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5
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 280/2000

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SECTION OFFICER (JUDI.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

SUWAHATI BENCH: SUWAHATI.5 (FORM NO. 4)

ORDER SHEET. (See Rule-42)

APPLICATION NO. 280/2000

Applicant(s) Sri Ramita Basad.

Respondents(s) Union of India and ors.

Advocate for Applicant(s) Mr. B.K. Sharma

Mr. S. Sharma

Advocate for Respondent(s) Mr. U.K. Goonan

C.G.S.C.

Notes of the Registry

DATE

22.9.00

ORDER OF THE TRIBUNAL

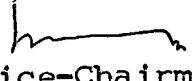
Present: Hon'ble Mr. Justice D.N. Choudhury Vice-Chairman.

Heard Mr. B.K. Sharma learned counsel for the applicant and Mr. A. Deb Roy, Sr. C.G.S.C. for the respondents.

Application is admitted. Call for records. Issue notice to show cause as to why the impugned orders dated 13.6.2000 (Annexure 10, 20.7.2000 (Annexure 12) and 23.8.2000 (Annexure 14) shall not be suspended during the pendency of the application.

Heard counsel for the parties. In the meantime the recovery of the amount of Rs. 10 thousand shall remain suspended until further orders.

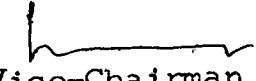
List on 27.10.00 for orders.


Vice-Chairman

1m

27.10.00

On the prayer of Mr. A. Deb Roy, Sr.C.G.S.C. four weeks time is allowed for filing of written statement. List on 28.11.2000 for orders.

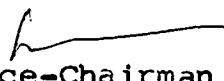

Vice-Chairman

1m

28.11.00

Await service report.

List on 1.1.2001 for order.


Vice-Chairman

pg

A. Deb Roy

28/11

① Service report are still awaited.

② No. of W.P.s has been filed.

① Service report are still awaited.

② No. of W.P.s has been filed.

28/11/2000

Notice duly served on respondent No 4. Others are awaited
 28/1/2001

Notice duly served on respondent No 2. others are awaited
 21/1/2001

No written statement has been filed.

1.1.2001

Await service report for respondent No.4. Mr B.C. Pathak, learned Addl. C.G.S.C. accepts notice on behalf of respondent No.1. Mr B.C. Das, learned counsel for respondent Nos.2\ and 3 is present. List on 30.1.2001 to enable the respondent Nos.1, 2 and 3 to file written statement.

Vice-Chairman

nkm

14.2.2001

No written statement, so far, filed by any of the respondents. List again on 16.3.01 for written statement and orders.

Vice-Chairman

nkm

12-3.2001

(b-3. No 8. B. Adjournments 25.4.2001.)

Mrs
A. Deb Roy

Submitted by Respondent

Nos. 1 and 4

25.4.2001

Written statement has filed. The applicant may file rejoinder, if any, within two weeks from today.

In place of Mr K.N. Choudhury and M B.C. Das the name of Mr A. Deb Roy, learned Sr. C.G.S.C., may be shown as counsel for the respondents.

List the case for orders on 9.5.01.

Vice-Chairman

nkm

9.5.01

It has been stated that written statement has been filed. The applicant may file rejoinder, if any, within three weeks from today.

List for order is on 25.5.2001.

Vice-Chairman

bb

Notes of the Registry

Date

Order of the Tribunal

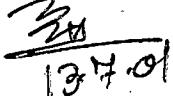
3

31.5.01

Written statement has been filed.
List the case for hearing on 28-6-01.
Meanwhile, the applicant may file rejoinder within 2 weeks from today.

No. rejoinder has been filed.

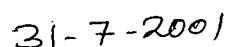

Vice-Chairman


13.7.01

mb

18.7.01

Written statement has been filed.
Two weeks time is allowed to the applicant to file rejoinder. List on 1.8.01 for orders.


31-7-2001

No. Rejoinder has been filed.

Dear

1m

1.8.01

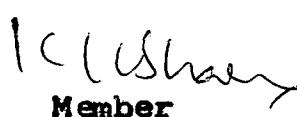
Written statement has already been filed. Let this case be listed for hearing on 5.9.01.

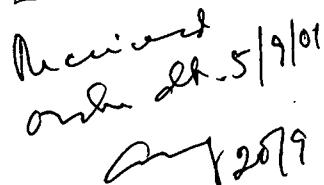

Vice-Chairman

1m

5.9.01

Judgment delivered in open Court.
Kept in separate sheets. Application is dismissed. No costs.


Vice-Chairman


Received
order dt. 5/9/01
Aug 2001

20.9. 2001

copy of the Judgment has been sent to the office for issuing to the parties.

KSF

Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 280 of 2000

Date of Decision.. 5,9,01.....

Sri Kamta Prasad

Petitioner(s)

Mr. B.K. Sharma, Mr. S. Sarma

Advocate for the
Petitioner(s)

-Versus-

Union of India & Ors.

Respondent(s)

Mr. A. Deb Roy, Sr. C.G.S.C.

Advocate for the
Respondent(s)

THE HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : ADMINISTRATIVE MEMBER

10/18/01

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 280 of 2000

Date of Order: This the 5th Day of August 2001

HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Sri Kamta Prasad
Son of late Sri Sumera
Scientist, Agricultural Research,
ICAR, Mozoram Centre, Kalasib Mizoram. Applicant.

By Advocate Mr.B.K.Sharma, Mr.S. Sarma

-Vs-

1. Union of India, represented by the Secretary to the Government of India Ministry of Agriculture, Kaishi Bhawan, New Delhi-1
2. The Director General, ICAR, Krishi Bhawan, New Delhi-1
3. The Director, ICAR Research Complex for NEH Region, Umroi Road, Umian, (Barapani) Meghalaya.
4. Dr. N.S. Azad Thakur, Joint Director, ICAR, Mozoram Centre, Mizoram. Respondents.

By Advocate Mr.A. Deb Roy, Sr.C.G.S.C.

O_R_D_E_R.

K.K.SHARMA MEMBER(ADMN):

By this application under Section 19 of Administrative Tribunals Act, the only relief sought by the applicant is regarding the recovery of amount of Rs. 10,000/-, by impugned orders dated 13-6-2000 (Annexure-10), dated 20.7.2000 (Annexure 12), dated 23.8.2000 (Annexure 14). The relevant facts are that by order dated 6th November 1999 (Annexure 1) the applicant was made incharge of Scientist Home. By another order dated 22nd March 2000 the Scientise Home was allotted

ICL Sharma

contd/-

4

to the applicant as a residential quarter. The Scientist House (Quarter No.2) was shifted to another premises, but some furnitures were lying in the said Quarter No.2. The ICAR Mizoram Centre undertook some development work. Respondent No.4 constituted a Committee under the Chairmanship of applicant for construction of water tank at Kalasib Mizoram for which he had taken an advance Rs. 10,000/- on 16th March 2000. As the applicant had been allotted the quarter on 22.3.2000, the Joint Director issued an order dated 3rd April 2000 requesting him to ensure that all materials lying in the Scientist Home (old Quarter No.2) was shifted to the New Scientist Home positively by 4th April 2000. This was not done by the applicant. It is stated in the application that on 5th April 2000 when the applicant had gone to hospital, the Joint Director (Respondent No.4) cut the lock of his residence and took away nearly 15,000/- including Rs.10,000/- which was kept for payment to workers. On return the applicant immediately lodged an FIR in the Kolasib Police Station on 5.4.2000. Immediately on 6.4.2000 the applicant intimated the incident to the Director, ICAR, Barapani. However, the Joint Director issued a memo to the applicant on 19th May 2000 and 30th May 2000 for non payment of wages to labour and asked the reasons on or before 31st May 2000. By order dated 13th June 2000 (Annexure 10) 20th July 2000 (Annexure 12) and 23rd August 2000 (Annexure 14) the applicant was directed to refund the amount of Rs.10,000/- alleged to be misappropriated by the applicant. The applicant has approached this Tribunal challenging the impugned orders on the ground that the orders are illegal and arbitrary passed only to harass the applicant.

Mr. S. Sarma learned counsel for the applicant argued that the Respondents have issued the aforesaid impugned orders without making proper enquiry into the matter. An enquiry should have been ordered to verify the serious charge of

ICAR

contd/-

misappropriation.

The respondents have filed the written statement. ^{U referred to} Mr.A.Deb Roy, Sr.C.G.S.C. has submitted a letter dated 22.6.2000(Annexure XI) addressed to the Director ICAR, for misappropriation of office money amounting to Rs.10,000/- by Shri Kamta Prasad. He also argued that the applicant had taken money on 16th March 2000 and kept it with him up to 5th April 2000. Mr.Deb Roy stated that the Joint Director constituted a Committee ^{of 3} ^U under the 3 persons to physically verify the articles at Scientist's Home and to shift the same from Scientist's Home(Quarter No.2) to New Scientist Home. According to the respondents the applicant informed that the office money had been lost from his residence on 5.4.2000 and he had lodged a FIR at Kolasib Police Station against the Joint Director and other staff members of this Centre. Police investigated the case and found that charge was false. Mr.A.Deb Roy,also stated that the applicant had taken the amount of Rs.10,000/-for the purpose of paying the wages of the workers. But the applicant did not pay the wages to the workers after receiving the cash money as such the money was misappropriated. Mr.A.Deb Roy also produced a letter dated 11th January 2001 written by the applicant to the Joint Director which is reproduced below:-

"I would like to request your kind honour that remaining Govt.materials/items which are lying in my quarter(Quarter No.2) may kindly be taken out at the earliest as these are unnecessarily occupying space in my residence and creating problem to me. It is astonishing that materials/items have been taken twice but still all the items/materials have not been taken out may be due to certain convert reasons best known to your kind authority only."

This letter shows that articles were not taken by breaking lock. The allegation made by the applicant against Respondent No.4 that during his absence the Joint Director broke lock

of his residence and took away Rs. 15,000/- and other

1 C U Sharmu

belonging is absolutely false and fabricated with malafide intention. When the committee members approached in pursuance of the above office order, the applicant was personally present at his quarter.

I have carefully considered the submissions made on behalf of the applicant and also heard Mr.A.Deb Roy, Sr.C.G.S.C. at length. Mr.Deb Roy argued that as the applicant had not used the money for the purpose for which it was started. The recovery of money ordered by respondent No.4 did not violate any rules. The applicant filed false FIR and hatched a conspiracy with an effort to hide the actual fact and to malign the image of the Joint Director and other staff members, for his act of misappropriation of office money. The applicant also made allegation against the Joint Director which is proved to be false by letter dated 11th Jan.2001 requesting the removal of the remaining materials of his quarter.

The applicant has submitted Rejoinder to the Written statement at the time of hearing stage to-day. On perusal of the records I find that there is no illegality in the impugned orders. The allegations made by the applicant lack credibility. His action in keeping the cash at home and not in office is not understandable when the money was not immediately required, it should not have been drawn. The applicant should have ensured return of materials belonging to 'Scientist Home by 4th April 2000 as instructed. There appears to be great force in the Sr.C.G.S.Counsel's argument that applicant was present when verification of articles was undertaken. Some articles could not be verified as those were locked in a room. If the allegation of the applicant

16 (Ushar)

contd/-

that lock was broken is to be believed it is not understood how the remaining articles in a locked room were left behind. Accordingly, Application is dismissed. There shall however be no order as to costs.

The interim order dated 22.9.00 suspending the recovery of amount Rs. 10,000/- is vacated.

LM

K.K.Sharma

(K.K.SHARMA)
ADMINISTRATIVE MEMBER

21 SEP 2000

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench

12

Title of the case :

280
C.A. No. 597 of 2000

BETWEEN

Shri Kanta Prasad, Applicant.

AND

Union of India & Ors. Respondents.

I N D E X

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N.K. Goswami

Filed by : S. Sarmah, Advocate.

Regd. No.

File : C:WSTNKA0TA

Date

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

(An application under section 19 of the Central Administrative
Tribunal Act.1985)

280
D.A. No. of 20000

Between

Sri Kamta Prasad ,
Son of late Sri Sumera ,
Scientist ,Agricultural Research,
Indian Council of Agricultural Research,
ICAR, Mizoram Centre, Kalasib Mizoram.

... Applicant.

- AND -

1. Union of India, represented by the
Secretary to the Government of India
Ministry of Agriculture, Kaishi
Bhawan, New Delhi-1.
2. The Director General ICAR , Krishi
Bhawan New Delhi-1.
3. The Director, ICAR Research Complex
for NEH Region, Umroi Road,
Umiam, (Barapani) Meghalaya.
4. Dr. N.S.Azad Thakur, Joint Director,
ICAR Mizoram Centre, Mizoram.

... Respondents

DETAILS OF THE APPLICATION.

1. PARTICULARS OF ORDER AGAINST WHICH THIS
APPLICATION IS MADE.

The present application is directed against the orders
dated 13.6.2000 (Annexure-10), 20.7.2000 (Annexure-12), and
23.8.2000 (Annexure-14) by which the respondents have sought to
recover an amount of Rs 10,000.00 from the applicant illegally
without holding any enquiry .

2. JURISDICTION OF THE TRIBUNAL

That the applicant declares that the subject matter of the
present application is well within the Jurisdiction of this Hon'

Filed by:
the Applicant
through
Wijal Kr. Gorai
Advocate
19

ble Tribunal.

3. LIMITATION

The applicants declares that the present application have been filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act 1985.

4. FACTS OF THE CASE

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights and privileges as guaranteed under the Constitution of India and laws framed thereunder.

4.2 That the applicant entered into the services under the respondents as a Scientist in the discipline of Agricultural Extension in the year 1996. Thereafter, as per the service conditions he was transferred and posted to ICAR Mizoram Centre and he continued to perform duties with the best of his abilities and to the satisfaction of all concerned.

4.3. That during the service at ICAR Mizoram Centre the respondents took up various development works and one of which was construction of water tank at Kalasib Mizoram. The respondents for construction of the said water tank constituted a committee and the applicant being the most sincere and responsible officer, was offered the Chairmanship of the said committee. To that effect the Joint Director ICAR Mizoram Centre issued an order dated 20.9.99 appointing the applicant as Chairman of the said Committee.

4.4 That as stated above the applicant has been performing his duties to the satisfaction of all concerned. The respondents being highly satisfied with his performance offered the Charge of Scientist Home which is a part of the respondents office to perform research works vide order No RC(MZ)E/75/86/Vol.I/S166 dated

6.11.99 issued by the Joint Director ICAR Mizoram Centre.

A copy of the order dated 6.11.99 is annexed herewith and marked as ANNEXURE-1.

4.5 That the respondents thereafter, issued an order vide No RC(MZ) E /34/86/5490 dated 22.3.2000 by which the Scientist Home quarter No 2 has been allotted to the applicant. Pursuant to the aforesaid order dated 22.3.2000 allotting the said quarter, the applicant submitted his occupation report on 1.4.2000 following the norms and Rules.

Copies of the order dated 22.3.2000 and occupation report dated 1.4.2000 are annexed herewith and marked as ANNEXURES 2 & 3 respectively.

4.6. That the Applicant states that the above Annexure-2 order dated 22.3.2000 mentioned above has not been issued to the incharge Scientist Home with a malafice intention to harass him. However, in a letter date manipulating the said order dated 22.3.2000 a copy has been furnished to incharge Scientist Home for early necessary action for the reason best known to the authority concerned.

The applicant craves leave of this Hon'ble Tribunal to produce the manipulated order dated 22.3.2000 as and when necessary for disposal of this application.

4.7. That thereafter the Joint Director issued an order vide No.RC(MZ)E/34/86/5502 dated 3.4.2000 by which it has been intimated that the former incharge of the Scientist Home has been requested to ensure that all the materials lying in the scientist home are shifted positively by 4.4.2000. It is pertinent to mention here that the Scientist Home in question was attached with

the quarter in which the applicant is presently residing i.e. Qtr.No.2 (Old) and the said Scientist Home has already been shifted another place, but some furnitures were lying in the said Quarter No 2.

A copy of the order dated 3.4.2000 is annexed herewith and marked as Annexure-4.

4.8. That the applicant fell sick and accordingly he took casual leave initially for 1 1/2 days i.e. w.e.f 3.4.2000 to 4.4.2000. The said leave was further extended up to 7.4.2000 due to continuation of his aforesaid ailment. Suddenly without any notice, the respondents during his visit to Hospital on 5.4.2000 cut the lock of his residence in the name of office shifting and took away nearly Rs.15,000/-including Rs.10,000/- which was kept for payment of workers and others belongings. On return the applicant was shocked and immediately he lodged an FIR in the Kolasib Police Station, Mizoram on 5.4.2000 after taking due permission from the concerned authority, with a request to investigate the matter. In his aforesaid FIR he named some of the employees of the respondents including the Joint Director, ICAR, Mizoram Centre. Immediately on the next date i.e. 6.4.2000 the applicant intimated the fact to the Director, ICAR, Barapani.

A copy of the letter dated 6.4.2000 enclosing the FIR dated 5.4.2000 is annexed herewith and marked as Annexure-5 and 5(A) respectively.

The applicant craves leave of this Hon'ble Tribunal to produce the leave applications at the time of hearing of the case.

4.9. That the applicant begs to state that after the aforesaid incident he wrote a letter to the Joint Director, ICAR,

requesting him to arrange payment of Rs.3000/- to the workers who worked in the underground water tank site. The applicant wrote this letter due to the fact that the money which was lying with him i.e. Rs.10,000/- for their payment has already been theft.

A copy of the letter dated 7.4.2000 is annexed herewith and marked as Annexure-6.

4.10. That the Joint Director (respondents No.4) knowing fully well about the situation with an ulterior motive issued an order vide No.RC(MZ)P/153/97/5624 dated 19.5.2000 issued an order asking explanation to the applicant as to why the payment to workers engaged for construction of underground water tank has not been made. The Joint Director knew about the fact and he also knew the fact that he is an accused in the FIR lodged by the applicant. However, to harass the applicant the said Joint Director issued the aforesaid order dated 19.5.2000 without disposing of the applicant's request for making payment to the workers vide Annexure-6 letter dated 7.4.2000.

A copy of the letter dated 19.5.2000 is annexed herewith and marked as Annexure-7.

4.11. That the applicant begs to state that the respondents No 4 has been harassing him throughout his service career at Mizoram for the reasons best known to him. From the aforesaid action it can very well be assumed that the entire action is based on sheer malafide nothing else. The respondent No 4 has not stopped his action and again he issued an order vide No RC(MZ)P/153/97/5664 dated 30.5.2000 asking explanation from the applicant as to why the payments to the workers of the water tank has not been made.

A copy of the said order dated 30.5.2000 is

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annexed herewith and marked as ANNEXURE-8.

4.12. That the applicant on receipt of the aforesaid letter dated 19.5.2000 (Annexure-7.) made a representation explaining all the facts to the Joint Director, ICAR Mizoram Centre.

A copy of the said representation dated 30.5.2000 is annexed herewith and marked as ANNEXURE-9.

4.13. That the applicant begs to state that the respondent No 4 as stated above has been harassing the applicant all throughout his service career. The Scientist Home has been shifted to another place and thereafter only the respondents have allotted the quarter to the applicant. However, some of the materials lying untransferred and was lying in the applicants quarter and the respondents could have shifted them in the presence of the applicant. In fact w.e.f. 1.4.2000 the quarter No 2 (Old) has been allotted to the applicant and there is no law for breaking the locks in his absence.

4.14. That the applicant begs to state that the respondent No 4 after some time issued an order vide No. RC(MZ)P/153/97/3720 dated 13.6.2000 by which the applicant has been asked to refund the said amount of Rs 10,000.00 within one week failing which disciplinary action would be taken as per rule against him.

A copy of the said order dated 13.6.2000 is annexed herewith and marked as ANNEXURE-10.

4.15. That the applicant begs to state that immediately on

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receipt of the said Annexure-10 order dated 13.6.2000 made a representation on 30.6.2000, to the respondent No 4 highlighting the factual position. The copy of the said representation has also been submitted to the Director ICAR (respondent No 3).

A copy of the said representation dated 30.6.2000 is annexed herewith and marked as ANNEXURE-11.

4.16. That the respondent No 4 as usual without disposing of the representation dated 30.6.2000 (Annexure-11), filed by the applicant issued another order vide No RC(MZ)P/153/97/5787 dated 20.7.2000 by which the applicant has been asked to refund the aforesaid amount of Rs 10,000.00 failing which same will be deducted in two equal installments i,e, 5,000.00 per month from the salary of August and September, 2000.

A copy of the said order dated 20.7.2000 is annexed herewith and marked as ANNEXURE-12.

4.17. That immediately on receipt of the aforesaid (Annexure-12) order dated 20.7.2000 ,the applicant made a detailed representation on 14.8.2000 to the respondent no 4 , with a copy to the respondent No 3 director ICAR.

A copy of the representation dated 14.8.2000 is annexed herewith as ANNEXURE-13.

4.18. That the applicant begs to state that respondents No 4 instead of disposing the aforesaid representation filed by the applicant has issued yet another order vide No RC(MZ)P/153/97/5885 dated 23.8.2000 by which the decision has been conveyed to him that Rs 5,000.00 per Month will be deducted from

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his salary of the month of August and September 2000.

A copy of the said order dated 23.8.2000 is annexed herewith and marked as ANNEXURE-14.

4.19. That the applicant begs to state that the entire action on the part of the respondent No 4 is illegal and same has been done with malafide intention only to harass him and to spoil his service career. Each and every action on the part of the respondent No 4 smokes malafide and all the impugned orders have been issued with ulterior motive only to harass the applicant and to destroy his service career.

4.20. That the applicant submits that the action on the part of the respondents are illegal and violative of relevant rules guiding the field. It is noteworthy to mention here that the respondents have issued the aforesaid impugned orders without making proper enquiry into the matter. More so when the respondent No 4 is a named accused and till date he has not controverted the fact, he could not have issued the aforesaid impugned orders of recovery.

4.21. That the applicant submits that the law is well settled that no order of recovery can be issued without holding due enquiry by the competent authority and the respondent No is not the proper authority to do so and hence the all the impugned orders are liable to be set aside and quashed.

4.22. That the applicant submits that the respondents have issued the aforesaid impugned orders without any authority and without any enquiry into the matter. In fact the matter in question is pending investigation before the Incharge, Kolasib Police Station and at this stage no such orders could have been

issued and hence the impugned orders are liable to set aside and quashed.

5. GROUNDS WITH LEGAL PROVISIONS

5.1. For that the entire action on the part of the respondents in issuing the aforesaid impugned orders dated 13.6.2000 (Annexure-10) , 20.7.2000 (Annexure-12) and 23.8.2000 (Annexure-14) is illegal and arbitrary and same are liable to be set aside and quashed.

5.2. For that the respondent No 4 is not the competent authority to issue the aforesaid impugned orders dated 13.6.2000 (Annexure-10) , 20.7.2000 (Annexure-12) and 23.8.2000 (Annexure-14) penalising the applicant and as such same are liable to be set aside and quashed.

5.3. For that the respondents No 4 has acted illegally in issuing the aforesaid impugned orders dated 13.6.2000 (Annexure-10) , 20.7.2000 (Annexure-12) and 23.8.2000 (Annexure-14) , in view of the fact that he is a named accused of the incident led to the aforesaid controversy and hence the aforesaid orders are liable to be set aside and quashed.

5.4. For that the relevant rules guiding the field does not permit such an action on the part of the respondents in issuing the impugned orders dated 13.6.2000 (Annexure-10) , 20.7.2000 (Annexure-12) and 23.8.2000 (Annexure-14) and hence same are liable to be set aside and quashed.

5.5. For that the applicant at present drawing a basic pay of Rs 9100.00 per month and hence the amount of recovery mentioned in

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the impugned orders is not sustainable and liable to be set aside and quashed.

5.6. For that the respondent No 4 is not being the appointing authority, he could not have been issued the aforesaid impugned orders dated 13.6.2000 (Annexure-10), 20.7.2000 (Annexure-12) and 23.8.2000 (Annexure-14) and hence the same are not sustainable in the eye of law and liable to be set aside.

5.7. For that in any view of the matter the action on the part of the Respondents is not sustainable in the eye of law and liable to be set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of this case.

6. DETAILS OF THE REMEDIES EXHAUSTED.

That the applicant declares that he has exhausted all the possible departmental remedies towards the redressal of the grievances in regard to which the present application has been made and presently he has got no other alternative than to approached this Hon'ble Tribunal.

7. MATTER PENDING WITH ANY OTHER COURTS

That the applicant declares that the matter regarding this application is not pending in any other Court of Law or any other authority or any other branch of the Hon'ble Tribunal.

8. RELIEF SOUGHT:

Under the facts and circumstances stand above the applicant prays that the instant application be admitted, records be call for and upon hearing the parties on the cause or causes that may

be shown and on perusal of records be pleased to grant the following reliefs.

8.1 To set aside the impugned orders dated 13.6.2000 (Annexure-10), 20.7.2000 (Annexure-12) and 23.8.2000 (Annexure-14).

8.2 Cost of the application.

8.3 Any other relief/reliefs to which the present Applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

Under the facts and circumstances of the case the applicant prays for interim order directing the respondents not to recover any amount from the applicant, suspending the operation of the impugned orders dated 13.6.2000 (Annexure-10), 20.7.2000 (Annexure-12) and 23.8.2000 (Annexure-14) during the pendency of the case. ✓ R

10. THE APPLICATION IS FILED THROUGH ADVOCATE:

11. PARTICULARS OF THE POSTAL ORDER :

(I) I.P.O. No.: 26,501888 (ii) Date: 14/9/2000
(iii) payable at Guwahati

12. LIST OF ENCLOSURES : As stated in the Index.

VERIFICATION

I, Shri Kamta Prasad, S/o Late Sumera Prasad, aged about 31 years, presently working as Scientist Agriculture Extension in the Mizoram ICAR Centre, Kolasib, Mizoram, do hereby solemnly affirm and state that the statement made in this petition from paragraph 1, 2, 3, 4'13 and 4'19 to 4'22 are true to my knowledge and those made in paragraphs 4'4 to 4'12 and 4'14 to 4'18 are matters of records, informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

recovery And I sign this verification on 21. 8th day of Sept. 2000.

Ann 10 - (26)
Ann 12 (28)

On behalf of Scientist No one 13

Iy Allotted
During leave period - Jt. Dir came with workers
took materials - & Rs. 10,000
Filed FIR -

21 Ann 8 - memo

Prasad

(KAMTA PRASAD)

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
MIZORAM CENTRE, KOLASIB-796 081, MIZORAM

....

NO. RC(MZ)E/75/86/Vol.I/5166

Dated Kolasib, the 6th Nov. '99

OFFICE ORDER

Shri. Rajesh Kumar, Scientist (Agronomy) is proceeding on Transfer from ICAR Research Complex for NEH Region, Mizoram Centre, Kolasib to ICAR Research Complex for NEH Region, Umiam. He was holding ^{the} charge of Scientist Home & hence the charge of Scientist Home will be looked after by Shri. Kamta Prasad, Scientist (Agril. Extn.) with immediate effect i.e. from 6th Nov. '99.

(N.S. AZAD THAKUR)
Joint Director

Copy to:-

- 1) Shri. Rajesh Kumar, Scientist (Agronomy), ICAR Res. Complex for NEH Region, Mizoram Centre, Kolasib for information.
- 2) Shri. Kamta Prasad, Scientist (Agril. Extn.), ICAR Mizoram Centre, Kolasib for information & necessary action.
- 3) Shri. G.N. Singh, Met. Observer (T-1), ICAR Mizoram Centre, Kolasib for information.
- 4) For circulation of all staff members of ICAR Mizoram Centre.
- 5) Notice Board.

.....

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
MIZORAM CENTRE: KOLASIB: 796 081 MIZORAM

...

NO. RC(MZ)E/34/86/5490

Dated Kolasib, the 22nd Mar. 2000.

OFFICE ORDER

In pursuance of the Office order No. RC(G)39/pt. dt. 11th Feb. 2000, Umiam the present Scientist Home (Quarter No.2) should be shifted to Block 'B' Quarter No.5 & 6 (newly constructed Residential quarter Type-III) with immediate effect.

The present Scientist Home, quarter No.2 (old qtr.) henceforth is allotted to Shri. Kamta Prasad, Scientist (Agril. Extn) with the following conditions w.e.f. 1.4.2000.

1. No sub-letting or sharing of the accommodation will be allowed.
2. Electric consumption charges, water charges and any other charges should be regularly paid by incumbent against his allotted quarter.
3. The Officer to whom a residence is allowed shall maintain the residence of the premises in clean condition to the satisfactory of the authority.
4. The allottee shall be responsible for any damage/destruction of the quarter.
5. No livestock should be maintained in the quarter/premises.
6. The allottees are advised not to encroach farmland, other than the quarter plinth area for gardening.


(N.S. AZAD THAKUR)
Joint Director

22/3

Copy to :-

1. The Director, ICAR Res. Complex for NEH Region, Umroi Road, Umiam, Meghalaya for his kind information.
2. The Finance & Accounts Officer, ICAR Res. Complex for NEH Region, Umroi Road, Umiam, Meghalaya for information.
3. Shri. Kamta Prasad, Scientist (Agril. Extn.), ICAR Mizoram Centre, Kolasib.
4. Shri. G.N. Singh, Met. Observer (T-I) to see that all the material are shifted to quarter No. 5 & 6 before 31st March, 2000.
5. The i/c Scientist's Home will remain with the Joint Director until further order.
6. I/c Estate Officer to see that shifting should be completed before and on 31st March, 2000.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH ICAR RESEARCH COMPLEX
FOR N.E.H. REGION MIZORAM CENTRE, KOLASIB-796081

Dated, Kolasib the 1st April, 2000

To

The Joint Director
ICAR Mizoram Centre,
Kolasib - 796081

Sub: -Occupation of residential quarter No. 2 -Reg.

Sir,

I am hereby submitting the occupation report of the quarter No.2 w.e.f. 1st April 2000 as it has already been allotted on my name. Further, it is requested that liming/distempering alongwith some minor repair work may kindly be done to make it fit to reside. I shall be highly obliged for the same.

Submitted for kind consideration.

Thanking you,

Yours faithfully,


(KAMTA PRASAD)
Scientist, Agril. Extn.
ICAR Mizoram Centre
Kolasib-796081 (MIZORAM)

ANNEXURE-4

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
MIZORAM CENTRE: KOLASIB: 796 081: MIZORAM

No. RC(MZ)E/34/86/5802

Dated Kolasib, the 03 April, 2000.

OFFICE ORDER

In pursuance of office order of even no. dated 22.3.2000 regarding shifting of Scientist Home, the former incharge, Scientist Home is requested to please ensure that all the materials lying in the scientist home (Old quarter No.2) are shifted positively by 4th April, 2000.

(N. S. Azad Thakur)
(N. S. Azad Thakur)
Joint Director

Copy to:

- 1) The Director, ICAR Research Complex for NEH Region, Umroi Road, Umiam, Meghalaya for his kind information.
- 2) Finance and Accounts Officer, ICAR Res. Complex for NEH Region, Umroi Road, Umiam, Meghalaya for information.
- 3) Shri Kamta Prasad (former incharge Sci.Home) for his information that he may please keep his personal belongings separately to facilitate shifting of the items of the scientist home.
- 4) Shri G.N. Singh, Met Obar. to ensure that all the materials are shifted to quarter No.5 & 6 as per the list lying with him.
- 5) I/C. Estate to make necessary arrangement for shifting.
- 6) I/C. Farm to provide labourers on 4th April, 2000 for shifting of materials from quarter No.2 to the New Scientist Home i.e. quarter No.5 & 6 (Newly built residential quarter) Type-III.

.....

TRUE COPY

By hand

Dated: 06th April, 2000

To

The Director
ICAR Research Complex for
NEH Region, Umroi Road, Umiam
Meghalaya

Sub.: Application for FIR-reg.

Sir,

With due respect I would like to state that I am herewith enclosing a xerox copy of application for FIR submitted to Officer Incharge, Kolasib Police Station, Kolasib for your kind perusal. Further, I would like to request your kind honour with due submission to convey the permission for FIR in writing as your kind honour has already been given over telephone on 05th April, 2000 (AN).

Submitted for kind consideration.

Thanking you with regards,

Encls: As cited above

Yours faithfully,

Sd./6/4

(KAMTA PRASAD)

Scientist, Agril. Extn.

ICAR Mizoram Centre

Kolasib-796081

TRUE COPY

Dated: 05.04.2000

To

The Officer I/c
Kolasib Police Station
District Kolasib (Mizoram)

Sub.: Application for FIR-reg.

Sir,

I would like to state that Shri Kabiruddin, TSM, Dr. K. Laxminarayana, Scientist (Soil Science), Shri D. Chanda, Lab. Assisstant and Dr. N.S. Azadthakur, Joint Director, ICAR Mizoram Centre came to my residence (Qarter No. 2) around 8.30 AM on 05.04.2000. They have cut the lock of my residence in my absence & taken away items/belongings such as storewell, chairs, sofa, colour T.V., gas stove, cylinders, crockery, gold ring (personal), etc. It has also been found later on that nearly Rs. 15000 (Rs. 10,000 Govt. money; approximately and personal 5000) is missing. Govt. money had been withdrawn for construction of under ground water tank at ICAR. The money is being kept at residence due to security reasons. They have also threatened me and told that you take legal action. They have done this illegal and inhuman work when I am suffering from fever & cold and already taken leave on same ground.

In view of the above said facts I would like to request your kind honour to kindly look into the matter & take legal action.

Thanking you,

Yours faithfully,

Sd./5/4

(KAMTA PRASAD)

Scientist, Agril. Extn.

ICAR Mizoram Centre

Kolasib-796081

TRUE COPY

Urgent

Dated 7th April, 2000

To

The Joint Director
ICAR Mizoram Centre
Kolasib-796081

Sub.: Construction of underground water tank-reg.

Sir,

With due respect I would like to state that for making payment of labour wages, who are doing the above said work, Rs. 3000/- (Three thousand) only may please be withdrawn. Since they are pressing hard to get their wages & they are hand to mouth, we should pay their wages at the earliest.

Submitted for kind consideration and necessary action at your kind end.

Thanking you,

Yours faithfully,

Sd./7/4, 9.05 AM

(KAMTA PRASAD)

Chairman Construction Committee of
Underground water tank

INT IAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
MIZORAM CENTRE: KOLASIB: 796 081: MIZORAM

...

NO. RC(MZ)P/153/97/5624

Dated Kolasib, the 19th May, 2000.

OFFICE NOTE

It has come to the notice of the undersigned that you have not paid the wages of some of the workers engaged by you for construction of the under-ground water tank. It has also come to the notice that you have drawn from the bank and received a sum of Rs. 10,000/- (Rupees ten thousand) only from the cashier on 16th March, 2000. Please explain at the earliest why the wages of the workers has not been paid even though you have received the cash amount.

To

Shri Kamta Prasad,
Scientist (Agril. Extn.),
ICAR Mizoram Centre, Kolasib.

Nazad
(N.S. AZAD THAKUR)
Joint Director

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
MIZORAM CENTRE, KOLASIB: 796 081: MIZORAM

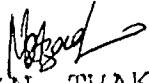
NO. RC(MZ)P/153/97/ 5624 Dated Kolasib, the 30th May, 2000

R E M I N D E R

In continuation of office order No. RC(MZ)P/153/97/5624 dated 19th May, 2000 you have not replied till date regarding the non payment of labour wages towards construction of underground water tank. Hence, you may explain the reasons on or before 31st May, 2000 why it was not paid even though you have received the cash amount of Rs. 10,000/- (Rupees ten thousand) only on 16th March, 2000.

To

✓ Shri Kamta Prasad,
Scientist(Agril.Extn.),
ICAR Mizoram Centre, Kolasib.


(N.S. AZAD THAKUR)
Joint Director

ICAR Res. Complex for NEH Region.
ICAR Mizoram Centre.
Kolasib-796081

Ref: 1. Office Note No. RC (MZ) P/153/97/5624 dated 19th May, 2000
2. My letter dated 7th April, 2000

Sir,

I would like to state as under:

1. On 5th April, 2000 the lock of my residence (Quarter No.2) had been cut illegally. The money was being kept at my residence due to security reasons. During that unwanted and sad incidence government money regarding construction of underground water tank had been lost alongwith some of my personal belongings and money Rs.5000 -. On the same day higher authorities have been informed and FIR has been lodged against the suspects in Kolasib Police Station. Police is investigating the case.
2. On 7th April vide my letter (Ref. No. 2), it has already been requested to your kind honour that money may kindly be withdrawn from bank to pay the labour wages but no action has been taken on that letter.
3. The money (Rs.10000/-) had been withdrawn with your kind consent as you had put your signature as Joint Director (First signatory). The same can be confirmed from the concerned cheque from State Bank of India, Branch Kolasib, records. Hence the phrase/sentence in reference no. 1 "you have drawn from the bank" is not correct. I have put my signature as second signatory only. Further, it is stated that instead of withdrawing the money despite my request I have been charged for not making payment of labour wages. When the money has been lost, how the payment can be done? I may kindly be advised What I should do?
4. Once again it is requested that money may kindly be withdrawn for paying the labour wages at the earliest. Since labourers are pressing hard for their wages.

Submitted for kind consideration and perusal at your kind end.

Thanking you,

Yours faithfully,
Sd., 30/05/2000
(KAMTA PRASAD)
Scientist, Agril. Extn.

Unfairness of Dr. NS Azad Thakur, Joint Director ICAR Mizoram Centre, Kolasib. Govt. money has been lost along with some of my personal belongings and money Rs.5000/- . Since lock of my residence (Quarter No.2) had been cut in my absence on 5th April, 2000. Due to missing of Govt. money, on 7th April, 2000 I have requested him (Xerox copy of the letter attached herewith) to withdraw the money for paying labour wages but he did not take any action. However, vide his Office Note. No. RC (MZ) P/153/97/5624 dated 19th May, 2000 (Xerox copy attached) he has charged me for non-payment of labour wages. Under these circumstances only he is responsible for non-payment of labour wages. I would like to request your kind honour that Joint Director, Dr. . NS Azad Thakur may kindly be advised for arranging the payment of labour wages at the earliest. Since labourers are pressing hard for their wages and coming to office as well as my residence frequently.

2. Sir, it is stated that Dr. Thakur and others are trying to distort the facts and manipulating the documentary evidences. For your kind consideration I would like to bring the same in kind notice of the competent authority as under:
 - i) As per office order No. RC (MZ) E/34/86/5490 dated 22.3.2000 (Xerox copy of original order attached) he has allotted quarter no. 2 to me without my any request application and taken the decision for shifting of Scientist Home to Block 'B' Qr. No. 5&6 (Newly constructed Qr. Type-3) on the basis of Office Order No. RC (G) 39 pt. Dated 11th Feb., 2000 without providing a copy of the same to the i/c Scientist Home. In original order he has neither given any instruction to i/c Scientist Home for shifting nor given the copy of the same. But after a laps of nearly 1 month, on 5th May, 2000 another manipulated copy (Xerox copy attached) was given to me. In which he himself in "copy to" portion of the order " i/c Scientist Home for early necessary action". In this manner he is trying to distort the facts and shift the blame to me. He is doing all this to legalise his illegal action by misusing his official position.
 - ii) In the order No. RC (MZ) E/34/86/5502 dated 3rd April, 2000, he instructed "former i c Scientist's Home" (Who does not exist since he did not removed me from the i/c ship of S.H.) for shifting of materials by 4th April, 2000 without mentioning the name of the person to whom the charge should be handed over (Since I had been labelled as former, then another person must be named for handing over the charge.). Dr. K. Laxminarayana, i/c Estate along with Jt. Director left the station on 4th April, 2000 without any information to me. Since position was not clear regarding the handing over the charge, I can not throw away the Govt. property. As per the earlier order I am responsible for the items of Scientist Home, in case of any damage/loss I might have been held responsible. Moreover, since 3rd April, 2000 (AN) I was not keeping well & taken leave on same ground (Documentary proof attached). When I am not well how I can do the shifting? Therefore, it is clear that Dr. Thakur and others made a criminal conspiracy against me well in advance to humiliate me, inflict the losses and frustrate me, since I am not abetting him in his corrupt and illegal activities. If competent authority permit me I can lodge formal complain in writing.

full knowledge of Dr. Thakur. He himself is keeping and using Govt. materials items (from spoon to colour T.V., VCR, etc.) belonging to Scientist Home Office since his joining at this centre. Sir, whatever has been mentioned in foregone lines of this para does not mean that I was also intended to keep the Govt. property for my personal use. My intention was to shift the Govt. material as per procedure and requested the same to Dr. Thicker on 5th April, 2000 also, that I will my self shift the same after proper verification and preparation of inventory list after recovery from illness. But he did not pay any attention.

- iv) When on 3rd April, 2000 it has already been instructed to shift the material up to 4th April, 2000 then in my opinion there was no need to constitute the committee on same day itself. Some of the committee members are not even eligible to be included in the committee. As per my knowledge, the said committee was constituted on 7th April, 2000 in back date of 3rd April, 2000. Since no body could able to show the copy of the order on 5th April, 2000 at my residence even after my request to all concerned.

In view of the above said facts it is clear that Dr. Thicker is involved in distortion and manipulation of the facts. Therefore, it is earnestly requested to your kind honour that he may be stopped from doing the same.

Sd 30.05.2000
(KAMTA PRASAD)

1. Office Note No.RC(MZ)P/153/97/5624 d. dated 19th May, 2000
2. My letter dated 7th April, 2000
3. Copy of F.I.R
4. Office order No.RC(MZ)E/~~34~~ 34/86/5490, dt. 22.3.2000 (xerox or original order).
5. Office order No.RC(MZ)E/34/86/5490, dt. 22.03. 2000 (xerox copy of manipulated order)
6. Office Order No.RC(MZ)E/34/86/5502, dt. 02.04.2000
7. Office Order No.RC(MZE/75/86/Vol.I/5166, dt. 6.11 Nov. '99.
8. C.L application (3 Nos.)
9. O.P.D cards(xerox copy)

REGISTERED

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
MIGRAM CENTRE: KOLASIB-796 081 (MIGRAM)

NO. RC (MZ) P/153/97/3720

Dated Kolasib, the 13th, June, 2000

Sub:- Loss of Rs. 10,000/- regarding.

Ref:- Your letter dt. 30.5.2000.

With reference to your letter dt. 30.5.2000 which has been received by the undersigned on 13.6.2000 regarding loss of the office money amounting Rs. 10,000/- (Rupees ten thousands) only.

You are hereby asked to refund the office money amounting Rs. 10,000/- within one week after the receipt of the letter failing which disciplinary action may be taken as per rules.

To,

Shri. Kamta Prasad,
Scientist (Agril. Extn),
Biwar Hamirpur (U.P.).

N.S. AZAD THAKUR
(N.S. AZAD THAKUR)
Joint Director.

13/6

Copy to:-

- checked*
With your regards
- 1) The Director, ICAR Res. Complex for NEH Region, Umroi Road, Umiam, Meghalaya for his kind information.
 - 2) The Finance & Accounts Officer, ICAR Res. Complex for NEH Region, Umroi Road, Umiam, Meghalaya for his kind information.

TRUE COPY

Regd.

Dated: 30th June, 2000

To

The Joint Director
ICAR Mizoram Centre
Kolasib-796081

Subject: Loss of Rs.10,000/-

Ref.: Letter No. RC (MZ) P/153/97/3720 dated 13th June, 2000, received on 26.06.00

Sir,

With reference to above cited subject it is stated that your kind office is responsible for loss of Govt. money as well as my personal money amounting to Rs. 5000 (five thousand) only, along with some of the personal belongings. For that illegal action FIR had already been lodged. Due to loss of my personal money I am facing the financial hardship, therefore, it is requested that the same may please be refunded to me at the earliest.

Further, it is requested that this type of official communication may please not be sent to my home town to disturb my family life at home town & harass my family members.

In view of the above said facts it is requested that above referred letter may please be cancelled since I am not responsible for loss of Govt. money.

Submitted for kind perusal at your kind end.

Thanking you,

Yours faithfully,

Sd./30/6

(KAMTA PRASAD)

Scientist, Agril. Extn.

Copy to:

1. The Director, ICAR Res. Complex for NEH Region, Umroi Road, Umiam (Meghalaya).

(TRUE COPY)

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
MIZORAM CENTRE: KOLASIB-796 081:MIZORAM

....

NO. RC(MZ)P/153/97/5787

Dated Kolasib, the 20th July, 2000

REMINDER

In continuation of letter No. RC(MZ)P/153/97/5720, dt. 13.6.2000, you are hereby asked to refund the office money within 10 days amounting to Rs. 10,000.00 (Rupees ten thousand) or which you have drawn for construction of underground water tank and misappropriated, failing which the same will be deducted in two equal instalments @ Rs. 5000/- per month from your salary of August & September, 2000.

To,

Shri. Kamta Prasad,
Scientist(Agr. Extn.),
Biwar, Hamirpur (U.P.)

Sd/-

(N.S. AZAD THAKUR)
Joint Director

Copy to:-

1. The Director, ICAR Res. Complex for NEH Region, Umroi Road, Umiam Meghalaya for his kind information.
2. The Finance & Accounts Officer, ICAR Res. Complex for NEH Region, Umroi Road, Umiam, Meghalaya for information.
3. Cashier, ICAR Mizoram Centre, Kolasib for information.

Attested
by
Advocate

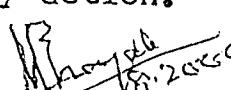
.....

End. No. RC(MZ)P/153/97/5824

3rd July
Dated Kolasib, the 29th July, 2000

Copy to:-

✓ Shri. Kamta Prasad, Scientist(Agril. Extn.), ICAR Mizoram Centre, Kolasib for information and necessary action.


(M.P. RAJAK)
Asstt. Administrative Officer

1/8

Dated Kolasib, the 14th August, 2000

To.

The Joint Director,
ICAR Research Complex for NEH Region,
Mizoram Centre, Kolasib

Ref:

1. Reminder issued vide letter No. RC(MZ)P/153/97/578
dated 20.7.2000 vide Endt. NO. RC(MZ)P/153/97/5845,
dated 3.8.2000

A & given to me

2. My Registered letter dt. 30th June, 2000 and earlier
replies.

Sub:

loss of Rs.10,000/- reg.

Sir,

With reference to the above cited subject it is stated
as under:

1.

I have already explained & brought to the notice of
higher authorities vide my earlier letters for lo-
of Govt. money alongwith my personal money & belon-
gings due to high handedness of your kind authority.
The FIR has already been lodged with local Police.
Since I am not responsible for the lose of Govt.
money, therefore, it is requested that it should not
be deducted from my salary till finalisation of the
case.

2.

Since loss of the money had been brought to the notice
of the higher authorities immediately hence the charge
that it has been misappropriated by me are baseless & pat-
due to malafide intentions to harass me.

3.

I could not understand that when matter is under inv-
stigation by local police, how the order for refund/
recovery from my salary has been issued?

In view of the above said facts & circumstances it is
clear that I am not at all responsible for loss of Govt. money
so I can not refund the same at this stage. The arbitrary rec-
covery from my salary is illegal therefore, it is requested that
the same should not be made effective.

Submitted for kind perusal & consideration at your
kind end. An advance copy has already been sent to the Dir-
ector, ICAR Res. Complex, Umiam.

Thanking you,

Your's faithfully,

Prasada
14/8

(KAMTA PRASAD)
Scientist (Agril. Extn.)

Copy to:

The Director, ICAR Research Complex for NEH Region, Umroi Road, Umiam (Barapani), Meghalaya for his kind personal intervention. Since Dr. N.S. Azad Thakar, Jt. Director, ICAR, Mizoram Centre is trying to breach my fundamental right of 'getting wages in full' by ordering the arbitrary recovery from my salary against the Govt. money which has been lost due to his own illegal activities. I would like to request you kind honour that said illegal recovery may please not be made effective till finalisation of the matter. Further Sir, I would like to request that kindly do justice with me and save me from further harrassment. This is not the first time, in earlier occassions also he has done the same by ordering a recovery of Rs.250/- against a genuine bill of my tenure as I/c.J.D. Due to intervention of FAO he has paid back the same since it was absolutely arbitrary and illegal. Moreover, Rs.77/- against the water and electricity charges of Scientist's Home had been deducted illegally as well as Shri Rajesh Kumar, Scientist(Agronomy)'s salaries of June, 1999. In fact it should be paid by the office.

Pradeep
7/1/98
(KAMTA PRASAD)
Scientist (Agril.Extn)

250/-
77/-
250/-

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
MIZORAM CENTRE: KOLASIB: 796 081: MIZORAM

NO. RC(MZ)P/153/97/SSS Dated Kolasib, the 23rd Aug. 00.

M E M O R A N D U M

With reference to your letter No. nil dt. 14.8.00 you are hereby informed that you have failed to deposit Rs. 10,000/- (Rupees ten thousand) only meant for construction of the underground water tank till date. Hence, Rs. 5,000/- will be deducted from your salary for the month of September and Rs. 5,000/- from your salary for the month of October, 2000 so as to enable this office to continue the construction of the underground well within stipulated time.

To /

Shri Kamta Prasad,
Scientist (Agril. Extn.),
ICAR Mizoram Centre, Kolasib.


(N.C. AZAN TUMUR)
Joint Director

Copy to :-

1. The Administrative Officer, ICAR Res. Complex for NEH Region, Umroi Road, Umiam, Barapani for kind information and necessary action.
2. The Finance & Accounts Officer, ICAR Res. Complex, for NEH Region, Umroi Road, Umiam, Barapani for information.
3. Dealing Assistant (Pay bill) to deduct Rs. 5000/- each from his salary for the month of September & October, 2000.

*Attached
Wifeson
H/Sec*

32

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal

12 MAR 2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH GUWAHATI

Recd by
12/3/2001

(A. DEB ROY)
Sr. C. G. S. C.
C. A. T., Guwahati Bench

O.A. No. 280 OF 2000

Shri Kanta Prasad

-Vs-

Union of India & others

IN THE MATTER OF

Written statement submitted by
respondents No.1 and 4.

The respondents beg to submit the written
statements as follows :-

1. That with regard to paras 1, 2, 3 and 4.1 the respondents beg to offer no comment.
2. That with regard to para 4.2 the respondents state that, his performance is absolutely not to the satisfaction of all concerned.

often he makes false and fabricated complaints
against subordinates with malafide intention

to harass them. In this context a copy of the
explanation dated 22.10.1998 given by Shri

M.P. Rajak, Supdt. of this Centre in response
to the complaint submitted by the applicant
against him will show the malafide and vi-

dictive attitude of the applicant. From this it

is also seen that how he created problem for
the normal functioning of the Centre by allegedly
locking the rooms. The applicant also made all-
egation against a Driver Shri Sankar Rana.

Contd....2/-

After enquiry it was found that allegation was false and for such false allegation against a driver the applicant was warned by respondent No. 4 vide No. RC(MZ)C/78/86/4728 dated 26.5.1999. As a Chairman of the Committee for the construction of underground water tank, the applicant misused his power and authority for which he was served a Memorandum No. RC(E) 3/98 dated 29.5.2000 from the Director, ICAR Research Complex for NEH Region, Umiam, Meghalaya. Hence his claim that he continued to perform duties to the satisfaction of all concerned is totally false.

24.22.10.98

Copy of explanation is annexed hereto and marked as ANNEXURE- 1.

Copy of letter dated 26.5.1999 is annexed hereto and marked as ANNEXURE- II.

Copy of Memorandum dated 29.6.2000 is annexed hereto and marked as ANNEXURE-III.

3. That with regard to para 4.3 the respondents beg to state that the Joint Director of the Centre has to initiate any developmental

activities/works with the co-operation of all the staff members. That statement made by Sri K. Prasad that he took up various developmental activities is far from the truth. Sri K. Prasad's appointment as a chairman of the committee for the construction of underground water tank is usual and as per the office procedure as he is the senior most amongst the Scientists at this ^{being} Centre. After appointing ~~his~~ as Chairman, he has misused his power and showed incompetence for which the Director has issued a Memorandum as mentioned in para No. 2.

4. That with regard to para 4.4 the respondents beg to state that for smooth functioning of the Centre the Joint Director has to allot/distribute some of the duties/activities among the existing Scientists as per the usual procedure. Consequent upon the transfer of Sri Rajesh Kumar, Scientist (Agro) to the ICAR Research Complex for NEH Region, Umiam, Meghalaya Sri K. Prasad was made incharge of the Scientist Home vide Office order No. RC(MZ)E/75/86/Vol.1/ 5166, dated 06.11.1999 to look after the management as stated.

5. That with regard to para 4.5 the respondents beg to offer no comment.

6. That with regard to para 4.6 the respondents beg to state that Sri K.Prasad has joined at Mizoram Centre on 03.02.1998. Soon after joining he requested the Joint Director to allow him to stay in the Scientist Home for the time being and the Joint Director has allowed accordingly. But after occupation of the Scientist Home, Sri K.Prasad admantly continued to stay violating the norms and regulations of the Scientist Home and also defying the orders of the Joint Director issued to him time and again for vacation of the Scientist Home, vide Office order No. RC(MZ)E/34/86/3905, dated 17.10.1998 and No. RC(MZ)E/34/86/4686, dated 15.05.1999 and Sri K.Prasad's reply No. Nil, dated 19.05.1999 and Office order No. RC(MZ)E/34/86/4714, dated 24.-05.1999. This proves his continued unauthorized occupation of the Scientist Home and the defiance of the orders of the Joint Director. The continued occupation of the Scientist Home by Sri K.Prasad created problems for the Joint Director for its maintenance and accommodation to the visiting Scientists and other Officials. Since Sri. K.Prasad has occupied the Scientist Home illegally and hence the difficulties were brought to the notice of the Director, ICAR Research Complex for NEH Region, Umiam, Meghalaya for his approval

to shift the Scientist Home to the newly constructed Type-III quarters of this Centre to accommodate the visiting officials. The Director has considered and conveyed his approval vide Officer order No. RC(G) 39/79(pt), dated 11.02.2000. Accordingly the Joint Director has issued an Office order No. RC(MZ) P/34/86/5490, dated 22.03.2000, wherein the existing Scientist Home (Quarter No.2) has been allotted to Sri.K.Prasad as a residential quarter and given directions for the shifting of the materials of the Scientist Home to the newly constructed Type III Quarter positively on or before 31.03.2000. From the aforesaid facts and circumstances, it can be concluded that the issuance of the above Office order was essential for the maintenance of the Scientist Home, but not to harass Sri.K.Prasad as alleged.

Copy of office order dated 17.10.1998 is annexed hereto and marked as ANNEXURE-IV.

Copy of office order dated 15.5.1999 is annexed hereto and marked as ANNEXURE-V.

Copy of reply dated 19.5.1999 is annexed hereto and marked as ANNEXURE-VI.

Copy of office order dated

24.5.1999 is annexed hereto

and marked as ANNEXURE-VII.

Copy of office order dated

11.2.2000 is annexed hereto

and marked as ANNEXURE -VIII.

Copy of office order dated

22.3.2000 is annexed hereto

and marked as ANNEXURE-IX.

7. That with regard to para 4.7 the respondents beg to state that the statement given by Sri.K.Prasad is self-motivated. The Scientist Home does not mean only the home i.e. Quarter alone, but also include all the materials of the Scientist Home e.g. furniture, T.V., refrigerator, utensils, gas stove and cylinders etc. During his illegal stay at Scientist Home for the period from 03.02.1998 to 01.04.2000 Sri.K.Prasad also utilized the materials for his personal purpose. His intention was for not vacating the Scientist Home apart from creating problems for its maintenance and also to utilize the materials for his personal purpose. As per Office order dated 22.03.2000 he occupied and submitted the occupation report on 01.04.2000

Contd....7/-

but he did not hand over the materials lying in the Scientist Home. Moreover, he did not allow the staff members to shift the Scientist Home materials because he wants to utilize those materials. As he stated "the said Scientist Home already been shifted to another place but some furniture was lying in the said Quarter No.2" from that it can be ascertained that Sri.K.Prasad alongwith the occupation of the quarter also retained all the materials of the Scientist Home.

8. That with regard to para 4.8 the respondents beg to state that Sri.K.Prasad illegally retained ~~ass~~ the materials of the Scientist Home and created a problem to the Joint Director for its maintenance. Ultimately, the Joint Director has constituted a committee vide Office order No. RC(E) 34/86/5526, dated 03.04.2000 for the physical verification and shifting off the materials of the Scientist Home. Accordingly, the committee members have physically verified the materials of the Scientist Home at around 8.00 A.M. on 05.04.2000 in the presence of Sri.K.Prasad, made the inventory of the materials and shifted to the newly constituted Scientist Home. The statement made

by Sri.K.Prasad that during his absence the Joint Director cut the lock of his residence and took away Rs.15,000/- and other belonging is absolutely false and fabricated with mala-fide intention. While the committee members approached in pursuance of the above Office order, Sri.K.Prasad was personally present at his quarter, therefore the question of cutting of lock does not arise. Sri.K.Prasad lodged a false and fabricated F.I.R. at the Police station, Kolasib against the Joint Director and other staff members of this Centre without informing the office. Police investigated the case and found that charge in false.

Copy of the office order
dt. 3.4.2000 is annexed
as ANNEXURE-X.

9. That with regard to para 4.9 the respondents beg to state that, he wrote a letter dated 7.4.2000 to the Joint Director to arrange an amount of Rs.3000/- for payment of the workers it not justified, because neither the Joint Director nor his staff have stolen money/other materials from his residence. In fact the applicant received a cash amount of Rs.10,000/- (Rupees ten thousand) only on 16.3.2000 from the Cashier for the

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purpose of paying the wages of the workers engaged for the construction of the underground water tank in the Centre. But the applicant did not pay the wages to the workers after receiving the cash money. Then after 20 days from the date of receipt of the cash money i.e. on 5.4.2000 he lodged an F.I.R. against the Joint Director and other staff that they committed theft in his residence. The Police investigated the case and found that, the case is false. The applicant neither informed the office why he could not make the payment of wages to the workers between 16.3.2000 to 5.4.2000 (i.e. on the day he lodged the F.I.R.) nor he deposited the money in the office Cash Chest which is more safer than keeping elsewhere. In the above said circumstances the Joint Director was not satisfied with his explanation and hence he did not draw the extra contingency amount for payment of wages to the workers.

10. That with regard to para 4.10 the respondents beg to state that the Joint Director issued the Office order No. RC(MZ)P/153/97/5624, dated 19.05.2000 asking Sri.K.Prasad for explanation for non payment of wages to the workers engaged for construction of underground water tank only after the workers approached the Joint Director. Even though Sri.K.Prasad received the office money for the said purpose, but failed to pay the wages of the

workers engaged by him. Issuance of the said Office order is a part of the administration but not to harass Sri.K.Prasad as alleged by him. In fact Sri.K.Prasad has lodged a false F.I.R, to substantiate his misappropriation and subsequently requested the Joint Director on 07.04.2000 for an additional amount of Rs.3,000/- towards the wages of the workers with an ulterior motive to blame and malign the image of the Joint Director.

11. That with regard to para 4.11 the respondents beg to state that the workers approached the Joint Director once again and pressed hard for their wages and Sri.K.Prasad did not respond to the earlier Office order and hence the Joint Director asked to explain the reasons for nonpayment of wages to the workers vide Office order No. RC(MZ)P/153/97/5614, dated 30.05.2000 as per the office procedure but not to harass Sri.K.Prasad as alleged by him. Therefore Sri.K.Prasad's statement that the Joint Director is harassing him throughout his service career at Mizoram Centre is absolutely false, baseless and beyond the fact.

12. That with regard to para 4.12 the respondents beg to state that the statement made

by Sri.K.Prasad through his representation dated 30.05.2000 was baseless and far from the actual facts and incidents. In fact he has misappropriated the office money for his personal purpose and blamed the Joint Director for obvious reasons. Hence the explanation submitted was summarily rejected.

13. That with regard to para 4.13 the respondents beg to state that soon after joining at this Centre, Sri.K.Prasad indulged himself in nefarious activities, which were contrary to his duties and responsibilities. As already mentioned he has unauthorisedly occupied the Scientist Home for more than two years, defied the orders of the superious, harassed the subordinate staff lodged false and fabricated police case against his superior and other staff members and locked the office on working day etc. The above activities are contrary to the C.C.S rules. The Joint Director if wanted to harass him he could have initiated the disciplinary action against him much earlier but he did not, because he was sympathetic to his subordinates and settled all the disputes amicably. The Joint Director's main concern was to run the Centre smoothly and peacefully. The issuance of orders to Sri. K.Prasad to vacate the Scientist Home, creation of new Scientist Home and allotting the old Scientist Home (Quarter No.2) as his residential quarter and ultimately shifting of the materials of the Scientist Home to the newly created

- 43 -

Scientist Home are part of the Joint Director's responsibilities for its maintenance but not to harass him as stated. It has already been categorically stated that the shifting of the materials was done by the committee members in the presence of Sri.K.Prasad and breaking/ cutting of lock as alleged by him is absolutely false and fabricated.

14. That with regard to para 4.14 the respondents beg to state that since the explanation submitted by Sri.K.Prasad was not satisfactory and hence the Joint Director issued another Office order No. RC(MZ)P/153/97/3720, dated 13.06.2000 to refund the misappropriated office money which is a part of the administration.

15. That with regard to para 4.15 the respondents beg to state that once the Government money has been received by Sri.K.Prasad and thus misappropriated by him, it is the responsibility of the Joint Director/Drawing and Disbursing Officer (D.D.O.) to recover the office money and to complete the assigned work within the stipulated time. Since Sri.K.Prasad was on leave, it was inevitable to the Joint Director to communicate with him to his leave address regarding refund of office money considering the facts and circumstances. Therefore, the explanation given by Sri.K.Prasad vide his letter No. Nil, dated 30.06.2000 regarding the

loss of official money is misleading and hence not acceptable.

16. That with regard to para 4.16 the respondents beg to state that the explanation given by Sri.K.Prasad on 30.06.2000 was unacceptable and disagreeable to the Joint Director, thus he has issued another Office order No. RC(MZ)P/153/97/5787, dated 20.07.2000 asking him once again to refund the office money to carryout the pending construction work.

17. That with regard to para 4.17 the respondents beg to state that the statement made by Sri.K.Prasad vide letter No. Nil dated 14.08.2000 was baseless, contrary to the actual facts, with an intention to delay the refund of mondy and to create hurdles for smooth running of the Centre.

18. That with regard to para 4.18 the respondents beg to state that all the statements made by Sri.K.Prasad regarding the loss of money were false, baseless and unacceptable to the Joint Director and left with no alternative but to issue Office order No. RC(MZ)P/153/97/5885, dated 23.08.2000 for the recovery of misappropriated office money from his salary since he was not refunding on his own.

19. That with regard to para 4.19 the respondents beg to state that initiation of all the activities i.e. shifting of the materials of the Scientist Home, issuance of orders for the refund of official money and its recovery

was necessary and inevitable to the Joint Director/D.D.O. from the administrative point of view, but not to harass and spoil the service career of Sri.K.Prasad as stated by him.

20. That with regard to para 4.20 the respondents beg to state that it is a fact that Sri.K.Prasad has received office money amounting to Rs.10,000/- to pay the wages of the workers. It is note worthly to mention that Sri.K.Prasad misappropriated the office money and lodged a false and fabricated F.I.R. accusing the Joint Director and staff members. Non refunding of the office money by Sri.K. Prasad created problem in maintaining the cash book and regularising the accounts and to continue the pending construction work. On the other hands the workers, who had actually worked were pressing hard for their wages. Moreover all these activities regarding this matter has been informed to the higher authorities vide Office letter No. RC(MZ)C/78/86, dated 22.06.2000 and the recovery of the money was done accordingly and was ratified by the competent authority ^{dt 30.10.2000} vide Memo No. RC(C)LC/91/2000, On the basis of aforesaid facts and circumstances the act of Joint Director/D.D.O. regarding the recovery of the money did not violate the relevant rules. The Joint Director firmly believed

that the theft has never occurred and thus issued the orders to refund the money.

Copy of office letter dated 22.6.2000 and Memo dt. 30.10.2000 are annexed as ANNEXURE-XI and XII respectively.

21. That with regard to para 4.21 the respondents beg to state that the Joint Director also holds the power of D.D.O. as such he is responsible for maintaining the cash and accounts of the Centre. Hence, in that capacity the Joint Director has issued the orders to refund the ~~misappropriated~~ office money.

22. That with regard to para 4.22 the respondents beg to state that the Joint Director is also the D.D.O. and so competent to issue the order for recovery of ~~misappropriated~~ monay. The higher authorities also ratified the action taken by the Joint Director. Sri.K.Prasad raised the issue time and again that the matter is under investigation. In fact he knows the factual position what he has done and implicated the Joint Director and other staff members for his self interest and to harass them. Sri.K.Prasad filed false F.I.R. and hatched a conspiracy with an effort to hide the actual fact and to malign the image of the Joint

Director and other staff members, for his act of misappropriation of office money.

23. That with regard to para 5.1 to 5.7 the respondents beg to state that in view of the statements made above the applicant is not entitled to get any relief.

The respondents further beg to state that the interim order of suspending the recovery of Rs.10,000/- be vacated and the O.A. be dismissed with cost.

..... verification

VERIFICATION

I Shri N.S. Azad Thakur, Joint Director,
ICAR Research Complex for N.E.H. Region,
Mizoram, do hereby solemnly affirm and state
that the statement made in this written state-
ment in paragraphs 3, 4, 7, 9 to 19 and 21 to 23 are
true to my knowledge and those made in paragra-
phs 2, 6, 8 and 20 are matters of records.
informations derived therefore which I believe
to be true and the rest ^{as} on my humble submission
before this Hon'ble Tribunal.

And I sign this verification on this

5 ~~th~~ day of March, 2001.

N.S. Azad
DECLARANT

To

✓ The Joint Director,
 ICAR Research Complex for NEH Region,
 Mizoram Centre, Kolasib

S

Sub: Explanation

Ref: NO.RC(MZ)Extn./Confi/98/2, dated 26.9.98
 and the same received by me on 17.10.98(A.N.).

Sir,

With due respect and humble submission, I have the honour to state the following points in respect of Shri Kamta Prasad's allegation.

That Sir, I did not ask Smti. Lalchhanhimi, Messenger to called Shri Kamta Prasad which is completely false and baseless.

That Sir as the allegation made by Shri Kamta Prasad in regard of Key of Maruti Gypsy it is fabricated because on very ~~day~~ that day at around 6.30 P.M. Shri Kamta Prasad while going to his residence called me in my quarter and asked me to keep the keys with me and accordingly in a good faith I kept the keys with me in my quarter. But sir now it seems to me that he devised a conspiracy by giving me the keys of the same Maruti Gypsy.

That Sir in clarification of the said fabricated allegation I am humbly revealing some evident facts which is inevitable for your information. As a Office Superintendent of this centre I notice that Shri Kamta Prasad with a pre-devised plan creating various problem in this centre for fulfilling his personal desire. I have notice that he mis-behaved with me as well as with other staffs of this centre many times. I also came to learn that he sometimes made ~~lockout~~ the office and this matter I plead for your attention to enquire into the matter, because on 10.9.98 he did not allow any staffs of this centre to enter into the office because he locked all the doors and gates of this centre and kept keys with him.

That Sir, Shri Kamta Prasad is an ill-mannered and very haughty and his main intention ~~is~~ to harm and this very fact is clear from his allegation and the contents of his writting. What he has written in the said allegation need a proper scrutiny and interpretation.

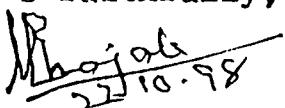
That Sir, Shri Kamta Prasad is seems to be ~~indecent~~ and his activities and attitude is doubtful because to my hypothesis he intended to get transfer from this centre and to fulfil of this desire. His intention to creating problem and harassing the staffs of this centre. When you remain out of station and to confirm this vary fact I request your honour to examine into the said matter and seek the opinions of the other staffs and you can prove the true facts.

In view of the above stated fact and circumstances I would request your honour as Head of this centre to look into the matter in its true perspective and verify the true facts and do me justice, because the behaviour of Shri Namta Prasad which offended me very much and the said allegation which are absolutely false and malafide distress me so that I may get relieved from mental worriness and perform my duty properly.

Thanking you,

Dated Kolasib, the
22nd Oct. 1998.

Your's faithfully,


22/10/98
(M. P. Rajak)
Superintendent(A)

Copy to :

The Director, ICAR Research Complex for NEH Region,
Umroi Road, Umiam, Meghalaya for information.

Many
Pl. file in centre folder
file
22/10/98

(48)

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ANNEXURE-II

CONFIDENTIAL

(101)

69

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
 ICAR RESEARCH COMPLEX FOR N.E.H. REGION
 MIZORAM CENTRE: KOLASIB: 796 081: MIZORAM

NO. RC(MZ)C/78/86/1728

Dated Kolasib, the 26th May, '99.

MEMORANDUM

I have gone through your complaint dated 22nd May, '99 received on 24.5.99 from you wherein you have made allegations against Shri Sankar Rana, Driver for his mis-behaviour and non-compliance of instructions by Shri Sankar Rana.

In this regard, I am to say that Shri G.N. Singh (T-1) and Shri R. Zokhuma (T-II-3) who also accompanied in the same vehicle for official duty, were asked to testify your complaint and they have submitted the written statement that Shri Sankar Rana, Driver was asked by the scientist to stop the vehicle at Diakkawn to collect quotations and got down there and has not mis-behaved with scientists in any manner rather requested them that he has to proceed for completion of other urgent official work as assigned by the Joint Director.

It has been observed that your complaint against Shri Sankar Rana, Driver is not found proper and justified. You are misleading the undersigned by making baseless and false allegations against the above said subordinate staff and trying to create unnecessary problems which are hampering the peaceful discharge of my duties. It is thus viewed very seriously that instead of discharging your duties for which you are engaged, you are rather indulging in wilful insubordinations in combination with Shri Rajesh Kumar. Hence, the undersigned is compelled to warn you not to repeat such things in future.

MW
 (N.S. AZAD THUKUR)
 Joint Director

To

Shri Kamta Prasad,
 Scientist (Agril.Extn.),
ICAR Mizoram Centre, Kolasib.

Copy to :-

The Director, ICAR Res. Complex for N.E.H. Region, Umroi Road, Umiam, Meghalaya for his kind information.

CONFIDENTIAL

250

(F9) 52

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD, UMIAH, -793103, MEGHALAYA

No. RC(E)3/98

Dated Umiam, the 29th June, 2000

b4

MEMORANDUM

It has come to the notice of the undersigned that Shri Kamta Prasad, Scientist (Agril. Extn.) of ICAR Research Complex for NEH Region, Mizoram Centre has issued an office note No. RC(MZ)CO/84/861 Vol. II/5491 dated 25.3.2000 regarding construction of underground water tank under his signature as Chairman, Committee.

It appears through the office note that Shri Kamta Prasad, Scientist (Agril. Extn.) has misused the power wherein the Joint Director is the authority to take the decision, to approve and sign any official letters/orders at his level as per the delegation of powers. The matter has been viewed seriously.

Shri Prasad is hereby asked to explain as to why disciplinary action should not be taken against him as per rules as deemed fit and proper. The reply should reach the undersigned within 10 days of receipt of this Memo.

(H. D. VERMA)
DIRECTOR.

To

Shri Kamta Prasad,
Scientist (Agril. Extn.),
ICAR Research Complex for NEH Region,
Mizoram Centre, P.O. Kolasib,
Mizoram.

Copy to :-

The Joint Director, ICAR Research Complex for NEH Region, Mizoram Centre, P.O. Kolasib, Mizoram for information.

Many
Pl. file & keep
in P.F. office
in M.W.

20/53
 INDIAN COUNCIL OF AGRICULTURAL RESEARCH
 ICAR RESEARCH COMPLEX FOR N.E.H. REGION
 MIZORAM CENTRE, KOLASIB-796081 (MIZORAM)

NO. RC(MZ)E/34/86/3985 Dated Kolasib, the 17th Oct. 1998

OFFICE ORDER

Shri. Kamta Prasad, Scientist(Agril.Extn.) and
 Shri Rajesh Kumar, Scientist(Agro.) who have been occupying
 the Scientist's Home since their joining in this Centre.

Therefore, they have been asked to vacate the
 Scientist's Home immediately. They may apply for quarter
 and accordingly allotment will be made to them.

N.B./71X
 (N.B. AZAD THAKUR)
 JOINT DIRECTOR

To

Shri Kamta Prasad,
 Scientist(Agril.Extn.)
 ICAR, Kolasib

2. Shri Rajesh Kumar
 Scientist(Agro.), ICAR, Kolasib

NO. PC (M) 2/34/86/4686

Dated Kohalib, the 15th May 1990.

S R D S R

The following scientific staff members of Mizoram Centre has been allotted residential quarters as detailed below. They may occupy the quarter by the first week of June, 1990.

Ellevee Name & Designation.

Qty. No. & Block

1.	Shri. Kanta Prasad, Scientist (Agril. Extn.)	1	A
2.	Shri. K. L. Narayana, Scientist (Soil Sc.)	2	A
3.	Shri. Rajesh Kumar, Scientist (Agric.)	3	A

They should also have to abide by the rules and regulations in force from time to time by ICAR and also the following terms and conditions.

1. No sub-letting or sharing of the accommodation will be allowed.
2. Electric consumption charges, water charges and any other charges should be regularly paid by incumbent against his allotted quarter.
3. The officer to whom a residence is allotted shall maintain the residence of the premises in clean condition to the satisfaction of the authority.
4. The allotted shall be responsible for any damage/destruction of the quarter.
5. No livestock should be maintained in the quarter/premises.
6. The allotted are advised not to encroach farmland, other than the quarter plinth area for gardening.

(N. S. AND THARJR)
Joint Director

N/5/5

Copy to:-

1. Shri. Kanta Prasad, Scientist (Agril. Extn.) | They may vacate the
2. Shri. Rajesh Kumar, Scientist (Agric.) | 'Scientist Home'
3. Shri. K. L. Narayana, Scientist (Soil Science) for information.
4. Director, ICAR Res. Complex for N.E.H.R. Region, Umroi Road, Jaintia, Meghalaya for information.
5. Finance & Accounts Officer, ICAR Res. Complex for N.E.H.R. Region, Umroi Road, Jaintia, Meghalaya for information.
6. Peeling Ass'tt. (Pay bill), ICAR Mizoram Centre for information.
7. Collector, Scientist Home for necessary action.

22

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Dated Kolapib, the 19th May, 1999

88

✓ the Joint Director
 I.CAR Rep. Complex for NEH Region
 Mizoram Centre, Kolapib-796081

Ref: 1. Office Order No. RC(MZ)E/34/86/4686 dt. 15.05.99

Sir, I have the honour to state with above reference I have been allotted residential quarter No.1 (Block A) in newly constructed Complex even without any request. I am very thankful to you Sir, for the same. I am very much interested to shift to the newly constructed complex. Since I am facing many problems in staying in a room in present accomodation. But as per my knowledge goes the new complex is still devoid of minimum basic amenities such as water, approach road, fencing, etc. I, therefore, request to you to kindly make arrangement for minimum basic amenities at the earliest. Further, I would like to request to kindly make arrangement for security as the complex is situated in a isolated place. I would like to assure you once again that as soon as arrangement for basic amenities will be made I will shift.

Submitted for your kind consideration.

Thanking you

Yours faithfully
 (KAMTA PRASAD)
 (KAMTA PRASAD)
 Scientist, Agril. Extn.

Copy to

1. The Director, I.CAR Rep. Complex for NEH Region, Umiam-796103
 (Meghalaya)

(KAMTA PRASAD)

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
 ICAR RESEARCH COMPLEX FOR N.E.H. REGION
 MIZORAM CENTRE: KOLASIB-796081 (MIZORAM)

NO. RC(M2)E/34/86/4714

Dated Kolasib, the 24th May, 99

Sub: Request for accommodation in Scientist's Home regarding

With reference to your letter dated 21.5.99 I am to say that the required basic facilities like electrical connection, water tank for water facility has been provided and approach road, pedestrian path are also available.

As regards, installation of overhead tank capacity 30,000/- to 50,000/-litres, it is under process.

You are therefore, asked to vacate the Scientist's Home and occupy quarter No.3 of Block A at the earliest i.e. by the first week of June, 99 as per Order NO. RC(M2)E/34/86/4686, dated 15.5.99. No further request will be entertained.

To

N. S. AZAD THAKUR
 JOINT DIRECTOR

Shri Rajesh Kumar,
 Scientist(Agrs.),
 ICAR, Kolasib

8/6

24/57 ANNEXURE - VII
90
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION,
UMROI ROAD, UMIAM - 793103 MEGHALAYA.

NO. RC(G) 39/79(Pt)

Dated. Umiam, the 11th Feb. 2000.

To:

The Joint Director,
ICAR Res. Complex for NEH Region,
Mamram Centre, Kolasib.

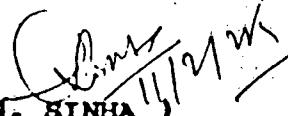
Sub:- Request for shifting of Scientist Home to New
residential quarters (Type.II) and allotment of
old residential quarter (No.2) to Shri. K.Prasad,
Scientist (Agri. Exten.)-regarding.

Ref:- Your letter No. RC(Mz)JD/2000 dtd. 04-02-2000.

Sir,

I am directed to convey the approval of Competent
Authority to the shifting of Scientist Home to New
Type-II quarters as proposed for vide your letter under
reference.

Yours faithfully,


(G. SINHA)
ASSTT. ADMINISTRATIVE OFFICER
(ADMN.).

NO. RC (M) II/34/86/5420

Dated Kolasib, the 22nd March, 2000.

OFFICE ORDER

In pursuance of the Office order No. RC (O) 39/pt.
dt. 11th Feb. 2000, Under the present Scientist Home (Quarter No. 2)
should be shifted to Block 'B' Quarter No. 5 & 6 (newly constructed
residential quarter type-III) with immediate effect.

The present Scientist Home, quarter No. 2 (old qtr.)
henceforth is allotted to Shri. Kanta Prasad, Scientist (Agri. Extn.)
with the following conditions w.e.f. 1.4.2000.

1. No sub-letting or sharing of the accommodation will be allowed.
2. Electric consumption charges, water charges and any other charges should be regularly paid by incumbent against his allotted quarter.
3. The Officer to whom a residence is allotted shall maintain the residence of the premises in clean condition to the satisfactory of the authority.
4. The allotted shall be responsible for any damage/destruction of the quarter.
5. No livestock should be maintained in the quarter/premises.
6. The allotted are advised not to encroach farmland, other than the quarter plinth area for gardening.

M. S. ALEX THAKUR
(M. S. ALEX THAKUR)
Joint Director

W/223

Copy to :-

1. The Director, ICAR Res. Complex for NEH Region, Umroi Road, Umiam, Meghalaya for his kind information.
2. The Finance & Accounts Officer, ICAR Res. Complex for NEH Region, Umroi Road, Umiam, Meghalaya for information.
3. Shri. Kanta Prasad, Scientist (Agri. Extn.), ICAR Mizoram Centre, Kolasib.
4. Shri. G.N. Singh, Met. Observer (T-I) to see that all the material are shifted to quarter No. 5 & 6 before 31st March, 2000.
5. The I/c Scientist's Home will remain with the Joint Director until further order.
6. I/c Estate Officer to see that shifting should be completed before and on 31st March, 2000.

of

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INDIAN COUNCIL OF AGRICULTURAL RESEARCH
 ICAR RESEARCH COMPLEX FOR N.E.H. REGION
 MIZORAM CENTRE: KOLASIB-796 081, MIZORAM

NO. RC (NE) E/34/86/5526

Dated Kolasib, the 3rd April, 2000

O R D E R

A committee of the following member is hereby constituted under the chairmanship of the Joint Director to physically verify the Scientist's Home items and shift the same from Scientist's Home (Off.No.2) to new Scientist's Home (Off.No.5 & 6). The committee members may see if the items are not shifted as per earlier order may shift the same on 5th April, 2000.

- | | |
|--|----------|
| 1. Dr. K. Laxminarayana, I/c Estate | - Member |
| 2. Shri. L. R. Pachua, I/c Farm | - Member |
| 3. Shri. G. N. Singh, Caretaker Scientist's Home | - Member |
| 4. Shri. Durgesh Chanda, Lab. Asstt. | - Member |

My
 (M.S. AZAD THIVAM)
 Joint Director

13/4

Copy to:-

1. The Asstt. Administrative Officer(s), ICAR Research Complex for N.E.H. Region, Umroi Road, Umiam, Meghalaya for information.
2. All concerned (As above).

Received copy

8/4

Sh. K. Laxminarayana

F. B. H. M. A.
314.Dated
314

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ANNEXURE - XI

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CONFIDENTIAL

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H REGION
MIZORAM CENTRE, KOLASIB; 796 081; MIZORAM

NO. RC(MZ)C/78/86/5749

Dated Kolasib, the 22nd June, 2000

To

The Director,
ICAR Res. Complex for NEH Region,
Umroi Road, Umiam, Meghalaya.

Subj : Misappropriation of office money amounting to Rs. 10,000/- by Shri Kamta Prasad, Scientist (Agril. Extn.) - reg.

Sir,

Most humbly and respectfully, I beg to submit the following facts and incidents regarding misappropriation of office money amounting to Rs. 10,000 (Rupees ten thousand) only by Shri Kamta Prasad, Scientist (Agril.Extn.) for your kind information and necessary action.

- i. On 16th March, 2000 an amount of Rs. 10,000/- was withdrawn by Shri Kamta Prasad, as incharge Joint Director, to pay the wages of labourers engaged by him for construction of underground water tank during my official tour to attend the "Jai Vigyan - NATP Project Meeting" held at NBPGR, New Delhi.
- ii. Instead of keeping the money in the office chest and followed by disbursement as per the needs, Shri Kamta Prasad had asked the cashier to handover the whole drawn money to him and received it on the same day (cash receipt enclosed).
- iii. I received complaints from the workers engaged for the above said work that they had not been paid wages towards the work they have executed. Consequently, I issued an office note (No. RC(MZ)P/153/97/5642 dated 19.5.2000) to him enquiring the reasons for non payment of wages, but he did not respond immediately, then a reminder (No. RC(MZ)P/153/97/5669 dated 30.5.2000) was issued to him.
- iv. In response to the above cited office note and reminder(copies enclosed) I received a letter (No. Nil dated 30.5.2000) on 13.6.2000, wherein Shri Kamta Prasad informed that the office money had been lost from his residence on 5.4.2000(copy enclosed). He further informed that he had lodged a FIR at Kolasib Police Station against the suspects and he had already informed the higher authorities.

I further submit for your kind information that Shri Kamta Prasad did not inform the incident of the loss of office money and lodging of FIR immediately to the office although I was present in the station. In fact his main intention was to misappropriate the Govt. money of Rs. 10,000/- frivolously, by not paying the due wages of the workers engaged for the construction work and lodged a false and fabricated FIR.

Submitted for your kind information and necessary action

Thanking you.

Enclose : As above.

Yours faithfully,

Azad 22/06
(N. S. AZAD THAKUR)
Joint Director

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ANNEXURE -XII
XII
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD, UMIAH-793103, MEGHALAYA

No. RC(G)LC/91/2000

Dated Umiam, the 30th Oct., 2000

MEMORANDUM

It has come to the notice of the undersigned that Shri Kamta Prasad, Scientist (Agril. Extn.) has lodged an F.I.R. against Joint Director and other staff members regarding loss of Rs.10,000/- (Rupees ten thousand) Govt. money and his own property from his room with the Kolasib Police Station on 5.4.2000.

On the basis of the police verification report, it is found that the complaint lodged by Shri Kamta Prasad is false and he knowingly blamed the Joint Director and others colleagues only just to motivate and harm their reputation.

Shri Kamta Prasad is hereby warned that he should not act himself as fair and clean wherein he should develop himself in future to avoid any unfair means towards his superior officers and colleagues as well. He is hereby asked to refrain from any untoward incident failing which necessary action will be initiated against him as deemed fit and as per rules.

As such, the amount of Rs.10,000/- (Rupees ten thousand) will be deducted from his salary with immediate effect.

(N. D. VERMA)
DIRECTOR.

To

Shri Kamta Prasad,
Scientist (Agril. Extn.),
ICAR Research Complex for NEH Region,
Mizoram Centre, P.O. Kolasib, Mizoram.

Copy to :-

1. The Joint Director, ICAR Research Complex for NEH Region, Mizoram Centre, P.O. Kolasib, Mizoram with a request that the amount of Rs.10,000/- (Rupees ten thousand) being the Govt. money drawn by Shri Kamta Prasad on 16.3.2000 as contingency advance in connection with construction of under-ground water tank may please be recovered from the salary of Shri Kamta Prasad with immediate effect with an intimation to the undersigned.
2. The Officer-Incharge, Kolasib Police Station, Mizoram for information. This has a reference to his Kolasib P.S. GDE No. 1.35.PI dt. 01-10-2000.
3. The Director (P), ICAR, Krishi Bhawan, New Delhi for information alongwith a copy of Kolasib P.S. GDE No. 1.35.PI dt. 01.10.2000.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
• 5 SEP 2001
गुवाहाटी न्यायपाट
Guwahati Bench

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL.

GUWAHATI BENCH.

File No. 419 (2001)
Alsha Das
Advocate

DA No. 280/2000

Kamta Prasad.

-vs-

Union of India & Ors.

Rejoinder to the written statement filed by the respondents.

1. That the applicant has received the written statement filed by the applicant and has gone through the same. Same except the statement which are not specifically admitted herein below, may be treated as total denial.
2. That with regard to statement made in para 1 of the written statement the applicant offers no comments on it.
3. That with regard to the statement made in para 2 of the written statement the applicant denies the correctness of the same and begs to state that the statements made are not based on record since there has been no formal enquiry to enquire about the correctness of the same. The copy of the explanation dated 22.8.98 submitted by the Superintendent(A) has not been endorsed to the applicant and hence same can not be taken into consideration. Apart from that the respondents have made various swiping remarks against applicant without any basis as well as the procedure prescribed for the same has not been followed. All throughout the service of the applicant, the respondent No.4 for the reasons best known to him, has been harassing him without any basis. It is further stated that the memorandum dated 25.6.99 has got no bearing in the present case, rather it shows the vindictive

attitude of the respondent No.4 towards the applicant. That apart the statements made in regard to the memorandum dated 22.5.2000 will go to show that the present respondent have acted contrary to the rules / procedures and without any basis in issuing the same. Be that as it may, all these has got no nexus in the present proceeding.

4. That with regard to the statement made in para 3 & 4 of the written statement the applicant denies the correctness of the same and begs to state that taking into consideration the efficiency of the applicant, the respondents have allotted several duties of higher responsibilities to the present applicant which will be evident from the Annexure -1 letter dated 6.11.99. It is pertinent to mention here that had there been any such complain in reality the applicant would not have allotted such an responsible duty by issuing the order dated 6.11.99.

5. That with regard to the statement made in para 5 of the written statement the applicant offers no comment on it.

6. That with regard to the statement made in para 6 of the written statement the applicant begs to state that the quarter allotted to him was without the minimum basic requirements like water Supply, approach road, doors, fencing etc and therefore, he made a request vide his letter dated 19.5.99 to make the aforesaid arrangements and to allot the same thereafter.

7. That with regard to the statement made in para 7 of the written statement the applicant reiterates and reaffirms the statement made above as well as in the OA and begs to state that the respondents have already shifted most of valuable item of the said scientist home to another building but due to non availability of adequate space in the new building some of the materials are still lying in the said quarter no.2 .

8. That with regard to the statement made in para 8 of the

written statement the applicant while denying the contentious made therein the applicant begs to state that in the name of physical verification the respondent No.4 cut the lock of his residence in his absence and took away valuable articles along with Rs.15,000/-. An FIR was lodged to the concerned police station to make investigation into the matter. Investigation is still going on to find out the truth on the basis of the said FIR.

9. That with regard to the statement made in para 9, 10, 11 & 12 of the written statement the applicant begs to state that since there was no cash in hand and hence the applicant was constrained to make a prayer to pay some advance so that the payments of the daily rated mazdoors can be made.

10. That with regard to the statement made in para 13 of written statement the applicant begs to state that the entire action of the respondents are contrary to the CCS(CCA) Rules, 1965 and same is liable to be set aside and quashed. Admittedly, there has been no enquiry into the matter even no memorandum has been issued to him enabling him to place his say in the matter.

11. That with regard to the statement made in para 14, 15, 16, 17, 18, 19, 20, 21, 22 & 23 of the written statement the applicant denies the correctness of the same and reiterates and affirm the statement made above as well as in the OA and begs to state that the entire action of the respondents are illegal and violative of various rules guiding the field.

In view of the above facts and circumstances of the case it clear that the respondents have acted illegally and for the same their entire action is liable to be set aside and quashed by allowing the OA with cost.

VERIFICATION

I, Shri Kamta Prasad, S/o Late Sumera Prasad, aged about 31 years, presently working as Scientist Agriculture Extension in the Mizoram ICAR Center, Kolasib, Mizoram, do here by solemnly affirm and state that the statement made in this petition from paragraph 1 to 11 are true to my knowledge and those made in paragraphs _____ are matters of records, information derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on 4 th day of ^{Sept.} ~~May~~ 2001.

KAMTA PRASAD