

To

The President
AIR & DD Technical Employees Association
Central Store
Akashwani Bhawan
New Delhi-110001

Dated: April 17, 2008
New Delhi

Sub :- **Inquiry Report regarding alleged irregularities & electoral malpractices during ADTEA's Elections. (2007-2009)**

Sir,

This is in reference to President of ADTEA'S letter No ADTEA/Feb/09/03 dated Feb.7, 2008 by which the undersigned was requested to conduct an enquiry on the subject noted above.

In response thereof, the undersigned has thoroughly gone through the records, complaints and others materials pertaining to the election in order to explore the pith and substance of the allegations. Upon empirical examination of all the relevant available records/documents/statements & complaints, the undersigned has come to the following observations:-

1. That during the elections, there were two groups of contestants -- one group was led by Sh. Manoj Kumar while the other was headed by Sh. Pawan Kumar Kohli.
2. That some complaints were received by election officials regarding alleged irregularities and malpractices during elections. In general, there were three types of complaints like non- receipt of ballot-papers on a respective date, receipt of less or more ballots than the numbers of life members from different Kendras of three zones. (I) WZ (II) EZ and (III) NEZ.
3. As regards the complaints received from East Zone, one complaint was received from Sh. P.N.Prasad (Candidate for State Secy., Bihar) against CRO regarding arbitrariness in sending the ballot papers to DDK, Patna in which some favouritism and malafide intention was imputed to CRO. The President of the association forwarded this complaint to R.O. but as it was not sent through proper channel and received very late, so R.O. was not inclined to take any action on this. Similar was the fate of the complaint sent by the Unit Secy., DDK, Patna. There was one request from Unit Secy., AIR, Ranchi for making addition in the life - membership list of Jharkhand State whose names did not figure in the list forwarded by the Zonal Heads of East Zone. However, it is very astonishing that the request was not properly forwarded and the R.O. was not supposed to entertain such a request on the behalf of merely a Unit Secy., that too- at such a ripe stage. The matter would have been otherwise had such a request for addition of life members been preferred in response to Election-Notification dt 24.08.2007 well before the beginning of the election process. Further, a complaint from Sh. Sunil

Kumar (Candidate for State Secy., Bihar) is self – contradictory and he has indulged in throwing mud at his rival candidate Sh. P. N. Prasad. The complaint of former is worthless because records prove to the contrary. However, thereafter he has won the election and seems to be satisfied. Sh. Ajay Kumar (Ex- State Secy., BIHAR) who had come to Delhi on 12.02.2008 had submitted a written statement before Enquiry- Committee. In his statement, he has submitted that each & every station of Bihar received ballot- papers but rumours were spread by Sh. P. N. Prasad that some Kendras of Bihar did not receive ballot- papers, that too-at the instance of some contestants in Delhi.

4. Furthermore, there is a faxed complaint dated 25.01.2008 from Zonal Heads of East Zone regarding non- receipt of ballot papers by 65% of the life members. However, the complaint is silent about the names of the Kendras/stations where life- members were deprived of ballot-papers. Neither any complaint of the individual Kendra has been annexed nor has it been clarified as to how they have calculated the percentage of the members who could not receive ballots. As such the details/ particulars were necessary to impart the genuineness & authenticity to the grievance. To add further, the grievance has been aired not as a genuine desire to report against the non-receipt of ballots but more as a reaction to the resignation of CRO in total ignorance of the knowledge of acceptance of his resignation already on dated Jan.23, 2008.
5. Now, coming to the West Zone, there is no complaint from any individual member of ADTEA but there are a numbers of complaints from Zonal Heads (By way of fax messages). First one in row bears the date 16-01-2008 in which it has been stated that a few stations of Madhya Pradesh, Chhattisgarh and Maharashtra did not receive the ballot- papers. To verify it, the records of the RO were perused and it was found that ballots were duly sent (by Regd. Post) to the stations mentioned as per the list of life-members provided by the West Zone. In the fax dated Jan. 17, 2008, Gujarat was also added with nine LPTVs having not received ballot-papers. However, the record of sending ballots to the Kendra in Gujarat was found to be in order. Whereas to our utter dismay, a few stations like AIR, Chhatarpur , LPTV, Buldhana , LPTV, Dhule, LPTV,Sujanpur were shown to have received apples instead of ballots by Regd./ Speed Post . To us, it seems next to impossible to send apples by such mode of postal communication. However, the silence of the concerned State Secy. over the matter of non-receipt of ballots tells a different tale. It is pertinent to note that Sh. Md. Sadeem Khan (State Secy. of M.P.) has levelled very serious allegations against the Zonal Secy. (WZ) like mentioning of wrong names of persons as Unit Secy., mentioning retired & dead persons as members in order to influence the election- result , unduly supporting the team led by Sh. Manoj Kumar, provoking Unit Secy. to send false complaints to CRO/RO regarding non-receipt of ballots, designs to defame the president of ADTEA, indulging in electoral malpractices etc. and so on.

6. Apart from above on dated 16.01.2008, a representation was given by the team of contestants led by Sh. P.K.Kohli in which arbitrary and suspicious conduct of CRO was reported. In the aforesaid letter CRO was reported to be nurturing dishonest intentions of helping the team led by Sh. Manoj Kumar. It was also mentioned that CRO was not impartial and fair & contacting his acquaintances for supporting and voting in favour of Sh. Manoj & his team. CRO getting post bag allotted in his sole name was also objected to as being contrary to a unanimous decision taken by the election-officials. Amongst other things, tampering of received packets containing ballots was also feared & thereby the fairness of electoral-process was questioned. It was also brought to light that CRO himself had been complaining about the non receipt of ballots by various Kendras but refused either to show such complaints or call an all - candidates meet to discuss the same. It was also alleged in the letter that CRO was offering step - motherly treatment to the members of State of Delhi by not issuing to them the ballots as on the said date.
7. Further, a representation was given to CRO (Copy to President) on 17.01.2008 signed by a group of 10 candidates led by Sh. Manoj Kumar in which it was alleged that 125 stations (about 1000 ballots) did not receive ballot papers and further a request was made to CRO to cancel the entire electoral – process on the ground that the speed – post packets contained appeals/representations of one group of contestants instead of ballots.
8. Once again on Jan.25,2008, a letter was dispatched to the President of ADTEA by the same disgruntled group led by Sh. Manoj Kumar & three of his teammates in which non-cooperation by RO/ARO to CRO was alleged and the President , it was alleged, was behind all this in inciting the former for non -cooperation to the latter.
9. Amid the mayhem created by the above mentioned letters of the contestants, on date 21.01.2008 CRO unilaterally & without taking into confidence the other 3 election-officials, extended the dates of counting and the declaration of final result notwithstanding the fact that once on an earlier occasion the electoral process had already been postponed from 14.01.2008 to 30.01.2008, despite President's word of caution to consult other election- officials and take a unanimous decision. Without naming any person, the CRO alleged that as per his enquiry, someone is at the helm of affairs in playing a mischievous role to rig the election. This letter was left by CRO at the house of the President against latter's advice. This allegation does not inspire confidence.
10. Next day i.e., Jan.22,2008 CRO sent his resignation to the President of Association alleging that a group of contestants had visited his house in his absence on Jan.21,2008 at about 1910 hrs and had indulged in rowdism by using abusive language in front of his mentally-sick wife, children & neighbour. Consequently, his resignation was accepted by the President on 23.01.2008 with a direction to handover all the relevant records/complaints etc. regarding the elections to Sh. Y.K.Verma (RO)

11. On Jan.26, 2008, ARO Sh. Rajbir Singh Maan also submitted his resignation chiefly on the ground that during his visit to Election – office at Jam Nagar House on 30.12.2007 at 12.30 hrs., he noticed that Sh. Vinod Pal (One of the contestants) was sitting beside Sh. Rakesh Kumar (ARO) and fiddling with the packets containing ballot papers. His resignation was accepted on 26.01.2008.
12. Furthermore, one complaint of alleged misbehaviour with Sh. Rakesh Kumar (ARO) has also been brought on record in which it has been alleged that on Jan.28, 2008, Sh. Manoj Kumar, Sh. Gurpreet Singh & Sh. Praveen Kumar (All contestants) used abusive language against the ARO & threatened him to quit from the responsibility of ARO otherwise to face legal consequences in the court of law. It is also alleged that Sh. Gurpreet Singh told to ARO that he was capable of burning his own house to harm others.
13. It has also been given to understand through earlier office-bearers that Sh. N.D.Das (CRO) wanted help from the association for getting himself permanently transferred to New Delhi through an inter-zonal transfer and during the phase of electioneering he was inimically disposed against Sh. Bhatia for his failure to get him desired posting of New Delhi.
14. That on dated Jan.29, 2008, President of the Association reminded CRO to handover the complete charge of electoral- process to RO & also to come to the venue of counting along with the alleged complaints of various Kendras so that a concrete decision could be taken on them before starting the counting of ballot-papers on 30.01.2008. He was also requested to see the President in connection with his complaint made through his resignation regarding alleged misbehaviour of his family members by a group of contestants.
15. Though this Enquiry Committee is not empowered to see through the constitutional validity of elections & appointment of CRO/RO etc, yet there are allegations from one group that RO was not appointed as per norms, it is better to examine the question superficially. To know whether or not the appointment of RO/ARO was in order, minutes of the CWC meeting convened at Hyderabad on 30/31-5-2007 were also perused wherein it is mentioned that election sub-committee`s report was placed before the CWC by Sh. Manoj Kumar (the then AGS) without approval of the Cabinet committee. As a result of which there was furore in the house because even the President was kept in the dark about the report which had been finalized the date of counting as Nov.2007 & (1) Sh. Jattan Singh as RO and (2) Sh. Rajbir Singh Maan as ARO. In the CWC meeting itself, Sh. Vinod Pal(Treasurer) objected to the report & informed the house that despite being a member of the said committee, the AGS & others did not spill the beans to him regarding the above said decision and he was also unaware of any such meeting held for the purpose . Scrutiny of the meeting – register was also carried out & found bereft of evidence of any such meeting having taken place. At this stage, Sh.Ashok Kumar (the then VP-AIR) informed that

minutes were taken on a plain paper which itself belies the version given by AGS. On being questioned by the President regarding whether or not the acceptance of RO was obtained, the then AGS informed that the needful had been done but the papers were lying in Delhi. However, the letter dt 14.06.2007 of refusal of offer by Sh. Jattan Singh on account of personal reason as produced by the association has made the things clear to the enquiry committee. Further there were allegations of favoritism against Sh. Jatan Singh (earlier RO) and due to his resignation on dated 14.06.2007 even before the issuance of notification, the appointment of Sh. Y.K.Verma (RO) & Sh. Rakesh Kumar (ARO) was perfectly in order. It is a different matter that Sh. Jatan Singh's resignation could not be made public by the President to avoid furore and bitterness in the minds of CWC members. The examination of various contestants, RO, ARO and materials brought on record and the written - communications from the zonal representatives provide cogent and convincing evidence to suggest that in the larger interest of the association, the notification dated 24.08.2007 (also published in Vidyut Vani) was in concord with the high ideals and principles of the association and the same also went unscathed even during judicial scrutiny.

16. Now, keeping in mind the sensitiveness of the matter of election, on perusal of the record, scrutiny of the statements and oral examination of a number of concerned persons, taking into account the record related to elections and weighing and appreciating the rival contentions of the two groups of contestants, the undersigned has come to the following conclusions :-
- (A) That the CRO was endowed with the gigantic task of conducting the general election of ADTEA (2007-2009) but he completely fumbled in the midway & staged a walk – out from the scenario at the crucial time.
 - (B) There is evidence to believe that CRO was hand in glove with one group of candidates led by Sh. Manoj Kumar because the complaint dt 17.01.2008 by the latter clearly demanded the cancellation of entire electoral-process and the CRO's letter to the postal authorities requesting them not to handover the mail pouring in Post Bag No.1 to anybody else except himself is sufficient indicator to infer that he wanted to topple-over the election process. Further, the three letters given by Manoj Kumar in the capacity of acting General Secretary to the postal authorities requesting thereby not to give mail to anyone else excepting Sh. N.D.Das , CRO indicate that he was in league with the latter to overthrow the electoral process, come what may. In this regard the efforts of the President are laudable indeed as he accepted the resignation of CRO & authorized Sh. Y.K.Verma (RO) well in time and the election work could be completed as scheduled.
 - (C) The allegation of one group of contestants that till Jan., 17, 2008, 125 stations/ units of ADTEA had not received ballots is not substantiated by any documentary evidence. Moreover, Sh. Manoj and his team-mates (Candidates) informed the CRO that this thing had happened when as a matter of fact, being contestants themselves they were not supposed to do so and this unauthorized communication to CRO

cannot be relied upon. It also seems to be unpalatable that life members of the ADTEA were complaining to Sh. Manoj & party instead of election - officials regarding irregularities and electoral malpractices knowing fully well that they all were contesting the election and could provide no help in the matter. However, if the information regarding the non-receipt of ballots was received by the CRO, why did he share this confidential information with Mr. Manoj & party instead of discussing the same with his counterparts (other election - officials), which further shows that former was working in collusion with the latter & it is further reinforced by the fact that they have come up with more or less similar allegations. Under such circumstances, the fears and apprehensions of Sh. Kohli & party regarding the suspicious & arbitrary conduct of CRO seem to have a ring of truth.

- (D) Apart from above , the allegation that the speed-post packets contained appeals/representations of one group of contestants instead of ballot also does not seem to hold water in view of the fact that Sh. Md. Sadeem Khan (State Secy. of M.P.) has clearly stated in his complaint against ZS(WZ) that at some Kendras of his state (MP) postal communications contained some campaigning materials signed by Sh. Manoj (then AGS) & Sh. Ashok Kumar (then VP(AIR) whereas Sh. Tuse , ZS (WZ) has stated in his faxed communication dated Jan. 17, 2008 that the said packets contained apples instead of Ballots.
- (E) Both the versions are not trustworthy because nobody contesting the election would be such a fool as to send appeals/apples by manipulating the election- materials, in his own name thereby exposing himself in due course. Even if it is presumed that any manipulation was done to replace the ballots with campaigning material, it could not have been possible without the connivance of CRO as on 17-01-2008 CRO was closely monitoring the dispatch of ballots.
- (F) Another sordid aspect of the matter is that what necessitated the so-called sincere & responsible office-bearer to write on 25-01-2008 to the President about the non -cooperation of RO/ARO with CRO while CRO did not make any whisper regarding the same throughout his tenure as CRO till resignation. The President was made a scapegoat in the spate of allegations when he was in fact on a long leave during the said period, being in bereavement on account of his beloved father's death. Apart from above CRO also faltered when he did not consult & involve his counterparts in the decision-making process while shifting the date of completion of election by way of revised schedule.
- (G) In his resignation, CRO's allegation of misbehavior by a group of contestants at his house has also not been corroborated by any of

the persons examined. The President has also personally enquired this nasty allegation from Shri Bhagwati Prasad and Shri Anjan Chakraborty and the latter also went to the residence of Shri Das, where his wife did not substantiate the allegation and rather stated in unambiguous terms that no such incident ever took place much less in the manner alleged by CRO in his resignation dated Jan.22, 2008. Shri N.D. Das also gave wide & undue publicity to the incident of alleged misbehaviour and his followers also did not spare a chance to do so. Likewise other allegations of the CRO also did not find support from any quarter. Shri Manoj Kumar & his contesting supporters did not participate in the enquiry- proceedings despite service of notice to them by Shri. Md. Shakeel Ahmad, Executive Member of the Committee, for the reasons best known to them.

- (H) On the other hand, that the CRO himself was at the helm of affairs to subvert & procrastinate the Election, is further proved by the fact that he provided a few complaints to Shri U.S. Rana (Contestant for the post of VP (NZ) unauthorisedly for filing the same in the Court of Law while challenging the elections on Jan. 28, 2007. It is also pertinent to mention here that photocopies of sensitive and confidential complaints were handed over to Shri Rana for taking legal action rather than to RO/ARO for taking appropriate action despite written instructions of the President. In view of the later admission by Shri Rana that he was provoked and instigated by Shri Manoj & group to file a court- case to challenge the elections, conclusively proves that the latter were making utmost efforts to throw the Electoral – process out of the gear by abusing & misusing their powers.
- (I) Regarding the resignation of ARO-Shri Rajbir Singh, it may be said that it is nothing but a bundle of lies because it was Sunday on 30-12-2007 when he allegedly found Shri Vinod Pal tampering with ballots while sitting in the company of Shri Rakesh Kumar (ARO) because Jamnagar office remains closed on Sunday. It is also indigestible that ARO remained silent till 22-01-2008 as it took very long to break his deep slumber & hear the voice of his conscience. Thus, ARO tried to give a different colour & meaning to the electoral-process by seeing everything with tinged eyes.
- (J) Interestingly the CRO has come up with the allegation of rigging of elections without enquiring & naming any person when he himself was in charge & hence in full control of electoral- process in so much so that he affixed the holograms on each and every ballot & also signed on them as per day to day requirement along with other three election – officials and also personally supervised the dispatch of ballots after carefully sealing the packets on his own. This may be taken to mean that he himself was playing in the hands of a few contestants like a puppet & was thus responsible for putting the elections in jeopardy. Under such circumstances, he cannot be

allowed to make others scapegoat for his own acts of omission & commission.

- (K) Ironically, neglecting his duty being overall in - charge of the entire elections, CRO did not get the ballot-papers printed well in time but RO and ARO (Rakesh Kumar) in seisin of the matter, took the initiative and did the needful. However, due to delay in printing, the day of counting had to be shifted from 14-01-2008 to 30-01-2008 which unequivocally indicates that CRO was working for vested interest & oblique motive to stay in Delhi. Ultimately, when he could not get his transfer-case through, he started pointing an accusing finger at the President of the Association as harbinger of all his misfortunes.
- (L) Paradoxically enough, though accusing others for his own follies & mistakes, CRO did not show any courtesy to come to the venue of counting to fulfill his last duty of handing over those alleged complaints from all over the country on account of which he had even rescheduled the Elections unilaterally by transgressing his limits.
- (M) Further, it is very unfortunate that a Fax was shot off by the Zonal Heads of NEZ on dated 28-01-2008 whereby they had requested the President of ADTEA not to accept the resignation of CRO whereas records bear testimony that CRO's resignation had already been accepted on 23-01-2008 to the conscious knowledge of Zonal Heads of all the five zones. In the aforesaid Fax message, it was also requested to re- issue the ballots to the stations allegedly not having received the same after re-scheduling the Elections. However, it looks very strange that neither the names of the stations deprived of ballots nor any complaint from such a station has been reported. In such a situation when every thing was in the realm of conjecture & surmises no decision was possible let alone taking any action, that too-at such an advanced stage of electioneering when only one day was left in counting.
- (N) Similarly, one faxed letter dated 30-01-2008 was sent to the President by the Zonal representatives of West Zone demanding completion of fair Elections without worrying for the expenses. As has been elucidated elsewhere in this report, this fax seems to be another last-minute attempt to overthrow & subvert the electoral process.
- (O) However, after the counting and declaration of result on Jan. 30, 2008, the dust has finally settled and most of the Zonal heads have reconciled with the Election as well as the newly elected body. Vide their letter dated March 20, 2008, newly elected VP (NEZ) has waived their objections regarding declaration of result with a plan to take up the issue of non-

receipt of ballots in the forthcoming CWC meet. In their communication dated March 19, 2008, the office bearer of West Zone has also cut the Gordian knot. South Zone & North Zones have too communicated to the Executive member (Enquiry Committee) that they have not received any complaint of any irregularity during the Elections & members of their respective Zones have received ballot-papers in time & exercised their franchise.

- (P) It would be a travesty of justice if the laudable endeavours of Shri Y.K.Verma (RO) and Shri Rakesh Kumar (ARO) are not commended. They both have done wonderful job despite all odds & adverse circumstances. Shri Verma's composure in a difficult situation when Shri Manoj Kumar & his teammates tried to create scene to obstruct the counting – process, is really praiseworthy.

Therefore, in view of the above observations and conclusions, barring a few grievances of paltry and trivial nature, the Enquiry Committee does not find any serious irregularity or malpractice during the electoral process so as to warrant any harsh step.

Submitted please.

Yours Sincerely



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