority.

With the above facts in the forefront, I file this Representation that the whole episode of irregular transactions should be reinvestigated. Having faced the inquiry and the evidence which has come on the records, I am making a categorical submission **that the subject matter of the Charge Sheet relating to purchase of material is beyond doubt irregular and in violation of the purchase procedures and without approval of the Purchase Committee.** I shall submit a separate Note as regards the irregularity involved and the Authority committing the irregularity separately for clear understanding.

By virtue of your appointment as the Managing Director, you have stepped into the shoes of the Disciplinary Authority. Hence, I request you to review the total scenario in the light of observations hereinabove including re-ordering the inquiries against Shri. S. V. Naik, Shri. P. A. Gaonkar and Shri. George Fernandes and may forward a detailed Report to the Government of mess of administration created by the outgone Managing Directors. I repeat my earlier request that the said transactions are originated from Shri. V. V. S. Kunkolienkar then Works Manager as the indentor of the material. Shri. Vaman S. S. Shirodkar who was the Internal Auditor then had let go the purchase order put up before them for audit clearance on the basis of the Supplier's Invoices, which is erroneous act since the purchase orders can be cleared for audit only on the basis of Purchase Committee approval note, which never existed since the Purchase Officer did not originate any proposal for consideration of the Purchase Committee. The subject matter of the episode is getting more and more complicated with the exoneration of Shri. S. V. Naik and Shri. P. A. Gaonkar and further their promotions alongwith Shri. George Fernandes who had also helped them in releasing payment to the Party, pending the decision on similar transactions in the inquiry proceedings against the undersigned. It is my further request that any promotions of Shri. V. V. S. Kunkolienkar and re-appointment to Shri. Vaman S. S. Shirodkar should not be considered by your Authority, which may further complicate the issue for Corporation.

Yours faithfully,

( M. P. Kamat )

DY. FINANCIAL CONTROLLER (C&amp;B)

Copy to:

- (1) The Personnel Manager, KTCL.
- (2) O/C.



KTC/PERS/18(566)/2006-2007/3449  
Kadamba Transport Corporation Limited,  
Paraiso-de-Goa., Alto-Porvorim,  
Bnardez - Goa.,  
Date:- 28/2/2007.

A3/C

To,  
Shri M. P. Kamat,  
The Dy. Financial Controller (Costing & Budget )  
KTCL, Porvorim.

I am directed to refer your note dated 22.2.2007 and to inform to convey you that, the staff who are posted to the Office Of the Dy. Financial Controller (Costing & Budget ) shall continue to work from their own tables and utilise the Computer presently utilised by them till the seperate computer and individual seating arrangements are made.

<sup>TAWAR</sup>  
( T. K. Pawase )  
PERSONNEL MANAGER

Copy to:-

- 1. The P.S. To Hon'ble Chairman, KTCL, for information
- 2. The P. A. to Managing Director for information.
- 3. Pers. File.,
- 4. O/C.,
- 5. G/File.,

- " shared " provided for pu. 28/2/07  
PM



42/c

Dated: 27.2.07

Reminder IV.

NOTE

Vide note dated 23.2.07 I am informed by OSD that release of my entitlements upon exhonoration are referred to the Personnel Dept. to decide on treatment of suspension period upon exhonoration and further that action on enquiry report dated 13.10.06 is under consideration.

In this regard I am to submit that:

(A) Exhonoration order issued to me is perhaps the 1<sup>st</sup> one of its type. Over a period of 25 years, numerous orders of exhonoration in disciplinary proceedings had come to be issued in KTCL. A stipulation as to payment of wages and allowances during suspension period is a part and parcel of order of exhonoration. The issues are to be decided together. In this case, in the first instance the action on report is delayed unreasonably over a period of 18 months and payment of suspension period dues are deliberately withheld to harass me.

(B) As regards under consideration Report dated 13.10.06, I would like to bring to your notice that in the similar enquiry against Shri S.V. Naik and Shri P.A. Gaokar, the exhonoration and promotions was completed within 30 days, despite the fact that in one of the case, the charges were proved. You are now aware that the enquiry was imposed on me with false allegations. There was no cause for you to order enquiry against me upon exhonoration and promotion of Shri Naik and Shri Gaokar and upon the principal witness withdrawing his deposition as completely false. Therefore your act of reordering enquiry against me initially and now delaying the action on report keeping it under consideration is nothing short of act of harassment.

Your act of rushing premature closure of enquiry against Shri Kunkolienkar vis a vis keeping a report received under a procedurally completed enquiry under consideration as against me constitute an act of bias and discrimination.

*M.P. Kamat*  
M.P. Kamat

To,  
Managing Director,  
Kadamba Transport Corpn. Ltd.

*May be filed.*

*M*  
*28/2/07*

*J.A.*



4/c

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	7675
Date:	22/1/07

From: Mr. M.P. Kamat,  
Kadamba Transport Corpn.  
Ltd.,  
Porvorim, Goa.

Date: 22.1.2007

To,

Managing Director,  
Kadamba Transport  
Corpn. Ltd.,  
Porvorim.

Sir,

Ref: Note dated 17.1.07  
Note dated 18.1.07

Vide notes referred to above I have enclosed (A) Resolution by circulation dated 14.8.2000 and (B) Page No.11 of the investigation report of Supdt of Police dated 16.10.1997

As per the said CID Report dated 16.10.97, certain material was procured vide indent nos.75, 76 and 77 dated 30.8.93 raised by the Works Manager of Central Workshop. The subject material has been the issue of enquiry and chargesheet framed against me.

I am now enclosing copies of said indent Nos.75, 76 and 77 each dated 30.8.93 duly projected through the marker ink to catch your attention. The said indents are originated by none other than Shri V.V.S. Kunkolienkar. Actually Shri Kunkolienkar should have been chargesheeted alongwith Shri Naik and Shri Gaokar.

Enquiry has been ordered against me when such transactions have taken place when I was out of office and on LTC to Kanyakumari/Trivendrum. Based on above information I desire action against Shri Kunkolienkar. Either you can save your self and KTCL or Shri Kunkolienkar. Choice is yours.

It is learnt that the enquiry proceedings against Shri Kunkolienkar are dropped despite my notings dated 17.1.07 and 18.1.07. This is an injustice to me and insulting since Shri Kunkolienkar, the offender himself was appointed as the presenting officer of Disciplinary Authority in the disciplinary proceedings against me.

I hope wise counsel shall prevail and you shall revert your decision before confirmation of Minutes. In the event this last attempt also fails, then I will file all enquiry reports in my possession before the Governor and Secretaries to the Govt for corrective action.

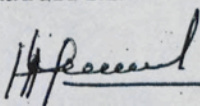


40/c

-2-

Finally may I state that the whole story was cooked by Shri Kunkolienkar to escape the repayment of personal loan advanced to him by myself through my mother, which case is now decided in my favour at the level of High Court and Supreme Court. The whole episode was fabricated to dislodge me from the Finance Deptt with malafide intentions and to defraud KTCL.

Encl. As above.

  
M.P. Kamat

C.C.: Vice Chairman and  
Chairman of Grievance Committee  
- with request to withdraw his report.

✓ Chairman, KTCL.  
- for information and not to confirm the Minutes  
on the concerned item.



To,  
The Managing Director,  
KTCL,  
Porvorim-Goa.

Date: 17/01/07

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	7598
Date:	17/1/07

Sir,

You are now in receipt of 3 enquiry reports in respect of enquiries instituted against me containing as many as 27 allegations. It is now established fact that I have been falsely implicated in disciplinary proceedings. It is now evident from reports that these enquiries have come to be instituted against me through the instrument of Shri V. V.S.Kunkolienkar briefly stated herebelow:

In the first enquiry Shri Kunkolienkar had deposed against me for non-maintenance of Muster Roll by Shri Mario Ataide, R.A. Which muster he was not maintaining much prior to my transfer in that dept.

In the second enquiry I was involved in the purchase of non-genuine material which material was infact ~~was~~ indented, inspected and consumed by himself at Central Workshp. Moreover, the indent was raised specifying the Ruby part Nos. rather than material code nos. thereby compelling the purchases from M/s Vishanyi Enterprises a sister concern of M/s Ruby Coach.

In the third enquiry, he had initiated a note to Chairman to enquire against me and exercised disciplinary authority against me which disciplinary powers he never enjoyed.

It is now evident that these enquiries have proved to be deep rooted conspiracy by Shri V.V. S. Kunkolienkar to dislodge me from the finance dept. and eventually to cheat and loot the Corporation as established through various scams in Hightech buses, Mini buses, loss of retreaded tyres, avoidable insurance premiums etc. which followed my ouster from the finance dept. Eventually enquiry was instituted against Shri Kunkolienkar.

It is come to my knowledge that the file in the enquiry proceedings against Shri Kunkolienkar is recalled by yourself and placed before grievence committee, a sub committee of Board and legal opinion is obtained from Shri Patnekar, a private practioner, none other than the lawyer of Shri Kunkolienkar himself in personal litigations.

...2/-



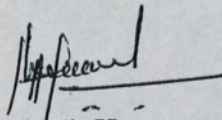
The abovesaid actions of yours establishes the injustice towards me. Whereas you have withdrawn the enquiry file from enquiry officer for shri kunkolienkar, you have redirected the enquiry file returned by Shri Katkar, E.O. By reappointing another enquiry Officer Shri Nadkarni as against me. Whereas you have looked into the delay caused by Shri Thali beyond 90 days from April, 2003, you have overlooked into the delay caused in my case beyond 90 days from March, 1998. Whereas you are anxious to finalise the enquiry proceedings against Shri Kunkolienkar, you have acted passively and inordinately delayed the action on the enquiry report received from the enquiry officer over a period of 18 months in my case. Whereas you have surrendered your disciplinary powers to grievence committee for the sake of shri kunkolienkar, you have conveniently forgotten grievence committee by reordering enquiry through shri Nadkarni, in my case. Whereas you obtained a legal opinion from Shri kunkolienkar own advocate, you did not propose for opinion from my own advocate. Your actions therefore are discriminatory.

Your act of ordering an enquiry through Shri Nadkarni by any standard does not support your actions since on that date shri Naik and shri Gaonkar other alleged in connivance were already exhonorated and promoted. Further that the file returned by Shri Katkar was with established confirmation by Shri George Fernandes, principal witness that he had deposed falsely and withdrawn his entire deposition and that he has deposed as put to him by the Presenting Officer, none other than Shri Kunkolienkar. He has also stated that Shri Kamat is not involved anywhere. These records does not justify your act of reordering enquiry against me.

Now it is a established fact that the irregular purchases alleged against me were initiated by Shri v.v. vs kunkolienkar and other officers namely Shri T. K. Pawse, Shri George Fernandes, Shri P. A. Gaonkar and Shri S. V. Naik are actually involved in this case together with Shri S. B. Joshi and Shri Vaman Shirodkar, internal Auditors. Except for Shri Kunkolienkar, all others are elevated and rewarded, But I did not take any objection. But in the event Shri kunkolienkar's enquiry is prematurely recalled to promote him and extend any service benefits . All concerned shall be inviting huge , huge rise for themselves and for this Corporoation. May also note that I will not settle for anything less than another enquiry against Shri kunkolienkar for unauthorislylly excersing disciplinary authority on me and raising source indents for procurement of material through M/s vishuni Enterprises in connivance with others in KTCL during my leave period.



Finally, I repeat that I have nothing against you in person. Be neutral and live us to our destiny, we are now fighting at the level of Supreme court. I may go to any extent on the personal issue being fought by kunkolienkar through instrument of KTCL, its MD'S and Chairmen for which I am being the victim since 1996.

  
Mahesh Kamat

c.c. To: 1. Chairman, KTCL for favour of information and for knowledge of Board Directors.

2. Vice Chairman and Chairman of Grievance Committee for favour of information and knowledge of members of grievance Committee.

3. L . A. as Secretary for circulation to Board .



26/c

3140  
27/11/06

From:

Shri Mahesh P. Kamat,  
C/o Kadamba Transport Corpn. Ltd.  
Porvorim-Goa.

Date: 27.11.2006

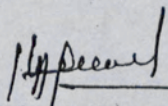
To,  
Shri George Fernandes,  
Asstt. Public Information Officer,  
Kadamba Transport Corporation Limited,  
Porvorim-Goa.

**Sub: Information under Right to  
Information Act.**

**Ref: Your Letter dated 22.11.06**

With reference to above, I am to make you aware that I did not desired to know where the information as desired is available. I have demanded the information under Act, and you as an Asstt. P.I.O is bound to have access to the said information and provide copies to the Applicant.

From the reply, it is confirmed that the desired information is in records of KTCL and that you are aware, where it is available. As far as my right under the Act, is concerned I am not at all concerned with Administration Dept. of KTCL. I know that office of P.I.O should provide me the copies on or before 30.11.06.

  
\_\_\_\_\_  
Mahesh Kamat



35/c

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	6470
Date:	27/11/06

From:

Mahesh P. Kamat,  
C/o KTCL,  
Porvorim-Goa.

Date: 27/11/2006.

To,  
The Managing Director,  
K.T.C.Ltd.,  
Porvorim-Goa.

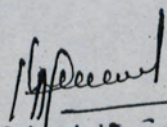
Ref: Letter dated 19/10/06.

Sir,

With reference to the above, I have desired to know and obtain copy of the enquiry report with reference to order KTC/ADMN/1-2/97-98/205 dt. 4/3/1998, which I am entitled to receive within 15 days of its receipt by the Disciplinary Authority.

Now from the letter of Asst. P.I.O. Shri George Fernandes, I am conveyed that said report is already available with Administrative dept. of KTCL. My enquiry with Enquiry Officer also reveals that the said report is submitted to the Disciplinary Authority by Mid October, 2006 and that too in duplicate for forwarding one copy to the Charged Officer. This means that the Disciplinary Authority is also relieved of the burden of xeroxing.

In view of the above, your withholding of the report from me is intentional, to harass me and entirely at your consequences.

  
(Mahesh Kamat)



*may be filter*

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	6365
Date:	21/11/06

*28/11/06*

From: Shri M.P. Kamat,  
Kadamba Transport Corpn  
Ltd.,  
Porvorim.

Date: 21.11.2006

To,  
Managing Director,  
Kadamba Transport  
Corp. Ltd.,  
Porvorim.

Sir,

You are aware that myself and Shri V.V.S. Kunkolienkar are involved in personal litigations and as a fall out of which disciplinary proceedings had come to be initiated against me. The subject matter of enquiries against me constitute either acts committed by or actions initiated by Shri Kunkolienkar.

In the enquiry report which is being imprisoned by yourself since July 2005, said Shri Kunkolienkar had exercised disciplinary authority against me and issued warnings and memos, when such authority was never vested in him. Such warnings and memos constituted the subject matter of said charge sheet.

Yet in another enquiry, the indents raised by Shri V.V.S. Kunkolienkar in the capacity of Works Manager, KTCL are the subject matter of enquiry against me. This episode had happened in KTCL entirely during my leave period.

You are aware that during August 2005, when you took over the charge of M.D., KTCL the enquiry file with respect to irregular purchases was returned to KTCL by Enquiry Officer, Shri D.M. Katkar. However yourself redirected the said file to Shri P.S. Nadkarni for enquiry. On the other count now you have withdrawn the enquiry file from Mr. Thali, with respect of enquiry against shri Kunkolienkar and unauthorisedly delegated the disciplinary Authority to the Committee of Board and procassed for withdrawal of said enquiry. This is discrimination.

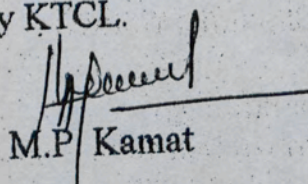
Further that enquiry report with respect of myself which is in your custody since July 2005 is awaiting action as against which the enquiry against shri V.V.s. Kunkolienkar is rushed by yourself



-2-

for a premature closure. This is again discrimination and against the Rule 14 of CCS (CCA) rules wherein the enquiry is mandatory when proceeding initiated under Rule 14 and charges not accepted by the Chargesheeted Officer.

In the conclusion I would like to state that I had nothing personal against you, but I had everything against Shri Kunkolienkar for whose misdeeds and malafides I am suffering for so long. Therefore in the event that the enquiry against Shri V.V.S. Kunkolienakar is prematurely dropped/closed pending action on enquiry reports with respect of enquiries instituted against me and any promotion/upgradation of Shri V.V.S. Kunkolienkar, I shall be compelled to resort to the criminal proceedings against the concerned for unwarranted harassment, humiliation and victimization of self by KTCL.

  
M.P. Kamat



32/c

2985  
13/11/6

From :

Shri Mahesh P. Kamat  
C/o Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Date : 13.11.2006

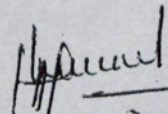
To,  
Shri George Fernandes  
Asstt. Public Information Officer  
Kadamba Transport Corporation Limited  
Porvorim-Goa.

**Regd : Information under Right to Information Act.**

Vide letter dated 31.10.2006, copy of the enquiry report with respect of enquiry vide order no. KTC/ADMN/1-2/97-98/205 dated 4.3.98 is requisitioned by me. I am now writing to confirm my telephonic talk with you on 8.11.2006 followed by personal discussion on 9.11.2006 in that regard.

As Asstt. Public Information Officer, you are bound to assist me in obtaining the desired documents as early as possible. Hence I desire that the document under demand may be furnished to me as early as possible.

In the event that the enquiry report is not received by the Kadamba Transport Corporation Limited, I may be informed accordingly.

  
\_\_\_\_\_  
Mahesh P. Kamat



31/c

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	5574
Date:	19/10/06

From:

Mahesh Kamat,  
Kadamba Transport Corpn.  
Ltd.,  
Porvorim, Goa.

Dated: 19.10.2006

To,  
The Managing Director,  
Kadamba Transport  
Corpn. Ltd.

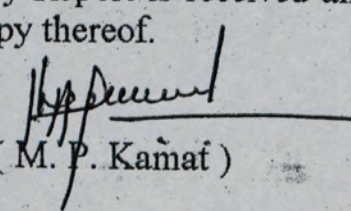
Sir,

Sub: Enquiry

Disciplinary proceedings were ordered against me vide Order No.KTC/ADMN/1-2/97-98/205 dated 4.3.1998 with respect of which the written arguments were filed by me on 16.03.06. Since then i.e over a period of nearly 7 months as of date I am not aware whether the Inquiry Officer had drawn up any report and that whether such report is received by the Disciplinary Authority.

An enquiry Report dated 28.7.05 in another enquiry is awaiting action from the Disciplinary Authority till date i.e over a period of 14 months. In the backdrop of inaction on previous enquiry Report, I am afraid that in the event that the Enquiry Officer had drawn up any report with respect of Order No.KTC/ADMN/1-2/97-98/2025 dated 4.3.98 and presented the findings to the Disciplinary Authority, I might not be provided with a copy within the stipulated period. Hence I am to inform you that I am entitled for a copy of enquiry Report within 15 days of its receipt by the Disciplinary Authority.

May kindly inform whether enquiry Report is received and if yes, make arrangements to furnish a copy thereof.

  
( M. P. Kamat )



KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	5573
Date:	19/10/06

From:  
 Page 1 Mahesh Kamat,  
 Kadamba Transport Corpn.  
 Ltd.,  
 Porvorim-Goa.

Dated: 19.10.2006

PA.

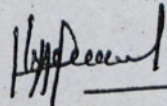
To,  
 Managing Director,  
 Kadamba Transport  
 Corpn. Ltd.

Sir,

Sub: Enquiry.

It is confirmed from the notings of the Personnel Officer that file containing enquiry report was lying in the office of General Manager from 17.12.05 to 23.3.06 and the said file when returned was without the notings as attached from the office of Personnel Officer. You have also put a remark that such an act is very serious and needs to be enquired.

It is requested that the willfull detaining of file and detaching the notings be enquired into and necessary action may be initiated against the G.M. In the event no action is taken, it shall be presumed that you have no objection for such wrongful actions by S.V. Naik, G.M.

  
 ( M/P. Kamat )



29/c

From:-

Shri M. P. Kamat,  
Kadamba Transport Corp.,  
Alto-Porvorim-Goa.  
Dated:- 14.09.2006.

To,  
The Managing Director,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	4557
Date:	14/9/06

M. P. Kamat  
14/9/06

Sub:- Enquiry report of Shri D. M. Katkar,  
OMBUDSMAN/ Enquiry Officer, dated  
28.7.2005.

Sir,

Upon perusal of the records furnished by the P. I. O., KTCL, vide his letter dated 24.6.06, it is evident that the subject report is being mis-directed unprocedurally with respect of which, I have to submit as under:-

1. The enquiry report of the Enquiry Officer is document confidentially addressed to the Disciplinary Authority. As such the action on such report is necessarily be initiated from the Office of the Disciplinary Authority only. In the instance case, it is observed that the report is being administered as a departmental file and endorsed through Personnel Department, Dy. General Manager(Traffic), through the General Manager(Traffic/Tech) and the P. I. O. In the given situation, i.e. the KTCL, the report upon the receipt, should have been directly processed by the Disciplinary Authority in the absence of an independent supervisory staff attached under its authority and if at all felt necessary by the steno attached to the Office of the Managing Director and Disciplinary Authority and that too exclusively for the purpose of doing the ground work of forwarding the file to the Disciplinary Authority. The movements of the file through various departments and through respective departmental Officers is unprocedural.
2. By endorsing the enquiry report through several departments and through several officers, the confidentiality of the report which is secret, is lost. The Enquiry Officers report to the Disciplinary Authority is confidential and the contents of which are not supposed to be leaked up by the Disciplinary Authority to its sub-ordinate Officials and external agency such as P. I. O.



From:-

Shri M. P. Kamat,  
Kadamba Transport Corporation Ltd.,  
Alto-Porvorim-Goa.

Dated:- 08.9.2006.

To:

Shri S. V. Naik,  
P. I. O.,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	4471
Date:	12/9/06

12/9/06

Sub:- Compliance under 'Right To Information Act'.

Vide order of the Managing Director, Kadamba Transport Corporation Limited, Appellate Authority, under 'Right To Information Act', dated 1<sup>st</sup> September, 2006, order was issued with the directions that, P.I. O., shall comply as above from 1 to 7 and Appellant may also be allowed a personal inspection of the file in the presence of P. I. O., or any other responsible officer of the Corporation. But for the inspection of the file, compliance to the points from 1 to 7 is still awaited.

It is seen that, vide your letter bearing reference no. KTC/TECH/13/2006-07/307, dated 24.6.06, I was furnished copies of five notes consisting of nine pages and of which noting sheet no. N/4 is blank, which is certified by your authority as P. I. O., and for which I was charge fees of Rs. 10/-. The Appellate Authority vide order dated 01.9.06, at sr.no.2 agree that the sheet N/4 need not have been certified being blank. Your act of unnecessarily certifying that blank had caused me an avoidable expense of Rs. 10/- which may be refunded forthwith.

*M. P. Kamat*  
( M. P. Kamat )

C. C. To:- The Managing Director, KTC/Appealate Authority, under 'Right To Information Act'.

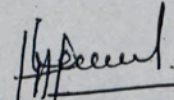


27/C

-2-

3. The action on the enquiry report of the Enquiry Officer is necessarily required to be initiated by the Disciplinary Authority suo-moto or at the application filed by the affected applicant within stipulated time.
4. Public Information Officer, completely independent entity with the specific role assigned to it is to provide the information to the public. P. I. O., is not supposed to comment on enquiry report under the 'Right To Information Act'. The inspection of said file is carried out by me on 08.9.2006 and it is seen that, V. V. S. Kunkolienkar had put some observations to the Managing Director. The file with such observations should have been put to the Managing Director. In the event, the Managing Director to agree with the contentions the file should have been endorsed to the Officer On Special Duty, as proposed therein. The P. I. O., does not feature anywhere in the said notings of Shri V. V. S. Kunkolienkar. Hence endorsing the notings directly to the P. I. O., is erroneous and amounts to the leakage of the confidential report to the P. I. O., which is an external agency.
5. The availability of the enquiry report file to the P.I. O should have been under a separate covering letter addressed to P. I. O., enclosing the file. Marking the file notings to P. I. O., without acknowledgement by the Managing Director and by-passing the Officer On Special Duty as proposed is unprocedural and does not fall in the category of submission of file to P. I. O in the normal course. Moreover the file receipt as on 30.6.06 is not acknowledged by the P. I. O.

The whole exercise appears to be with the intentions to delay the action on the enquiry report to victimise, harass and humiliate me and support the cause of Shri V. V. S. Kunkolienkar in the private litigations.



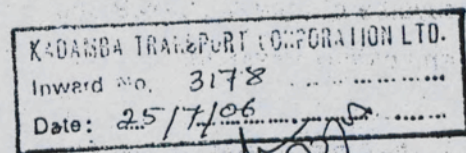
( M. P. KAMAT )



From:  
Mahesh P. Kamat,  
C/o. Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Dated: 25.7.2006

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Appellate Authority under  
Right to Information,  
K.T.C.Ltd., Porvorim-Goa.



Sir,

Vide letter dated 27.5.2006, I filed an application calling for information with respect of proceedings related to action taken on the Enquiry Officer's report dated 27.7.2005 with respect to this applicant. In reponse the PIO have furnished the information vide letter dated 24.6.2006.

I have reasonable grounds to doubt the information as regards correctness and the totality as furnished by the PIO, Shri S. V. Naik. Hence I file this appeal under provisions of Right to Information Act before you being an Appellate Authority.

According to me, the information given by the PIO, with following omissions and errors.

- a) Shri S. V. Naik, PIO has certified the copies which does not bear official stamp of the authority.
- b) Noting N/4 being the reverse side of N/3 is without any notings. However, certified with a slanting line as true copy.
- c) The reverse side of noting N/9 is a blank page which is not being certified to be the true copy. The principal and procedure of certification applied to note sheet N/3 and reverse of note sheet N/9 are different.
- d) The contents of noting N/6 are not legible.

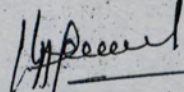
P.T.O.



- e) The contents of note sheet N/9 are certified in the middle of the page hence the contents below the certification cannot be taken as certified by the PIO.
- f) The file notings terminates as of 27.3.2006 with putting up of CCS rules to Dy.G.M.(Traffic & Admn). The PIO is not complying to the request of certifying the reverse of note sheet N/9 and confirming that the remarks as of 27.3.2006 is the end of file movement.
- g) The PIO complied with request letter dated 27.5.2006 as on 24.6.06 submitting the partial information which when brought to his record not more than a time lag beyond half an hour on the same day returned the file to the KTCL.
- h) The PIO vide letter dated 12.7.2006 informed about the re-calling the file from the KTCL. The office of PIO and that of KTCL is in the same premises and at a distance not exceeding beyond 10 to 15 mtrs. Did not comply to the requirement till date.
- i) The schedule time for submission of information is over within 30 working days from 27.5.06, however, the PIO after submitting partial information undertakes to furnish the additional information within the scheduled time despite the fact that the scheduled time available with PIO is lapsed.

In view of above, I prefer this first appeal before you as an Appellate Authority and desire that the PIO be directed to give complete information including personal inspection of the proceedings by the undersigned.

Yours faithfully,

  
 \_\_\_\_\_  
 ( M. P. Kamat )

*Applicant be referred to plan on record the copies of his earlier applications filed before F-0*

*25/07/06*

*O.S.D.*



24/C

KADAMBA TRANSPORT CORPORATION LTD.  
 Inward No. 1505  
 Date: 27/5/06

From:-  
 Shri M. P. Kamat  
 C/O, Kadamba Transport Corporation Lt  
 Alto-Porvorim-Goa.

Date: 27-5-2006.

To,  
 The Public Information Officer,  
 Kadamba Transport Corporation Ltd.,  
 Alto-Porvorim-Goa.

Sub: Information under 'Right to Information Act'

Sir,

May furnish the copies of file notings relevant to the action taken/processed for action pursuant to the enquiry report dated 28-7-2005 of Shri D. M. Katkar, Enquiry Officer on enquiry referred to him against the undersigned alongwith the substance relevant to the part issue of the aforesaid report to the undersigned.

This information is called under the 'Right to Information Act' and I shall deposit the prescribed fees.  
 Please do the needful at the earliest.

*[Signature]*  
 ( M. P. Kamat )

*May submit requested details for further course of action under the Act submitted for P.I.O*  
 29/5/06  
 P.I.O

*M.D*

*A.O*

*Request be examined and may examine decide whether the information called is agreed to be issued with specific attention to the public interest; the information may serve if ~~is~~ provided upon perusal of the files. This may please be examined as 'Confidential' by P.I.O. *[Signature]*  
 29/5/06*

*P.A. may submit the files to P.I.O. for perusal as directed.*

*Dy-GM*

*[Signature]*  
 29/5/06

*P.A. (to follow up)*

*noted & sent to Dy GM on 30/5/06 alongwith Enquiry file.*



23/c

From:-

Shri M. P. Kamat,  
Kadamba Transport Corp.,  
Alto-Porvorim-Goa.

Dated:- 24.6.2006.

Office of the  
K. T. C. Ltd. Porvorim - Goa.  
Invoice No 2110  
Date: 24/6/06.

To,  
Shri S. V. Naik,  
P. I. O.,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

Sub:- Copies under Right To Information Act.

Vide letter No. KTC/TECH/166/2006-07/307, dated 24.6. 2006,  
I am provided xerox copies of noting sheets from N/1 to N/9.  
With reference to that, I am to submit as under:-

- A) On page note N/6 note dated 16.11.2005, is not visible and hence if xeroxed from the xerox copy, the fine print is impossibility. Hence noting sheet no. N/6, may be re-xeroxed and provided to me in the form reasonably readable. In the event the original notings are faint, the said note may be typed and submitted duly attested.
- B) May please confirm that notings at N/9 is the end of the subject matter and no further progress on the subject matter after 27.3.2006 from the Office Of Dy. General Manager upon submission of CCS book from the Office Of Personnel Officer to the Office Of Dy. General Manager. In the event of the subject matter is processed further, additional notings if any existing should be provided to me.

Kindly do the needful at the earliest.

Thanking you,

Yours faithfully,

*In view of above related  
is returned be refurnished pl  
for aforesaid compliance*

( M. P. KAMAT )

*PA.*  
13/07/06

*PA.*  
17/7/06



22/c

From:-

Shri M.P.Kamat,  
Officer On Special Duty,  
Kadamba Transport Corp.,  
Alto-Porvorim-Goa.

Dated:- 21.04.2006.

438  
22/4/06

To,  
The Managing Director,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 373  
Date: 21/4/06

P. Lommen

Sir,

Vide note dated 06.4.06, the reversion imposed on me was brought to your notice. However, till date, no corrective action has been taken. It is well within your knowledge that an 'A' grade Officer cannot be <sup>put</sup> on 'B' grade post and such an act amounts to reversion to a lower post. In the writ petition filed against the Corporation by Shri P.A. Gaonkar upon his placement from 'A' grade to 'B' grade post, the Management, Kadamba Transport Corporation Limited was quick enough to restore the statusquo and redress the grievance of the petitioner even before the writ was actually heard by the Hon'ble High Court of Bombay at Goa at Panjim. This means, it is well within your knowledge that the posting of 'A' grade Officer on 'B' grade post is illegitimate. Therefore not initiating the corrective action on note dated 06-4-06 is deliberate and with an intention to harass, humiliate and victimise me.

Vide several letters, I have brought to your notice the fact that the various charge sheets, memorandums, suspensions, transfer orders etc., imposed upon me by the management of KTCL are relied upon in the court in personal litigations by Shri V.V.S. Kunkolienkar.

..2..

wymf  
sh

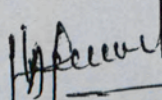


2/C

-2-

It is my apprehension that the inactions of management, KTCL are supporting the cause of Shri V.V.S. Kunkolienkar who is fighting the personal conflict through the instrument of KTCL. Therefore, In-action, by your authority on the enquiry report dated 28.7.2005 and letter dated 24.1.2006 only serves the cause of Shri V.V.S. Kunkolienkar. I would only caution that in the event the court relies upon the charge sheet, enquiries, suspensions and reversions imposed on me by the management of KTCL and draws adverse inferences, such a situation shall be most disastrous for the Corporation. It is established through the documentary evidences that the third enquiry had come to be imposed on me pursuant to the instructions from Shri V.V.S. Kunkolienkar and misuse of Disciplinary Authority by him against me which authority he never possessed and in the second inquiry the purchase of non-genuine Indal material for which charges are levelled against me are the product of faulty indents by Shri V.V.S. Kunkolienkar himself. The above notings are for your records and knowledge.

Yours faithfully,



( M.L. KAMAT )

OFFICER ON SPECIAL DUTY

C.C. to:-Hon'ble Chairman for information.



N O T I C E

Vide transfer order no. KTC/PERS/3(3258)/2005-06/3203, dated 08.02.2006, Miss Onissa M. Fernandes, Jr. Stenographer, transferred from the Estate Court with a stand-by arrangement that, the stenos attached to the Administrative and Technical Department substitute the transferor.

WHEREAS, the stand-by stenos did not comply to your instructions.

WHEREAS, vide order no. KTC/PERS/3/2005-2006/3308, dated 21.2.2006, Mrs. Suchita D. Kamat Dhakankar, CLDC (TBPS), attached to Personnel Department is replaced for Miss Onissa M. Fernandes, Jr. Stenographer.

WHEREAS, Mrs. Suchita D. Kamat Dhakankar, CLDC (TBPS), is not well conversant with stenography and unable to take on line typing and speedy dictation essential in the court proceeding.

WHEREAS, the Estate Officer is an independent Officer in quasi-judicial authority. The Personnel Officer, is a Junior Officer in KTCL and not authorised to transfer the staff of Estate Court.

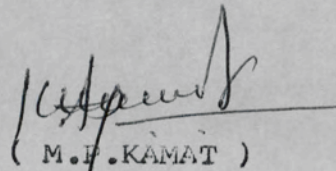
WHEREAS, the eviction cases are filed in the estate court by the Managing Director, KTCL. And Whereas, the transfer of Jr. Stenographer without adequate and proper replacements, hampering the court proceedings severely.



-2-

NOW THAT, for the conduct of the court proceedings, good stenographer services are essential and that such a staff independently attached to the Estate Court, which your unauthorised interference has blocked the conduct of the proceedings. Take notice that the ongoing proceedings and matters due for judgements shall be adjourned sine-a-die. Likewise a new applications filed before this court for eviction under the act by the Managing Director, KTCL shall be after admission adjourned sine-a-die entirely at your risk and consequences.

The court records strong objections to interference in the court proceedings by a very junior officer of KTCL.



( M.P. KAMAT )  
ESTATE OFFICER

To,  
The Personnel Officer,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.



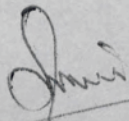
No.KTC/PERS/(566)/06-07/169  
Kadamba Transport Corpn.Ltd.,  
Alto Porvorim, Bardez-Goa.

Date: 15.4.2006

To,

Officer On Special Duty,  
Kadamba Transport Corpn.Ltd.,  
Alto Porvorim, Bardez-Goa.

Refer your Note No.KTC/OSD/14(1)/06-07/07 dated 7.4.2006 and to inform you that, no arrangement is permanent. Further you are informed to make best use of available typist. It is expected from the Officers to give best result in crises and not to expect/rely only on the competency or excellence of the established set up.

  
( S. V. NAIK )  
Managing Director

of the Getti change as per P.O. 7X



KADAMBA TRANSPORT CORPORATION LTD.
Inward No. 457
Date: 25/4/06

From:- Shri M.P. Kamat,  
Officer On Special Duty,  
Kadamba Transport Corp.,  
Alto-Porvorim-Goa.

Dated:-24.4.2006.

N O T E

Ref:- Note No. KTC/OSD/14(1)/06-07, dated 07.4.2006.

With reference to the above and further communication vide letter no. KTC/PERS/(566)/06-07/169, dated 15.4.2006, I submit as follows:-

Vide note dated 07.4.2006, I have made clear the performance through this office before the change which cannot be disputed. It is a matter of records that agenda had been rushed at the last moment as and when received and minutes furnished at the high speed which was never achieved in this Corporation by any authority in charge of the function.

In the changed scenario and as suggested by you, the resources shall be put to best use and the out-put shall commensurate with the availability of the resources at disposal.

In the event another opportunity of compiling the agenda and the minutes is available to me, I shall also produce to your perusal the status of draft dictation and the time factor involved. It may also be noted that the typist which is made available to me now is not attached to the office of Officer On Special Duty and the control is with an outside department and the possibility that the concerned staff might not be available when exigencies of situation demand cannot be ruled out.

( M.P.KAMAT )

OFFICER ON SPECIAL DUTY

To,  
The Managing Director,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

PO  
21/4/06  
Chi

17/c

566  
20/4/06



No: KTC/OSD/14(1)/06-07/07  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.

16/c

KADAMBA TRANSPORT CORPORATION LTD.  
Inward 111  
Date: 7/4/06

Date: 7-4-2006.

N O T E

Subject: Minutes of 147th BOD Meeting.

The minutes of the 147 BOD meeting could not be completed for withdrawal of the typing facilities & non-replacement by competent & adequate facility for typing. The transferee is unable to take the speedy dictation.

It can be seen from the past record prior to the withdrawal and alteration of typing facilities that the minutes had been completed and furnished by the undersigned on the same day in the event the Meeting was held in the Morning and on the next day in the event such meeting was held in the afternoon session.

For the purpose of compiling the minutes ~~of~~ I may be provided the services of steno typist minimum two of them whose services can be used simultaneously for dictation and typing and the minutes can be made available to you before end of the day to-day.

Please do the needful.

( M. P. Kamat )  
Officer On Special Duty

To,  
The Managing Director.

*No arrangement is permanent. OSD may be advised to make best-use of available officials / typist. Officers are expected to give best-results in crisis and not to expect/rely only on the competency or excellence of the established set-up. Getting along with any change appointed will be appreciated.*  
P.O. 7/4/06



157C

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No. ....6811	....
Date: 29/3/06	.....

From:  
M. P. Kamat,  
Officer on Special Duty,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Dated: 28.3.2006

90. NOTE

- Sub: 1. Part Enquiry Report under Ref. No.KTC/ADMN/1-2/2005-06/38 dated 09.08.2005 (Pg. 1-25)  
2. Part Enquiry Report under Ref. No.KTC/PERS(566)/2005-06/2350 dated 31.10.2005 (Pg. 25-31)

- Ref: a) Letter dated 09.11.2005  
b) Reminder dated 14.12.2005  
c) 2<sup>nd</sup> Reminder dated 25.01.2006  
d) Note dated 07.03.2006  
e) Note dated 13.03.2006  
f) Note dated 20.3.06  
g) Personal discussions

With reference to the above and repeat personal discussions I am sorry to state that I have been denied a line in reply for non payment of pay and allowances.

The final action on the Report of the Enquiry Officer is to be taken by Disciplinary Authority and as per Rule 15 of CCS (CCA) Rules the Disciplinary Authority is to take the final decision on the Enquiry Report within a period of three months at the most.

Personal discussions and frequent visits to your office it is revealed that the Enquiry Officer's Report dated 28<sup>th</sup> July 2005 being processed through the subordinate officers below the Disciplinary Authority such as General Manager, officiating Dy. General Manager (Traffic & Admn) and Personnel Officer. It is also revealed that the file pending in the office of General Manager since November 2005 till March 2006 without any action and then simply pushed through the Inward of Disciplinary Authority. Thereafter the file is re-directed by Disciplinary Authority and now under process from Personnel Officer to Dy. General Manager (Traffic & Admn) and presently lying in the office of Dy. General Manager (Traffic & Admn). This is the status of the matter highlighted simply for the sake of information. The undersigned is not concerned with the departmental processing, by the Disciplinary Authority. The Disciplinary Authority is the only competent authority under the CCS(CCA) Rules to take action on the Report of the Enquiry Officer within the stipulated time. The procedure as followed is not warranted and in view of the facts as stated below:

1. The Disciplinary Authority is a quasi judicial authority and is competent to take action directly on the Report of tthe Enquiry Officer without routing/placing the Enquiry Report for the opinion of the sub authorities below the rank of the Disciplinary Authority.

Processing

2/14

Chir

2/1



2. The Sub Authorities below the rank of Disciplinary Authority namely Personnel Officer, Dy. General Manager (Traffic & Admn) and the General Manager enjoy no privilege and statutory powers of commenting upon the findings contained in the Enquiry Report.
3. The Enquiry Report which can be competently commented upon is only by the CO who is likely to be affected by the orders of the Disciplinary Authority. This stage has been over long back awaiting further action from the Disciplinary Authority. Apart from the CO, no other departmental officer in the employment of the KTCL can comment upon the Enquiry Officer's Report.
4. The Disciplinary Authority is an independent authority and quasi judicial authority with self powers for disposal of the disciplinary cases. The Disciplinary Authority cannot refer to the verification/confirmation/comments, the report of Enquiry Officer to the legal department or in other departments for arriving at a conclusion on the said Report

9.1

I am lodging my strong protest for referring the Report of the Enquiry Officer to Shri V. V. S. Kunkolienkar, Dy. General Manager (Traffic & Admn) on the following grounds:

1. Shri V. V. S. Kunkolienkar is fitted in the Corporation on non existing post. There is no post in the organisational structure designated as "Dy. General Manager (Traffic & Admn)".
2. Shri V. V. S. Kunkolienkar is under the clouds facing enquiry in the Hi-Tech bus purchases scam and other scams such as purchase of Stag Mini Buses and Insurance irregularities.
3. Shri V. V. S. Kunkolienkar is the only employee in the KTCL facing Vigilance Enquiry for accumulation of disproportionate assets pursuant to the report of 13<sup>th</sup> Committee on Public Undertakings.

The subject matter of the report very much involves and implicates Shri V. V. S. Kunkolienkar for the allegations made against the undersigned as CO. He is the real culprit for exercising the disciplinary powers against the undersigned without possessing them. In fact the said enquiry was initiated against the undersigned at the behest of Shri V. V. S. Kunkolienkar under intimation to then Chairman and the warnings and memorandumgs issued to the undersigned by Shri V. V. S. Kunkolienkar during the leave period of the undersigned.



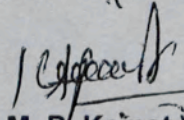
B/C

-3-

The present approach adopted by the Management is to further humiliate the undersigned and to support the cause of Shri V. V. S. Kunkolienkar who is fighting the personal conflict through the instrument of KTCL much to the detriment of the Corporation and the undersigned. The financial health of the Corporation during the year 1996 and as it stands today in the year 2006 after the transfer of the undersigned from the Finance Department is a testimony to my statement.

I have approached you to pursue the progress on the Enquiry Report with a view to achieve the settlement for the mutual benefit. However, I am surprised that the said Report of the Enquiry Officer concerning me is marked to Shri V. V. S. Kunkolienkar who is the real culprit in that episode. This is a serious matter for me and will be pursued at law in due course of time. Finally, I am to inform you that } neither I am going to trace the movement of files within various departments of KTCL nor keep a track of the file going in and out of your office through your P.A. Nor I am going to approach you personally. It was my bonafide intention to avoid the litigations but with the involvement of Shri V. V. S. Kunkolienkar, the real culprit in the whole episode by the Disciplinary Authority, reluctantly I am to conclude that the legal confrontations is inevitable.

I am also referring to my Note dated 24.1.2006 wherein I have exposed the role of Shri V. V. S. Kunkolienkar in purchase of non genuine INDAL material from M/s. Vishuni Enterprises which is the subject matter of the third enquiry against me. No action has been taken on the said notings till date. The contents of the said note and documents enclosed therein is not my say but the say of the Disciplinary Authority as communicated to me in the enquiry proceedings alongwith Exhibits such as CID Report and as confirmed by the Disciplinary Authority through its Witness Shri George Fernandes. It is my apprehension that Shri V. V. S. Kunkolienkar the real culprit in that enquiry as well is being protected. The Disciplinary Authority under the CCS(CCA) Rules enjoys no right to initiate the disciplinary proceedings against the undersigned for the misconduct committed by other KTCL officers i.e. Shri V. V. S. Kunkolienkar. Earlier the Disciplinary Authority have booked the undersigned for malafides committed by Shri V. V. S. Kunkolienkar including his appointment as Presenting Officer and now the circuit is complete with forwarding the Enquiry Officer's Report for clearance by the offender himself. I desire that the said report should be withdrawn from him without comments to avoid the issue deteriorating further <sup>and</sup> going beyond control of the Disciplinary Authority.

  
( M. P. Kamat )  
Officer on Special Duty

To,  
The Managing Director,  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.

C.C. to: The Hon. Chairman, KTCL.



259

ANNEXURE - I

12/C

No.KTC/ADMN/1-2/2007-08/22  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Dated: 7.6.2007

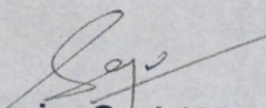
1393  
7/6/07

**MEMORANDUM**

It has been noticed that, you have been using office stationery and staff for your personal representation and grievances, which is not permissible and calls for disciplinary action.

You are therefore asked to explain why disciplinary action should not be taken against you for misuse of office stationery and staff.

Your reply should reach within three days from the receipt of this memo.

  
( Sanjay Goel, IAS)  
Managing Director

To,  
Shri M. P. Kamat,  
Dy. Financial Controller (Costing & Budgeting)  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.

✓ C.C. to: The Personnel Department.



260

ANNEXURE - J

11/c

No.KTC/ADMN/1-2/2007-08/20  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.

Dated: 04.06.2007

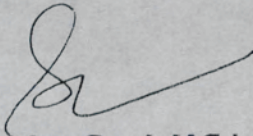
1358  
04/06/07

NOTE

The Mobile handset alongwith Mobile cell connection bearing No. 9422441044 allotted to Shri M. P. Kamat, Dy. Financial Controller (C & B) is hereby withdrawn with immediate effect.

He is directed to deposit the handset alongwith cell connection to O.S.D immediately.

1  
1

  
( Sanjay Goel, IAS )  
Managing Director

To,  
Shri M. P. Kamat,  
Dy. Financial Controller (C & B)  
K. T. C. Ltd.,  
Porvorim.

C.C. to:

All Sectional Heads.

P. M.

1  
15/6



ANNEXURE - K 10/c

Date: 6.6.07

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	1680
Date:	6/6/07

Sir,

Ref: Note dated 4.6.07

With reference to the above, I am to submit that I am entitled for all allowances and facilities as applicable to the class of officers to which I belong in general and to my substantial post as Dy. Finance Controller. This is a settled position under orders of High Court of Bombay, Panjim Branch upon writ petition filed against this institution. Hence any discrimination and exclusive restrictions imposed upon me amount to Contempt. Decision of Competent Authority to withdraw such facility from officers/officials of KTCL or reasons for exclusive withdrawal of cell connection from me be conveyed to enable me to take further necessary action.

Endorsement of copies of said note to various section heads except OSD amounts to an act of humiliation. The Disciplinary Authority has failed and appears to be incapable of deciding on the inquiry findings dated 13.10.06 and since the matter is persued by me, I am harassed and humiliated by the Disciplinary Authority by resorting to such type of measures.

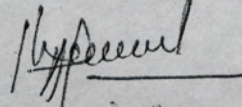
The Disciplinary Authority had erroneously implicated me in some irregular purchase and payment transactions transpired within KTCL during my leave period. The prime witness of Management Shri George Fernandes had withdrawn his entire deposition stating it to be false. Shri Narayan Naik, Presenting Officer supported the withdrawal of False Deposition by his witness. The Inquiry Authority reported whole episode as false. The Disciplinary Authority did not question the above act of its Presenting Officer and Witness and its silence amounts to acceptance of entire proceedings as false.



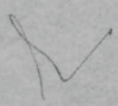
g/c 262

The Disciplinary Authority having fallen in error and being incapable of deciding on Inquiry Findings dated 13.10.06 is resorting to pressure tactics to keep me under state of depression contineously. Delayed action on inquiry findings amounts to committing irregularities contineously by the Disciplinary Authority which in capacity of M.D., KTCL follows same purchase and payment procedures cited as irregular and misconducts by itself in disciplinary proceedings against me.

Hence I request that the Disciplinary Authority should take immediate action on the finding dated 13.10.06 without resorting to unilateral and exclusive restrictions as against me amounting to harassment, humiliation and Contempt of Court.

  
( M.P. Kamat )  
Dy.F.C(C&B)

To,  
All Section Heads.





ANNEXURE-L 8/c 263

KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 1282  
Date: 21/5/07

As MN (O.S.D), K.T.C.L.

Inward No.

From: 22/5/07

Mahesh P. Kamat,  
Dy.F.C.(C&B).

1293  
26/5/07

Date: 19.5.2007

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim.

Sir,

Vide Order No.KTC/ADMN/1-2/2006-07/111 dated 30.12.2006 followed with addendum No.KTC/ADMN/1-2/2006-07/122 dated 17.2.2007, difference of subsistence allowance and withheld increments are released to me. However the release of pay and allowances is nearly after 2 years from the date of inquiry officer's report. Herein I raise a claim for interest @ 10% per annum for delayed payment beyond 90 days of the date of receipt of inquiry report.

May I draw your attention to remarks of Ex M.D., Shri S.V. Naik on page nos. 10 and 11 of the subject file which reads as follows:

"Further the file was processed by Personnel Dept. in the month of Nov. 05 which was pending in the Office of G.M and D.A upto 23.3.06 as can be seen from 'A' at page N/7. The above delay may have to be explained by the Personnel Dept./Office of G.M., KTC."

In view of above remarks, the explanation should be called from Personnel Dept. and Office of G.M., KTC and action should be taken for undue and unreasonable delay. Please release the interest on delayed payments at the earliest.

*M. P. Kamat*  
( M. P. Kamat )  
Dy.F.C.(C&B)

The Accounts Dept. had released arrears of salary as per orders referred above. The further matter may be looked into as referred above.

Detail note dt. 30.5.07 is placed herewith for MD reference.

Submitted please.

28/5/07  
P.M. 30/5/07

*P.M. 21/5*

*[Signature]*

*25/5*

*AFQPM*

*1248  
28-07*

*P.M.*

*P.M.  
MD*



ANNEXURE IN COPY 7/C 264

KADAMBA TRANSPORT CORPORATION LTD.
Inward No. 1681
Date: 5/6/07

From:  
Mahesh P. Kamat,  
Kadamba Transport Corpn.  
Ltd.,  
Porvorim-Goa.

Date: 5.6.07.

To,  
The Managing Director,  
Kadamba Transport Corpn Ltd.,  
Porvorim.

Sir,

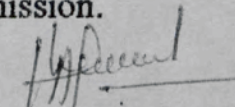
Regd: Press Conference

Way back in the year 1996 I was suspended on two occasions and disciplinary proceedings were initiated as many as three times. The suspensions were widely published in local news papers and such reports are relied upon in private litigations, by opposite party.

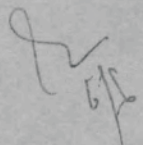
Now that the inquiry findings are available to me in all three inquiries and it has been an established fact that I have been a victim of misconducts of various other officers of KTCL. Since the press had published earlier suspensions and allegations I desire to address the press to publish the findings and facts. If required under the rules, this may be taken as an intimation. Your objection if any, with reasons should be conveyed to me by the 15<sup>th</sup> of June 2007. In the absence of any communication, the permission if at all required shall be deemed to be granted.

My earlier request for a press conference is pending administrative process on inquiry reports which is not forthcoming till date.

The issue of press conference is personal between self and press. However KTCL needs to be involved for initiating inquiry and suspensions which were published, hence the purpose of this submission.

  
M.P. Kamat

PM  
Put up  
Comment





265  
6/c

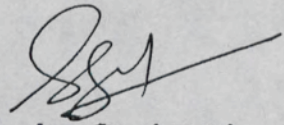
KTC/ADMN/1-2/2007-2008/ 22  
Kadamba Transport Corporation Limited,  
Paraiso-de-Goa., Alto-Porvorim,  
Bardez - Goa.,  
Date:- 8/6/2007

MEMORANDUM

Sub:- Press Conference

I am to refer your representation dated 5.6.2007 on the subject cited above and to inform you that, you are not authorised by the management to hold the press conference as required under Rule 11(3) of C.C.S.(Conduct) Rules,1964.

Under the circumstances, your request on the subject is rejected.



( Sanjay Goel,IAS )  
MANAGING DIRECTOR

To,  
Shri. Mahesh P. Kamat,  
Dy. Financial Controller (Costing & Budget)  
KTCL, Porvorim.,

Copy to:-

1. Pers. File.,
2. O/C.,
3. G/File.,



ANNEXURE-N

266

stc

From:-

Shri M.P. Kamat,  
Officer On Special Duty,  
Kadamba Transport Corp.Ltd  
Alto-Porvorim-Goa.

Dated:- 18.04.2006.

To,  
The Hon'ble Chairman,  
Kadamba Transport Corp. Ltd.,  
Alto-~~Porvorim~~-Goa.

Sub:- Press Conference.

Sir,

This is for your knowledge and information that myself and Shri V.V.S. Kunkolienkar are fighting personal litigations through civil and criminal courts. During the year 1996 a false case of cheating of personal nature was filed against me by the said Shri Kunkolienkar, which created a big hue and cry in the Corporation. As a fall out of this false complaint I was transferred from the cadre post followed by suspensions, inquiries, charge sheets, reversions, denial of proper sitting place etc. etc. As a result of this, my personal records which were crystal clear from the date of joining in the year 1982 till 1996 were subsequent to this event clouded with various charge sheets/suspensions/memorandums etc. etc. These charge sheets/memorandums/suspensions, transfer orders etc. are relied upon by Shri Kunkolienkar in the court cases.

The litigations are in the final stages and it was in my contemplation to file the clearance reports and other evidences in counter evidence. The first enquiry is complete and with respect of which the exoneration order is issued to me. The second enquiry report dated 28.07.2005 for the best reasons known to the Disciplinary Authority, is not administratively processed. It is still a non-starter. The third enquiry is complete and the report is awaited and with the past experience of processing delays on the second enquiry report, it is my belief that the final action on the third enquiry report might take several years. I cannot assume



the risk of the court arriving adverse conclusions as against me with reference to the charge sheets/memorandums, suspensions and reports on court records.

With the documentary evidences in my possessions in the form of charge sheets, exhibits in the enquiry, confirmed false evidences by the managements witnesses and the enquiry reports, I would like to clarify the facts of the case for public knowledge and eventually bring them on court record to counter the evidences brought against me in the personal litigations before the civil and criminal courts. From the facts in my possessions it is a established case that the allegations against me were in fact the acts committed by Shri V.V.S. Kunkolienkar and various other officers in the KTCL including the Disciplinary Authority at the relevant time. It is also a established fact that the management KTCL had disowned enquiry proved malafied by some of the officers which are subject matter of enquiry against me and even promoted some of the officers including those deposing falsely on their own acts vis-a-vis ordering enquiry against me and delaying the action on the enquiry report already received by the Disciplinary Authority. Having fully confirmed that the acts of allegations as laid out against me were either the acts committed by other officers including the Disciplinary Authority by-passing me while on duty or such acts of other officers do not forming part of my functional assignment, or acts taken place during my leave period.

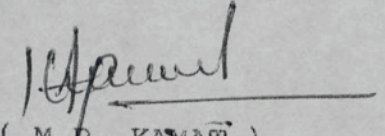
Hence I desire to address a press conference for clarification. This may be taken as a intimation, if such intimation is required to be given and for permission if such permission is required to be obtained I should be informed on or before 30th April 2006. The management



3/C

objections if any alongwith the reasons. In case such intimations is not received on or before 30th April 2006, it shall be presumed that the permission is granted to me. This letter is addressed separately to the Managing Director Kadamba Transport Corporation Ltd., and to the Hon. Chairman, KTCL with a extra copy each and with a request that the contents of this notice may also be brought to the notice of the members of the Board.

Yours faithfully,



( M.P. KAMAT )

OFFICER ON SPECIAL DUTY

Encl:extra copy.

24.4.06

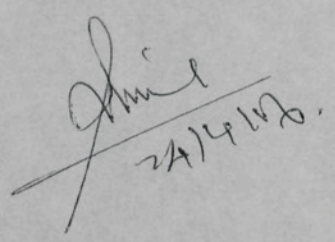
Forwarded to the Managing Director, KTC Ltd Porvorim with a request to discuss the matter urgently.

for NP 28  
CHAIRMAN.

24-4-2006

To

The MD  
KTC HD Porvorim.





**EXTRACT OF 69<sup>TH</sup> BOARD MEETING  
HELD ON 28.9.1992 RESOLUTION NO. 723**

To consider the report submitted by the committee constituted by the Managing Director on 4.9.92

The Board considered the agenda item and the proposal contained therein. During the discussion, the Board was informed that vide resolution no. 346 passed in the 30<sup>th</sup> Board meeting, the rules/regulations/notifications/orders in respect of the Earned leave/casual leave/Sick leave. LTC, TA/DA, conveyance allowance and HRA as applicable to the Gazetted Govt. officers, have been made applicable to the officers of KTCL who are not covered by standing orders of the Corporation. Also vide resolution no. 426 passed in the 38<sup>th</sup> meeting, pay scales, DA, HRA, recommended by the 4<sup>th</sup> pay commission and adopted by the Govt. of Goa, for its employees were also made applicable to the Corporation. It may thus, be seen that though Govt. rules were made applicable in respect of the pay, DA, HRA, E/L, C/L, S/L LTC, TA/DA, conveyance allowances were applicable, on certain other items such as gratuity, loans/advances, there was no decision taken. It was also submitted to the Board that as regards the pension/family pension is concerned, the Corporation is already making contribution towards contributory Provident Fund, as such, the question of pension and the family pension need not be considered on the Govt. lines. The Board has already adopted a resolution approving payment of medical allowances at the same rate of contribution being made to ESI in respect of employees covered by ESIC scheme. The medical reimbursement for out patient treatment shall, therefore, be not applicable separately to the officers. However, the Govt. medical rules shall be applicable for hospitalization and inpatient treatment.

The Board considered the above proposal and passed the following resolution.

...2



**RESOLUTION NO. 723**

“ RESOLVED THAT the proposal to apply and implement all the existing rules/regulations/notifications/orders as applicable to the officers of the Govt. of Goa, including the future amendments and changes and new rules/regulations notifications/orders, except those mentioned hereunder, to the officers of the Corporation drawing the pay scale of Rs. 1640-2900 and above, be and is hereby approved .”

- a) General Provident Fund rules.
- b) Central Govt. Employees Group Insurance Scheme 1980.
- c) Super Annuation Pension.
- d) Payment of bonus.
- e) Family pension
- f) Medical Reimbursement for treatment as out patient dept. (as inpatient Govt. rules made applicable)

“ RESOLVED FURTHER THAT, in case of any difficulty in interpreting the rules/regulations/notifications/orders etc. for its application to the Corporation, the decision of the Managing Director shall be final.”

RESOLVED FURTHER THAT, the Managing Director be and is hereby authorised to take all necessary action in the matter .”



Legal section



YEAR \_\_\_\_\_

FILE NO.: \_\_\_\_\_

SUBJECT \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FROM \_\_\_\_\_ TO \_\_\_\_\_

Regd. Office: Corner Wing, Paraiso-de-Goa, Alto-Porvorim, Bardez, Goa.



Exhibit 'A' copy.

204  
91109  
AT



580c  
1090c



*[Handwritten signature]*



Exbt. 147-B.

Presented on : 26.03.1998.  
Registered on : 26.03.1998.  
Decided on : 16.12.2008.  
Duration Days Months years  
20 08 10

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS, AT MARGAO.

(Before: Miss Pooja C. Kavlekar, Judicial Magistrate First Class, Margao.)

Criminal Case No. 71/P/98/D.

Shri Mahesh Kamat,  
Son of Prabhakar Kamat,  
Aged 42, service,  
Resident of H.No. 2-F/2, 2<sup>nd</sup> floor,  
Shirvnery Coop. Housing sty. Comba,  
Margao.

... Complainant.

V/s.

Shri Vallabhdas Vishnudas Sinal  
Kunloliengar, major, service.  
Resident of house no. not issued,  
B-9, Mahanagar,  
Madel, Behind Dr. Rebello's  
Hospital, Margao.

... accused

Ld. Adv. Salgaonkar for the complainant.

Ld. Adv. C. Coutinho for the accused.



57/c  
108/cJUDGMENT

(Delivered on this the 16<sup>th</sup> day of the month of December of the year 2008)

This is a complaint under Section 500 of the Indian Penal Code.

2. The case of the complainant is as under:-

That the complainant is highly respectable and law abiding citizen. Complainant is employed with K.T.C. Panaji presently as statistical officer. The complainant had joined the said corporation in the year 1982 as accountant and has since been promoted initially as Assistant Finance Controller and thereafter as Deputy Finance Controller which is his substantive designation now, though posted as Statistical officer.

3. That the accused is presently employed as Deputy General Manager (Traffic) with the said Kadamba Transport Corporation the complainant has known the accused since prior to employment in the KTC.

4. That the accused on 27.3.96 lodged a complaint with the Porvorim Police station which was registered as crime no. 28/96 under section 419, 420 and 468 of IPC. In the said complaint the accused falsely alleged that the complainant in connivance of M/s Sai Services, Porvorim, staff dishonestly wrote an authority letter in the name of the complainant and by forging his signature presented the booking papers to M/s. Sai Service Station Ltd. And delivered the vehicle booked by the complainant to one Alirio Saldanha. The aforesaid information has been obtained by the complainant from the say filed by the Porvorim Police station dated 31.10.96 in bail application no. 163/96/C.

5. That the police after registering the said offence arrested the complainant on 31.10.96 and the complainant was released late in the evening on the same





3

56/c  
107/c

day by the court of the Judicial Magistrate First Class at Mapusa. That after registering the offence the said accused released a press note to the newspapers and the offence has highlighted in the English Daily Herald dated 29.3.96 under the headline "KTC Deputy Finance Controller accused of cheating, forgery".

6. That the report was also published in the Marathi daily Gomantak under the headline the English translation of which would read "friend defrauded and car transferred for self". The said news item appeared in the daily Gomantak dated 29.3.96. That the complaint lodged by the accused was false, malicious and motivated by the fact that the complainant had obtained loan from the complainant's mother and in order to escape repayment he had cooked up a false case against the complainant. The complainant states that the car allegedly booked by the accused was collected by him from M/s. Sai Service and the same is registered in the office of the Directorate of Transport under no. GA-02/A-6733. The complainant states that the accused would not have been delivered the car by M/s. Sai Service if the complainant had cheated him.

7. That the Porvorim police after having completed the investigations in the case came to the conclusion that the complaint was without substance and therefore closed same as 'C' final vide no. 9/87 dated 1.1.97. In view of the closure of the case of Judicial Magistrate First Class, Mapusa by its order dated 17.4.97, was pleased to cancel the endorsement on the RC Book of the vehicle no. GA-01/C-1390 by which the complainant had been released on bail.

8. That the accused has knowingly maliciously and with intent to cause defamation to the complainant had lodged a false complaint with the Porvorim police station dated 27.3.96. The accused committed offences of malicious prosecution of lodging false complaint and of defamation. Hence the complaint.



sstc  
1061e

9. Upon receipt of the summons in the case the accused appeared before this Court, the copy of the complaint was furnished to him and was released on bail.

10. Substance of accusation was recorded under Section 251 of Cr.P.C. to which accused pleaded not guilty and claimed to be tried.

11. Assuring trial the complainant Shri Mahesh Kamat led his evidence as PW1 and produced documents. The complainant also examined Suresh Poi Angle as PW2, Ulhas Kerkar as PW3, Suresh Poi Fondekar as PW4, Subhash Poi Kundekar as PW5, Pramod Gaonkar as PW6, Sanjay Ghate as PW7 and Prakash Gaunekar as PW8.

12. Based on evidence brought on record by the complainant, the incriminating circumstances were explained to the accused while recording his statement in terms of section 313 Cr.P.C. The accused denied case of the complainant asserting that he has filed false complaint against him under Section 500 of the IPC.

13. The accused has examined P.I. Serafino Dias as DW1, Ajit Bapat as DW2, Vishnu Shirodkar as DW3, and P. Venugopala Rao as DW4.

14. The complainant argued his own case and also filed written submissions and Ld. Advocate Shri C. Coutinho argued for the accused.

15. I have perused the records and considered the arguments advanced by the respective parties.





54/10  
baste

16. From the above the following point arises for my consideration and my finding are as under:

<u>POINT</u>	<u>FINDING</u>
Whether the complainant has succeeded to prove that the accused has committed an offence under section 500 of Indian Penal code?	... negative

### REASONS

17. Before dwelling into the merits of the case, I shall reproduce Section 499 of the Indian Penal Code which defines the offence of defamation as under:-

**499. Defamation** – whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person; intending to harm, or knowing or having reason to believe that such imputation will harm the reputation; of such person is said, except in the cases hereinafter excepted, to defame that person.

Explanation 1 – it may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2 – it may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3 – An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4 – No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others; lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his case or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.









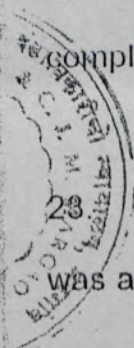
the bail application and order by which the complainant was released by Mapusa Court.

20. The complainant has further stated that he has been falsely implicated in the offence only to defame him by the accused. As a result of the publication, there was a hue and cry in Kadamba Corporation Ltd., where the complainant worked. There were defamatory paintings put up in the office premises against him. Due to the defamatory statement, he lost his post 'A' Grade of Deputy Finance Controller of KTC and was reverted to the post of Statistical officer which is a grade 'B' post his credentials were lowered in the eyes of his family members, relatives and friends.

21. The complainant has imputed motive to the conduct of the accused by stating that the act was undertaken by the accused only because he had obtained a loan from the complainant's mother and in order to escape repayment of the same, he had cooked up the false case against the complainant. The complainant has averred that the delivery of the said Maruti car which was alleged to have been wrongfully taken by the complainant was actually taken by the accused himself and in support of this contention the complainant has produced a form for registration of the motor vehicle which is at exhibit PW1/F.

22. In order to corroborate his testimony further the complainant has examined five more witnesses. PW2, Suresh Pai Angley has stated that he read about the cheating in forgery case filed against the news paper and he was shocked to read the same, as a result of this incident PW2 confirms that the friends of the complainant became doubtful and suspicious about the complainant's conduct.

23. PW3, Ulhas Kerkar has stated that he knows the complainant since he was a young boy as they were studying together. When he read about the news





paper imputing cheating to the complainant he was shocked and surprised and as a result of the same, the friends of the complainant were also shocked and surprised. Suresh Pai Fondekar was examined as PW4 and in his deposition, he has stated that he knows the complainant very well as he used to come in contact with him in his official dealings. He has further stated that on reading the said news paper item he became doubtful about the character of the complainant and further that other colleagues and tyre companies which were dealing with the KTC also became doubtful about the complainant's character.

24. PW5, Suresh Pai Kundekar has stated in his deposition that he had a business relation with the KTC and that is how he came in contact with the complainant. As a consequence of the news item, the credibility of the complainant has come down. PW6, Pramod Gaonkar has stated that he had fairly good relations with the complainant however after the news item being published on the news paper, the subordinate employees of the complainant started referring to him as "chor". PW7, Sanjay Ghate has stated that as a result of the complaint the image of the complainant goes lowered in the eyes of the public when he came across the wordings in the KTC Depo Porvorim stating "Mahesh Chor". It is therefore contended that on the basis of the deposition of all the above said witnesses it is apparent that the complainant has been defamed as a result of the false complaint filed by the accused.

25. The offence of defamation is essentially constituted by the intention to defame or knowledge that of harming reputation. It is necessary to categorically prove that the accused imputed a certain conduct to the complainant with an intention to harm his reputation or had a reason of believe that the same would be harmed. To obliterate the rigor further, atleast the complainant should show that the imputation was conscious in nature i.e. the person making such imputation was aware that the same would defame the complainant. In the

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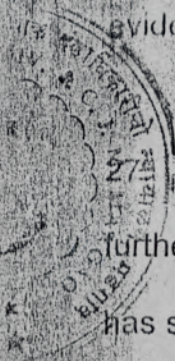


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instant case, it is not been categorically proved that the complainant intended to defame the accused and for this, it would be necessary to go through the evidence led by the accused.

26. The accused did not step the witness box however he examined 3 witnesses in support of his defence one of which was handwriting expert who was examined as DW4, Shri P. Venugopal. This handwriting expert was required to verify the signature of the complainant on the booking docket which is at exhibit PW1/D-7. When the complainant was examined in the witness box, he was confronted with this booking docket by the advocate for the accused. Said booking docket which is at exhibit PW-1/D-7 bears number GOV-20132. It is the case of the complainant that he was not at all involved in the transaction pertaining to the booking of car by the accused except for standing as a guarantor in respect of the loan taken by the accused from the Punjab National Bank towards payment of the purchase price of the vehicle. If this submission of the complainant is taken to be true one fails to understand how the signature of the complainant appeared on the booking docket. The handwriting expert P. Venugopal who was examined as DW4 has confirmed that the signature on the booking docket at point A, B and C are that of the accused. No explanation has been put forth as to how the signatures appeared on the booking docket if the complainant was not at all concerned with the booking of the vehicle. The only stand taken by the complainant is that his signature on the said booking docket may have been forged. However, no explanation is given as to why the averment made by the complainant should be given more weightage than the evidence given by the handwriting expert.

The involvement of the complainant in obtaining the delivery of the vehicle further stands fortified by the evidence of the DW2, Ajit Bapat. In his testimony he has stated that in the year 1996 they were not permitting joint booking of vehicle,





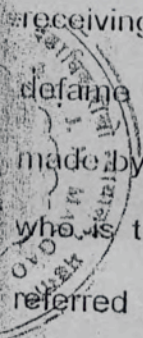
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Book

this being the case, the question of the vehicle being booked jointly by the accused and the complainant did not arise. The witness has further stated that as per the said booking docket a vehicle bearing engine no. 1271522 and chassis no. 141832 was allotted to the accused. The witness has further stated that the complainant came to the office of Sai Service and informed them that he had made payment in respect of the booking docket at exhibit PW1/D-7 and took the delivery of the same vehicle which was booked under the said booking docket. The witness has further stated that he was given the said vehicle because his name and signature was figuring on the said booking docket. Further after the complainant taking delivery of the vehicle the accused came to the office of Sai Service with his claim for the delivery of the said vehicle which was given to Mahesh Kamat so as to settle the matter Sai Service gave another vehicle to the accused. Thus in view of the above, the witness admitted that in respect of the booking docket at exhibit PW1/D-7 Sai service has delivered two vehicles to the accused. In proof of the same, the witness has also produced the letter dated 6.4.96 bearing no. SAI/GOA/10/5464 addressed to the accused by Sai Service whereby the accused has been requested by Sai Service to take delivery of the new maruti omni van as in spite of affecting the payment of earlier maruti van the same was not delivered to him. The witness has also produced a delivery memo and has confirmed that the same pertain to the second vehicle which was delivered to the accused as the first one could not be delivered to him. The said delivery memo is dated 20.4.96 and is at exhibit 74-C.

28. In this context, it is the case of the accused that the vehicle that was originally booked under the docket at exhibit PW1/D-7 was already delivered to the accused and the accused had in fact filed a false criminal complaint against the complainant and to fortify this claim the Id. Advocate for the complainant confronted DW2 with the delivery memo dated 6.3.96 which was marked as exhibit 75-C. Then the witness was cross examined in respect of the said



delivery memo and he admitted that ordinarily the person whose name appears on the delivery memo puts his signature on the same and the vehicle is delivered to him. The said name was marked by the court at point P and the signature at point N and the witness has stated that as a practice who ever name appear at point P signs at point N and takes the delivery of the vehicle. It is argued that in the instant case, the name appearing at point P on the delivery memo dated 6.3.96 is that of the accused. Therefore, it would essentially follow that the signature at point N should also be that of the accused. Hence, it was not the complainant but the accused who took the delivery of the said vehicle. In this respect, I am inclined to accept the arguments of the Id. Advocate for the accused who stated that DW2 Ajit Bapat has categorically stated that the maruti originally booked under the docket at PW1/D-7 was delivered to the complainant. Moreover, it is not even suggested to the witness DW2 that the delivery of the said vehicle was taken by the accused. This being the case, the arguments that from the delivery memo at exhibit 75-C, it is apparent that the delivery of the vehicle was taken by the accused cannot be accepted. Notwithstanding the above argument, the court shall also exercise his powers under section 73 of the Indian Evidence Act as urged by the Id. Advocate for the accused and compare the signatures at point N on exhibit 75-C to the other admitted signatures of the accused on the wakalatnama and on the 313 statement of the accused. Upon comparison of the signatures, it is seen that there is a vide disparity between the signatures at point N on exhibit 75-C and other admitted signatures of the accused. This being the case, the arguments that the accused in spite of receiving the delivery of the vehicle has falsely implicated the complainant only to defame him does not hold good. Further more, the bonafide of the imputation made by the accused stands proved through the evidence of PW1, Serafin Dias who is the investigating officer in crime no. 28/96 of Porvorim Police Station referred above. In his evidence, DW1 has stated that after conducting the investigation, the case was made C final, as his findings on the same were





47/c  
98/c

'neither true nor false'. The witness has also produced the statement of Ajit Bapat recorded by him in which statement, Shri Ajit Bapat has categorically stated that the delivery of the first maruti car as per the booking docket at exhibit PW1/D-7 was given to the complainant. The said statement is at exhibit 70-C.

29. The witness has further stated that his investigation revealed that the vehicle which is the subject matter of the complaint in FIR 28/96 was never registered in the name of the accused. It was directly registered in the name of one Elidio Saldanha. This statement therefore negates the contention of the complainant that the accused had already taken the delivery of the vehicle and has falsely implicated the complainant. During the course of cross examination the attention of the witness was drawn to para 2 of the FIR wherein it was mentioned that "*Mahesh kamat complainant on 9.3.96 clandestinely sold my maruti car to some third party. I immediately rushed to Sai services and confirmed that my car has been sold by Kamat by forging my signature*". The witness was asked whether the statement was false and he has stated that he cannot be considered as false because during the course of investigation he came across the letter from Mahesh Kamat dated 6.3.96 stating that the vehicle has been jointly booked by the complainant and the accused on 7.8.95 and that the complainant would be responsible for any legal dispute. The witness was also shown the said letter dated 6.3.96. The said letter was marked as X subject to production of original as the same was the Xerox copy. The other two aspects that is surfaced from the evidence of DW1, Serafin Dias is that that DW 1 has stated that as per his investigation, the vehicle in dispute in the present case was not delivered to the complainant by Sai Service and as far as the booking docket is concerned the vehicle which is the subject matter of the said complaint was not jointly booked. If the evidence of this witness is conjointly read with the evidence of DW2, Ajit Bapat, it appears that the involvement of the complainant in taking the delivery of the vehicle cannot be completely ruled out thus, strengthening the





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presumption of bonafides on the part of the accused in lodging a complaint against the complainant. It is sought to be argued by the complainant himself that the accused in collusion with the officials of Sai Services has conspired against him and has falsely implicated him. It is his contention that on the same booking docket two fake sale certificates were issued, one in the name of the accused and other in the name of Saldanha. The original sale certificate in the name of the accused has been clandestinely detained by the Sai Service staff. In respect of this argument, it is firstly observed that the present prosecution is in respect of the offence of defamation and not criminal conspiracy. Further more, the conspiracy that is sought to be canvassed herein is a joint conspiracy alleged against the accused acting in concert with the officials of Sai Service. The Officials of Sai Service have not been made a party to the present proceedings. No allegations of defamation are sought to be made against them. Even if this significant lapse is overlooked, it is seen that the case that is sought to be canvassed is completely *donovo* vis-à-vis the original case of the complainant. The above theory does not find a mention in the original complaint neither does it find mention in the evidence of the complainant. Hence fails.

30. The other arguments that are sought to be advanced essentially is an attempt to show the innocence of the complainant to the alleged charges of cheating and forgery made against him in crime no. 28/97 and the same need not be discussed in detail. The present prosecution is for defamation and one fails to understand as to why the complainant is pressing upon the court to believe that he was not involved in the offence of cheating imputed against him in crime no. 28/97 inter alia as rightly pointed out by the Id. Advocate for the accused the accused herein had to show before the court based on the material on record whether he bonafidely believed that the complainant may have clandestinely obtained the delivery of the vehicle and in accordance with the bonafide belief he had acted. In the instant case, there is ample material on



record to show that the accused acted in a bonafide manner and had compelling reasons to believe that the complainant may have cheated him. The most primary evidence strengthening his bonafide belief is, the existence of the signature of the accused on the booking docket. If the accused had not taken the delivery of the vehicle then his signature would not have been there in the booking docket. This is further coupled with the testimony of DW1, Serafin Dias and DW2, Ajit Bapat discussed above clearly show some involvement of the accused at some point of time. This case therefore squarely falls within exception 9 and partly within exception 10 to Section 499. Exception ninth and tenth of Section 499 reads as under:

**"Ninth exception – Imputation made in good faith by person for protection of his or other's interests** – it is not defamation to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interest of the person making it, or of any other person, or for the public good.

**Tenth Exception – caution intended for good of person to whom conveyed or for public good** – it is not defamation to convey a caution in good faith to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed or of some person in whom that person is interested, or for the public good.

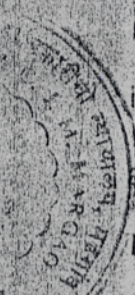
31. So also I shall usefully refer to the case of Ramesh Roy vs. the King 1952 Calcutta 226 in which case it was held that in order to come within the exception the accused person is not bound to prove that the allegations made by him are true. It is sufficient for him to prove that he reasonably believe that the allegations to be proved and that belief he bonafidly made to the lawful authority mentioned in exception 4. Although this case pertains to the 4<sup>th</sup> exception to Section 499, the principal of bonafides laid down therein would be efficiently be applicable to all other exceptions. So also in the case of H. Singh v. State of



Punjab AIR 1966 SC 97 wherein the court has discussed the nature and scope of the onus of proof that the accused is required to discharge in seeking protection under exception 9 in the following words:

- i) if it is shown that the accused has led evidence to show that he acted in good faith and by the test of probabilities that evidence establishes his case, he will be entitled to claim the benefit of Exception 9.
- ii) the proof of truth of the impugned statement is not an ingredient of the Ninth Exception as it is of the first; under the Ninth Exception it is not necessary and indeed it is immaterial, to consider whether the accused has strictly proved the truth of the allegations made by him.
- iii) it is true that the mere plea that the accused believed that what he stated was true by itself, will not sustain his case of good faith under the ninth Exception. Simple belief or actual belief by itself is not enough. It must be shown that the belief in the impugned statement had a rational basis and was not just a blind simple belief. That is where the element of the due care and attention plays an important role.
- iv) it is not possible to lay down any rigid rule of test for deciding whether an accused person acted in good faith under the Ninth Exception. The question has to be considered on the facts and circumstances of each case.

32. Thus the moot point surfacing from the discussions made above is that in deciding whether or not the allegations put forth by the accused the question of good faith the proper point to be decided is whether or not the allegations put forth by the accused in support of the defamation are substantially true but whether he was informed and has good reason after due care and attention to believe that such allegations were true. In the instant case, there is ample material placed on record for the accused to believe that the complainant was involved in taking the delivery of the car booked by him. In either case, the accused has been charged for defamation and not malicious prosecution. Therefore vis-a-vis the defence raised by the accused it was incumbent for the





complainant to show malice or absence of due care on the part of the accused in making such complaint. It will also not be out of place to mention that the entire case is based on the defamatory reports that were published on the news paper. It is nowhere brought on record as to what role the accused played in publication of those reports. It is abundantly clear that the accused in good faith had reported the incident to the police and through the police the same may have been published on the news paper. The role of the accused in doing so has not been apparently shown so as to hold him culpable for defamation.

33. In the course of arguments, it is sought to be canvassed that the complainant himself does not hold esteem in the eyes of public therefore, there is no question of defaming him and to support his contention, the accused has brought out to the notice of the court certain facts which is pointed out that on the date when the witness was under cross examination the witness was under suspension. Subsequently, when the witness was recalled after about 9 years in connection with production of some documents, the witness was also under suspension but in respect of some other inquiry. It is come in the cross of the complainant that all these inquiries against him were pertaining to financial impropriety in his official dealings in public capacity at the Kadamba Transport Corporation. The complainant has also stated in his cross that he was demoted and was also kept without work in his Porvorim office. The accused has brought on record news paper reports of the complainant having assaulted one Vidya Naik and of an FIR filed against him to which the complainant has placed on record another news paper report claiming that he was assaulted by said Vidya Naik. The complainant has also placed on record the reports of the inquiry authority absolving him of all charges. With the background of this documents and the arguments advanced, it is observed that the above said documents at the most may show that the complainant did not have a completely flawless reputation however, it does not suffice in proving that the complainant was a



publicly known cheater and that the reputation did not do anything bad to his already spoilt reputation. Hence in view of this, I shall not go further in discussing the documents pertaining to the inquiries against the complainant.

34. Thus summing up it is observed that the complainant has failed to prove the existence of motive or mensrea on the part of the accused. This notwithstanding the complainant has also failed to prove that the publication was intended to defame the accused. It is also not shown that the accused knew or had a reason to believe that filing of police complaint bonafidely would defame the complainant. This observation has to be taken in the light of the fact the publication of the news item was a result of the FIR filed by the accused. The complainant has failed to prove the role played by the accused in getting the said Complaint published on the news paper. Whereas the accused has brought cogent material on record to show that his suspicion against the complainant was well founded and there was no malice to absence of due care on his part. Hence point no. 1 is decided in negative.

35. I pass the following:

ORDER

Accused is acquitted of the offence punishable under section 500 of IPC.

His bail bond stands cancelled.

Surely stands discharged.

*Pooja C. Kavlekar*  
 ( Pooja C. Kavlekar )  
 Judicial Magistrate First Class,  
 Margao.

lp/\*

Compared with original

*Holey*  
 LRC.

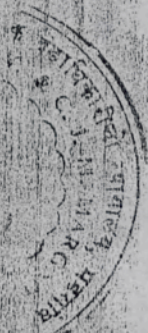




Exhibit 1A/colly.

92/c 4470

(171)

DOCKET

Gov 20132

VEHICLE CODE

Dist/D-7

SAI SERVICE STATION LIMITED

DOCKET NO.

<b>A CUSTOMER DETAILS</b>		<b>B ALLOTMENT DETAILS</b>	
Name <u>F. V. S. Kunkolienkar /</u> <u>Neulmal Mahesh Kulkarni</u> <u>Sirvi</u> <u>kepem - 600</u>		Chassis No. <u>141832</u>	
Telephone		Engine No. <u>1271522</u>	
Allotment No. <u>3402-V-80129</u>		Colour <u>White</u>	
Vehicle Type <u>Van</u>		Invoice No. <u>51375</u>	
Colour <u>white</u> Date <u>7/8/95</u>		Invoice Dt. <u>16.2.96</u>	
Delivery Status <u>7-8 months</u>		Docket Entry : Name <u>Keena</u>	
		Date	
		MUL Invoice No. <u>159650dt: 3/2/96</u>	
		<b>C DOCUMENTS SUBMITTED</b>	
		E Form	
		Address Proof	
		Insurance Cover Note No.	
		Remark	

**D HYPOTHICATION** Punjab National Bank.

**E PAYMENT DETAILS**

Receipts :

Sr.	Receipt No.	Dt.	D D No.	Dt.	Bank	Payable	Amount Rs. Ps.	
1	<u>20647</u>	<u>7/8</u>	<u>918498</u>	<u>7/8</u>	<u>Punjab N. Bk</u>	<u>N.D.</u>	<u>1,66,927</u>	<u>00</u>
2	<u>20177</u>	<u>06/3</u>			<u>Cash</u>		<u>12,650</u>	<u>29</u>
3								
4								

INSURANCE COVER NOTE No.

Date

Premium Rs.

BH-76/06  
24/5/96

**G REFUND DETAILS**

	Ch. No./Cash	Date	Amount
1			
2			

**H DELIVERY DETAILS**

I accept the terms & conditions printed on reverse of this Docket.

Note

Date 7/8/95 Customer Signature [Signature] For SAI SERVICE STATION LTD.



172

### TERMS & CONDITIONS

- 1) I/We \_\_\_\_\_ am/are depositing payment with clear understanding that the price of the vehicle prevailing on the date of delivery would be payable by me/us & that I/We would not hold Sai Service Station Limited or Maruti Udy Ltd. responsible in the event of an increase in price for whatsoever reason.
- 2) The price of the vehicle at the time of booking is tentative and subject to change without any notice.
- 3) ~~The delivery of vehicle will be strictly as per seniority of payment.~~
- 4) Change of colour is permitted only after 15 days of booking.
- 5) Interest at the rate of 8% p a. is payable by the dealer over and above 7 days from the date of booking (payment) to date of invoice by Sai Service Station Limited.
- 6) Maruti Udyog Limited reserve the rights to modify the procedure in regards to purchase of vehicle as and when considered necessary by them without any notice.
- 7) The delivery period quoted on the receipts is tentative and subject to change depending on the availability of type and colour of the model, transportation etc.

Date :

(B) [Signature] 25  
Signature of Customer

NOTES :

(C) [Signature] 26  
8/3



9110

INDEX REGARDING REPRESENTATION OF  
SHRI MAHESH P. KAMAT

Sr.No.	Date	Subject
1.	27.5.2002	Complaint against Shri V.V.S.Kunkolienkar for attending court while on sick leave
2.	22.2.2006	Regarding refusal of steno typist
3.	24.4.2006	Regarding typist
4.	3.1.2007	Complaint for not taking action on the Enquiry report dated 29.7.2005
5.	22.2.2007	Regarding Budget staff, sitting place for staff and Computer.
6.	18.5.2007	Complaint against V.V.S. Kunkolienkar reg. Sumo Vehicle.
7.	31.8.2005	Reg. Pending enquiry of against the petitioner and promotion of Shri S.V.Naik, P.A.Gaonkar & George Fernandes shall be reviewed.
8.	24.1.2006	Complaints against V.V.S.Kunkolienkar
9.	18.1.2007	Complaints against V.V.S. Kunkolienkar no authority to exercise disciplinary powers.



277/c  
447  
18/7/98  
No. KTC/ADMN/1-2/98-99/24  
Kadamba Transport Corpn. Ltd.,  
Panaji-Goa. golo

Dated: 18.7.98

O R D E R

Ref: Order No. KTC/PERS/566/98-99/731  
dated 26th June, 1998.

Vide above mentioned order Shri M. P. Kamat, Officer, K.T.C.L. has been provided sitting arrangement in Depot Manager's cabin at Porvorim depot.

2. The functioning of Porvorim Depot needs immediate improvement and therefore Shri M. P. Kamat has been assigned certain duties vide Order no. KTC/ADMN/1-2/98-99/20 dated 14.7.98 to enable the Corporation to take urgent remedial measures. The Corporation has to take a final decision on the remedial measures to be implemented on the report called for from him vide order dated 14.7.98. Therefore, he should submit the report on or before 17th August, 1998 as the remedial measures to be taken by the Corporation are totally dependent on the basis of the report. Implementation of remedial measures on the basis of his report, will take time. Therefore, Shri M. P. Kamat is transferred to Porvorim Depot and shall continue to occupy the Depot Manager's cabin allotted to him and carryout the duties allotted to him from time to time by the Managing Director. During his discharging duties at Porvorim Depot, he shall observe the Depot timing and enjoy the Public Holidays and Restricted Holidays as applicable and enjoyed by Officers of the Depot.

3. He shall continue to draw his pay and allowances in the pay scale applicable to him.

4. This order comes into force with immediate effect.

*P. S. Reddy*  
( P. S. Reddy )  
Managing Director

To,  
Shri M. P. Kamat,  
Officer,  
K.T.C. Ltd.,  
Porvorim Depot.

C.C. to:

1. The Asst. Depot Manager, Porvorim.
2. The Dy. Financial Controller.
- ✓ 3. The Personnel Officer.



No.KTC/ADMN/1-2/2006-07/08  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

228/c  
89/c

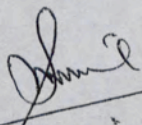
Dated: 27.4.2006

NOTE

With reference to your Representation dated 18.4.2006 and to inform you that your request for permission to address press conference, cannot be agreed for following reasons:

1. At the outset you have mentioned in your representation that litigations are of personal nature, therefore, this Corporation has no iota whatsoever nature for personal cases, even admitting that your personal records are produced and relied upon by the other party in the court case.
2. Criminal or civil cases have their separate legal entity and while matters are subjudice, drawing the premature inferences on basis of self assumption have no meaning at all, and can be viewed as lack of faith in the judiciary. If you are confident and have sufficient documentary evidence, you can rely on same in the Court of law and struck out the charges levelled against you. Further, while Departmental Enquiries are pending against you, granting you the permission to address the press may not be in the interest of the Corporation and could be against the service rules as well as office secrecy and hence not permissible.
3. Departmental proceedings and criminal trials of personal nature have no connection and can proceed simultaneously. As mentioned in your representation, even if you have been exonerated in the first Departmental Enquiry, it is a fact that other two are in administrative process, however, you cannot make fictitious allegation against Disciplinary Authority in a letter form as done in this case for which you shall be responsible, to substantiate the allegations.

You are therefore advised not to take any step such as addressing the press conference as requested.

  
( S. V. NAIK )  
Managing Director

To,  
The Officer on Special Duty,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.



11

*Report put up before 28/4/06*

227 C  
SS/C

KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 304 ...  
Date: 18/4/06

From:-

Shri M.P. Kamat,  
Officer On Special Duty,  
Kadamba Transport Corp. Ltd  
Alto-Forvorim-Goa.

Dated:- 18.04.2006.

To,  
The Managing Director,  
Kadamba Transport Corp. Ltd.  
Alto-Forvorim-Goa.

*20/4/06 PA to ...*

Sub:- Press Conference.

Sir,

*Cooperate with  
Concerning  
personal cases*

This is for your knowledge and information that myself and Shri V.V.S. Kunkolienkar are fighting personal litigations through civil and criminal courts. During the year 1996 a false case of cheating of personal nature was filed against me by the said Shri Kunkolienkar, which created a big hue and cry in the Corporation. As a fall out of this false complaint I was transferred from the cadre post followed by suspensions, inquiries, charge sheets, reversion, denial of proper sitting place etc. etc. As a result of this, my personal records which were crystal clear from the date of joining in the year 1982 till 1996 were subsequent to this event clouded with various charge sheets/suspensions/memorandums etc. etc. These charge sheets/memorandums/suspensions, transfer orders etc. are relied upon by Shri Kunkolienkar in the court cases.

*Second enquiry  
is not  
pending  
the  
change  
is not  
pending*

The litigations are in the final stages and it was in my contemplation to file the clearance reports and other evidences in counter evidence. (The first enquiry is complete and with respect of which the exoneration order is issued to me. The second enquiry report dated 28.07.2005 for the best reasons known to the Disciplinary Authority, is not administratively processed. It is still a non-starter. The third enquiry is complete and the report is awaited and with the past experience of processing delays on the second enquiry report, it is my belief that the final action on the third enquiry report might take several years. I cannot assume



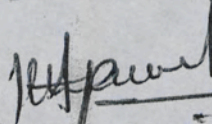




225/K  
86/6

objections if any alongwith the reasons. In case such intimations is not received on or before 30th April 2006, it shall be presumed that the permission is granted to me. This letter is addressed separately to the Managing Director Kadamba Transport Corporation Ltd, and to the Hon. Chairman, KTCL with a extra copy each and with a request that the contents of this notice may also be brought to the notice of the members of the Board.

Yours faithfully,



( M.F. KAMAT )

OFFICER ON SPECIAL DUTY

Encl: extra copy



224/18  
85/c

From:-

Shri M.P. Kamat,  
Officer On Special Duty,  
Kadamba Transport Corp. Ltd.  
Alto-Forvorim-Goa.

Dated:- 18.04.2006.

*Original with MD.*

To,  
The Managing Director,  
Kadamba Transport Corp. Ltd.,  
Alto-Forvorim-Goa.

Sub:- Press Conference.

Sir,

This is for your knowledge and information that myself and Shri V.V.S. Kunkolienkar are fighting personal litigations through civil and criminal courts. During the year 1996 a false case of cheating of personal nature was filed against me by the said Shri Kunkolienkar, which created a big hue and cry in the Corporation. As a fall out of this false complaint I was transferred from the cadre post followed by suspensions, inquiries, charge sheets, reversions, denial of proper sitting place etc. etc. As a result of this, my personal records which were crystal clear from the date of joining in the year 1982 till 1996 were subsequent to this event clouded with various charge sheets/suspensions/memorandums etc. etc. These charge sheets/memorandums/suspensions, transfer orders etc. are relied upon by Shri Kunkolienkar in the court cases.

The litigations are in the final stages and it was in my contemplation to file the clearance reports and other evidences in counter evidence. The first enquiry is complete and with respect of which the exoneration order is issued to me. The second enquiry report dated 28.07.2005 for the best reasons known to the Disciplinary Authority, is not administratively processed. It is still a non-starter. The third enquiry is complete and the report is awaited and with the past experience of processing delays on the second enquiry report, it is my belief that the final action on the third enquiry report might take several years. I cannot assume



2231  
846

the risk of the court arriving adverse conclusions as against me with reference to the charge sheets/memorandums, suspensions and reports on court records.

With the documentary evidences in my possessions in the form of charge sheets, exhibits in the enquiry, confirmed false evidences by the managements witnesses and the enquiry reports, I would like to clarify the facts of the case for public knowledge and eventually bring them on court record to counter the evidences brought against me in the personal litigations before the civil and criminal courts. From the facts in my possessions it is a established case that the allegations against me were in fact the actss committed by Shri V.V.S. Kunkolienkar and various other officers in the KTCL including the Disciplinary Authority at the relevant time. It is also a established fact that the management KTCL had disowned enquiry proved malafide by some of the officers which are subject matter of enquiry against me and even promoted some of the officers including those deposing falsely on their own acts vis-a-vis ordering enquiry against me and delaying the action on the enquiry report already received by the Disciplinary Authority. Having fully confirmed that the acts of allegations as laid out against me were either the acts committed by other officers including the Disciplinary Authority by-passing me while on duty or such acts of other officers do not forming part of my functional assignment, or acts taken place during my leave period.

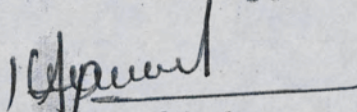
Hence I desire to address a press conference for clarification. This may be taken as a intimation, if such intimation is required to be given and for permission if such permission is required to be obtained I should be informed on or before 30th April 2006. The management



222/c  
83/c

objections if any alongwith the reasons. In case such intimations is not received on or before 30th April 2006, it shall be presumed that the permission is granted to me. This letter is addressed separately to the Managing Director Kadamba Transport Corporation Ltd, and to the Hon. Chairman, KTCL with a extra copy each and with a request that the contents of this notice may also be brought to the notice of the members of the Board.

Yours faithfully,



( M.P. KAMAT )

OFFICER ON SPECIAL DUTY

Encl: extra copy



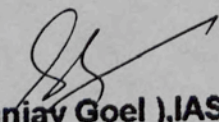
82/c

KTC/ADMN/1-1/2007-2008/24  
Kadamba Transport Corporation Limited,  
Paraiso-de-Goa., Alto-Porvorim,  
Bardez - Goa.,  
Date:- 8<sup>th</sup> June,2007

**SUSPENSION ORDER**

In exercise of the Powers vested in me vide BOD resolution No. 900 taken in the 90<sup>th</sup> meeting dated 12.5.1997 of the B.O.D., Shri Mahesh P. Kamat, Dy. Financial Controller (Costing & Budget) attached to Head Office, Porvorim is hereby placed under suspension with immediate effect, as disciplinary proceedings are contemplated against him.

During the period of suspension, Shri Mahesh P. Kamat, Dy. Financial Controller (Costing & Budget) will be entitled for subsistence allowance as per the Conduct Rules in force only after production of necessary non-employment certificate under FR-53(2) and during the period of suspension, the headquarters of Shri Mahesh P. Kamat, Dy. Financial Controller (Costing & Budget), will be the place of his residence i.e. Flat No.2, F-2., "Shivneri"., Comba, Margao - Goa., which was intimated by him to the office and he shall not leave the same without obtaining prior written permission from the undersigned.

  
( Sanjay Goel ), IAS  
MANAGING DIRECTOR

To,  
Shri Mahesh P. Kamat,  
Dy. Financial Controller (Costing & Budget).,  
Kadamba Transport Corporation Limited,  
Paraiso-de-Goa., Alto-Porvorim,  
Bardez - Goa.,

To be served at :-  
Flat No.2, F-2.,  
"Shivneri".,  
Comba, Margao - Goa.,

Copy to:- Hon'ble Chairman for information please

1. The General Manager.
2. The Finance Department, H.Q.,
3. Personnel Department
4. Other concerned depts. \_\_\_\_\_
5. Office File
6. G/File.,

*Refused to accept  
and posted on door of  
Flat No. 2, F-2, 'Shivneri' Comba Margao  
in presence of A.T.I. F. X. Dias  
for Mahadev Sauer (3)*

*08/6/2007*  
*21-10-2007*  
*21-10-2007*



8/6

NOTE

Date:- 8/6/2007

Today at around 17.30 hrs, Shri Nandkumar Pednekar, Peon attached to the Administration department, as per the direction of the Managing Director reported the undersigned and informed that, he went twice to handover letter under reference No. KTC/AMN/1-2/2007-2008/22, dated 8/6/2007 to Shri M. P. Kamat, Dy. Financial Controller ( Costing & Budget ) in his chamber at around 16.30 hrs. However, Shri M. P. Kamat, refused to acknowledge the said letter saying that, he is not having the clerk and let the letter come through inward. Shri Pednekar further informed that, Shri M. P. Kamat told him that, he will not take such letters personally by signing

Submitted please.

<sup>Pawase</sup>  
( T. K. Pawase )  
PERSONNEL MANAGER

MANAGING DIRECTOR

*This is another instance of insubordination by the concerned officer. He is in a habit of creating nuisance by asking various information under RTI, asking for permission to hold Press Conference, complaining about other officers etc. without doing any assigned work. It is directed to put him under suspension with immediate effect pending disciplinary proceedings.*

*[Signature]*  
8/6

PM



बंदकमाल व पंसेका ३०/६

कंपनी देड ऑफिस  
परवरी रोड

ना.८-६-२००७

RECEIVED  
INVOICE NO. 1768  
Date: 21/6/07

लेटर NO. KTC/ADMN/1-2/2007-2008/22 - मून डिस्का-  
देवाने शांतिगाल्या प्रमाणे दे लेटर देऊन मी - by Financial  
Controller (Costing & Budget) मंदूर) मी कोमला देऊन  
वेळी शांत स्थापना करणे जवळ ४ वाळू उभारिते  
देले मी त्यांना देण्यासाठी - त्याने शांतिगाल्या माझा फायदा  
जाही मला देणवडालून देऊवे. मी शांत नार्वन  
देता जाही. मी मठा नार्वन मधून डिस्का शांति-  
गाल्या उभे मिळून देतो. मी देण वळा जेका प्यावे  
नार्वन शांतिगाल्या. त्याच्या नंतर मी ५.३० वा परी रोडला.

~~...~~

~~...~~

बंदकमाल व पंसेका

To: M. P. R. S. S.

RM



K: 1767  
Inv: ...  
Date: 8/6/07

Office of the OSD, H.O.  
KTCL, Porvorim

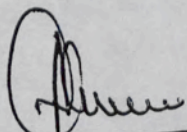
Dated:- 08.06.2007

NOTE

Consequent upon written note/letter issued by the Managing Director to Shri M.P. Kamat, Dy.F.C.(C & B) to surrendered the Mobile Handset & Sim Card, I personally requested him to surrendered the Mobile & Sim Card. However, he did not surrendered the same. Thereafter, on subsequent date Shri M. P. Kamat was called by Managing Director in his chamber and advise to surrender the Mobile & Sim Card. However he did not surrendered the sim card till today.

As directed, I personally visited in the Chamber of Shri M. P. Kamat, Dy.F.C. (C & B) today at or around 04.55 p.m.. and requested him to surrendered the Sim card of his Mobile to me. However he informed that he cannot surrendered the Sim Card and advise that he may be placed under suspension.

Submitted for information.

  
(A. S. Shirvoikar)  
Officer On Special Duty.

To,  
The Managing Director,  
KTCL, Porvorim

*It amounts to sheer insubordination. In the past also, the concerned officer has been involved in the acts of insubordination and nuisances. He should be suspended for these acts with immediate effect.*

*8/6*

*Suspension order is placed herewith for sign please.*

*7 aware PM 8/6.*

*Scame at his home through special messenger.*

*8/6*

*PM*

*MD*

*PM*

*79/C*



E-2/39

78/e

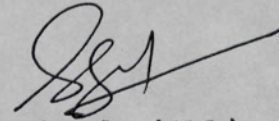
KTC/ADMN/1-2/2007-2008/ 22  
Kadamba Transport Corporation Limited,  
Paraiso-de-Goa., Alto-Porvorim,  
Bardez - Goa.,  
Date:- 8/6/2007

**MEMORANDUM**

**Sub:- Press Conference**

I am to refer your representation dated 5.6.2007 on the subject cited above and to inform you that, you are not authorised by the management to hold the press conference as required under Rule 11(3) of C.C.S.(Conduct) Rules,1964.

Under the circumstances, your request on the subject is rejected.



( Sanjay Goel, IAS )  
MANAGING DIRECTOR

To,  
Shri. Mahesh P. Kamat,  
Dy. Financial Controller (Costing & Budget)  
KTCL, Porvorim.,

Copy to:-

1. Pers. File.,
2. O/C.,
3. G/File.,



77

Service details of Shri M.P. Kamat.

1. Joined in K.T.C.L. as Accountant w.e.f. 16.12.1982.
2. Appointed as Asst. Financial Controller w.e.f. 1.10.1985
3. Promoted as Dy. Financial Controller w.e.f. 24.3.1990
4. Transfer as Statistical Officer vide order No.KTC/PERS/3/96/97/2087 dt. 7.11.1996.
5. He was on earned leave from 31.10.1996 to 2.12.1996.
6. Charged taken over as S.O. vide dtd. 6.12.1996.
7. Suspended vide order No.KTC/PERS/5/97-98/2042 dtd. 25.10.1997.
8. Revoked vide order No.KTC/PERS/5/97-98/2502 vur he joined on 29.12.1997.
9. Vide order dtd. 30.12.1997 Sitting arrangement was made outside legal Advisor's cabin.
10. Memo regarding not finding in office
11. Sitting arrangement was made at Porvorim Depot vide order dtd. 26.6.1998.
12. Suspended vide order No.KTC/ADMN/1-2/2000-2001/106 dt. 24.2.2001 as S.O.
13. Revoked vide order No.KTC/ADMN/1-2/2002/2003/61 dt. 27.8.2002.
14. Joined on 2.9.2002 as S.O.
15. He was transfer as O.S.D. vide order No.KTC/PERS/3/2002-2003/1259 dtd. 20.9.2002
16. He was transferred and posted to Personnel Department as Personnel Manager shall continue to hold the charge of the O.S.D. vide order dtd. 27.2.2003 and he joined on 3.3.2003 as Personnel Manager.
17. Vide order No.KTC/PERS/3/2006-2007/548 dtd. 16.5.2006, he was transferred as Dy. Financial Controller, ( Costing and Budgeting) .



76/c

NOTE

Date:- 6<sup>th</sup> June, 2007

The Board of Director in its 90<sup>th</sup> Board Meeting held on 12.5.1997, approved vide Resolution No. 901 to implement the Central Civil Services (Conduct) Rules 1964 and Control Civil Services (Classification, Control and Appeal) Rules 1965 to the Officers of the Corporation . The same is reproduced herebelow.

Resolution No. 901

**"RESOLVED THAT**, the rules/regulations/notificationsOrders referred to in resolution No. 723 passed by the BOD of Directors in 69<sup>th</sup> Meeting held on 28.9.1992 also includes Central Civil Services (Conduct ) Rules 1964 and Central Civil Services (Classification, Control and Appeal ) Rules 1965 is hereby approved.

**RESOLVED FURTHER THAT**, the Managing Director be and is hereby authorised to take all necessary action in the matter."

Accordingly, by another resolution No. 900, the powers of taking the Disciplinary Action were delegated to the Managing Director of the Corporation. The Resolution No. 900 is reproduced herebelow for reference.

**'RESOLVED THAT**, the Managing Director with the concurrence of the Chairman be and is hereby authorised to transfer Group "A" and Group "B" Officers of the Corporation to different section/Branches."

**"RESOLVED FURTHER THAT** whenever Group "A" Officer is transferred to Group "B" post, the Group "B" post to which the Group "A" Officers has been transferred shall be deemed to have been upgraded to Group "A" post with effect from the date the Group "A" Officer assumes charge and shall remain so upgraded so long as the Group "A" Officer continues on the said post."

**"RESOLVED FURTHER THAT**, the transfer of Group "A" & "B" Officers already effected by the Managing Director be and is hereby ratified."

**"RESOLVED FURTHER THAT** The Power of the BOD to take Disciplinary Action against Group "A" and Group "B" Officer be and is hereby delegated to the Managing Director subject to the conditions that major punishment of demotion and dismissal/removal from the services of the Corporation shall be imposed only with the approval of the BOD."

**' RESOLVED FURTHER THAT** the Managing Director be and is hereby authorised to take all necessary action in the matter."

As per FR-56 (j) which applies to KTCL Officers also, the Appropriate Authority shall, if it is of the opinion that it is in the public interest so to do, have absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice;



75/C

75

(i) If he is, in Group "A" or Group "B" service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years;

(ii) in any other Applicant after he has attained the age of fifty-five years;

( Copy of the extract of FR-56 is placed herewith for ready reference.)

Further, as per Rule 11 of CCA & CCS, Compulsory Retirement as a penalty is different from "Compulsory Retirement" as an administrative action under F.R.56(j) or Rule 48 of the C.C.S. (Pension) Rules, 1972. The more important points of difference are-(i) while Compulsory retirement as administrative action can be ordered on assessment of overall records of the employee, the penalty of compulsory retirement can be imposed only on account of a misconduct which is established after holding proceedings in accordance with the prescribed procedure; and (ii) though the pensionary benefits can be reduced to the extent of one-third in Applicant of Compulsory Retirement as a penalty, the normal pension without any deduction is payable in the Applicant of Compulsory retirement of other kind. If goes without saying that the Compulsory retirement in terms of administrative rules is not a penalty and is outside the scope of Art,311(2). ( copies of extract of Rule 11 of CCA & CCS and article 311 are placed herewith for perusal.)

Shri Mahesh P. Kamat, joined the services of the Corporation on 16/12/1982 on attaining the age of 28 years as Accountant. Thereafter, he was departmentally selected to the post of Asstt. Financial Controller with effect from 1/10/1985 and promoted as Dy. Financial Controller with effect from 24/03/1990. While functioning as Dy. Financial Controller, Shri Mahesh P. Kamat was issued three Charge-Sheets on different Articles of Charges. All the Charge-Sheets were placed for the departmental enquiry before the enquiring authority. He was placed under Suspension as Statistical Officer Pending departmental enquiry and final action with effect from 25.10.1997 till 17.12.1997. Also he was again placed under suspension as Statistical Officer pending departmental enquiry and final action with effect from 24.2.2001 till 27.8.2002. Since no charges framed against Shri M. P. Kamat were proved in two Charge-Sheets, he was exonerated from the charges framed against him vide order No.KTC/ADMN/1-2/2003-04/72, dated 20.11.2003 and No.KTC/ADMN/1-2/2006-07/122, dated 17/2/2007 respectively. Copies of the exoneration orders are placed in the file for perusal. As regards to the third Charge-Sheet framed against him, it is learnt that the departmental



7A/C  
74/c

enquiry has been completed and the enquiry report is in the Office of the Disciplinary Authority for final action.

He has been posted as Dy. Financial Controller ( Costing & Budget ) with effect from <sup>May</sup> June, 2006. Accordingly, he has been allotted the duties of the post vide order No. KTC/PERS/110(566)/2006-2007/3392, dated 20/2/2007. Subsequently, he has been posted with one Jr. Stenographer and one C.L.D.C. for every half day and two clerks were issued with the transfer order from the Civil department, however, it is learnt that, both the clerks had approached the then Managing Director/ Hon,ble Chairman saying that, they are not willing to work under Shri Mahesh P. Kamat. Further, the Jr. Stenographer provided to him vide order No. KTC/PERS/3/2006-2007/3373, dated 16/2/2007 has been withdrawn by the Managing Director vide Order No. KTC/ADMN/1-2/2007-08/4, dated 12/4/2007 Presently, he is provided with one C.L.D.C. from the Accounts Department for every half day.

During the period, Shri Mahesh P. Kamat has addressed several correspondances to the Managing Director as well as to the P.I.O. seeking various informations under Right to Information Act and the same are placed in the file from page No \_\_\_\_\_ to \_\_\_\_\_ respectively.

In addition to above he has addressed several correspondance/representation before the Managing Director same are also placed in the file from page No \_\_\_\_\_ to \_\_\_\_\_ respectively

Considering the above position, before taking any decision, the same is required to placed before the BOD in terms of Resolution No.901 above.

Submitted please.

( T. K. Pawase )  
PERSONNEL MANAGER

latest  
of memorandum  
and refusal  
Subscribed  
mobile phone & sim card

**MANAGING DIRECTOR**

see to accept the letter  
in violation of the request  
a press conference  
has been placed under  
press work 8-8-2007 (third time  
in last 10 years)



On perusal of the above submission, following observations regarding mis-behaviour of Shri Mahesh P. Kamat may be noted;

He was transferred and posted as Dy. Financial Controller (Costing & Budget) vide order No. KTC/PERS/3/ 2006-07/548, dated 16<sup>th</sup> May, 2006, and on acknowledging the said order, Shri Mahesh P. Kamat vide his note No. 19, dated 22.5.2006 represented in connection with the transfer order issued to him. On examining his representation, he was asked to continue to hold the charge of Officer On Special Duty vide order No. KTC/PERS/3/2006-07/615, dated 29.5.2006.

1 He was issued written instructions dated 20.2.2007 to undertake regular work as Dy. Financial Controller (Costing & Budget). However, vide his letter No. KTC/DYFC/C7B/2006-2007/23, dated 22/3/2007 addressed to the Managing Director, he closed the Costing & Budgeting exercise supposed to be done by him in his capacity as Dy. Financial Controller (Costing & Budget) on the plea that Officers are not Co-Operative with him and not providing him information, lack of staff and facilities. It amounts to insinaty and absolving one's duties on superficial grounds without making any serious efforts on his part to get the assigned work done.

2 Further vide letter No. KTC/ADMN/1-2/2007-08/08, dated 26/4/2007 he was assigned duties to ensure accounting of the "Spare" viz-a-viz respective ybuses. However, again vide letter addressed to the Managing Director, he stopped doing further work on grounds of non Co-Operation from the Officers and shortage of Staff.

3 He was assigned adhoc duty for line checking vide order No. Nil, dated 30.4.2007, however, in reply to the said line checking order vide his letter No. Nil, dated 2.5.2007, he has stated that "I, would like to state that, I do not have moral sancity to check the Conductors who might have pilfered some revenue in Rs. tens or few hundreds. The inspecting authority should not be under the clouds. I myself is facing serious allegations running into few lakhs of rupees. Natural justice demands that the inspecting authority should not be under clouds." ( Copy of the same is placed in the file at page \_\_\_\_\_.)

4 On demand of his leave application dated 11.5.2007 to 5.6.2007 to the Managing Director in his reply vide letter No. Nil, dated 30/5/2007 he has stated that, "



72/c

My absence from work place shall not make any difference to KTCL." " In fact I have appeared before you almost after a month wherein I was also threatened with Disciplinary Action." ( Copy of the same is placed in the file at page \_\_\_ )

5 In various letters ( Copies enclosed ) to the Managing Director and Chairman, it is clear that he is always making a accusation on the Officers regarding their exoneration, service benefits etc.,

6 All the junior staff allotted to him has denied to work under him due to his personal behaviour.

7 Vide letter dated 19/5/2007, Shri Mahesh P. Kamat has claimed that, the payment of difference in subsistence allowance is delayed beyond 90 days after receipt of the enquiry report and for which he has claimed an interest of Rs.10% per anum. ( Copy of the said letter is placed in the file at page \_\_\_ )

8 He is in a habit of addressing letters to the Managing Director and the other authorities almost everyday just accusing others and for the benefits they are enjoying.

9 Recently, vide Note No. KTC/ADMN/1-2/2007-2008/20, dated 4/6/2007 he was directed to handover the mobile handset and the SIM card, however, despite of written directives from the Managing Director, he refused to handover the mobile hand set and SIM card, this amounts to insubordination.

ad verbal instructions issue

10 He has addressed several correspondance to the Managing Director and P.I.O., seeking various information under Right to Information Act. ( Copies of the same are placed in the file from page ---- to \_\_\_ )

11 He has been issued Memorandum No. KTC/ADMN/1-2/2007-2008/22, dated 7/6/2007 for making mis-using Office Stationery and staff for his personal representations and grievances. ( Copy of the same is placed in the file at page \_\_\_ )

12 He is without any charge/work since June,2006. In the past whatever work is assigned to him, he has not completed on the pretext or without making any serious efforts.

All the episodes amounts to total insubordination, lack of positive attitude towards work, improper personal behaviour and a negative mind set.

Since he is drawing the basic pay of Rs. 14,550/- in the Pay scale of Rs. 10,000-325-15,200/-, his total gross salary per month worksout to Rs. 40,264.75 and since Corporation is not able to use his any service due to his above mentioned

13 In the latest case, he sought permission for holding Press Conference. When the Decree letter was sent to him, he refused to accept the same despite of being approached twice by the person in direction of M.D., ~~on~~ on the plea that there is no staff to receive & ...



71/c

71/c

behaviour, he is a right person/Officer to be issued Compulsory Retirement under FR-56(j) as a administrative action in the Public intrest.

It is therefore placed before the Board for consideration and necessary decision please.

( Sanjay Goel,IAS )  
MANAGING DIRECTOR

ii  
... (CobA ...)



NOTE

Date:- 6<sup>th</sup> June, 2007

*Fofc*

The Board of Director in its 90<sup>th</sup> Board Meeting held on 12.5.1997, approved vide Resolution No. 901 to implement the Central Civil Services (Conduct) Rules 1964 and Central Civil Services (Classification, Control and Appeal) Rules 1965 to the Officers of the Corporation were approved. The same is reproduced herebelow.  
Resolution No. 901

"RESOLVED THAT, the rules/regulations/notifications Orders referred to in resolution No. 723 passed by the BOD of Directors in 69<sup>th</sup> Meeting held on 28.9.1992 also includes Central Civil Services (Conduct) Rules 1964 and Central Civil Services (Classification, Control and Appeal) Rules 1965 is hereby approved.

RESOLVED FURTHER THAT, the Managing Director be and is hereby authorised to take all necessary action in the matter."

Accordingly, by another resolution No. 900, the powers of taking the Disciplinary Action were delegated to the Managing Director of the Corporation. The Resolution No. 900 is reproduced herebelow for reference.

'RESOLVED THAT, the Managing Director with the concurrence of the Chairman be and is hereby authorised to transfer Group "A" and Group "B" Officers of the Corporation to different section/Branches."

"RESOLVED FURTHER THAT whenever Group "A" Officer is transferred to Group "B" post, the Group "B" post to which the Group "A" Officers has been transferred shall be deemed to have been upgraded to Group "A" post with effect from the date the Group "A" Officer assumes charge and shall remain so upgraded so long as the Group "A" Officer continues on the said post."

"RESOLVED FURTHER THAT, the transfer of Group "A" & "B" Officers already effected by the Managing Director be and is hereby ratified."

"RESOLVED FURTHER THAT The Power of the BOD to take Disciplinary Action against Group "A" and Group "B" Officer be and is hereby delegated to the Managing Director subject to the conditions that major punishment of demotion and dismissal/removal from the services of the Corporation shall be imposed only with the approval of the BOD."

' RESOLVED FURTHER THAT the Managing Director be and is hereby authorised to take all necessary action in the matter."

As per FR-56 (i) <sup>which applies to KTC (also)</sup> the Appropriate Authority shall, if it is of the opinion that it is in the public interest so to do, have absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice;

*As per Rule 11 CCA & CCS. —*



69/c

(i) If he is, in Group "A" or Group "B" service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years;

(ii) in any other Applicant after he has attained the age of fifty-five years;

Copy of the extract of FR-56 is placed herewith for ready reference.

Shri Mahesh P. Kamat, joined the service<sup>2</sup> of the Corporation with effect from 16/12/1982 on attaining the age of 28 years as Accountant. Thereafter, he was departmentally selected to the post of Asstt. Financial Controller with effect from 1/10/1985 and promoted as Dy. Financial Controller with effect from 24/03/1990. While functioning as Dy. Financial Controller, Shri Mahesh P. Kamat was issued three Charge-Sheets on different Articles of Charges. All the Charge-Sheets were placed for the departmental enquiry before the enquiring authority. He was placed under Suspension Pending departmental enquiry and final action with effect from 25.10.1997 till 17.12.1997. Also he was again placed under suspension pending departmental enquiry and final action with effect from 24.2.2001 till 27.8.2002. Since no charges framed against Shri M. P. Kamat were proved in two Charge-Sheets, he was exonerated from the charges framed against him vide order No.KTC/ADMN/1-2/2003-04/72, dated 20.11.2003 and No.KTC/ADMN/1-2/2006-07/122, dated 17/2/2007 respectively. Copies of the exoneration orders are placed in the file for perusal. As regards to the third Charge-Sheet framed against him, it is learnt that the departmental enquiry has been completed and the enquiry report is in the Office of the Disciplinary Authority for final action.

Presently, he has been posted as Dy. Financial Controller ( Costing & Budget ) with effect from June,2006. Accordingly, he has been allotted the duties of the post vide order No. KTC/PERS/110(566)/2006-2007/3392, dated 20/2/2007. Subsequently, he has been posted with one Jr. Stenographer and one C.L.D.C. for every half day and two clerks were issued with the transfer order from the Civil department, however, it is learnt that, both the clerks had approached the then Managing Director/ Hon,ble Chairman saying that, they are not willing to work under Shri Mahesh P. Kamat. Further, the Jr. Stenographer provided to him vide order No. KTC/PERS/3/2006-2007/3373, dated 16/2/2007 has been withdrawn by the Managing Director vide Order No. KTC/ADMN/1-2/2007-08/4, dated 12/4/2007 Presently, he is provided with one C.L.D.C. from the

|||

Defects as regards his joining to the corp. Post held

tenure:	Period	
	From	To
Acct.		
AFC		
Dy. Ac.		
officer.		
Statist. offic.		
JRO		
PM		
CSO		
Dy. Ac. (L.A.)		

statist. as Dy. Ac.

|||

|||



68/C  
67

Accounts Department for every half day.

During the <sup>period</sup>, Shri Mahesh P. Kamat has addressed several correspondance to the Managing Director as well as to the P.I.O. seeking various informations under Right to Information Act and the same are placed in the file from page No \_\_\_\_\_ to \_\_\_\_\_ respectively.

In addition to above he has addressed several correspondance/representation before the Managing Director same are also placed in the file from page No \_\_\_\_\_ to \_\_\_\_\_ respectively

Considering the above position, before taking any decision, the same is required to placed before the BOD in terms of Resolution No.901 above.

Submitted please.

( T. K. Pawase )  
PERSONNEL MANAGER

MANAGING DIRECTOR

Following observations regarding behaviour of Sh. M. P. Kamat may be noted

① He ~~was appointed~~ as Dy. Secy (Admin) ~~on~~ ~~15 June 2001~~ on 15 June 2001, however he refused to do his entire pending written instrs.

② He was given written instrs. by Dy. Secy (Admin) to undertake regular work as Dy. Secy (Admin). However, vide his letter no. ~~\_\_\_\_\_~~ addressed to the Major Genl, he closed the costg & budget review papers to be done here in his office as by FC (Admin) on the plea that other officers are not cooperative with him & not providing him information. It amounts to intimacy & absching one's duties on superficial grounds without making any serious effort on his part to get the assigned work done.



Emp Id(s) : 0009

Page 1 of 1

G3/C

### KADAMBA TRANSPORT CORPORATION LIMITED

#### Payslip for May' 2007

Emp Code : 0009  
 Name : MAHESH P KAMAT  
 Designation : 154 - DY. F. C. (COSTING & BUDGETING)  
 Location : 01 - HEAD OFFICE

PF # : GOA/10112/0042  
 ESI # :  
 Bank A/c : 0088772005001  
 Bank Name : IndusInd Bank



ATN : 20.5 W/OFF : 7 C/Off : 0 CL : 0 EL : 0 SL : 3.5 TLV : 3.5  
 LWP : 0 ABS : 0 OTH : 0 OTD : 0 SNA : 0 TAN : 31

#### Earnings

Basic	14,550.00
Dearness Pay	7,275.00
Dearness Allowance	7,639.00
House Rent Allowance	3,273.75
CCA	120.00
Medical Allowance	1,314.00
Others Earnings	5,768.00
Personal Pay	325.00

#### Deductions

PF	3,536.00
Other Deduction	1,650.00
Income Tax	4,400.00

**Total Earnings 40,264.75**

**Total Deductions 9,586.00**

**Credited to Bank Rs. Thirty Thousand Six Hundred SeventyNine Only**

**Net Salary 30,679.00**



62/4

Office of the CPM  
K. T. ...  
Inward No. 763  
Dated. 25/5/2007

From :

Shri Mahesh P. Kamat,  
C/o Kadamba Transport Corpn.Ltd.,  
Porvorim Goa.

Date : 25.5.2007

To,  
The Public Information Officer,  
Kadamba Transport Corpn.ltd.,  
Porvorim Goa.

Sub : Information under Right to Information Act

This has a reference to your letter KTC/PIO/166/07-08/168 dated 25.5.2007. The information received is incomplete. From the records enclosed it is seen that the file has moved to Office of PIO/GM. Whereas the details of movement from and to office of DY.G.M.(TRF) & M.D. are furnished, the movements from and to Office of PIO/GM are not furnished. The information therefore is incomplete . May do the needful.

M.P. Kamat

~~Aretine~~  
MRS CF for spk  
26/5



6/14

Office of the Gen  
 K. T. C. Ltd. Panel - Goa  
 Inward No 553  
 Dated. 12/5/2007

From:  
 Mahesh Kamat,  
 Kadamba Transport Corpn.Ltd.  
Porvorim.

Date: 12.5.2007

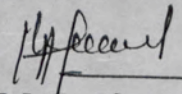
To,  
 The Public Information Officer,  
 Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Regd: Information under Right to Information Act.

May furnish following information:

- (A) A representation was filed by me before M.D., KTCL as regards unprocedural exhonoration and promotion of Shri S.V. Naik and Shri P.A. Gaonkar pending inquiry proceedings against me in common allegations, which representation was to be examined by the Committee of Board. Furnish Copy of Committee Report and further action on Committee Report by Board or any other authority under instructions from Board.
- (B) Shri T. K. Pawse, P.M was promoted and posted as Dy.F.C.(C&B) and transferred as Dy.F.C.(C&B) to Personnel Manager. Furnish information relating to need of creation additional post of Dy.F.C. (C&B) where one DyF.C.(C&B) already officiating in that post, without work allotment. Also furnish copy of D.P.C proceedings, Promotion and Posting Oder, Joining Report of promotee, transfer order and relieve order of T.K. Pawse from the post of Dy.F.C.(C&B).
- (C) Order of appointment of Shri Vaman S.S. Shirodkar, Chartered Accountants as internal Auditors of KTCL for financial year 2007-08.
- (D) Resolutions, Circulars permitting/prohibiting use of staff vehicles by officers of KTCL from workplace to their residence and vice versa.

7/5 CF  
 12/5

  
 ( M. P. Kaniat )



60/c

Office of the Com.  
K. T. Corp. Porvorim - Goa.  
Inward No 363  
Dated. 27/4/2007

From:  
Mahesh P. Kamat,  
Page Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Date: 27.4.2007

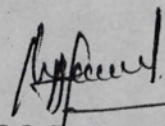
To,  
The P.I.O.,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Sub: Information under R.T.I.Act.

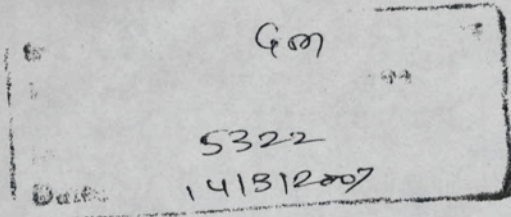
Ref: Administrative processing of Enquiry  
Report by Shri D.M.Katkar,  
Ombudsman.

May furnish the copies of Correspondence showing the movement of the said file from 27.3.06 till 30.12.06. I desire to know the entry and exit of file from various departments of KTCL effective from 27.3.06 from the office of Dy.G.M.(T) till 30.12.06, the date of remarks by M.D., KTCL.

Mrs CF Jre  
27/4

  
( M. P. Kamat )





591/c

From: Shri. M. P. Kamat,  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.  
Dated: 14/03/2007.

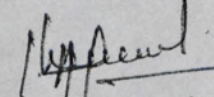
To,  
The P.I.O.,  
Kadamba Transport Corporation,  
Porvorim - Goa.

**SUB: Information under Right to Information Act.**

May furnish the copies of the information related to the false evidence led by Shri. George Fernandes against the undersigned.

- (a) Copy of the Memorandum issued to Shri. George Fernandes by the Managing Director, KTCL.
- (b) Reply to the Memorandum by Shri. George Fernandes.
- (c) Action taken by the Managing Director, KTCL on such reply in the form of Memorandum, Warning or any other disciplinary action.

Yours faithfully,

  
\_\_\_\_\_  
( M. P. Kamat )



58/c

Office of the Gov  
A. T. C. ...  
5076  
23/2/2007

From:  
Mahesh P. Kamat,  
Kadamba Transport Corpn. Ltd.,  
Porvorim- Goa.

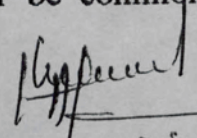
Date: 23.02.07.

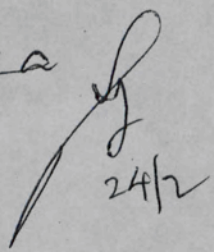
To,  
The P.I.O.,  
Kadamba Transport  
Corp. Ltd.,  
Porvorim.

Sub: Information under Right to Information Act.  
Ref: Your letter dated 22.2.07

You may provide me copy of noting Sheet N/11 together with copy of letter of Adv. S. V. Patnekar and Copy of Govt. Notification with respect of Shri V.V.S. Kunkoliekar.

For the said purpose the date of my letter be commonly taken as 20.2.2007.

  
Mahesh Kamat

copy of ...  
  
24/2



57/c

Office of the GM  
K. T. C. Ltd. Panaji - Goa.  
Inward No 5635  
Dated. 20/2/2007

From :

Shri Mahesh P. Kamat,  
KTCL, Porvorim Goa.

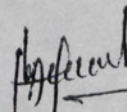
Date : 20.2.2007

To,  
The Public Information Officer,  
Office of the Public Information Officer,  
KTCL, Porvorim

Sub : Information under right to information Act  
Ref : Your letter dated 17.2.2007

With reference to above, as informed if N/12 is blank, I do not need it. I have asked the papers till conclusion. It appears from your note that notings are concluded on page No. 11. hence fees should be revised under intimation to me.

I, further desire copy of letter from KTCL seeking opinion in the matter of departmental enquiry in respect of Shri V.V.S. Kunkolienkar from Shri Shripad V.Pai Patnekar, Advocate and Govt. orders appointing Shri V.V.S.Kunkolienkar as Managing Director. in KTCL

  
M.P. Kamat



Office of the GM  
K. T. C. Ltd. Porvorim - Goa.  
Inward No. 4907  
Dated. 13/2/07

56/c  
From:  
Mahesh P. Kamat,  
Kadamba Transport Corpn. Ltd.,  
Porvorim, Goa.

Date: 13.2.07.

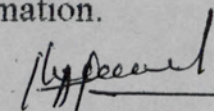
To,  
The P.I.O.,  
Office of P.I.O.,  
Kadamba Transport  
Corpn. Ltd.,  
Porvorim.

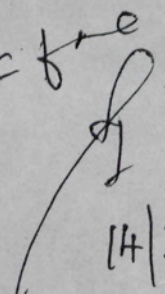
Sub: Information under Right to Information Act.

Ref: Noting Sheet N/10 vide letter No.1043 dt.  
12.2.07

May furnish the continuation noting sheets with respect of Contents of N/10 till the conclusion and the position as it exists on records as on date.

Necessary fees shall be deposited upon intimation.

  
\_\_\_\_\_  
Mahesh Kamat

PARS of file  
  
14/2



55/c

4866  

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7-2-07

Page 1

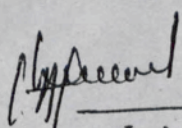
From: Mr. M.P. Kamat,  
Kadamba Transport Corpn.  
Ltd.,  
Porvorim.

Dated: 7.2.2007

To,  
The P.I.O.,  
Office of P.I.O.  
Kadamba Transport  
Corp. Ltd.,  
Porvorim.

With reference to order dated 12.1.07 passed in Appeal No.39/2006/KTC, orders were issued directing yourself to reimburse Rs.62/- and issue certified true copy of page No.10 of the note sheet of KTC, File of which the previous 9 papers were already given.

Till date your Office did not comply to the directives of the above said order. You are informed to comply with the same within 48 hours failing which contempt application shall be filed before State Chief Information Commissioner, Goa.

---

  
( Mahesh Kamat )

3/4  
3.40



54/c

3140  
27/11/06

From:

Shri Mahesh P. Kamat,  
C/o Kadamba Transport Corpn. Ltd.  
Porvorim-Goa.

Date: 27.11.2006

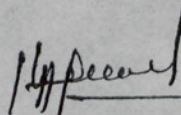
To,  
Shri George Fernandes,  
Asstt. Public Information Officer,  
Kadamba Transport Corporation Limited,  
Porvorim-Goa.

**Sub: Information under Right to  
Information Act.**

**Ref: Your Letter dated 22.11.06**

With reference to above, I am to make you aware that I did not desired to know where the information as desired is available. I have demanded the information under Act, and you as an Asstt. P.I.O is bound to have access to the said information and provide copies to the Applicant.

From the reply, it is confirmed that the desired information is in records of KTCL and that you are aware, where it is available. As far as my right under the Act, is concerned I am not at all concerned with Administration Dept. of KTCL. I know that office of P.I.O should provide me the copies on or before 30.11.06.

  
Mahesh Kamat



53/c

of 2  
K.T.C.L. - Goa.  
3970/4171  
31/10/06 - 16/11/06

From:  
Mahesh P. Kamat,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Date: 31.10.06

To,  
Shri S.V. Naik,  
Public Information Officer,  
K.T.C.L.,  
Porvorim-Goa.

Sub: Information under Right to Information Act.

May furnish the copy of Inquiry Report with respect of the Disciplinary proceedings ordered vide order No.KTC/ADMN/1-2/97-98/205 dated 4.3.98, enquired into by Shri P. S. Nadkarni, E.O.

I undertake to deposit the prescribed fees. May do the needful at the earliest.

M. P. Kamat  
( M.P. Kamat )

*P/1. furnish the related file for compliance to the concerned in time submitted file*

*Naik*  
31/10/06

*MSD*

*Copy of the report will be issued to the Office as per procedure by this office. May be informed accordingly.*

*16/11/06*  
*G. S. / 830*

*Shri*  
16/11/06



Office of the  
K. T. C. Ltd. Panell - Goa.  
Inward No 3622  
Dated 29/9/06 / 15:48 p.m

54C  
From: Mahesh P. Kamat,  
c/o K.T.C.L.,  
Porvorim, Goa.

Date: 29.9.06.

To,  
Shri S.V. Naik,  
P.I.O., K.T.C.L.,  
Porvorim-Goa.

Sub: Compliance under Right to Information Act.  
Ref: KTC/Tech/166/06-07/693 dt. 27.9.06

I am to bring to your notice that neither you have timely complied to letter dated 27.5.06 nor completed and properly complied to Appellate Authority Order dated 1.9.06.

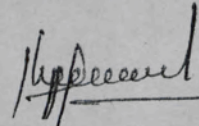
Your action of attesting blank space on N/4 is contrary to the order of the Appellate Authority dated 1.9.06. By virtue of this Act you have unnecessarily caused me avoidable expenditure.

Your compliance to my letter dated 24.6.2006 is partial with respect of para (A) and that too on 21.9.06. The para (B) is still awaiting compliance. Therefore it cannot be taken that you have given timely and complete compliance.

Vide your letter dated 23.9.06, you have specifically stated that the space on reverse of noting N/9 is blank and it is meaningless to certify an unnumbered blank reverse page no. N/9. Vide your letter dated 6.9.06 you have arranged for my inspection the subject file and pursuant to that I had carried out the inspection, based on which it is my categorical submission that there exists a page distinctly numbered N/10 with half page notings of V.V.S. Kukolienkar on a supplementary page pasted on the reverse of N/9. The notings are copied and kept by me for reference. Despite this your categorical statement that reverse of N/9 <sup>is blank</sup> vide letter KTC/Tech/166/06-07/681 dated 23.9.06 is deliberate and intentional mis-statement of fact. It also amounts to your production of duplicate records for my inspection other than those records on which you had relied upon while making Statement that it is meaningless to certify an unnumbered blank space on reverse of N/9 vide letter dated 23.9.06.

Further necessary action under the provisions of Right to information act shall be initiated in due course of time.

File  
29/9

  
M. P. Kamat



51/c

Office of the  
Public - Goa  
Letter No 3564  
Dated. 26-9-2006

From:-  
Shri M. P. Kamat,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

Dated:- 26.09.2006.

To,  
Shri S. V. Naik,  
P. I. O.,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

**Sub:- Compliance under 'Right To Information Act'**

**Ref:-Your letter No.KTC/TECH/166/06-07/681, dated 23.09.2006.**

With reference to the above, your submission that your office has complied to my letter dated 27.5.2006 vide your note no. KTC/TECH/166/06-07/307, dated 24.6.06, enclosing certified copies as on that date is not true. Had your office complied to my request letter dated 27.5.06 vide your letter dated 24.6.06, the question of me filing appeal dated 25.7.06 before the Appellate Authority and the Appellate Authority thereafter deciding on my appeal vide order dated 1<sup>st</sup> September 2006 and thereafter your office furnishing the copies duly attested under official stamp vide letter No. KTC/TECH/166/06-07/661, dated 21.09.06 pursuant to order of Appellate Authority would not have arisen at all. Therefore the compliance to my letter dated 27.5.06 can be taken as on 21.9.06 as against 24.6.06 and that too partially on account of:

1. (a) : The certification of N/4 (blank space) is also meaningless vide order of Appellate Authority dated 1<sup>st</sup> September 2006 under Clause No.2.

(b): The Certified copies of 24.6.06 without Official stamp of the issuing authority had no value.

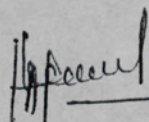
(c): Order of the Appellate Authority cannot be interpreted to your convenience with respect of Clause No.3 of the said order, which is decided on basis of Clause No. 2. Clause No.3 clearly states that because of decision under Clause No. 2, the certification of N/9 is not necessary, meaning thereby the



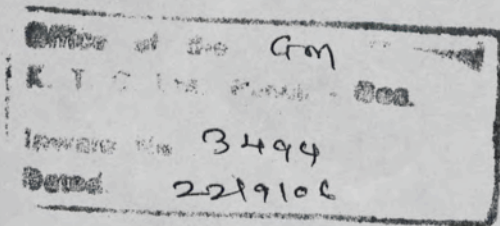
-2-

certification of blank space N/4 and as well as on N/9 both unnecessary. Therefore the attestation under Official stamp on 21.9.06 of N/4 is opposed to the Clause No. 2 of the order of the Appellate Authority.

2. Pursuant to the inspection dated 08.9.06, I am to make you aware that there exist a numbered page N/10 with notings as on 08.9.06. Since your compliance is against the request of 27.5.06 and as done on 21.9.06, the production of the copies is incomplete and amounts to refusal by the P. I. O. in furnishing complete set of papers relevant to the issue. In the event noting sheet N/10, is not produced on or before 27<sup>th</sup> September, 2006, It shall be presumed that N/10 is blank as on 21.9.06 and therefore you have considered it meaningless to certify blank reverse page of N/9 vide para I of letter dated 23.9.06.

  
\_\_\_\_\_  
( M. P. Kamat )





From: M. P. Kamat,  
c/o Kadamba Transport Corpn. Ltd.,  
Porvorim- Goa.

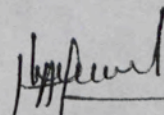
Dated: 22.9.2006

To,  
Shri S.V. Naik,  
P.I.O.,  
K.T.C.L.,  
Porvorim-Goa.

Sub: Compliance under Right to Infor-  
mation Act.

Despite order of Appellate Authority you have stamped the blank Noting Sheet N/4 on 21.9.06 amounting to non-application of order of Appellate Authority dated 1.09.06 with respect of clause No.2. This act of yours amounts to adoption of different procedures with respect of certification as regards the blank papers. The reverse of noting N/9 still continues to be blank and uncertified. Hence you are required to certify and issue the blank space on reverse of Noting N/9 on par with blank space on Noting N/4.

Persuant to instructions of letter dated 8.9.06, I have carried out the inspection of file. It is noticed that V.V.S. Kunkolienkar had received the file on 30.6.06 and despatched it to you as P.I.O on same day, i.e.30.6.06. The file does not carry any endorsement to show the acknowledgement by P.I.O on 30.6.06. The file was produced for my inspection through Asst. P.I.O out and out. You are required to confirm the receipt of file on 30.6.06 and continued possession with effect from that date. Unless the contents of these notings are denied on or before 25.9.06, it shall be presumed that Shri V.V.S. Kunkolienker delivered the file to you on 30.6.06 and the file continued to be in your possession till 8.09.06, i.e. The date of inspection. The documented copies of file movements if any may be furnished.

  
M.P. Kamat



48/c

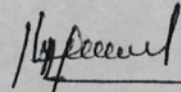
Office of the GM  
K. ... - Goa  
In: 3442  
Date: 21/9/2006

From:-  
Shri M. P. Kamat,  
Kadamba Transport Corp  
Alto-Porvorim-Goa.  
Dated:- 21.09.2006.

To,  
Shri S. V. Naik,  
P. I. O.,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

Ref:- Letter No. KTC/TECH/166/06-07/652,  
dated 20.9.2006.

With reference to the above, I am forwarding the original  
copies of certified notings for necessary action.

  
\_\_\_\_\_  
( M. P. KAMAT )

Encl: as above.



47/c

Order of the GM  
17th Floor - Goa  
Order No 3350 17.05.06  
Dated 8/9/2006

From:-

Shri M. P. Kamat,  
Kadamba Transport Corporation Ltd.,  
Alto-Porvorim-Goa.

Dated:- 06.9.2006.

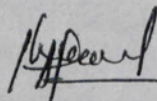
To,

Shri S. V. Naik,  
P. I. O.,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

Sub:- Compliance under 'Right To Information Act'.

Vide order of the Managing Director, Kadamba Transport Corporation Limited, Appellate Authority, under 'Right To Information Act', dated 1<sup>st</sup> September, 2006, order was issued with the directions that, P. I. O., shall comply as above from 1 to 7 and Appellant may also be allowed a personal inspection of the file in the presence of P. I. O., or any other responsible officer of the Corporation. But for the inspection of the file, compliance to the points from 1 to 7 is still awaited.

It is seen that, vide your letter bearing reference no. KTC/TECH/16/2006-07/307, dated 24.6.06, i was furnished copies of five notes consisting of nine pages and of which noting sheet no. N/4 is blank, which is certified by your authority as P. I. O., and for which I was charge fees of Rs. 10/-. The Appellate Authority vide order dated 01.9.06, at sr.no.2 agree that the sheet N/4 need not have been certified being blank. Ypur act of unnecessarily certifying ther blank had caused me an avoidable expense of Rs. 10/- which may be refunded forthwith.

  
( M. P. Kamat )

C. C. To:- The Managing Director, KTCL/Appellate Authority, under Right To Information Act.

cc  
b  
8/9



Office of the GM,  
 K. T. ... Porvorim - Goa.  
 Inward No 3298 17.10.06  
 Dated. 8/9/2006

From: Mahesh P. Kamat,  
 C/o KTCL,  
 Porvorim-Goa.

Date: 8/9/06.

To,

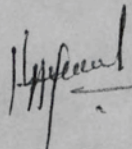
S. V. Naik,  
 P. I. O.,  
 KTCL,  
 Porvorim-Goa.

**Sub: Information under right to Information Act.**

Vide letter No. KTC/Tech/166/06-07/363 dated 12/7/06, I was informed that the file which has been returned back to the Corporation is being called back for complying to my requirement.

May furnish the copies of correspondance requisitioning the said file from your office as PIO and receipt of the files if any from KTCL Authority.

May refurnish the copy of noting sheet No. N/9 alongwith the page overleaf bearing reference N/10 with respect of earlier application dated 27/5/2006.

  
 ( M. P. Kamat )



457C

Office of the CIB  
K. I. C. Ltd. Panaji - Goa.  
Inward No 3204  
Dated. 4/9/2006

From:-

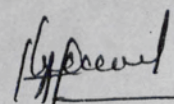
Shri M. P. Kamat,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.  
Dated:- 04.9.2006.

To,  
Shri S. V. Naik,  
P. I. O.,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

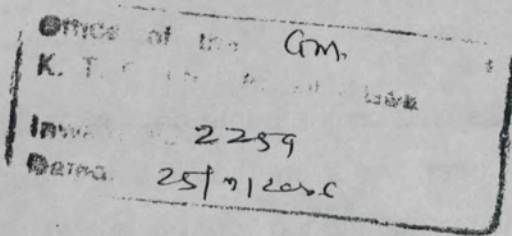
Sub:- Inspection of file under ' Right to Information Act.

I am in receipt of order dated 1st September 2006, actually received on 04.9.2006 at 11.15 hrs. I desire to know as to when you are providing the subject file for my inspection.

This may be treated as urgent.

  
\_\_\_\_\_  
( M. P. Kamat )





From:  
Mahesh P. Kamat,  
C/o. Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Dated: 25.7.2006

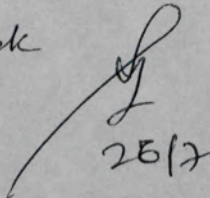
To,  
Shri S. V. Naik,  
P.I.O.,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Sub: Information under Right to Information Act.  
Ref: Letter dated 1) 27.5.2006 2) 11.7.2006 3) 21.7.2006.

With reference to the above, I desire personal inspection of the file with respect of notings furnished to me vide your letter No.KTC/TECH/166/06-07/307 dated 24.6.2006. I desire inspection on the following grounds:

- a) The contents of noting N/6 are not legible hence needs to be confirmed with the original.
- b) Noting of N/9 is certified in the middle of note-sheet. Hence to confirm the contents down below the certification by you as PIO.
- c) Noting at reverse of N/3 is a blank copy certified to be true copy whereas noting on the reverse of N/9 also being a blank copy is without certification.
- d) Letter dated 11.7.2006 is awaiting compliance till date.
- e) Compliance vide letter No.KTC/TECH/166/06-07/363 dated 12.7.2006 is awaited despite the fact that the office of PIO and the office of M.D., KTCL, the custodian of the subject file is situated in the same premises and at the same site not exceeding a distance of 20 mtrs. Even presuming the custody of the file with Dy.G.M. as evident from the copy of note-sheet N/9, the office of PIO and that of Dy.G.M. is situated face to face not exceeding a distance of 10 mtrs.

Mrs. P. P. S. P. S. P.

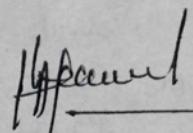
  
25/7

P.T.O.



f) The reply to your letter dated 24.6.06 was filed on the same day i.e. 24.6.2006 within half an hour from the receipt of your letter. As such, the file very much was in your possession when the counter letter was submitted to your office.

In view of the facts above, your action in returning the file despite of counter letter on the same day and within half an hour and thereafter intimating recalling the file vide letter dated 12.7.2006 and not complying till date gives reasonable doubt about the correctness and totality information provided by the PIO. Hence, I require the personal inspection of the subject file.

  
\_\_\_\_\_  
( M. P. Kamat )



43/c

Office of the G.M.  
K. T. C. Ltd. Porvorim - Goa.  
Inward No 2474  
Dated. 21/7/06

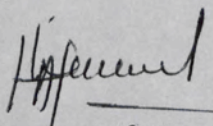
From :-  
Shri M. P. Kamat,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

Dated:- 21.07.06.

To,  
Shri S. V. Naik,  
P. I. O.,  
Kadamba Transport Corporation Ltd.,  
Alto-Porvorim-Goa.

This has a reference to letter dated 12.7.2007, intimating the compliance within the schedule time. In this connection, may note that I have desired the copies under 'Right To Information Act', vide letter dated 27.05.06. As per the provisions of 'The Goa Right To Information Act, 1997', the Competent Authority shall consider and furnish the information as soon as possible and in any case within 30 working days from the date of receipt of application. The schedule time should be counted from 27.5.2006.

The schedule time of 30 working days is over and hence the non receipt of information amounts to refusal by the Competent Authority to provide the information under 'Right to Information Act'.

  
( M. P. Kamat )



Office of the GM  
K. T. C. Ltd Penali - Goa.

Invent No 2324  
Dated. 11/7-06

From:-

Shri M. P. Kamat,  
Kadamba Transport Corp.,  
Alto-Porvorim-Goa.

Dated:- 11.07.2006.

R E M I N D E R

To,  
Shri S. V. Naik,  
P. I. O.,  
Kadamba Transport Corp. Ltd.,  
Alto-Porvorim-Goa.

Sub:- Copies Under Right To Information Act.

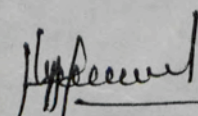
This has reference to my letter dated 24.6.2006, the information desired thereof is not furnished till date.

It is my bonafide apprehension that the desired information so far it relates to material issue is suppressed as can be seen from the facts below:-

- a) Letter dated 24.6.2006, is awaiting compliance till date.
- b) Noting sheet bearing reference no. N/9, is certified by you to be true copy in the middle of the noting sheet, as such the portion down below your attestation cannot be taken as certified. As compared, other noting sheets are attested at the bottom of each noting sheet.
- c) Noting sheet bearing reference no. N/4 does not contain any notings which is crossed by a slanting line and certified at the bottom. Further the page on reverse of N/9 is blank which should have been crossed by a slanting line and certified at the bottom.

Once again you are required to furnish the desired information vide my letter dated 24.6.2006 alongwith certification of the reverse side noting sheet no. N/9. In the event the compliance is not received by 20th July '06, the matter will be preferred for appeal before Administrative Tribunal.

AS of 11/7  
10/7

  
( M. P. KAMAT )



41/c  
Office of the  
T. C. Ltd. Porvori - Goa.

Receipt No 2098  
Dated 24/6/06.

From:  
Shri Mahesh P.Kamat,  
C/o Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Date : 24.6.2006

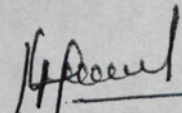
To,  
Shri S. V. Naik,  
Public Information Officer,  
C/o Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Sub : Copies under Right to Information

This has a reference to your letter No. KTC/Tech/166/2006-07/306 dated 23.06.2006 and as desired therein I enclose the receipt No. 601039 dated 24.06.2006 for depositing sum of Rs. 90/- (Rupees ninety only).

I may be provided the relevant information at the earliest.

Yours faithfully,

  
( M.P.Kamat )

Encl : as above.



KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 1505  
Date: 27/5/06

From:-  
Shri M. P. Kamat  
C/O, Kadamba Transport Corporation Ltd  
Alto-Porvorim-Goa.

Date: 27-5-2006.

To,  
The Public Information Officer,  
Kadamba Transport Corporation Ltd.,  
Alto-Porvorim-Goa.

1383  
30/5/06

Sub:Information under 'Right to Information Act'

Sir,

May furnish the copies of file notings relevant to the action taken/processed for action pursuant to the enquiry report dated 28-7-2005 of Shri D. M. Katkar, Enquiry Officer on enquiry referred to him against the undersigned alongwith the substance relevant to the part issue of the aforesaid report to the undersigned.

This information is called under the 'Right to Information Act and I shall deposit the prescribed fees.

Please do the needful at the earliest.

*[Signature]*

( M. P. Kamat )

May submit requested details for further course of action under the Act submitted for *[Signature]*

29/5/06  
P. I. O

*[Signature]*

*[Signature]*

Request be examined and may ~~submit~~ decide whether the information called is agreed to be issued with specific attention to the public interest; the information may ~~sure~~ <sup>be</sup> provided upon perusal of the files. This may please be examined as 'Confidential' by P.I.O.

P.A. may submit the files to P.I.O. for perusal as desired

Dy-GM  
Remains *[Signature]* 29/05/06  
P.A. (to follow up) *[Signature]* 30/5  
noted *[Signature]* P.I.O.

Office of the  
K. T. C. Ltd. Panaji - Goa  
Inward No 799  
Dated. 31/5/06



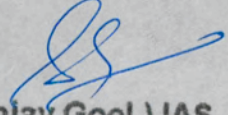
39/c

KTC/ADMN/1-1/2007-2008/24  
Kadamba Transport Corporation Limited,  
Paraiso-de-Goa., Alto-Porvorim,  
Bardez - Goa.,  
Date:- 8<sup>th</sup> June,2007

**SUSPENSION ORDER**

In exercise of the Powers vested in me vide BOD resolution No. 900 taken in the 90<sup>th</sup> meeting dated 12.5.1997 of the B.O.D., Shri Mahesh P. Kamat, Dy. Financial Controller (Costing & Budget) attached to Head Office, Porvorim is hereby placed under suspension with immediate effect, as disciplinary proceedings are contemplated against him.

During the period of suspension, Shri Mahesh P. Kamat, Dy. Financial Controller (Costing & Budget) will be entitled for subsistence allowance as per the Conduct Rules in force only after production of necessary non-employment certificate under FR-53(2) and during the period of suspension, the headquarters of Shri Mahesh P. Kamat, Dy. Financial Controller (Costing & Budget), will be the place of his residence i.e. Flat No.2, F-2., "Shivneri", Comba, Margao - Goa., which was intimated by him to the office and he shall not leave the same without obtaining prior written permission from the undersigned.

  
( Sanjay Goel ),IAS  
MANAGING DIRECTOR

To,  
Shri Mahesh P. Kamat,  
Dy. Financial Controller (Costing & Budget),  
Kadamba Transport Corporation Limited,  
Paraiso-de-Goa., Alto-Porvorim,  
Bardez - Goa.,

To be served at :-  
Flat No.2, F-2.,  
"Shivneri",  
Comba, Margao - Goa.,

- Copy to:-
1. The General Manager.
  2. The Finance Department, H.Q.,
  3. Personnel Department
  4. Other concerned depts. \_\_\_\_\_
  5. Office File
  6. G/File.,



E-2/33

38/c

No.KTC/ADMN/1-2/2007-08/22  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Dated: 7.6.2007

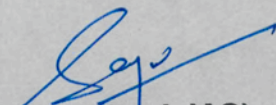
A. V. G. M.  
Personnel Department  
1393  
7/6/07

**MEMORANDUM**

It has been noticed that, you have been using office stationery and staff for your personal representation and grievances, which is not permissible and calls for disciplinary action.

You are therefore asked to explain why disciplinary action should not be taken against you for misuse of office stationery and staff.

You reply should reach within three days from the receipt of this memo.

  
( Sanjay Goel, IAS )  
Managing Director

To,  
Shri M. P. Kamat,  
Dy. Financial Controller (Costing & Budgeting)  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.

✓ C.C. to: The Personnel Department.



E 2/7 W.

37/c

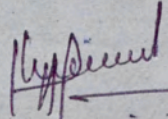
KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 1683  
Date: 6/6/07

Date: 6.6.07

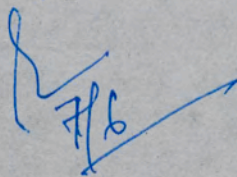
NOTE

Ref: Note No.KTC/ADMN/1-2/200708/8  
dated 26.4.07

The information for the period 16.05.07 to 31.05.07 is not maintained by the concerned addressees.

  
\_\_\_\_\_  
(M.P. Kamat)  
Dy/F.C(C&B)

To,  
The Managing Director,  
K.T.C.Ltd.,  
Porvorim.

PM  




E-2/35

36/c

Date: 6.6.07

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	1680
Date:	6/6/07

Sir,

Ref: Note dated 4.6.07

With reference to the above, I am to submit that I am entitled for all allowances and facilities as applicable to the class of officers to which I belong in general and to my substantial post as Dy. Finance Controller. This is a settled position under orders of High Court of Bombay, Panjim Branch upon writ petition filed against this institution. Hence any discrimination and exclusive restrictions imposed upon me amount to Contempt. Decision of Competent Authority to withdraw such facility from officers/officials of KTCL or reasons for exclusive withdrawal of cell connection from me be conveyed to enable me to take further necessary action.

Endorsement of copies of said note to various section heads except OSD amounts to an act of humiliation. The Disciplinary Authority has failed and appears to be incapable of deciding on the inquiry findings dated 13.10.06 and since the matter is pursued by me, I am harassed and humiliated by the Disciplinary Authority by resorting to such type of measures.

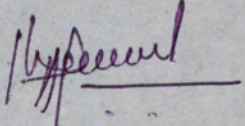
The Disciplinary Authority had erroneously implicated me in some irregular purchase and payment transactions transpired within KTCL during my leave period. The prime witness of Management Shri George Fernandes had withdrawn his entire deposition stating it to be false. Shri Narayan Naik, Presenting Officer supported the withdrawal of False Deposition by his witness. The Inquiry Authority reported whole episode as false. The Disciplinary Authority did not question the above act of its Presenting Officer and Witness and its silence amounts to acceptance of entire proceedings as false.

✓



The Disciplinary Authority having fallen in error and being incapable of deciding on Inquiry Findings dated 13.10.06 is resorting to pressure tactics to keep me under state of depression continuously. Delayed action on inquiry findings amounts to committing irregularities continuously by the Disciplinary Authority which in capacity of M.D., KTCL follows same purchase and payment procedures cited as irregular and misconducts by itself in disciplinary proceedings against me.

Hence I request that the Disciplinary Authority should take immediate action on the finding dated 13.10.06 without resorting to unilateral and exclusive restrictions as against me amounting to harassment, humiliation and Contempt of Court.

  
( M.P. Kamat )  
Dy.F.C(C&B)

To,  
All Section Heads.



E-2/34

34/c

No.KTC/ADMN/1-2/2007-08/20  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.

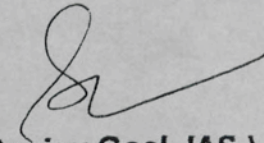
Dated: 04.06.2007

1358  
04/06/07

NOTE

The Mobile handset alongwith Mobile cell connection bearing No. 9422441044 allotted to Shri M. P. Kamat, Dy. Financial Controller (C & B) is hereby withdrawn with immediate effect.

He is directed to deposit the handset alongwith cell connection to O.S.D immediately.

  
( Sanjay Goel, IAS )  
Managing Director

To,  
Shri M. P. Kamat,  
Dy. Financial Controller (C & B)  
K. T. C. Ltd.,  
Porvorim.

C.C. to:

All Sectional Heads.

P. M.

14/6



KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	1681
Date:	6/6/07

From:  
 Mahesh P. Kamat,  
 Kadamba Transport Corpn.  
 Ltd.,  
 Porvorim-Goa.

Date: 5.6.07.

To,  
 The Managing Director,  
 Kadamba Transport Corpn Ltd.,  
 Porvorim.

Sir,

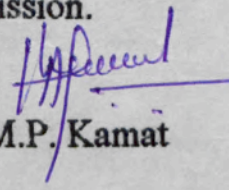
Regd: Press Conference

Way back in the year 1996 I was suspended on two occasions and disciplinary proceedings were initiated as many as three times. The suspensions were widely published in local news papers and such reports are relied upon in private litigations, by opposite party.

Now that the inquiry findings are available to me in all three inquiries and it has been an established fact that I have been a victim of misconducts of various other officers of KTCL. Since the press had published earlier suspensions and allegations I desire to address the press to publish the findings and facts. If required under the rules, this may be taken as an intimation. Your objection if any, with reasons should be conveyed to me by the 15<sup>th</sup> of June 2006. In the absence of any communication, the permission if at all required shall be deemed to be granted.

My earlier request for a press conference is pending administrative process on inquiry reports which is not forthcoming till date.

The issue of press conference is personal between self and press. However KTCL needs to be involved for initiating inquiry and suspensions which were published, hence the purpose of this submission.

  
 M.P. Kamat

*Put up & comment*

*6/6*





From :

Shri M.P. Kamat,  
 Dy.F.C.(C&B)  
 KTCL, Porvorim-Goa.

Date : 30.5.2007

To,  
 The Managing Director,  
 Kadamba Transport Corpn. Ltd.,  
 Porvorim-Goa.

Sub : Privilege leave

Sir,

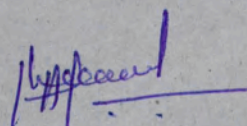
I request you to kindly grant me 5 days privilege leave w.e.f. 4.6.2007 to 8.6.2007 in view of most urgent work. I have applied for leave vide application dated 11.5.2007, 16.5.2007 and 30.5.2007 all leave applications had been rejected. The application dated 16.5.2007 and 30.5.2007 are rejected without assigning any reasons.

It is observed that other Officers in the KTCL are sanctioned leave during corresponding period. This is unnecessary harassment caused to me despite keeping me away from work under false enquires.

Despite from sitting in headquarters officially, with ~~no~~ opportunity to deal with any official work it is unreasonable and unfair to me not to sanction leave. My absence from work place shall not make any difference to KTCL.

I had appeared before your Authority with the rejected leave application for personal discussion, but surprised to find threat of compulsory retirement, In fact I have appeared before you almost after a month wherein I was also threatened with disciplinary actions. I am putting things in writing since I am refused to be heard by Higher Authority.

The application dated 30.5.2007 is resubmitted with a request to sanction or at least spell out the reasons for not sanctioning.

  
 ( M.P. Kamat )  
 Dy.F.C.(C&B)

End. as above



31/C

Date: 30.5.07

To,  
The First Appellate Authority, MD  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 1564  
Date: 30/5/07

Sir,

APPEAL UNDER SEC. 19 OF THE  
RIGHT TO INFORMATION ACT, 2005,  
(CENTRAL ACT 22 OF 2005)

Vide letter dated 27<sup>th</sup> May 2006, the Appellant failed an application calling for information with respect of Administrative processing of Inquiry Officer's report dated 27.7.05. The information was called to confirm the erroneous forwarding of Inquiry Report by the Disciplinary Authority for action/clearance by sub-ordinate officer Shri V.V.S. Kunkolienkar, whose relation with this appellant are aversed..

The Public Information Officer, vide letter dated 24.6.06 furnished information containing Noting Sheets Nos.N/1 to N/9 and thereafter N/10 vide letter dated 12.2.07 pursuant to Order Goa State Information Commission dated 12.01.07.

The Noting Sheet N/10 is a subsequently pasted supplementary sheet with date of noting overwritten by Shri V.V.S. Kunkolienakr on top and bottom right side of said notings which the M.D., KTCL confirmed as 30.6.06 vide letter dated 14.9.2006 addressed through OSD.

Vide application dated 27.4.2007, the appellant desired the movement of File through various officers of KTCL which the PIO complied with vide his letters dated 25.5.07 and 29.5.07.

The information received as above confirm following facts:

MOVEMENT OF ENQUIRY REPORT FILE

Sr.No.	Receivd		Date of inward	Despatched		Date of outward
	From	By		By	To	
1	P.O.	DyGM(Trf)	27-03-06	Dy.G.M(Trf)	P.O.	27-03-06
2	P.O.	Dy.G.M.(Trf)	27-03-06	Dy.G.M.(Trf)	M.D.	27-03-06
3	M.D.	Dy.G.M.(Trf)	30-05-06	Dy.G.M.(Trf)	PIO/GM	31-05-06
4	GM/PIO	M.D.	23-06-06	M.D.	PIO	22-07-06

AAE m9  
M

M.D



From the above table it is evident that:

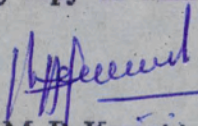
- (A) Shri V.V.S. Kunkolienkar had no opportunity to deal with said file anytime after 31.5.06.
- (B) The File remained in custody of Shri S.V. Naik, PIO/GM from 31.5.06 to 23.6.06.
- (C) The file remained in custody of Shri S.V. Naik, M.D from 23.6.06 to 22.7.06.

From the above, obvious conclusions are:

- (A) Shri V.V.S. Kunkolienkar, Dy.G.M(Trf) rewrote N/10 and pasted new sheet N/10 with/without knowledge and consent of the MD, KTCL when the file was in possession of MD as on 30.6.06.
- (B) Shri S.V. Naik, PIO was in possession of original N/10 with remarks of Shri V.V.S. Kunkolienkar dated 31.5.06 as of 24.6.06, the date of compliance with respect N/1 to N/9. The failure of PIO to furnish N/10 on 24.6.06 had resulted in alteration of dates and pasting of supplementary page N/10 to hide initial notings by Dy.G.M.(Trf).

In the circumstances the Appellant therefore prays that:

- (A) The supplementary page N/10 should be removed to establish initial remarks of Dy.G.M(Trf).
- (B) The alteration of dates and pasting a supplementary sheet by Dy.G.M.(Trf) and non-provision of N/10 as of 24.6.06 by PIO should be enquired.
- (C) The possibility of Dy.G.M.(Trf) & PIO retaining copy of initial notings prior to pasting new page should be looked into.

  
 \_\_\_\_\_  
 ( M. P. Kamat )



E-2/14

29/c

KADAMBA TRANSPORT CORPORATION LTD.	
Inward No.	1111
Date:	26/5/07

From:  
Mahesh P. Kamat,  
Dy.F.C.( C&B)  
Kadamba Transport Corpn.Ltd.,  
Porvorim.

Date: 25.5.07

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Sir,

Without assigning any reasons, during the year 1996 I was abruptly transferred from my substantial Grade I post of Dy.F.C to Grade II post as Statistical Officer. While officiating as Statistical Officer I was suspended and disciplinary proceedings were initiated against me vide two separate inquiries. The 1<sup>st</sup> inquiry alleged misconducts that had already committed in the Statistical Department prior to my transfer in that Department. In the second inquiry the alleged misconducts had been committed in the Corporation during my leave period and with respect of issues with which I was not functionally concerned.

Apart from these inquiries I was denied of sitting place, designation, pay and allowances, ordered to sit along with class IV officials of KTCL and kept without work at the Depot.

Thereafter again I was suspended from Statistical Department and was reinstated after 18 months. The disciplinary authority exercised by Shri V.V.S. Kunkolienkar, without possessing such authority and treating sanctioned leave as absenteeism formed major part of misconducts in said inquiry.

The Management of KTCL did not persue the inquiry proceedings with result that 1<sup>st</sup> inquiry report was available to Corporation after five years, second after 7 years and third after four years. The disciplinary authority acted upon the first inquiry report within reasonable period, however delayed the action on second report over a period of 2 years and third enquiry report dated 13.10.06 is awaiting action till date i.e over a period of



6 ½ months. The above facts establish that management failed to expedite inquiry proceedings and further failed to take timely action on inquiry reports as and when received.

The acts of Management as below ~~imp~~ implicated humiliations and insults on me.

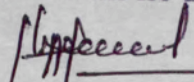
- (1) Accounting system in KTCL since 1980-81 till 1993-94, during 1994-95 and subsequently till date being unchanged, Statutory Audit Report making similar observations, even of higher magnitude compared 94-95, no disciplinary proceeding initiated against other heads of departments at material time namely Shri U.B. Naik, Shri T.K. Pawase, Shri Y.D. Gaude. It's only me who has been singled out for the year 1994-95 under CCS(CCA) rules for disciplinary proceedings.
- (2) Appointment of Shri Kunkolienakr as presenting officer of Disciplinary Authority against me who actually raised the faulty indents compelling purchases from a particular party and initiated irregular transactions..
- (3) Exhonoratation of Shri P. Gaokar disagreeing to the proved charges passing blame on Internal Auditors vis a vis ordering inquiry against me on same article of charges.
- (4) Exhonoaration and promotion of Shri S.V. Naik and Shri P. Gaokar simultaneously ordering inquiry against me with alleged misconducts in connivance with Shri Naik and Shri Gaokar on same article of charges.
- (5) Examination of Shri G. Fernandes, as prime witness in the inquiry proceedings despite not being author of CID Report and a junior officer working under me as an Accountant without any knowledge of purchase procedures at the material time.
- (6) Promotion of Shri George Fernandes who defaulted in accounting and payments in alleged transactions of misconduct.
- (7) Disciplinary Authority overlooked false deposition by its prime witness on its behalf and rushed the closure of an act perjury by Shri G. Fernandes through a casual warning.
- (8) Promotion of Shri T.K. Pawse who over-ruled Purchase Committee decision and diverted order on different party *and overstocked material.*
- (9) Promotion of T.K. Pawse as Dy.F.C.(C&B) when undersigned holding the said post without work assigned and office staff attached and without his joining and relieving routed through the Department of Dy.F.C(C&B)



- (10) Appointing Shri V.S.S. Shirodkar as Internal Auditors for the year 2006-07, whose professional negligence let go the purchase proposals initiated by Shri P. Gaokar bypassing purchase committee.
- (11) Disciplinary Authority rushing the exoneration proceedings and promotions of Shri Naik and Shri Gaokar simultaneously delaying the action on inquiry findings over years as against undersigned and not initiating proceeding for connivance of Shri Kunkolienkar, Shri G. Fernandes, Shri T.K. Pawse and Shri V.S.S. Shirodkar with Shri Naik and Shri Gaokar in irregular purchases.

The Management KTCL had mentally tortured me by imposing inquiries on non-essential grounds, delaying action on inquiry findings, withholding salaries, dropping designations, making me sit without work, offering sitting place along with class iv officials, without office attendants, withdrawing one local newspaper, <sup>denying</sup> tea allowance on par with equal rank officers, and denial of conveyance for 2 kms from Panjim bus stand to H.O. Premises at Porvorim and back simultaneously overlooking the misuse of office vehicles for to and fro residential transportation, contrary to rules and regulations by Shri Naik and Shri Kunkolienkar over hundreds of kms, imposed reversion and referred enquiry report for opinion of Shri Kunkolienkar prior to acceptance.

The year to date (1996 to 25.5.07) effect of aforesaid management actions has caused me harassment, humiliation, victimisation, fear, anxiety, duress, mental torture and agony. My health is deteriorating, efficiency is receding, memory and recalling power is eroding. The Management, KTCL shall be entirely responsible for delayed output from me prior to this date or herein after and for any errors, omissions etc. in any statement, declaration, submissions made prior to this date and hereinafter. The year (1996) to date (25.5.2007) effect of aforesaid actions of Management, KTCL is to keep me continuously under state of depression, entirely at the risk and consequence of KTCL Management. The state in which I am to day is the result of the hazards of environment created and surrounding me arising out of actions of KTCL Management with no fault of mine.

  
 ( M.P. Kamat )  
 Dy.F.C(C&B)

c.c.

To  
 The Personnel Manager

KTCL.



E-2/17

26/c

Date: 23.5.07.

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim.

KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 1382  
Date: 23/5/07

Notice regarding unauthorised and  
exercising abusive disciplinary powers.

Sir,

Vide note dated 20.2.07, I have represented before your authority regarding erroneous exercise of Disciplinary Authority against me by Shri V.V.S. Kunkolienkar enclosing therein Memos dated 22.4.2000, 16.8.2000 and Warning dated 22.8.2000. The above Memos and Warning formed part of misconducts with respect of which inquiry was initiated and I was placed under suspension for 18 months.

The inquiry officer's finding vide report dated 29.9.05 are accepted by the Disciplinary authority and since none of the charges were proved against me, vide order dated 30.12.2006, order of exoneration from charges was issued to me.

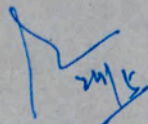
I am to inform you that above memos and warning had come to be issued to me by Shri V.V.S. Kunkolienkar for late coming and absenteeism on those days on which I was on duly sanctioned leave and the said leave had been deducted from my leave account balance.

The Charge sheet with alleged misconducts and Enquiry Officer's Report exist on KTCL records. Vide letter KTC/Pers/143/2006-07/354 dt. 12.3.2007 it is reported that there are no Govt. Orders received by KTCL appointing Shri V.V.S. Kunkolienkar as Managing Director of KTCL.

Shri V.V.S. Kunkolienkar himself committed misconduct calling for disciplinary action, since,

- (a) He exercised Disciplinary Authority never vested in him, and
- (b) He wrongfully treated the sanctioned leave against me as absenteeism.

.....2/

  
23/5



In view of above, disciplinary proceeding should be initiated against Shri V.V.S. Kunkolienakr and to ensure fair and impartial proceedings he should be placed under suspension. I have suffered for 18 months having placed under suspension non-judiciously and for such an unauthorised and arbitrary act KTCL had to pay full wages and allowances exceeding Rs. 4 lacs.

This may be taken as intimation cum notice. Necessary action may be initiated against Shri Kunkolienkar within 60 days of receipt of this intimation, failing which I shall be compelled to take further necessary action as may be deemed fit. In the absence of any communication in this regard it shall be presumed that above said contents are admitted.

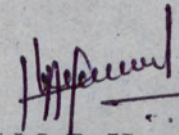
  
( M. P. Kamat )  
Dy. F.C.(C&B)



Exhibit R1/D

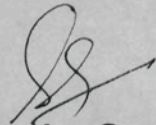
No.KTC/ADMN/1-2/2007-08/8  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.

Dated: 26.4.2007

NOTE

It has been decided to generate effective MIS reports to help informed decision making by the Management. Henceforth, it is directed that all consumption of spares at Central Stores/Central Workshop and Depots should be booked against specified bus only so that the cost effectiveness of maintaining particular buses at specified depots be identified and necessary action taken. It would also help in better compilation of bus-wise information. The information shall be sent to Dy.F.C.(Costing) and he shall submit it to M.D. on regular basis.

This should start from May 1, 2007 positively.

  
( Sanjay Goel, IAS )  
Managing Director

To,

1. The General Manager
  2. The Works Manager
  3. Depot Managers/Vasco/Margao/Porvorim/Panaji depot.
  4. A.S.O.
  5. A. F. C.
  6. Dy.F.C. (Costing)
- C.C. to: The Dy. G. M. (Trf.)

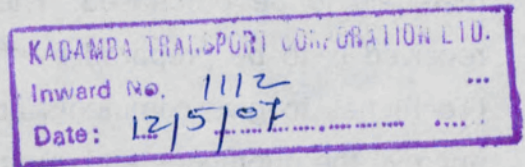


From:

M. P. Kamat,  
Dy. Financial Controller (B& C)  
Kadamba Transport Corpn. Ltd.,  
Porvorim-Goa.

Dated: <sup>12-05</sup> ~~24.4~~.2007

To,  
The Managing Director,  
Kadamba Transport Corporation Ltd.,  
Porvorim-Goa.



Sir,

Vide Memorandum No.KTC/ADMN/1-2/97-98/205 dated 4.3.1998. Enquiry in disciplinary proceedings were ordered against me by then the Managing Director and Disciplinary Authority, Shri P. S. Reddy. The subject matter of Article of Charges was irregularities in purchase transactions represented by following purchase orders

- No.1) KTC/Pur/12/1431 dated 21.12.1994
- 2) KTC/Pur/12/1432, dt. 21.12.1994
- 3) 3) KTC/Pur/12/1433 dt. 21.12.1994
- 4) 4)KTC/Pur/12/258 dated 4.6.1994
- 5) 5) KTC/Pur/12/2026 dated 19.2.1994
- 6) 6)KTC/Pur/12/1505 dated 18.11.1991
- 7) 7) KTC/Pur/12/1170 dated 1.10.1993.

As regards Purchase Order at Sr. No. 1 to 5, the allegations are that non genuine Aluminium material required for body building was purchased from M/s. Vishuni Enterprises, sister concern of M/s. Ruby Coach Pvt. Ltd., Mumbai instead of genuine Aluminium material from M/s. INDAL at much higher price without following the purchase procedure and procured materials in excess of the requirement thereby blocking the funds.

As regards Purchase Orders at Sr. No. 6 and 7, it is alleged that the material was procured without necessity in excess of the requirement thereby blocking the funds of the Corporation.

From the substance of the Purchase Orders reproduced above, it is evident that questionable issues therein represent clearly areas like purchase, stocking, inspection and consumption of material. The undersigned was Dy. Financial Controller of the Corporation at the relevant time and absolutely not concerned with following the prescribed purchase procedure, stocking of materials, inspection and consumption of the material. However, the Dy. Financial Controller as a member of Purchase Committee was supposed to play a role as a member of Purchase Committee while the purchase proposals were circulated by the Purchase Officer amongst the members of the Purchase Committee.



Vide Articles of Charge IX the normal procedure for purchase of material is stated by the Disciplinary Authority which is reproduced as below:

"The normal procedure for purchase of material is to invite quotations of the materials to be purchased. The comparative statement of the quotations/tenders received is to be prepared by the Purchase Officer and the Dy. General Manager (Tech) has to give comments and recommendations. The Purchase Committee then approve the quotations and supply order is to be issued by the Purchase Officer. If any excess quantity of the material is required to be purchased, sanction of the Competent Authority is to be obtained. But this procedure is not followed in the purchase orders in many cases." The said Article of Charge at pg. 6 at para no. 3 states " the name of M/s. Vishuni Enterprises does not appear in the comparative statement nor there is any record that the party had quoted for the material. There is no approval of the Purchase Committee and the Purchase Orders are pre-audited on 18.1.1995 i.e. after collecting the material from M/s. Vishuni Enterprises. Prior approval was not obtained and purchase orders were not pre-audited before affecting the purchases which is a must as per purchase procedure followed by KTCL."

The above reproduced para in itself constitute a built in reply to the allegations framed in the Article of Charges against the undersigned. The very fact that there is no Purchase Committee approval and that the material was procured without following the prescribed procedure, the Management has ruled out the possibility that undersigned as Dy. Financial Controller anytime participated in the Purchase Committee decisions as its member in aforesaid transactions. Apart from this position, at the material time when the aforesaid purchase transactions were transacted within KTCL, the undersigned was out of office and out of State of Goa on LTC and on sanctioned leave. It is evident from the facts exhibited and admitted in evidence that the accounting of the said transactions were done in the Finance Department by Shri George Fernandes, Accountant when the undersigned was on leave due to the expiry of his son. Thereafter the payments were released through the Finance Department under the authority of Shri U. B. Naik, Asstt. Financial Controller and Shri George Fernandes, Accountant at which point of time the undersigned was again on leave. It is also noticed that in one case a payment voucher was prepared and retained by Shri George Fernandes, Accountant for 60 days and finding the undersigned on leave on half day had clandestinely rushed the release of the payment. The purpose of stating the above fact in detail is that not only undersigned was on leave at the material time, the subject matter of the Article of Charge do not touch the functional areas such as purchasing, stocking and consumption of the material any time discharged in the Corporation by undersigned. And above all it is the case of Disciplinary Authority itself that the Purchase Officer did not follow the purchase procedure and the procurement was without the approval of the Purchase Committee which means the whole transaction is routed out and out disregarding the



prescribed procedure thereby not giving any opportunity to the members of the Purchase Committee to play any role in the subject transactions. Hence judged by all standards there cannot be even a remotest of remote possibilities of implicating the undersigned in the subject matter of the irregularities stated above.

The enquiry proceedings are complete and the findings are available with Disciplinary Authority dated 13.10.2006 wherein the Inquiring Authority at pg. 13 clearly stated that the "CO is not at all responsible for any transactions and the CID report has not at all inducted the CO but inducted Shri Naik and Gaonkar and CO has been singled out for enquiry. In spite of the fact that Shri Naik and Shri Gaonkar was inducted in the enquiry they were exonerated and enquiry proceedings have been inducted against the CO." It is further stated in the said report that misdeeds of other officers have been given deaf ears and these misdeeds have been trusted on the head of CO. It is further stated that the charges levelled are based on wrong documents and without application of mind. The Enquiry Officer at pg. 14 concluded that "when three persons in the global charge-sheet are involved and when 2 out of 3 are exonerated, the 3<sup>rd</sup> person cannot be singled out and charge-sheet issued. This amounts to personal vendetta.

With the above observations in the forefront, I state that no irregularity can be attributed to the undersigned. However, this does not mean that above cited transactions are not irregular. I make a definite and categoric submission that the Management had a full proof case of irregularity for the subject transactions not against the undersigned but against the group of <sup>other</sup> officers. The nature of irregularities involved and officers committing the irregularities is explained in the following paragraphs. The submissions hereinbelow are based on the exhibits attached by the Disciplinary Authority to the above referred charge-sheet, documents obtained by the undersigned during the course of enquiry and the submissions of the Management witness.

1. Purchase transaction originates from the indent by the user department. The user of the material can be the Depot Manager of the depot and the Works Manager. In the instant case the material procured from M/s. Vishuni Enterprises is originated under letter No. KTC/Dy.GM/9/93-94/273 dated 19.8.93 of Shri S. V. Naik, Dy. G.M.(Tech.) addressed to Works Manager, Central Workshop, Porvorim instructing the Works Manager to carryout the detail inspection of the aged fleet which had crossed more than 10 years to plan out the requirement considering output of around 5 buses per month. This act of Shri S. V. Naik is unprocedural and has been adopted exclusively in this case only. The role of Shri S. V. Naik is to give technical opinion and recommendations when the purchase proposal is placed before him. By instructing Works Manager to plan, fixing the output of around 5 buses per month, Shri S. V. Naik has influenced the quantity of material to be purchased in



respect of Order No. 1431, 1432, 1433 cited above. As regards Purchase Order No. KTC/Pur/12/258 dt. 4.8.94 he has supported the endorsement of the Purchase Officer that material being small in quantity, M/s. Aluminium Extrusion Centre would not supply the same. This contention of Shri S. V. Naik in the opinion of the Management has no base since the party quoting for any quantity should be willing to supply the said quantity.

The above material was received through KTC bus on 27.12.94 and not through transport as in normal course. Shri S. V. Naik had been to Mumbai on official tour on 21.12.94 to 25.12.94 for inspection of bus in M/s. Ruby's factory and it is at this relevant period the purchases of above mentioned material were made. It is erroneous on part of Mr. Naik to arrange the despatch of the material without a valid purchase order from the competent authority.

2. Upon instructions from Shri Naik, Works Manager, Central Workshop, prepared Indents bearing Nos. 75, 76, and 77 dated 30.8.93. Shri V. V. S. Kunkolienkar was the Works Manager of Central Workshop at the relevant time. He is responsible for the assessment of the quantities alleged to be excess. The said material was meant for consumption at the Central Workshop. The material was also received at Central Workshop and accepted and consumed at Central Workshop. Therefore, non reporting of non-genuiness of the material and sub-standard performance of the material by Shri V. V. S. Kunkolienkar, he becomes exclusively responsible. There is a major deviation in the indenting procedure. The indents are raised identifying the material by Stores code. When the material is identified by Stores Code, the Purchase Committee is free to approve any source of supply within the State of India. In the instant case the indents raised by Shri V. V. S. Kunkolienkar were identified by Ruby part numbers. When the materials are identified by Ruby part numbers, the Purchase Committee had no choice but approve the procurement from only company that can supply these parts i.e. M/s. Vishuni Enterprises. This is an inbuilt precaution by Shri V. V. S. Kunkolienkar that by any chance the purchase proposal appears before the Purchase Committee, the Purchase Committee should not approve the purchases from any source other than M/s. Vishuni Enterprises. This is a solitary instance where the material is identified not by Stores code No. but specifically by Ruby code No. but with a malafide intention to divert the procurement exclusively on M/s. Vishuni Enterprises. Shri V. V. S. Kunkolienkar is responsible for the same irregularities. Shri V. V. S. Kunkolienkar is solely responsible for procuring non-genuine, non-INDAL material due to misrepresented indents.

3. Based on User Indents, the Stores Indents are required to be prepared by Stores-in-Charge. Shri T. K. Pawase was the Asstt. Controller of Stores at the material time. He committed the following irregularities:



a) He failed to adjust the indented quantity by Shri V. V. S. Kunkolienkar with the stock available and the consumption pattern resulting into excess stocking and blocking the funds.

b) The ACS was supposed to receive the material in the Stores as per the specifications under duly pre-audited purchase order copy. In the instant case the material is received in the Stores without pre-audited purchase order copy. This is unprocedural.

c) Except in cases like Advance payments, discrepancies in supplies, rejections, all Stores documents i.e. GRN and bills in normal course are forwarded directly to Accounts Department by the Store Department. In the instant case the submission of GRN bills by Shri T. K. Pawase, A.C.S. to Shri P. A. Gaonkar, Purchase Officer is in violation of procedures.

d) Shri T. K. Pawase was officiating as Purchase Officer during the leave period of Shri P. A. Gaonkar when Purchase Order No.KTC/Pur/12.2026 dated 19.2.94 was released. There is a Purchase Committee approval for this procurement. The Purchase Committee approved the procurement from M/s. Hindustan Sales Agency. This approval of the Purchase Committee is disregarded and over-riding the approval of the Purchase Committee, the order was placed on M/s. Vishuni Enterprises which is in violation of Purchase Committee approval.

e) As regards the excess procurement as against the purchase Order No. 1505 dated 18.11.91 and 117 dated 1.10.93, the responsibility rests with the Stores for not adjusting the indented quantity to the available stocks to avoid over-stocking as well under-stocking of material as well as with the indentors for not lifting the indented material for consumption.

4. The Purchase officer committed following irregularities:

a) The Purchase procedure starts with Purchase Officer. Shri P. A. Gaonkar was the Purchase Officer at the material time. With respect to the materials procured from M/s. Vishuni Enterprises, there are no quotations from the said party. The name of the part does not appear in comparative Statement. The Purchase Officer has miserably failed in obtaining the approval of the Purchase Committee for such procurements. What is expected from Purchase Officer was an approval of Purchase Committee in the first instance and thereafter the audit of the draft purchase order from the Internal Auditors to confirm the draft purchase order matching with the approval of the Purchase Committee. In the instant case, the Purchase Officer prepared a purchase order and collected the copies of stores documents GRN (Goods Receipt Note) from Shri T. K. Pawase alongwith supplier's bills and produced the same for clearance of Internal Auditor. The Purchase Officer managed to manipulate



18/c  
approval for purchase orders on basis of suppliers invoices rather than on the basis of Purchase Committee approval which amounts to following inverse procedure and amounts to a major irregularity. In reality there existed no approval from Purchase Committee and the clearance through Internal Auditors is an out and out act by the Purchase Officer by-passing the Purchase Committee in collusion with the Internal Auditors.

b. The purchase orders are pre-audited on 18.1.95 which means that the said purchase orders were due for release on or after 18.1.95. In the instant case the supplier had supplied the material on 27.12.94 against orders No. 1431, 1432 and 1433 dated 21.12.94. The purchase order Nos. are allotted by Purchase Department. The very fact that the supplier had supplied specific material against specific purchase order nos. clearly confirms release of unwritten orders to M/s. Vishuni Enterprises by Purchase Officer.

c) The purchase orders while specifying the delivery terms state "supplied" in itself a confirmation of Receipt of material prior to release of purchase order.

d) In the suppliers reference column in the purchase order reference is required to be given of Suppliers Quotation/Enquiry/Rate Contract terms etc. The specification of invoice Nos. in the suppliers reference column is conclusive evidence of material receipt in violation of procedure, before release of purchase order and release of unwritten instructions to the supplier to supply the materials.

e) In the our reference column on purchase order, the Purchase Committee approval reference is required to be stated. The statement of Stores GRN nos. in the purchase order is conclusive evidence of pre-receipt of material in violation of procedures.

f) Purchase Order No.KTC/Pur/12/258 dated 4.6.94 is unauthorised. The original proposal was on M/s. Karnataka Minerals which file was withdrawn by Purchase Officer from office of Dy. Financial Controller, when on leave for ½ day due to urgency, but the material actually procured 8 months later. The action of Purchase Officer are suspicious and speaks volumes.

5. The Internal Auditors committed following irregularities:

a) There is a built-in Internal Audit system on purchase transactions wherein the draft proposal is placed before the Internal Auditor for the Purchase Committee approval before the proposal is submitted to MD wherein all aspects of the transactions supporting their indents till quotations, comparative statement are verified in all respects. The draft purchase order is placed before the Internal Auditors for clearance to ensure that the purchase order drafted by the Purchase officer matches with Purchase Committee approval. The Purchase Officer cannot release the



purchase order unless cleared by the Internal Auditor. M/s. Vaman Shirodkar were the Internal Auditors at the material time. The Auditor committed a professional misconduct enabling the Purchase Officer to release the purchase order by approving the same as per invoices. It was expected of the Internal Auditor to grant clearance based on Purchase Committee approval as against the supplier's invoices. Had this procedure was followed, the Purchase Officer would have been compelled to submit the proposal before the Purchase Committee for post facto sanction. The Internal Auditor therefore committed a mis-conduct that had let go the purchase orders irregularly.

b. With respect of Purchase order No. KTC/Pur/12/2006 dated 19.2.1994, there existed a Purchase Committee approval for procurement from M/s. Hindustan Sales Agency. However,, Shri t. K. Pawase, officiating Purchase Officer erroneously drafted Purchase Order on M/s. Vishuni Enterprises, which was blindly cleared by the Internal Auditors. This act speaks negligence on part of Internal Auditors, M/s. Vaman S. S. Shirodkar, Chartered Accountants.

6. Shri George Fernandes committed following irregularities:

a) Shri George Fernandes was the Accountant at the material time. His act of accounting the transaction and effecting the payment during the leave period of the undersigned cannot be coincidence. There is a clear indication of Shri George Fernandes acting in connivance with Shri Naik and Shri Gaonkar leaking the information about the availability of the undersigned and enabling the withdrawal of the files and rushing payment in the absence of the undersigned.

b) Further it is also his case as a witness of the Management that above transactions are irregular and irregularity is committed by the undersigned as Head of Finance Department. He was caught on the wrong foot when the defence was open that he himself mishandled these transactions in the absence of the undersigned, he chose to withdraw his deposition stating to be false. Depite withdrawal he remains accountable for leading false evidence on oath.

c) Shri George Fernandes did not qualify to be witness in this case since he know nothing about the purchase procedure and subject transactions at the material time. However, his enthusiasm to lead charge-sheet, CID report and evidence on these documents coupled with his promotion as EDP Manager from an Accountant alongwith Shri Naik and Shri Gaonkar and false evidence speaks of a larger conspiracy with senior colleagues to dislodge me from the Finance Department for ulterior motives.

d) Mr. George Fernandes, though not a Purchase Officer at the material time, he was very much associated with Accounts Department over a period of 20 years as on that date. The purchase proposal and Committee approval, and Delivery Challans were never received in Finance Department and without which he

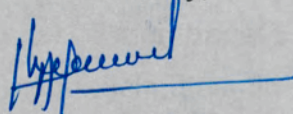


had cleared payments of numerous purchase transactions. Hence his deposition to the effect that the undersigned failed to bring the alleged irregularities in purchases while effecting payments is out of conspiracy with Mr. Naik and Mr. Gaonkar to dislodge me from the Finance Department with ulterior motives.

With the above facts in the forefront assembled from the charge-sheet and exhibits furnished to me in enquiry, it is evident and established fact that the alleged irregularities as against the undersigned are in fact committed by series of officers as above. The Disciplinary Authority has fallen in error of initiating proceedings against the undersigned for misconduct of series of other officers as above. It is therefore prayed that :

- a) The Inquiry Officer's report dated 13/10/2006 as against the undersigned be accepted and undersigned be exonerated from the alleged irregularities.
- b) The whole issue of the CID report be re-investigated in the light of broader connivance between Shri S. V. Naik, Shri V. V. S. Kunkolienkar, Shri T. K. Pawase, Shri P. A. Gaonkar, Shri George Fernandes and M/s. Vaman Shirodkar, Internal Auditors, being real offenders in the whole episode.
- c) The promotions of Shri S. V. Naik, Shri P. A. Gaonkar, Shri George Fernandes and Shri T. K. Pawase be reviewed and decided again.
- d) Shri Vaman S. S. Shirodkar should not be granted re-appointment for the year 2007-08.

Yours faithfully,



( M. P. Kamat )

Dy. Financial Controller, (B & C)



KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 1288  
Date: 21/5/07

Inward No.                       
From: 22/5/07

Mahesh P. Kamat,  
Dy.F.C.(C&B).

1293  
26/5/07

Date: 19.5.2007

To,  
The Managing Director,  
Kadamba Transport Corpn. Ltd.,  
Porvorim.

Sir,

Vide Order No.KTC/ADMN/1-2/2006-07/111 dated 30.12.2006 followed with addendum No.KTC/ADMN/1-2/2006-07/122 dated 17.2.2007, difference of subsistence allowance and withheld increments are released to me. However the release of pay and allowances is nearly after 2 years from the date of inquiry officer's report. Herein I raise a claim for interest @ 10% per annum for delayed payment beyond 90 days of the date of receipt of inquiry report.

May I draw your attention to remarks of Ex M.D., Shri S.V. Naik on page nos. 10 and 11 of the subject file which reads as follows:

"Further the file was processed by Personnel Dept. in the month of Nov. 05 which was pending in the Office of G.M and D.A upto 23.3.06 as can be seen from 'A' at page N/7. The above delay may have to be explained by the Personnel Dept./Office of G.M., KTC."

In view of above remarks, the explanation should be called from Personnel Dept. and Office of G.M., KTC and action should be taken for undue and unreasonable delay. Please release the interest on delayed payments at the earliest.

( M. P. Kamat )  
Dy.F.C.(C&B)

The Accounts Dept. had released arrears of salary as per orders referred above. The further matter may be looked into as referred above.

Detail note dt. 30.5.07 is placed herewith for MD reference. Submitted please.  
MD

20/5/07  
M.P.

[Signature]

25/5

AFC/PM

1248  
20/5/07

P.M.

[Signature]

28/5/07  
P.M. 30/5/07



14/c

**NOTE**

Date:- 30<sup>th</sup> May,2007.

With reference to remarks on Shri M. P. Kamat's representation dated 19.5.2007 , it is submitted that, the relevent departmental enquiry file in respect of Memorandum Of Charges dated 11.4.2001 has been collected from the Office of the Managing Director to examine the claim of Shri Mahesh P. Kamat and it is submitted that,

As per the records on the file, it is submitted that, the enquiry file in reference was processed by the Personnel Department and during the period Shri A. S. Shirvoikar was heading the personnel Department as Personnel Officer. Pursuant to letter dated 9/11/2005 by Shri M. P. Kamat, the note was processed vide Noting N/6 on 16/11/2005 to the Managing Director and the Managing Director advised the Personnel Officer to speak on 18/11/2005 and on 1/12/2005, the Personnel Officer spoken with the Managing Director and re-submitted the file to the Managing Director.

Thereafter, as per noting N7, it can be confirmed that, the reference file was with the Office of the General Manager and the same has been returned from the Office of the General Manager on 23.3.2006.

In reply to the observations made by the Managing Director on page N/7 to N/8, the Personnel Officer in his submission dated 25/3/2005, submitted that, " the file was forwarded to the Managing Director on dated 17/12/2005 through the General Manageras per our section diary. The said file was returned back to Personnel Department from the office of the General Manager on 3/1/2006. General Manager may have retained the file with our advise/instruction to speak. After with the General Manager, he may have kept the file for passing appropriate suggestion/recommendations. However, file remained in his Office and on inquiring the said file returned to the Personnel Department on 23/3/2006." However, as per the records of the file, no observations nor any remark is passed by the General Manager.

Since there is no comments or any specific remarks passed on the file other than as stated above, the matter is placed before the Managing Director for his information and further decision please.

Submitted please.

*revise 30/5/07*  
**PERSONNEL MANAGER**

**MANAGING DIRECTOR**

*PM*

*M*  
*7/6*



13/

Traffic Section, Head Office,  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.  
Dated: 30/04/2007.

LINE CHECKING PROGRAMME

As instructed by Managing Director, KTCL you are requested to carry out Line Checking on the below mentioned Sectors as per the Dates given below.

A Jeep alongwith Driver and one batch of Line Checking Staff is placed at your disposal for this purpose.

<u>Date</u>	<u>Sector</u>
<u>02.05.2007 From 14.00 hrs</u>	<u>Bambolim, Corbalim, Luredim, Canacona, Karmali</u>
<u>03.05.2007</u>	<u>N/OUI. Karwar.</u>
	<u>Ramrogay (via Joida). Anmod-Ponda.</u>

You may conduct Line Checking on the Sectors given above in addition surprise visit may be given to Bus Stands to check the Traffic Controllers posted and the cleanliness of the Bus Stands and also conduct counter checking for Line Checking Staff of HO, which information can be taken from ATS, HO before proceeding on Line Checking.

  
( V. V. S. Kurkollikar )  
DY. GENERAL MANAGER (TRF)

To,  
Shri. M. D. Kemalt.  
By. Financial Controller (Costing & Budget),  
K.T.C.L. Porvorim.

Copy to:  
(1) P. A to the Managing Director, KTCL.  
(2) O/C.

N:

the Director of operations, Kadamba Transport Corporation Ltd., Porvorim, Goa.



12/c

K. ...  
T. ...  
Invoice No. 839  
Date 2/5/07

Date: 2.5.07

NOTE

Ref: Line Checking programme dated 30.4.07

With reference to the above, I communicate my inability for requested line checking programmed due to family function to-day at 7.30 p.m onwards. The programme may be rescheduled any time next week. Alternatively to-day's programme may be revised so that I can return home by 7 p.m. To-day and continue with the programme tomorrow, i.e. 3.05.07.

X

[Signature]  
( M. P. Kamat )  
Dy.F.C.( C & B)

To,  
Dy.General Manager (Trf)

C.C : P.A. To M.D., KTCL.

The programme will run as schedule as all line checking staff come (jeep has been repaired)

[Signature]  
2/5/07  
D.G.M (Trf)  
11.30 a.m.

Discussed with MD and agreed 'X' above.

[Signature]  
2/5/07 11.45 AM.



M. P. Kamat,  
Dy. F. C. (B & C)  
Kadamba Transport corpn. Ltd.,  
Porvorim-Goa.

Dated: 8.5.2007

KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 1036  
Date: 9/5/07

11/2/07

Office of the Gen. Secy.  
K. T. C. Ltd. Panaji - Goa  
Inward No. 542  
Date: 11/5/2007

REPORT

1182  
12/5

Sub: Line Checking Programme dated 30.4.2007.

With reference to the above, checking was done by me. At the outset, I would like to state that I do not have any moral sanctity to check the conductors who might have pilfered some revenue in Rs. tens or few hundreds. The inspecting authority should not be under the clouds. I myself is facing serious allegations running into few lakhs of rupees. Natural justice demands that the inspecting authority should not be under clouds. Despite this, to honour your instructions, I have carried out the checking and I would like to submit as below:

1. The bus proceeding from Cortalim to Margao, Cortalim to Vasco and Cortalim to Panaji were checked at Cortalim between 14:35 hrs. till 15.00 hrs. i.e. for a duration of 25 minutes. It is observed that during this period, as many as 6 big buses and 5 mini buses operated from Cortalim to Margao. The departure time at Cortalim were observed as 14.40 hrs., 14.42 hrs. 14.46 hrs. excluding the mini buses. Likewise, from Cortalim to Vasco buses departed at 14.37 hrs. 14.40 hrs. and 14.45 hrs. From the above, it can be seen that there are clash timing operations. The number of Kms operated may be more but the revenue earning per Km is very less. The buses were observed operating below 50% seating capacity. Particularly the buses proceeding to Vasco and coming from Vasco were found with less than 25% load factor. It is suggested that the schedules on the nationalised routes to be reviewed. The earnings per Km will rise in the event the same Kms are operated by less number of buses. These surplus buses can be withdrawn and put on local intra routes.

2. At Canacona Bus Stand on 2<sup>nd</sup> May 2007 at 5.45 p.m. and on 3<sup>rd</sup> May at Curchorem Bus Stand at 10.00 a.m., the respective bus stands were observed fully occupied by buses without a single KTC bus in the parking bay of the bus stand. It is necessary to look into the scale of operation on local intra routes.

3. On 2<sup>nd</sup> May 2007, on Margao-Canacona route distance 40 Kms except for one bus proceeding to Mysore no bus was seen on this route from 3.30 p.m. till 5.45 p.m. Likewise on 3<sup>rd</sup> May from 9.15 a.m. till 10.30 a.m. not a single bus was seen on route Margao till Mollem distance 50 Kms. This brings to focus scale of operations on local intra routes.

Gen. Secy.  
Dy. Secy.  
May pl. see for comments

19/5  
A.R. Naik  
M. Putuh  
14/5

Most of the observations are related to route section but for the 10 which will be replied by technical section. May therefore see  
A.R. Naik M. Putuh at nr. ① ② + ③  
15/7



4. On 2<sup>nd</sup> May 2007, it was seen that following schedules were not operated :

1. 28A/28
2. 43A/43
3. 44A/44
4. 118A
5. 42A

It is also seen that schedule No. 36 was out of operation for considerable long time. It is also observed at Canacona Bus Stand that people were enquiring whether the bus on schedule 44A/44 likely to arrive for Night Out at Cabo De Ram. It was revealed from the passengers that the said bus had not reported for previous two days. Similar is the case with Night Out at Kuskem.

5. It was reported by the Controller at Canacona Bus Stand that early morning bus arriving from Mysore and reaching Cancona at 6.15 hrs. is not entering the Bus Stand. It was informed that quite a few passengers are available for transportation on KTCL Bus Stand.

6. It is necessary to ascertain whether complete schedule with all the trips are operated. It is suggested that a list should be called from Depot Managers wherein all the trips in a schedule are operated for full week. Considering the non availability of the buses for checking on routes over a long distance it is felt that may be only a few late evening trips in the sensitive areas are operated to show the operation of full schedule. This is very vital as it amounts to under utilisation of the crew and fleet.

7. Default case was noticed which is reported separately. It was found that the conductor was without cash bag. It needs to be ascertained whether the cash bag was not provided or the conductor deliberately did not carry the cash bag. The amount of Rs. 150/- was found on person of the said conductor. This might have been a tactic adopted to pilferage the revenue since it is not practical for full checking of the conductors inner wear.

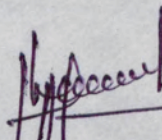
8. The said conductor when being checked was found receiving mobile calls. This raises a very vital issue about the confidentiality and worth of long checking programmes. The checking squad information can be leaked within a fraction of the moment thereby nullifying the importance of long checking programmes. The important issue is whether the conductors should be permitted to use mobile phones on duty.

*Defect is not mentioned to which schedule attached*

*Letter be made to J.M. PRV.*



9. It is also suggested that apart from surprise checking of the conductors and the line checking squad, at an appropriate higher level, the Managing Director should also instruct the counter checking of self drawn checking programmes. There is information that self drawn checking programmes are tuned in the personal interest and not strictly in the interest of the Corporation such as family trips, purchases, etc. In such a situation the Managing Director may propose the counter checks by other senior officers to ensure that the line checking is strictly done in the interest of the Corporation.
10. It is suggested that on long distance interstate checking very old vehicles should not be provided. The latest vehicles should be spared for long distance line checking.
11. Bus Station conditions were observed normal.
12. Enquiries with conductors revealed that late departure of buses. The unpunctual operations might lead to revenue dilution arising out of passenger diversion.



( M. P. Kamat )  
Dy. Financial Controller (B & C)

To,

The Managing Director,  
K.T.C.L, Porvorim-Goa.



16  
16/3/07

9/c

From: Shri. M. P. Kamat,  
Dy. Financial Controller (C&B),  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.  
Dated: 14/03/2007.

To,  
The Managing Director,  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.

KADAMBA TRANSPORT CORPORATION LTD.  
Inward No. 8830  
Date: 14/3/07  
1573

Sir,

I am forwarding herewith copy of the Representation filed by me before the B.O.D dated 08/03/2007. From amongst several prayers (a) to (e), which may require time for perusal, I would like to draw your attention and request you to consider initially the following issues.

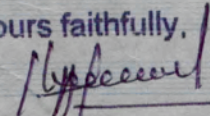
- (a) Unprocedurally dropping inquiry proceedings against Shri. V. V. S. Kunkolienkar, Dy. General Manager (Trf). The acceptance of the Grievance Committee Report and the Resolution No. 19/2007 by your authority as Disciplinary Authority in the disciplinary proceedings instituted under CCS (CCA) Rules.
- (b) The re-appointment of M/s. Vaman S. S. Shirodkar as Internal Auditors with percentage increase in remuneration. The transaction set in motion by Shri. V. V. S. Kunkolienkar could have been stopped only by the Internal Auditors by refusing to accept the supplier's bills for material already supplied to KTCL as the basis for clearing the purchase order with respect of the same material. This would have compelled the Purchase Officer to go back to the Purchase Committee for seeking post facto approval. The Corporation take the benefit of this issue and may even report to the Institute of Chartered Accountants, India for professional misconduct and negotiate on the remuneration to suit the interest of the Corporation.

By A/B2C

A. Discont  
14/3

Encl: As above.

AD  
16/3

Yours faithfully,  
  
( M. P. Kamat )  
DY. FINANCIAL CONTROLLER (C&B)



To,  
The Board of Directors,  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.

Dear Sirs,

Shri. S. V. Naik, Managing Director, KTCL, now on transfer had called a Board Meeting on 9<sup>th</sup> March, 2007. Apart from other items on the Agenda, the confirmation of the Minutes of the previous Meeting includes Resolution No. 19/2007 to drop the Departmental Enquiry and Charge Sheet initiated against Shri. V. V. S. Kunkolienkar. Shri. S. V. Naik, Managing Director, KTCL had reordered inquiry against me alleging the irregularities in certain purchase transactions amounting to acts of connivance with Shri. S. V. Naik and Shri. P. A. Gaonkar, the then Dy. General Manager (Tech) and Purchase Officer respectively. Despite knowing the fact that Shri. S. V. Naik and Shri. P. A. Gaonkar had already been exonerated on the subject matter of alleged transactions and further that the principal witness, Shri. George Fernandes, having gone on records that he had deposed falsely as put to him by his Presenting Officer, Shri. V. V. S. Kunkolienkar. It is also a matter of fact that the Inquiry Report is received by Shri. S. V. Naik, Managing Director, KTCL dated 13/10/2006. The said Report is resting in his Office. Despite this and having repeatedly brought to his notice the acts of Shri. V. V. S. Kunkolienkar in the said transactions, he had conveniently preferred to set in motion the process of dropping the Departmental Enquiry and Charge Sheet initiated against Shri. V. V. S. Kunkolienkar.

The facts of the case briefly stated are as below:

- (a) Shri. V. V. S. Kunkolienkar, then Works Manager initiated indents for purchase of body building material identifying the material by Ruby part numbers, which material can be supplied only by M/s. Vishnui Enterprises, a sister concern of M/s. Ruby Coach Builders Pvt. Ltd., Mumbai.
- (b) Shri. T. K. Pawase, Asstt. Controller of Stores, initiated stores indent corresponding to user indents initiated by Shri. V. V. S. Kunkolienkar.
- (c) Shri. S. V. Naik, then Dy. General Manager (Tech) on visit to M/s. Ruby Coach Builders Pvt. Ltd., Mumbai, dispatched the material through KTCL bus from M/s. Vishnui Enterprises.
- (d) Shri. T. K. Pawase, then Asstt. Controller of Stores receipted the material at the Central Stores without a valid pre-audited purchase order.
- (e) Shri. P. A. Gaonkar, then Purchase Officer initiated purchase orders bypassing the Purchase Committee, directly for the clearance by Internal Auditors, Shri. Vaman S. S. Shirodkar.
- (f) Shri. S. B. Joshi, Chief Auditor of M/s. V. S. S. Shirodkar accepted the purchase proposal accompanied by Goods Receipt Notes (GRN) from Stores, delivery challans, supplier's invoices and remark of the Purchase Officer that "materials supplied" and cleared the purchase order with remarks "as per invoice".
- (g) Shri. George Fernandes, the Accountant then, accepted the bills, accounted them in the Books of Accounts, scrutinised the Bills and released the vouchers for payment by the Competent Authorities. To make a mention one payment voucher was detained for 60 days by him and was released for payment when the undersigned was on leave for ½ day on a particular date.

The above events from (a) to (g) represent the sequence in which, the transaction was originated and completed by different Authorities in KTCL.

During the whole process, the undersigned was on sanctioned leave on LTC to



7/4

Rameshwaram, Kanyakumari and Trivendrum. The sequence of the events stated at (a) to (g) above were not even functional concerns of the undersigned in the routine course, except that the participation of the undersigned as Purchase Committee Member, which was functionally expected of me, but which stage has been intentionally bypassed by placing the purchase orders directly before the Internal Auditors by the then Purchase Officer, Shri. P. A. Gaonkar.

For the above irregular transactions, the participants at (b), (c), (d), (e), (f) and (g) are rewarded as below:

- (1) Shri. S. V. Naik, Dy. General Manager (Tech) promoted to General Manager.
- (2) Shri. P. A. Gaonkar, Purchase Officer promoted to Controller of Purchases.
- (3) Shri. George Fernandes, Accountant promoted to Manager, EDP.
- (4) Shri. T. K. Pawase, Asstt. Controller of Stores promoted to Dy. Financial Controller (Budget & Costing).
- (5) Shri. S. B. Joshi as Chief Internal Auditor

Shri. V. V. S. Kunkolienkar with respect of whom the Departmental Inquiry Proceedings are now dropped is now unprocedurely cleared of inquiry for promotion as Dy. General Manager and Shri. Vaman S. S. Shirodkar for reappointment as Internal Auditor with percentage hike in the remunerations. On the contrary, the undersigned who had no role to play in the whole episode and was on sanctioned leave is punished with disciplinary proceedings now spread over 10 years. Not only that the inquiry proceedings are complete, the Report is received and the falsity of the allegations is established, but Shri. S. V. Naik, Managing Director, KTCL had overlooked the said Report though he had time to look into the unfinished inquiry against Shri. V. V. S. Kunkolienkar. The premature closure of the disciplinary proceedings against Shri. V. V. S. Kunkolienkar by Shri. S. V. Naik, Managing Director, KTCL are unprocedural and illegal since

- (a) The Disciplinary Authority of the Managing Director cannot be sub-delegated.
- (b) The disciplinary proceedings cannot be closed on the ground that the Report is not received within 90 days.
- (c) The disciplinary proceedings closed upon advice of Shri. S. V. Patnekar, a Private Advocate and Private Counsel of Shri. V. V. S. Kunkolienkar without processing the same through Office of O.S.D and L.A.
- (d) The arguments in favour of self and against KTCL led before the Grievance Committee by Shri. V. V. S. Kunkolienkar himself.
- (e) Shri. S. V. Naik, Managing Director, KTCL participated in the membership of the Grievance Committee.
- (f) The disciplinary proceedings taken synonymously with the grievances and brought under the scope of Grievance Committee.
- (g) The conduct of inquiry instituted under Rule 14 of CCS (CCA) Rule is mandatory.

The Grievance Committee felt that the Article of Charges framed against Shri. V. V. S. Kunkolienkar was without any substance. If this was true, it was in the mutual interest of KTCL as well as Shri. V. V. S. Kunkolienkar to expedite the Report from the Enquiry Officer, Shri. Thali, wherein, the deposition and cross examination on both sides was complete and the Report submission was awaiting. This would have helped the Corporation to procedurally complete the inquiry proceedings without leaving Shri. V. V. S. Kunkolienkar at the mercy of the Grievance Committee to set aside the inquiry proceedings instituted against him. It may be the case that the Grievance Committee had erroneously decided on the disciplinary matter and the Board in the 151<sup>st</sup> Meeting accepted the said Report of the Grievance Committee, such acts of the Grievance Committee as well as the Board of Directors does not absolve Shri. S. V. Naik, Managing Director, KTCL from his responsibility as Disciplinary Authority. The findings of the Enquiry Officer are not binding on the Disciplinary Authority as is evidenced in the similar case, wherein, the adverse findings against Shri. P. A. Gaonkar erroneously not accepted by the then



6/2

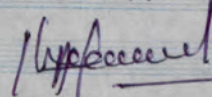
Disciplinary Authority, Shri. Arun Desai. Therefore, it was also prudent on the part of Shri. S. V. Naik, Managing Director, KTCL to reject the adverse findings, if any, from the Enquiry Officer, Shri. Thali as against Shri. V. V. S. Kunkolienkar, giving some reasons and disowning the inquiry findings to suit the interest of Shri. V. V. S. Kunkolienkar. Despite the Report of the Grievance Committee and the Resolution No. 19/2007 of B.O.D, the role of Disciplinary Authority still continues. It is he who has to finally decide whether to accept the Report of the Grievance Committee and the Resolution No. 19/2007 of the Board with thorough reasoning before accepting and dropping the inquiry proceedings. The Report of the Grievance Committee and Resolution No. 19/2007 shall not suffice by itself unless it is accepted by the Disciplinary Authority with adequate reasons.

As is the case, this Board is blaming the previous Board for relieving of Shri. S. V. Naik and Shri. P. A. Gaonkar from the inquiries, pending the inquiry against the undersigned in global Charge Sheet, it is feared that the new Board may also question the acts of the present Board for prematurely dropping the inquiry instituted against Shri. V. V. S. Kunkolienkar and not booking Shri. V. V. S. Kunkolienkar in this inquiry alongwith Shri. S. V. Naik and Shri. P. A. Gaonkar and reappointing M/s. V. S. S. Shirodkar as Internal Auditors.

The precedent laid down in this Board shall have a damaging effect on the Corporation in the long run since it will have the implication of eliminating the Disciplinary Authority from the functioning of KTCL. Thousands of workmen may sight this model case and demand for Grievance Committee of the Directors to look into their inquiries by setting aside the Disciplinary Authority in their case, which is non other than Shri. V. V. S. Kunkolienkar himself. If such a thing happens, then there will be absolute elimination of disciplinary system and administrative procedures in this Corporation.

It is therefore, prayed that:

- (a) Managing Director, KTCL should be instructed to return the Enquiry File and obtain Enquiry Report in disciplinary proceedings against Shri. V. V. S. Kunkolienkar, setting aside the Grievance Committee Report and rescind Resolution No. 19/2007.
- (b) Managing Director, KTCL should be asked to expedite action on Enquiry Report dated 13/10/2006 in the inquiry against undersigned.
- (c) Initiate action against Shri. V. V. S. Kunkolienkar and Shri. George Fernandes for leading false evidence against the undersigned.
- (d) Issue order of reinvestigation in this episode of irregular purchases.
- (e) Seek clarification from M/s. Vaman S. S. Shirodkar & Co., Chartered Accountants for clearing the disputed purchase orders accepting "suppliers invoices" in lieu of "Purchase Committee Approval" amounting to professional misconduct, before granting reappointment with increased remuneration for next year 2007-08.



( M. P. Kamat )  
DY. FINANCIAL CONTROLLER (C&B)

Copy to:

- (1) The Managing Director, KTCL.
- (2) The Vice Chairman, KTCL.
- (3) The Hon'ble Chief Minister of Goa.
- (4) The Chief Secretary, Government of Goa, Porvorim.
- (5) The Secretary (Transport).
- (6) O/C.



57C

No. KTC/DY.FC(C&B)/2006-07/23  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.

Dated: 22/03/2007.

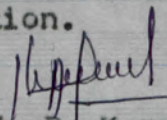
N O T E

SUB: Office Memorandum No. KTC/PERS/110(566)/06-07/3392  
dated 20/02/2007.

Vide Office Memorandum referred to above, it was desired to have a Budget for the Financial Year 2007-08. In reply of the said Memorandum dated 22/02/2007, the request was put up before the then Managing Director to provide budget staff, sitting place for the budget staff and computer. Except for the provision of a Steno for half a day, no action has been taken on the other issues till date. Despite this, I have earnestly pursued the assignment and issued as many as 20 Notes seeking preliminary information from the various Departments of KTCL. I state that till date none of the Departments have given compliance to any of the Notes referred to them. Considering this state of affairs, I did not call additional information from the Depots. The programme of operations for the year 2007-08 is a basic document based on which, other budgets are to be derived and to match with the scale of operations in terms of kilometers. This scale of operations is to be assessed by Traffic Department, HO, in charge of Dy. General Manager (Trf). In the absence of fixed programme of operations for the Budget Year 2007-08, it is pointless to carry out this exercise beyond this point.

In view of above, the desired Budget cannot be furnished and under intimation to your Authority I am winding up the budgetary exercise.

As a part of the aforesaid Memorandum, it was also desired to establish a costing system, which is still a bigger exercise than the budgetary system. It appears from the above that the database of the Corporation is itself not existing and without the database and documents, lack of staff and facilities, the desired costing analysis cannot be initiated. As a part of the duties and responsibilities vide Annexure 'A' to the said Office Memorandum, it was desired to do revenue analysis, reduction of cost and improvement of profitability of the Corporation. Hereinafter, I shall call and analyse the performance parameters from various Departments of KTCL with a view to analyse and review the possibility of improvement in revenues, reduction in expenditure and improvement in the profitability of the Corporation.

  
( M. P. Kamat )  
DY. FINANCIAL CONTROLLER (C&B)

To, MC  
23/3  
The Managing Director, KTCL, Porvorim  
Copy to: (1) The Hon'ble Chairman, KTCL (2) O/C.



4/c

No. KTC/DY.FC(C&B)/2006-07/22  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.

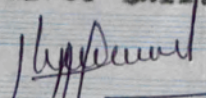
Dated: 22/03/2007.

N O T E

I am enclosing a copy of the Representation dated 08/03/2007 for your records and with a request that the contents thereof be brought to the notice of Departmental Promotional Committee (DPC) in the event any proposal for promotion of Shri. V. V. S. Kunkolienkar originates from the Personnel Department. Also enclosing Note dated 20/02/2007 as regards unauthorised exercise of the Disciplinary Authority against me. It is now confirmed vide your Note No. KTC/PERS/143/2006-07/354 dated 12/03/2007 that there were no Government Orders appointing Shri. V. V. S. Kunkolienkar as the Managing Director, KTCL. The above unauthorised acts had resulted into my suspension and disciplinary proceedings.

I am also to bring to your notice unauthorised and unprocedural recommendations by the Grievance Committee and Resolution of the Board vide Resolution No. 19/2007 dropping the inquiry proceedings against Shri. V. V. S. Kunkolienkar.

The contents of these Notes be brought to the notice of the Managing Director, KTCL and Disciplinary Authority and the Members of the DPC in the event you are originating a promotion proposal in favour of Shri. V. V. S. Kunkolienkar.

  
( M. P. Kamat )  
DY. FINANCIAL CONTROLLER (C&B)

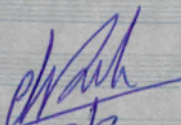
Encl: As above.

To,  
The Personnel Manager, KTCL, P<sub>o</sub>rvorim.

Copy to:

- (1) The Managing Director, KTCL.
- (2) The Hon'ble Chairman, KTCL.
- (3) O/C.

O/C

  
23/3

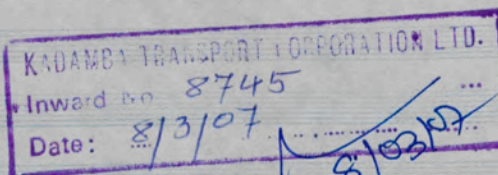
MP  
23/3



E-2/11

Dated: 06/03/2007.

To,  
The Board of Directors,  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim - Goa.



Dear Sirs,

Shri. S. V. Naik, Managing Director, KTCL, now on transfer had called a Board Meeting on 9<sup>th</sup> March, 2007. Apart from other items on the Agenda, the confirmation of the Minutes of the previous Meeting includes Resolution No. 19/2007 to drop the Departmental Enquiry and Charge Sheet initiated against Shri. V. V. S. Kunkolienkar. Shri. S. V. Naik, Managing Director, KTCL had reordered inquiry against me alleging the irregularities in certain purchase transactions amounting to acts of connivance with Shri. S. V. Naik and Shri. P. A. Gaonkar, the then Dy. General Manager (Tech) and Purchase Officer respectively. Despite knowing the fact that Shri. S. V. Naik and Shri. P. A. Gaonkar had already been exonerated on the subject matter of alleged transactions and further that the principal witness, Shri. George Fernandes, having gone on records that he had deposed falsely as put to him by his Presenting Officer, Shri. V. V. S. Kunkolienkar. It is also a matter of fact that the inquiry Report is received by Shri. S. V. Naik, Managing Director, KTCL dated 13/10/2006. The said Report is resting in his Office. Despite this and having repeatedly brought to his notice the acts of Shri. V. V. S. Kunkolienkar in the said transactions, he had conveniently preferred to set in motion the process of dropping the Departmental Enquiry and Charge Sheet initiated against Shri. V. V. S. Kunkolienkar.

The facts of the case briefly stated are as below:

- (a) Shri. V. V. S. Kunkolienkar, then Works Manager initiated indents for purchase of body building material identifying the material by Ruby part numbers, which material can be supplied only by M/s. Vishnui Enterprises, a sister concern of M/s. Ruby Coach Builders Pvt. Ltd., Mumbai.
- (b) Shri. T. K. Pawase, Asstt. Controller of Stores, initiated stores indent corresponding to user indents initiated by Shri. V. V. S. Kunkolienkar.
- (c) Shri. S. V. Naik, then Dy. General Manager (Tech) on visit to M/s. Ruby Coach Builders Pvt. Ltd., Mumbai, dispatched the material through KTCL bus from M/s. Vishnui Enterprises.
- (d) Shri. T. K. Pawase, then Asstt. Controller of Stores receipted the material at the Central Stores without a valid pre-audited purchase order.
- (e) Shri. P. A. Gaonkar, then Purchase Officer initiated purchase orders bypassing the Purchase Committee, directly for the clearance by Internal Auditors, Shri. Vaman S. S. Shirodkar.
- (f) Shri. S. B. Joshi, Chief Auditor of M/s. V. S. S. Shirodkar accepted the purchase proposal accompanied by Goods Receipt Notes (GRN) from Stores, delivery challans, supplier's invoices and remark of the Purchase Officer that "materials supplied" and cleared the purchase order with remarks "as per invoice".
- (g) Shri. George Fernandes, the Accountant then, accepted the bills, accounted them in the Books of Accounts, scrutinised the Bills and released the vouchers for payment by the Competent Authorities. To make a mention one payment voucher was detained for 60 days by him and was released for payment when the undersigned was on leave for ½ day on a particular date.

The above events from (a) to (g) represent the sequence in which, the transaction was originated and completed by different Authorities in KTCL.

During the whole process, the undersigned was on sanctioned leave on LTC to



Rameshwaram, Kanyakumari and Trivendrum. The sequence of the events stated at (a) to (g) above were not even functional concerns of the undersigned in the routine course, except that the participation of the undersigned as Purchase Committee Member, which was functionally expected of me, but which stage has been intentionally bypassed by placing the purchase orders directly before the Internal Auditors by the then Purchase Officer, Shri. P. A. Gaonkar.

For the above irregular transactions, the participants at (b), (c), (d), (e), (f) and (g) are rewarded as below:

- (1) Shri. S. V. Naik, Dy. General Manager (Tech) promoted to General Manager.
- (2) Shri. P. A. Gaonkar, Purchase Officer promoted to Controller of Purchases.
- (3) Shri. George Fernandes, Accountant promoted to Manager, EDP.
- (4) Shri. T. K. Pawase, Asstt. Controller of Stores promoted to Dy. Financial Controller (Budget & Costing).
- (5) Shri. S. B. Joshi as Chief Internal Auditor

Shri. V. V. S. Kunkolienkar with respect of whom the Departmental Inquiry Proceedings are now dropped is now unprocedurally cleared of inquiry for promotion as Dy. General Manager and Shri. Vaman S. S. Shirodkar for reappointment as Internal Auditor with percentage hike in the remuneration. On the contrary, the undersigned who had no role to play in the whole episode and was on sanctioned leave is punished with disciplinary proceedings now spread over 10 years. Not only that the inquiry proceedings are complete, the Report is received and the falsity of the allegations is established, but Shri. S. V. Naik, Managing Director, KTCL had overlooked the said Report though he had time to look into the unfinished inquiry against Shri. V. V. S. Kunkolienkar. The premature closure of the disciplinary proceedings against Shri. V. V. S. Kunkolienkar by Shri. S. V. Naik, Managing Director, KTCL are unprocedural and illegal since

- (a) The Disciplinary Authority of the Managing Director cannot be sub-delegated.
- (b) The disciplinary proceedings cannot be closed on the ground that the Report is not received within 90 days.
- (c) The disciplinary proceedings closed upon advice of Shri. S. V. Patnekar, a Private Advocate and Private Counsel of Shri. V. V. S. Kunkolienkar without processing the same through Office of O.S.D and L.A.
- (d) The arguments in favour of self and against KTCL led before the Grievance Committee by Shri. V. V. S. Kunkolienkar himself.
- (e) Shri. S. V. Naik, Managing Director, KTCL participated in the membership of the Grievance Committee.
- (f) The disciplinary proceedings taken synonymously with the grievances and brought under the scope of Grievance Committee.
- (g) The conduct of inquiry instituted under Rule 14 of CCS (CCA) Rule is mandatory.

The Grievance Committee felt that the Article of Charges framed against Shri. V. V. S. Kunkolienkar was without any substance. If this was true, it was in the mutual interest of KTCL as well as Shri. V. V. S. Kunkolienkar to expedite the Report from the Enquiry Officer, Shri. Thali, wherein, the deposition and cross examination on both sides was complete and the Report submission was awaiting. This would have helped the Corporation to procedurally complete the inquiry proceedings without leaving Shri. V. V. S. Kunkolienkar at the mercy of the Grievance Committee to set aside the inquiry proceedings instituted against him. It may be the case that the Grievance Committee had erroneously decided on the disciplinary matter and the Board in the 151<sup>st</sup> Meeting accepted the said Report of the Grievance Committee, such acts of the Grievance Committee as well as the Board of Directors does not absolve Shri. S. V. Naik, Managing Director, KTCL from his responsibility as Disciplinary Authority. The findings of the Enquiry Officer are not binding on the Disciplinary Authority as is evidenced in the similar case, wherein, the adverse findings against Shri. P. A. Gaonkar erroneously not accepted by the then



E-2/13

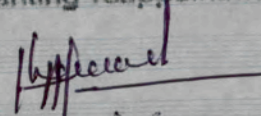
Disciplinary Authority, Shri. Arun Desai. Therefore, it was also prudent on the part of Shri. S. V. Naik, Managing Director, KTCL to reject the adverse findings, if any, from the Enquiry Officer, Shri. Thali as against Shri. V. V. S. Kunkolienkar, giving some reasons and disowning the inquiry findings to suit the interest of Shri. V. V. S. Kunkolienkar. Despite the Report of the Grievance Committee and the Resolution No. 19/2007 of B.O.D, the role of Disciplinary Authority still continues. It is he who has to finally decide whether to accept the Report of the Grievance Committee and the Resolution No. 19/2007 of the Board with thorough reasoning before accepting and dropping the inquiry proceedings. The Report of the Grievance Committee and Resolution No. 19/2007 shall not suffice by itself unless it is accepted by the Disciplinary Authority with adequate reasons.

As is the case, this Board is blaming the previous Board for relieving of Shri. S. V. Naik and Shri. P. A. Gaonkar from the inquiries, pending the inquiry against the undersigned in global Charge Sheet, it is feared that the new Board may also question the acts of the present Board for prematurely dropping the inquiry instituted against Shri. V. V. S. Kunkolienkar and not booking Shri. V. V. S. Kunkolienkar in this inquiry alongwith Shri. S. V. Naik and Shri. P. A. Gaonkar and reappointing M/s. V. S. S. Shirodkar as Internal Auditors.

The precedent laid down in this Board shall have a damaging effect on the Corporation in the long run since it will have the implication of eliminating the Disciplinary Authority from the functioning of KTCL. Thousands of workmen may sight this model case and demand for Grievance Committee of the Directors to look into their inquiries by setting aside the Disciplinary Authority in their case, which is non other than Shri. V. V. S. Kunkolienkar himself. If such a thing happens, then there will be absolute elimination of disciplinary system and administrative procedures in this Corporation.

It is therefore, prayed that:

- (a) Managing Director, KTCL should be instructed to return the Enquiry File and obtain Enquiry Report in disciplinary proceedings against Shri. V. V. S. Kunkolienkar, setting aside the Grievance Committee Report and rescind Resolution No. 19/2007.
- (b) Managing Director, KTCL should be asked to expedite action on Enquiry Report dated 13/10/2006 in the inquiry against undersigned.
- (c) initiate action against Shri. V. V. S. Kunkolienkar and Shri. George Fernandes for leading false evidence against the undersigned.
- (d) Issue order of reinvestigation in this episode of irregular purchases.
- (e) Seek clarification from M/s. Vaman S. S. Shirodkar & Co., Chartered Accountants for clearing the disputed purchase orders accepting "suppliers invoices" in lieu of "Purchase Committee Approval" amounting to professional misconduct, before granting reappointment with increased remuneration for next year 2007-08.



( M. P. Kamat )  
DY. FINANCIAL CONTROLLER (C&B)

Copy to:

- ✓ (1) The Managing Director, KTCL.
- (2) The Vice Chairman, KTCL.
- (3) The Hon'ble Chief Minister of Goa.
- (4) The Chief Secretary, Government of Goa, Porvorim.
- (5) The Secretary (Transport).
- (6) O/C.



## NOTE

Date:-4th June,2007

### Sub:- Implementation of Compulsory Retirement Scheme ( C.R.S.) to the Officer of the Corporation.

As desired and directed, it is submitted that, Shri Mahesh P. Kamat, joined the service of the Corporation with effect from 16/12/1982 on attaining the age of 28 years as Accountant. Thereafter, he was departmentally selected to the post of Asstt. Financial Controller with effect from 1/10/1985 and promoted as Dy. Financial Controller with effect from 24/03/1990. Presently, he has been posted as Dy. Financial Controller ( Costing & Budget ). While functioning as Dy. Financial Controller, Shri Mahesh P. Kamat was issued three Charge-Sheets<sup>in 1996-97</sup> on different Articles of Charges. All the Charge-Sheets were placed for the departmental enquiry before the enquiring authority. Since no charges framed against Shri M. P. Kamat were proved in two Charge-Sheets, he was exonerated from the charges framed against him vide order No.KTC/ADMN/1-2/2003-04/72, dated 20.11.2003 and No.KTC/ADMN/1-2/2006-07/122, dated 17/2/2007 respectively. As regards to the third Charge-Sheet framed against him, it is learnt that the departmental enquiry has been completed and the enquiry report is in the Office of the Disciplinary Authority for final action.

In the matter of Compulsory Retirement Scheme which is made applicable to the employees of the Government having age of around 50 years and poorly performing on duty with absentism, alcoholism and misbehaviour. The copy of the same is placed in the file.

On going through the Circular, it is confirmed that, as per O.M.dated 14/5/2001 placed at page 9/c, appropriate authority has the absolute right to retire a Government Servant by reviewing their performance by following the procedure as laid down in the O.M. Dated 14/5/2001. The format of the Compulsory Retirement Order to be issued to the Officer Concerned are given at page 2/c to 4/c. To review the performance of such Government employees, the Government has constituted an internal screening committee and initiate the action for the review of the cases of Compulsory Retirement Scheme.

O.M. Dated 14/5/2001 define with a view to improving efficiency and strengthening administrative machinery at all levels. The Appropriate authority has the absolute powers under Rule 3 of Goa State Central Service (Recruitment) Rules 2000 as ammended and Central Civil Service (Pension) Rule 1972 to retire a Government employee in the Public intrest before the normal date of retirement:

A Government Servant who is not governed by any pension rules can also be retired after he has completed 30 years service under Rule 3(6) of Goa State Civil Service (Recruitment) Rule 2000. The provisions also exists in Rule 48 of the Central Civil Service (Pension) Rule1972, for the retirement of a Government employees by giving him three months notice if it is necessary to do so in public intrest after he has



Service Rules he has to complete 30 years of qualifying service for such Scheme.

The criteria laid down or to be followed by the screening committee for recommending the Government Official/Officers to Reviewing Committee is as under.

- a) Government employees whose integrity is doubtful, will be retired.
- b) Government employees who are found to be ineffective will also be retired.

The basic consideration in identifying such employee should be the fitness/competence of the employee to continue in the post which he is holding.

- c) While the entire service record of an Officer should be considered at the time of review, no employee should ordinarily be retired on grounds of the effectiveness of his service during the preceding 5 years or where he has been promoted to a higher post during that 5 year period, his service in the highest post has been found satisfactory.

Consideration has ordinarily to be confined to the preceding years or to the period in the higher post in Applicant of promotion within the period of 5 years only when retirement is sought to be made on grounds of ineffectiveness. There is no such stipulation, however, where the employee is to be retired on grounds of doubtful integrity.

The Kadamba Transport Corporation Limited is a Government Company and it is registered under Companies Act. The Officers of the Corporation vide BOD resolution No. 901 are covered under C.C.A. C.C.S. Rules, however, vide BOD resolution No. 723, the super Annuation pension Scheme is not made applicable to the Officers of the Corporation.

Further, as desired, it is submitted that, Shri M. P. Kamat has sought various information from the management of Kadamba Transport Corporation Limited under Right to Information Act. The copies of the letters seeking the information by Shri M. P. Kamat are placed herewith in the file for perusal.

In view of the above, it is proposed that, before deciding the adoption of Compulsory Retirement Scheme floated by the Government of Goa to its employees, it is necessary to place the same before the Board for its approval. Further it is also suggested to have a screening committee to review the entire service records of the Officers before taking any further action.

Submitted please.

*Pawase*  
(T. K. Pawase)  
PERSONNEL MANAGER

MANAGING DIRECTOR