

ACTION HISTORY OF RTI REQUEST No.FSOID/R/E/23/00041

Applicant Name Kumar Kalbande

Text of Application

To CPIO Forest Survey of India Please find the letter of communication did to Inquiry Officer through email dated 27/2/2023I as well as documents are submitted during inquiry. I specifically mentioned that I do not have faith in inquiry officer in writing as well as on face too. Despite of that IO showing intention to conduct inquiry against disciplinary proceedings. Moreover Inquiry Officer was also DDO. He had every reason to be prejudiced and hence i do not have faith in him. In the case of STA, inquiry officer has been changed but this looks intentional and forcing departmental inquiry despite of having no faith in inquiry Officer. Under RTI Act 2005, kindly provide me information 1) Provide me information related to further communication/correspondence/action initiated on the email dated 27/2/2023 2) Provide me true copies of all the relevant documents including Notesheet I am ready to pay legal charges

Reply of Application

Please find attachment for sought information.

SN.	Action Taken	Date of Action	Action Taken By	Remarks
1	RTI REQUEST RECEIVED	06/05/2023	Nodal Officer	
2	REQUEST FORWARDED TO CPIO	11/05/2023	Nodal Officer	Forwarded to CPIO(s) : (1) Kamal Pandey
3	REQUEST DISPOSED OF	01/06/2023	Kamal Pandey-(CPIO)	

[Print](#)



Requesting for change of inquiry place, Inquiry Officer and inaction on previous assault happened on your verbal instructions

6 messages

Kumaar Kaalbande <kumaarkaalbande@gmail.com>

Mon, 27 Feb, 2023 at 02:22

To: wenuprasad@gmail.com <wenuprasad@gmail.com>, sekannan76@gmail.com <sekannan76@gmail.com>, rdez@fsi.nic.in, rdfsiz@rediffmail.com, dgfsi@fsi.nic.in, dgfindia@nic.in, jk036@ifs.nic.in, dcpzone2-ngp@mahapolice.gov.in, dgpmms.mumbai@mahapolice.gov.in, cp.nagpur@mahapolice.gov.in

To,

Inquiry Officer,
Regional Director(I/C)
Forest Survey Of India,
Southern Zone, Bangalore

Subject:- Requesting for change of inquiry place, Inquiry Officer and inaction on previous assault happened on your verbal instructions

Reference:-

1. File No 18-1/2022-FE(E-1755552) dated 16th February 2023
2. Supreme Court Judement Ghanshyam Das Shrivastava Vs Union Of India(Air 1973 SC 1183)
3. Supreme Court Judgement Hardev Singh vs Union Of India & Anr on 14 September, 2011
4. ATR Reprot to NHRC E 484/2019/940 dated 23/1/2023
5. Email to DCP Zone 2 Regarding Intimation Safety and Crime
6. Letter No E-417-06/253 dated 15/07/2022

Respected Sir,

This is with reference to inquiry scheduled by you. I am stating in writing that " I do not have faith in inquiry officer."

As per the Letter No E-417-06/253 dated 15/07/2022, You are Regional Director of Forest Survey Of India, CZ, Nagpur.

The chargesheet is proposed by Regional Director FSI CZ Nagpur. And When you are selected as Inquiry Officer, you were having charge of Regional Director FSI Nagpur.

As per the rule of bias, it's your personal bias by accepting yourself as Inquiry Officer so that you can prove the charges proposed by you as Regional Director FSI CZ Nagpur. Please refer to Annexure 5.

Another reason for you to be biased is

1. National Women Commision Complaint 4317/13/17/2022
2. State Human Rights Complaint 8/C220022816/2022/NCW/MEM/TU

In order to create pressure on me to take back those complaints, you are forcing these inquiries by you even after being charged with Women's Harassment and Inaction on Women's Complaint.

Moreover, The Ministry of Environment Forest and Climate Change New Delhi through there File No 18-1/2022-FE(E-1755552) dated 16th February 2023, had acknowledged request of change in inquiry officer but Director Generals persistence to continue you as Inquiry Officer contributed intentional harassment to disabled person.

Now i request you to refer the judgement of Supreme Court Judgement Ghanshyam Das Srivastava Vs Union Of India(Air 1973 SC 1183), Without substantial allowances, the inquiry concluded would be Ex parte and against article 311 of constitution of India.

It is absolutely difficult for me even take Xerox or collect documents to submit in absence of money. You are well aware, your office has kept pending medical bills and NPS 25% Advance Money in paucity of funds. It is stated in ATR reports submitted to NHRC through letter no E 484/2019/940 dated 23/1/2023.

It is also submitted in said letter that, I was refusing to acknowledge letter through email and that is why two delinquents official trespassed my mother's apartment. If you refer Annexure 5, my address of residence is Katol as per official records.

In CRPC 160, the Summoning Authority has to give monetary allowance to be present at the place of reporting.

You are intentionally denying my request for substantial allowances, so that in extreme financial harassment i would not get appropriate and proper chance to represent myself and you being Regional Director who proposed inquiry would win those inquiries.

Your kind attention is invited to Annexure 3, News Paper Articles and Supreme Court Judgement Hardev Singh vs Union Of India & Anr on 14 September, 2011. It is latest decision by supreme **court that notice/inquiry orders given through email is not valid.**

Moreover, as per official correspondence address mentioned in RTI Letter No Letter No E-417-06/253 dated 15/07/2022, I have never provided the said email for correspondence. Office did not provide me any email address. So forcing correspondence through in official email is not authorised and invalid as per supreme court latest decision.

I would like to request that kindly provide me Office Memorandum Of DOPT which authorised the inquiries you were/are conducting online.

Moreover, i am really glad that you have stopped online inquiries and consider my request of offline authorised inquiry. I have only agreed to offline inquiry that day, nothing else.

I have reported and filed complaint against delinquents staff but inaction on your part compelled me to believe that you were intending for those harassment.

You did not facilitate with disability parking, disability toilets and fire safety in proposed building to Divyang Person.

You were also reported that criminal assault on a female senior citizen by Watchman. Also harassment to Disabled person by Office Staff. You are again proposed place of inquiry to same place,

This indicates how prejudiced you are to harass of disbled person and his mother who is senior citizen.

On your instructions, 72 year old senior citizen was harassed and did not allow to sit inside the office to attend an inquiry with due procedure.

A watchman has no rights to touch or obstruct anyone. His duties involves only to watch and report. He had infact, closed one half door so that he can intentionally touch the women.

It is my humble submission to you that it's not to provoke you but Imagine, this would be happening to any Regional Directors Wife, Mother or Daughter.

The Maharashtra women's lives very dignified life and you can not compare them with Women's Working Under your office who calls " Sexy Hai Na" " Tharki" " Perverts" to Deputy Director, Regional Director and Director General as per WhatsApp chat reported to your office.

Your inaction and same place of summoned can not deny the involvement in Harassment.

I will attend inquiry with my defence assistance. My mother and Transgender Women for my disability assistance and for safety respectively. Also I am giving you in writing that if anything happened to any these people while travelling, during Inquiry, you are responsible for it.

I wish to report my grievance to Grievance Redressal Office for Divyang Person at FSI CZ Nagpur and FSI SZ Bangalore as per RPWD Act 2016. Kindly provide me, the name of Grievance Redressal Officer as you did not facilitate a disability friendly atmosphere.

This is for your required concern and necessary action please.

Thanking you

Yours Faithfully
Kumar Kalbande
Jr Technical Assistant
Forest Survey of India
CZ Nagpur
9356009568

Copy for information and necessary action to

1. Hon'ble Chief Commissioner for disability, CCPD, New Delhi
2. Hon'ble Chairman, National Commission for Backward Class, New Delhi
3. Hon'ble Commissioner Of Disability, Maharashtra, Pune
4. Director General of Police, Maharashtra, Mumbai
5. Commissioner of Police, Civil Lines, Nagpur
6. Secretary, MOEFCC, IP Bhavan, New Delhi
7. DGF & SS, MOEFCC, IP Bhavan, New Delhi
8. DG, FSI, Dehradun
9. Regional Director, EZ, FSI, Kolkata
10. DCP, Zone 2, Sitaburdi, Nagpur
11. ACP, Zone 2, Ambazari Nagpur
12. Senior Police Inspector, Gittikhadan Police Station, Nagpur

Copy for information to

1. Hon'ble President of India, New Delhi(For additional submit for passive euthanasia)
2. Hon'ble Nitin Gadkari Jee, Hon'ble Minister of Road Transport and Highways, Transport Bhavan, New Delhi
3. Hon'ble Devendra Fadavis Jee, Hon'ble Dy CM and Home Minister, Maharashtra

फा.सं 18-1/2022-FE (E 175552)
भारत सरकार/Government of India
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
(वन स्थापना अनुभाग/Forest Establishment Division)

इंदिरा पर्यावरण भवन,
Indira Paryavaran Bhawan
छठा तल, जल स्कंध, अलीगंज, जोरबाग रोड,
6th Floor, Jal Wing, Aliganj, Jorbagh Road
नई दिल्ली/New Delhi-110003

dated the 16th Feb, 2023.

To

The Director General,
Forest Survey of India,
P.O. IPE, Kaulagarh Road,
Dehradun - 248195

Subject: Request of Shri Kumar Kalbande, JTA, FSI, Nagpur dated 9th December 2022 regarding change in Inquiry Officer-- reg.

Sir,

I am directed to refer to the email dated 9th December 2022 from Shri Kumar Kalbande, JTA, FSI, Nagpur, (as received enclosed with his RTI Application no. MOENF/R/E/23/00004 dated 02/01/2023) on the subject cited above, which is self-explanatory and to forward the same to the FSI for action, as deemed appropriate.

Yours faithfully,

Asha Nair

(Asha. M. Nair)

Under Secretary to the GoI

Email: nair.asha@gov.in

Tel. No. 011 20819277

Encl: E-mail from Shri Kalbande.

Copy to:

1. First Appellate Authority & Director, FE Division, MoEF&CC in compliance to Order No 18-1/2022-FE (E-175552) dated 16th February 2023 in the matter of

examine the witnesses. The reason is obvious. No witness will come forward to give evidence in the presence of the goonda. However unsavoury the procedure may appear to a judicial mind, these are facts of life which are to be faced. The girls who were molested that night would not have come forward to give evidence in any regular enquiry and if a strict enquiry like the one conducted in a court of law were to be imposed in such matters, the girls would have had to go under the constant fear of molestation by the male students who were capable of such indecencies. Under the circumstances the course followed by the Principal was a wise one. The Committee whose integrity could not be impeached, collected and sifted the evidence given by the girls. Thereafter the students definitely named by the girls were informed about the complaint against them and the charge. They were given an opportunity to state their case. We do not think that the facts and circumstances of this case require anything more to be done.

12. There is no substance in the appeal which must be dismissed. The appeal is dismissed. There shall be no orders as to costs."

Rule of Bias

11. The principle that *No one can be a judge in his own case* is also known as the rule of bias. In essence, it implies that an interested party shall not play a role in decision making. General rule that Inquiry Officer should not be a witness in the proceedings is a corollary of this rule. In this connection, it is interesting to note the following observation of Justice Das in *State of Uttar Pradesh Vs. Mohammad Nooh* [1958 AIR 86, 1958 SCR 595]

"...the spectacle of a judge hopping on and off the bench to act first as judge, then as witness, then as judge again to determine whether he should believe himself in preference to another witness, is startling to say the least."

12. Generally three kinds of bias are considered as important:

a) Personal Bias – One may be personally interested in the outcome of the case. If one is required to act as the complainant as well as the decision making authority, the outcome is likely to be biased

b) Pecuniary bias – A person who has a monetary interest in an issue should not deal with the case. If one is a share holder in a company, it would be improper for him/her to decide whether a contract should be given to that company or some other company.

c) Bias of subject matter – One who has certain strong notions/ views about certain subjects might not be suitable for deciding issues relating to that subject. For example one having strong male chauvinistic views, may not be suitable for dealing with issues relating to harassment of women employee

13. Rule of bias must be borne in mind at the time of appointment of Inquiry Officer and dealing with the request of the Charged Officer for change of Inquiry officer.

संख्या-13-4/2022-प्रशा0(पार्ट)-1212
भारत सरकार
भारतीय वन सर्वेक्षण
पो0ऑ0-आई0पी0ई0, कौलागढ़ मार्ग
देहरादून-248195

दिनांक 31 मई, 2023

सेवा में,

लोक सूचना अधिकारी
भारतीय वन सर्वेक्षण
कौलागढ़ मार्ग, देहरादून।

विषय:- RTI under the Right to information Act, 2005.

संदर्भ:- पत्र संख्या:-13-13/2022-आर0टी0आई0-1102 दिनांक 16.05.2023.

महोदय,

उपरोक्त विषय के संदर्भ में सूचित किया जाता है कि Kumar Kalbande, Maharashtra के आर0टी0आई0 आवेदन पत्र संख्या:-Registration No. FSOID/R/E/23/00045 दिनांक 06.05.2023 के द्वारा मांगी गई सूचना के संबंध में कहना है कि मांगकर्ता की लोक शिकायत को भारतीय वन सर्वेक्षण, क्षेत्रीय कार्यालय (केन्द्रीय), नागपुर को उनके सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित किया गया है। (संबंधित ई.मेल की प्रतिलिपि संलग्न है)

उपरोक्त विषय के संदर्भ में सूचित किया जाता है कि Kumar Kalbande, Maharashtra के आर0टी0आई0 आवेदन पत्र संख्या:-Registration No. FSOID/R/E/23/00043 दिनांक 06.05.2023 के द्वारा मांगी गई सूचना प्रशासन अनुभाग में उपलब्ध नहीं है।

उपरोक्त विषय के संदर्भ में सूचित किया जाता है कि Kumar Kalbande, Maharashtra के आर0टी0आई0 आवेदन पत्र संख्या:-Registration No. FSOID/R/E/23/00041 दिनांक 06.05.2023 के द्वारा मांगी गई उपलब्ध सूचना प्रशासन अनुभाग से प्रेषित की जा रही है।

भवदीया,

(सविता सेमवाल)

सहायक निदेशक (का0 एवं प्रशा0)

31/05

RTI Cell

संलग्न:- उपरोक्तानुसार

Email

Deputy Director Personnel and Administration

Fwd: (i) Public grievance vide Registration No. MINPA/E/2023/0000888 dated 18.4.2023 received on 24.4.2023 and (ii) MOEAF/E/2023/0001096 dated 24.4.2023 through PG Portal from Shri Kumar Kalbande, STA, FSI r/o CPWD Type 4 Qtr-1, Block 66, Civil Lines, Nagpur, Maharashtra.

From : Deputy Director Personnel and Administration
<ddpna@fsi.nic.in>

Mon, May 08, 2023 11:06 AM

1 attachment

Subject : Fwd: (i) Public grievance vide Registration No. MINPA/E/2023/0000888 dated 18.4.2023 received on 24.4.2023 and (ii) MOEAF/E/2023/0001096 dated 24.4.2023 through PG Portal from Shri Kumar Kalbande, STA, FSI r/o CPWD Type 4 Qtr-1, Block 66, Civil Lines, Nagpur, Maharashtra.

To : RD CZ <rdcz@fsi.nic.in>

Sir,

Kindly find the trailing email and take necessary action please.

From: "DG FSI" <dgfsi@fsi.nic.in>

To: "Deputy Director Personnel and Administration" <ddpna@fsi.nic.in>

Sent: Monday, May 8, 2023 10:41:52 AM

Subject: Fwd: (i) Public grievance vide Registration No. MINPA/E/2023/0000888 dated 18.4.2023 received on 24.4.2023 and (ii) MOEAF/E/2023/0001096 dated 24.4.2023 through PG Portal from Shri Kumar Kalbande, STA, FSI r/o CPWD Type 4 Qtr-1, Block 66, Civil Lines, Nagpur, Maharashtra.

From: "Divya Singhal" <fe-mefcc@gov.in>

To: "DG FSI" <dgfsi@fsi.nic.in>

Cc: "Divya Singhal" <divya.singhal@gov.in>

Sent: Friday, April 28, 2023 3:31:19 PM

Subject: (i) Public grievance vide Registration No. MINPA/E/2023/0000888 dated 18.4.2023 received on 24.4.2023 and (ii) MOEAF/E/2023/0001096 dated 24.4.2023 through PG Portal from Shri Kumar Kalbande, STA, FSI r/o CPWD Type 4 Qtr-1, Block 66, Civil Lines, Nagpur, Maharashtra.

Sir,

I am directed to attached herewith a scanned copy of Letter No.17-10/2020-FE dated 28.4.2023 with enclosure on the above subject for further necessary action.


With regards

FE Section
MoEF&CC

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Azadi Ka
Amrit Mahotsav



पञ्चमेय कुटुम्बकम्
ONE EARTH • ONE FAMILY • ONE FUTURE

 **Letter with enclosures.pdf**
5 MB

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ई-मेल/स्पीड पोस्ट

संख्या 13-17/2022-प्रशासन-732

भारत सरकार
भारतीय वन सर्वेक्षण
पो०ऑ०-आई०पी०ई०
कौलागढ़ रोड, देहरादून-248195

दिनांक 27 मार्च 2023

सेवा में,

सचिव, भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,
इंदिरा पर्यावरण भवन, छठां तल, जल विंग,
अलीगंज, जारेबाग रोड,
नई दिल्ली - 110003

(ध्यानाकर्षण: श्रीमती आशा एम. नायर, अवर सचिव)

विषय:- Request of Sh. Kumar Kalbande, JTA, FSI, Nagpur dated 9th December 2022 regarding change in Inquiry Officer-reg.

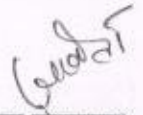
संदर्भ: पत्र संख्या 18-1/2022-एफ.ई. दिनांक 20.02.2023 ।

महोदया,

उपरोक्त विषय पर संदर्भित पत्र के संबंध में मुझे यह सूचित करने का निदेश हुआ है कि श्री कुमार कालबांडे को इस कार्यालय के पत्र संख्या 13-12/2021-प्रशासन-4031 दिनांक 08.09.2022 (प्रतिलिपि संलग्न) के द्वारा पूर्व में ही सूचित किया जा चुका है।

संलग्न: उपरोक्तनुसार

भवदीया,



(सविता समवाल)

सहायक निदेशक (का० एवं प्र०)/
लोक शिकायत अधिकारी



संख्या 13-12/2021-प्रशासन - 21031

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भारत सरकार
भारतीय वन सर्वेक्षण,
पो0ओ0-आई0पी0ई0,
कौलागढ़ रोड, देहरादून-248195

दिनांक 8 सितम्बर, 2022

विषय: Requesting change of Inquiry officer as per CCS Rule- regarding

उपरोक्त विषय पर आपके ई-मेल दिनांक 28.08.2022 के संदर्भ में आपको निम्नलिखित सूचित किया जाता है:-

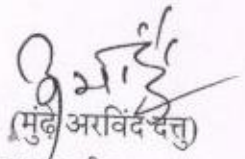
1. Requesting of change of Inquiry officer cannot be considered, as the Inquiry Officer is an officer posted in Regional Office (Southern), Bangalore and holding additional charge of Regional Director, Regional Office (Central), Nagpur.
2. All the documents related to chargesheet were provided to you. Chronology of Chargesheet served and reply received from you is as follows:-

S.No.	Chargesheet	Reply
1.	Regarding Sexual Harassment at workplace, Chargesheet was served to you on 23.11.2021	In this regard reply was received from you on 03.12.2021
2.	Regarding producing fake certificate Chargesheet was served to you on 29.04.2022	In this regard reply was received from you on 20.05.2022
3.	Regarding unauthorized absence Chargesheet was served to you on 19.11.2021, 29.12.2021, 30.04.2022 and your visit to HQ on 27.05.2022	In this regard, you asked about the channel to send reply via email and the reply of email was sent to you on 22.06.2022. No reply of chargesheet was received from you.

Issued

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3. Directions will be issued to Regional Director, Regional Office (Central), Nagpur to ensure safety during enquiry.
4. Requesting assistant of LGBTQIA friendly person for inquiry cannot be considered.
5. According to CCS CCA Rule 14 (8) (a) permission to assign legal assistant is not granted.
6. Requesting videography and audiography of proposed inquiry cannot be considered as no ground have been made out by you.
7. Directions will be issued to Regional Director, Regional Office (Central), Nagpur to conduct inquiry at disability friendly environment.
8. All the communications were made to your residential address, to your permanent address and to your e-mail id.
9. Sh. Mundhe Arvind Dattu, Deputy Director (P&A) is coming on 14.09.2022 to Regional Office (Central), Nagpur. On behalf of Director General, FSI you may put your grievances in front of him either orally or in written.



(मुंदे) अरविंद दत्तु

उप निदेशक (एफ.सी.एम.-II)

श्री कुमार कलबंदे,
कनिष्ठ तकनीकी सहायक,
भारतीय वन सर्वेक्षण,
क्षेत्रीय कार्यालय (पूर्वी), कोलकाता

प्रतिलिपि:

1. वैयक्तिक सहायक, महानिदेशक, भारतीय वन सर्वेक्षण, मुख्यालय, देहरादून को सूचनार्थी
2. क्षेत्रीय निदेशक, क्षेत्रीय कार्यालय (दक्षिणी), बेंगलौर को सूचनार्थ प्रेषित।
3. क्षेत्रीय निदेशक, क्षेत्रीय कार्यालय (केन्द्रीय), नागपुर को सूचनार्थ प्रेषित।
3. Shri Kumar B. Kalbande, Balaji Apartment, Atre Layout, Pratap Nagar, Nagpur-440022.
4. Shri Kumar B. Kalbande, CPWD Type 4 Qtr 1 Block 66, Opp. to IBM, Civil Lines, Nagpur-440001.