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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

C.P-06/05 ordersheet pg-1 to 2 INDEX

closed date- 04/05/2005

O.A/T.A No. 272/2003

R.A/C.P No. 06/2005

E.P/M.A No. 181/04

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R.P- 18/04 order Pg- 1 to 10 disposed

2. Judgment/Order dtd. 16/09/2004 Pg. 1 to 3 disposed

3. Judgment & Order dtd. Received from H.C/Supreme Court

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11. Memo of Appearance

12. Additional Affidavit

13. Written Arguments

14. Amendment Reply by Respondents

15. Amendment Reply filed by the Applicant

16. Counter Reply

SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No:- 272/03

Mise Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Name of the Appellant(s): L. Gogendrea Singh

Name of the Respondent(s): N.C.I. Pow

Advocate for the Appellant:- A. Malundra Singh, P.K. Roy Chaudhury

Advocate for the Respondent: Mr. A.K. Aslam Khan
Adv. C. L. S.

Notes of the Registry	date	Order of the Tribunal
Application is filed but not in time Petition is filed, not filed C.P. or Rs. 50 deposited File IPO/B/ No/10379380 Dated ... 28-11-03	16.12.03	Present : The Hon'ble Mr K.V. Prahladan, Admn. Member Heard Mr A.M. Singh, learned counsel for the applicant. Application is admitted. Issue notice to respondents. Applicant also prays for an interim order. List again on 12.1.2004 for written statement and further orders. The operation of letter No. NCUI/AA/ESTT/Sikkim/2003 dated 23.10.2003 (Annexure A/13) shall remain suspended till the returnable date.
Steps taken		

to comply the order dated
16/12/03.

W.M. 0
16/12/03

Notice & order dt. 16/12/03.
Sent to D/S for issuing to
respondent - No - 1 to 4.

pg

K. V. Prahladan
Member

12.1.04 There was a reference
Pass over to tomorrow.

18/12/03. D/No _____
Dt. _____

By

13.1.2004

B/Baru On the plea of the learned couns for the respondents the case is adjourned and listed on 23.2.2004 for further order.

In the meanwhile interim order dated 16.12.2003 shall continue till the next date.

There is no bar on the respondents to disposed of the representation dated 23.10.2003

13.1.2004

On the plea of the learned couns for the respondents the case is adjourned and listed on 23.2.2004 for further order.

In the meanwhile interim order dated 16.12.2003 shall continue till the next date.

There is no bar on the respondents to dispose of the representation dated 23.10.2003 filed by the applicant.

Pl. copy order dated
13.1.04.

NS
13.1.04

copy of order dt. 13/1/04, sent to D/Section for issuing to both the parties.

ccw
9/2/04

20.2.04

23.2.2004 present: The Hon'ble Shri Shunker Raj, Judicial Member.

The Hon'ble Shri K.V. Prahladan, Member (A).

Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. for the respondents, seeks and is allowed four weeks time to file reply. Two weeks for rejoinder.

List on 7.4.2004 for hearing.

ICP/DR
Member (A)

h
Member (J)

bb

7.4.2004

On the plea of Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents four weeks time is allowed to the respondents to file written statement.

List on 13.5.2004.

No Writ has been filed.

Member (A)

bb

12.5.04

13.5.2004 Present : The Hon'ble Sri Mukesh Kumar Gupta, Member (J).

The Hon'ble Sri K.V. Prahladan, Member (A).

order dt. 13/5/04.
sent to D/section
for issuing to
learned Counsel
of both the parties.

~~Leave~~
13/5/04. D/Memo No:-
751 to 753;
Dt. 17/5-04.

31.5.04

W/S submitted
by the Respondent Nos.
2 to 4.

No reply has been filed. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondent Nos. 1 to 3 seeks time to file reply. Mr. B.K. Borah, learned counsel for the respondent No. 4 also seeks time to file reply.

Mr. T.M. Singh, learned Sr. counsel appearing on behalf of the applicant opposed to grant further time since four opportunities already granted to them for filing reply, and as such, requested to list the matter for hearing.

chance
In the interest of justice, last/ four weeks time is granted to the respondents to file reply positively.

List before the next Division Bench. Interim order dated 16.12.03 shall continue until further order.

Member (A)

Member (J)

14.6.04.

The learned counsel for the applicant seeks adjournment to file rejoinder. The case be listed for filing of rejoinder and further orders.

Member (A)

lm

Member (J)

14.6.04.

The learned counsel for the applicant prays for adjournment to file rejoinder. The matter be listed on 18.6.04 for filing of rejoinder and further orders.

KV Prahadan
Member (A)

R
Member (J)

lm

18.6.2004

At the request made by learned counsel for the applicant post the matter before the next Division Bench.

6.8.04

Reply filed by the applicant to the W/S.

KV Prahadan
Member (A)

R
Member (J)

bb

23.8.04

Heard learned counsel for the parties.

DW

On the prayer of learned counsel for the applicant case is adjourned to 7.9.04 for ~~same~~ hearing.

KV Prahadan
Member

R
Vice-Chairman

lm

9.9.2004 present: The Hon'ble Mr. Justice R.K.Batta, Vice-Chairman.

The Hon'ble Mr. K.V.Prahadan, Member (A)

Mr.K.K.Phukan, learned counsel seeks adjournment of the matter on instruction from learned counsel for the applicant, ~~whoever~~ appearing in this matter. He undertook to convey the next date to the advocate for applicant on record.

Stand over for one week. List on 16.9.2004 for hearing.

KV Prahadan
Member (A)

R
Vice-Chairman

bb

The case is ready for hearing as regards
W/S & rejoinder.

NB
15/9/04

Notes of the Registry	Date	Order of the Tribunal
	16.9.2004	Present: The Hon'ble Mr. Justice R.K.Batta Vice-Chairman. The Hon'ble Mr. K. V. Prahladan Member (A). None appeared for the applicant. Heard Mr.K.K.Phukan, learned counsel for respondent nos.2 to 4. Judgment delivered in open Court, kept in separate sheets. The O.A. is disposed of in terms of the order. No costs.
<u>28.9.04</u> Copy of the judgment has been sent to the Office for issuing the same to the applicant as well as to the L/Advocates for the parties.		<i>K. V. Prahladan</i> Member (A)
<u>48.</u> Received copy from the respondent. <i>D. B.</i> 12.9.04		<i>R. K. Batta</i> Vice-Chairman
 Received copy for the applicant 29.9.04.		bb

X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. /XXX. No. 272 of 2003

DATE OF DECISION 16.9.2004

Shri L. Gojendra Singh APPLICANT(S)

None for applicant. ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

U.O.I. & Ors. RESPONDENT(S)

Mr.K.K.Phukan for Respondents 2 to 4 ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE R.K.BATTA, VICE CHAIRMAN. *R* -

THE HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ? *73*
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 vice-Chairman.

73

D

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATTI BENCH.

Original Application No. 272 of 2003.

Date of Order : This, the 16th Day of September, 2004.

THE HON'BLE MR. JUSTICE R. K. BATTA, VICE CHAIRMAN.

THE HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Shri L.Gojendra Singh
Aged about 44 years
S/o L.Babu Singh
Resident of Top Awang Leikai
Tinsid Road, P.S: Porompat
Dist: Imphal East
Manipur. Applicant.

None appeared on behalf of applicant.

- Versus -

1. The Union of India
Through the Secretary
to the Government of India
Ministry of Agriculture
Department of Agriculture and Cooperation
Krishi Bhavan, Dr.Rajendra Prasad Road 1
New Delhi.
2. The Chief Executive
National Cooperative Union of India
3, Siri Institutional Area, Khel Gaon Marg
New Delhi - 110 016.
3. The Senior Consultant
National Cooperative Union of India
Cooperative Education Field Project
3, Siri Institutional Area
Khel Gaon Marg
New Delhi - 110 016.
4. The Chairman
Project Co-ordination Committee of
National Cooperative Union of India
Cooperative Education Field Project
Bishnupur, Manipur. Respondents.

By Advocates Mr.K.K.Phukan & Mr.B.K.Borah for respondents 2
to 4.

O R D E R (ORAL)R.K.BATTA, J.(V.C):

The matter is listed today for final hearing. However, no one has appeared on behalf of the applicant. It may be mentioned here that the matter has been adjourned from time to time at the request of learned advocate for the applicant w.e.f. 14.6.2004. When the matter came up for hearing on 9.9.2004 also, no one appeared for the applicant and learned counsel Mr.K.K.Phukan appearing on behalf of respondent nos.2 to 4 had undertaken to convey today's date to the learned advocate for the applicant. Mr.K.K.Phukan makes a statement at Bar that he has conveyed that the matter is fixed for hearing on today to advocate Mr.P.K.Roy Choudhury, who is junior to Mr.A.M.Singh, learned advocate for the applicant. It is noticed by us that Vakalatnama has also been filed by the applicant in favour of Mr.P.K.Ray Choudhury.

2. It appears that the applicant is not interested in pursuing the matter before this Court, as a result of which, the matter had been adjourned from 14.6.2004. On that count alone, the application can be dismissed for default for non-appearance on behalf of the applicant.

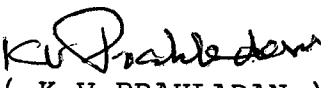
3. Mr.K.K.Phukan, learned advocate appearing on behalf of respondent nos.2 to 4, has drawn our attention to the fact that the applicant had made representation to respondent no.2 in October, 2003, which is at Annexure-A/9,

R

which is still pending. He has also pointed out that there is alternative remedy available of arbitration in terms of Section 84 (1) (c) of the Multi-State Cooperative Societies Act, 2002.

4. In the light of the above, even though the matter can be dismissed for default for non-appearance on behalf of the applicant, we are of the opinion that the ends of justice will be met by giving direction to respondent no.2 to dispose of the representation filed by the applicant in October, 2003 within a period of three months from the date of communication of this order, in case, the same is not already disposed of. In the facts and circumstances and especially in view of the fact that the matter has been adjourned from time to time on account of adjournments sought by the applicant and also on account of non-appearance of the applicant, we are not inclined to continue with the interim order dated 16.12.2003 suspending the operation of Annexure-A/13 and the said order is accordingly vacated.

The application stands disposed of in aforesaid terms. There shall be no order as to costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(R.K.BATTA)
VICE CHAIRMAN

8/16 DEC 2003

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ORIGINAL APPLICATION NO. 272 OF 2003.

Shri L. Gojendra Singh.

Applicant.

- Versus -

1. The Union of India and 3 others.

Respondents

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15.	ANNEXURE A/13	Letter of the Deputy Director(EP), NCUI dated 23/10/2003.	49

Signature of the Applicant

For use in Tribunal's office.

Date of filing :

Registration No. :

12
Filed by
Aslam Khan
Advocate
SF12403

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ORIGINAL APPLICATION NO. 272 OF 2003.

Shri L. Gojendra Singh, aged about 44 years, S/o L. Babu Singh, resident of Top Awang Leikai, Tinsid Road, P.S. - Porompat, District - Imphal East, Manipur.

Applicant.

Versus -

1. The Union of India through the Secretary to the Government of India, Ministry of Agriculture, Department of Agriculture and Cooperation, Krishi Bhavan, Dr. Rajendra Prasad Road 1, New Delhi.
2. The Chief Executive, National Cooperative Union of India, 3, Siri Institutional Area, Khel Gaon Marg, New Delhi - 110016.
3. The Senior Consultant, National Cooperative Union of India, Cooperative Education Field Project, 3, Siri Institutional Area, Khel Gaon Marg, New Delhi - 110016.
4. The Chairman, Project Co-ordination Committee of National Cooperative Union of India, Cooperative Education Field Project, Bishnupur, Manipur.

Respondents.

Details of Application :

1. Particulars of the order against which the application is made :

Office order NCUI/AA/ESTT/Po/Bishnupur/U3, June 4, 2003 issued by Senior Consultant, National Cooperative Union of India Cooperative Education Field Project, Bishnupur (which shall hereinafter referred to as "NCUI.Coop. Edn., Field Project, Bishnupur, Manipur)" for terminating the service of the Applicant as Project Officer of NCUI.Coop. Edn. Field Project, Bishnupur with immediate effect (at Annexure-A/8).

2. Jurisdiction of Tribunal :

The Applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

3. Limitation :

The Applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case :

- I. The Applicant is a graduate in the Agricultural Science and he obtained the degree from Gorakpur University, U.P. in the year 1979-80.
- II. That, the National Cooperative Union of India (NCUI) is a Multi State Cooperative Society registered under the Multi State Cooperative Societies Act 1984. The NCUI is one of the National Cooperative Societies mentioned in Entry No.3 of the Second Schedule to the Multi-state Cooperative Societies Act 2002 and having its registered Head Office at 3, Siri Institutional Area, Khel Gaon Marg, New Delhi – 110016. As such, NCUI is a body corporate under the Multi-state

Cooperative Societies Act 1984 and Multi-state Cooperative Societies Act 2002. NCUI functions through Governing Council having 5 (five) Zones i.e. (1) North Zone :- Punjab, Haryana, Himachal Pradesh, J & K, Chandigarh, Delhi and Rajasthan, (2) West Zone :- Maharashtra, Gujarat, Goa and Daman, Dadra & Nagar Haveli, (3) Central Zone :- Uttar Pradesh and Madhya Pradesh, (4) South Zone :- Tamil Nadu, Karnataka, Kerala, Andhra Pradesh and Pondicherry, (5) East Zone :- West Bengal, Bihar, Orissa, Assam, Meghalaya, Manipur, Tripura, Nagaland, Arunachal Pradesh, Mizoram and Andaman Nicobar Islands. The NCUI is a "State" within the meaning of Article 12 of the Constitution of India and one of the functionaries of the Ministry of Agriculture, Department of Agriculture & Cooperation, Government of India. The NCUI carried out the project called "NCUI Coop Edn. Field Project, Bishnupur, Manipur wholly financed by the Ministry of Agriculture, Department of Agriculture & Cooperation, Krishi Bhavan, Dr. Rajendra Prasad Road-1, New Delhi.

III. For the said NCUI Coop Edn. Field Project, Bishnupur, Manipur the Applicant was appointed to the post of Farm Guidance Instructor for intensification of Cooperative Education in cooperatively under developed State vide Memorandum No.NCUI/AA/Estt.-1(PO), 19th December, 1981 issued by the Chief Executive, National Cooperative Union of India. Accordingly, the Applicant for the first time joined as Farm Guidance Instructor in the said project wholly financed by the Ministry of Agriculture, Department of Agriculture & Cooperation i.e. NCUI Coop Edn. Field Project, Bishnupur, Manipur.

A true copy of the said Memorandum dated 19/12/1991 is enclosed herewith and marked as Annexure-A/1.

IV. The concerned authorities of the NCUI Coop Edn. Field Project, Bishnupur, Manipur were fully satisfied with the sincere, efficient and honest service of the Applicant as Farm Guidance Instructor. The NCUI advertised for one post of Project Officer of the NCUI Coop Edn. Field Project, Bishnupur, Manipur in the year 1999 and in response to the said advertisement a large number of candidates including the Applicant applied for the said post of Project Officer. The Selection Committee recommended the Applicant after holding interview of the candidates for the said post of Project Officer, NCUI Coop Edn. Field Project, Bishnupur, Manipur. On the recommendation of the Selection Committee the Applicant was appointed to the post of Project Officer, NCUI Coop. Edn. Field Project, Bishnupur, Manipur vide Office Memorandum No.NCUI/UDS/Bishnupur 1999 dated 19/07/1999 on the following terms and conditions :-

- (1) He will be eligible to draw pay of Rs.6500/- per month in the pay scale of Rs.6500-200-10500/- plus other allowances as are admissible to the employees of NCUI Coop. Edn. Field Project.
- (2) His appointment is purely on temporary basis which can be terminated without any notice or discontinuation of project by the Government of India.
- (3) His appointment will be governed by the Service Rules as applicable to the project personnel in force and as amended from time to time.
- (4) His appointment is specifically for the post being offered to him and in case of winding up of the project his service shall stand terminated automatically.
- (5) He will work under the over all control of the Executive Director, National Centre for Cooperative Education, New Delhi.
- (6) No joining time, pay and allowance or travelling allowance is admissible to him for joining the post.

A true copy of the said Office Memorandum dated 19/07/1999 is enclosed herewith and marked as Annexure-A/2.

V. After joining as Project Officer of NCUI Coop. Edn. Field Project, Bishnupur in pursuance of the said appointment order dated 19/07/1999 (at Annexure-A/2), the Applicant had discharged his duty honestly, efficiently to the entire satisfaction of the staffs of the said project as well as all the high officials including Chief Executive of the National Cooperative Union of India Shri T.S. Mehta, Deputy Director(EP) and other senior officer of NCUI who had visited the project site of NCUI Coop. Edn. Field Project, Bishnupur.

15 minutes

It may be pertinent to mention that the NCUI Coop. Edn. Field Project, Bishnupur also maintained a visiting register for the high officials and dignitaries visited the project site of the said project. The relevant extracts of the said visiting register of the project for the period 19/10/2000 – 24/04/2003 shall clearly show that the works of the project NCUI Coop. Edn. Field Project, Bishnupur carried out under the Applicant in the capacity of Project Officer were satisfactory and all the high officials were also satisfied with the works carried out by the Applicant as Project Officer of the said project. It is also reiterated that specially Mr. T.S. Mehta, Deputy Director (EP) National Cooperative Union of India who had visited the project site only once on 27/09/2002 had minutely checked the project works taken up by the Applicant as Project Officer of the NCUI Coop. Edn. Field Project, Bishnupur and he was fully satisfied with the performance of the Applicant as Project Officer and accordingly made the observation in the visiting register on 27/03/2002 that "Satisfied with the activities".

Photo copies of the entries of the said visiting register of the NCUI Coop. Edn. Field Project, Bishnupur for the period 19/10/2000 – 24/04/2003 are enclosed herewith and marked as Annexure-A/3(Colly).

VI. As Shri T.S. Mehta, Deputy Director(EP), NCUI was not fully apprised the performance of the Applicant as Project Officer of NCUI Coop.Edn. Field Project, Bishnupur by the Chairman, Project Coordination Committee, NCUI Coop. Edn. Field Project, Bishnupur and also as he did not visit the project site had issued Office Memoranda (i) No.NCUI/EP/UDS/Bishnupur/2001 dated 12/09/2001 and (ii) No.NCUI/IAA/Estt./2002 dated 28/01/2002, that the performance of the Applicant as Project Officer, NCUI Coop. Edn. Field Project, Bishnupur had not been found satisfactory.

The Applicant also submits that the said charge in the said Office Memoranda are very vague inasmuch as nothing is mentioned about the particular of works and performance and also the nature of functioning of the Applicant as Project Officer which were not found satisfactory were mentioned in the said Office Memoranda. The Chairman, Project Committee NCUI Coop. Edn. Field Project, Bishnupur who had visited the project site was very much satisfied with the performance of the Applicant as Project Officer and accordingly he made observation in the visiting register of the NCUI Coop. Edn. Field Project , Bishnupur that the performance of the Applicant as Project Officer is satisfactory. Ultimately, Shri D.P. Neb, Sr. Consultant, National Cooperative Union of India issued another Office order being No.NCUI/AA/Estt/Bishnupur/2003 dated 29/01/2003 as he was not fully apprised the performance of the Applicant as Project Officer and also as there was communication gap between the officials of the NCUI

Pardeep S/

Coop.Edn. Field Project, Bishnupur, Manipur and the Chairman, Project Coordination Committee NCUI Coop Edn. Field Project, Bishnupur, Manipur on one side and Shri D.P. Neb, Sr. Consultant, NCUI on the other side.

True copies of the said Office Memoranda dated 12/09/2001 and 28/01/2002 are enclosed herewith and marked as Annexures-A/4 and A/5 respectively.

- A D N -

A true copy of the said Office order dated 29/01/2003 is enclosed herewith and marked as Annexure-A/6.

VII. It may here be mentioned that the Project Coordination Committee of the NCUI Coop. Edn. Field Project, Bishnupur, Manipur had minutely discussed the works carried out by the project under the Applicant as Project Officer and also the performance of the Applicant as Project Officer in the meeting held on 04/03/2003 and observed that "*In depth discussion on various given Agenda was followed :- Shri Kh. Borkeshor Singh, President, Manipur State Cooperative Union and also Chairman of the Project Coordination Committee lauded good efforts made by the project team for bringing all round development of the rural people in the project area. He expressed his satisfaction over the performance of the project team during the said period. In fact, the project personnel have created tangible impact on the Socio-Economic status of the rural people by providing needed support and guidance, he observed*".

A true copy of the proceedings of the said meeting held on 04/03/2003 is enclosed herewith and marked as Annexure-A/7.

Coop.Edn. Field Project, Bishnupur, Manipur and the Chairman, Project Coordination Committee NCUI Coop Edn. Field Project, Bishnupur, Manipur on one side and Shri D.P. Neb, Sr. Consultant, NCUI on the other side.

True copies of the said Office Memoranda dated 12/09/2001 and 28/01/2002 are enclosed herewith and marked as Annexures-A/4 and A/5 respectively.

- A D N -

A true copy of the said Office order dated 29/01/2003 is enclosed herewith and marked as Annexure-A/6.

VII. It may here be mentioned that the Project Coordination Committee of the NCUI Coop. Edn. Field Project, Bishnupur, Manipur had minutely discussed the works carried out by the project under the Applicant as Project Officer and also the performance of the Applicant as Project Officer in the meeting held on 04/03/2003 and observed that "*In depth discussion on various given Agenda was followed :- Shri Kh. Borkeshor Singh, President, Manipur State Cooperative Union and also Chairman of the Project Coordination Committee lauded good efforts made by the project team for bringing all round development of the rural people in the project area. He expressed his satisfaction over the performance of the project team during the said period. In fact, the project personnel have created tangible impact on the Socio-Economic status of the rural people by providing needed support and guidance, he observed*".

A true copy of the proceedings of the said meeting held on 04/03/2003 is enclosed herewith and marked as Annexure-A/7.

VIII. The Senior Consultant who is neither Chief Executive nor appointing authority of the Project Officer, NCUI Coop. Edn. Field Project, Bishnupur issued Office Order being No.NCUI/AA/Estt./P.O., Bishnupur/09, June 4, 2003 for terminating the service of the Applicant with "stigma".

A copy of the said Office Order dated 04/06/2003 is enclosed herewith and marked as Annexure-A/8.

IX. The Applicant also filed many representations to the authorities including Chief Executive, NCUI for his reinstatement to the post of Project Officer, NCUI Coop. Edn. Field Project, Bishnupur and last representation dated 23/10/2003 to the Chief Executive, NCUI, 3, Siri Institutional Area, August Kranti Marg, New Delhi – 16 was sent through the Over Night Express on 24/10/2003 and copies of the said representations were also sent to the (1) The Director(P&A), National Cooperative Union of India, New Delhi, (2) The Senior Consultant, National Cooperative Union of India, New Delhi and (3) The Chairman, Project Coordinating Committee, NCUI Coop. Edn. Field Project, Bishnupur.

A true copy of the said representation dated 23/10/2003 and copies of the receipts for sending by Over Night Express are enclosed herewith and marked as Annexures-A/9, A/10, A/11 and A/12 respectively.

5. Grounds for relief with legal provisions :-

(A) The Hon'ble Supreme Court of India in a catena of cases held that termination of the service of the temporary employees/probationers with "stigma" could only be issued

only after holding full Departmental Enquiry by giving reasonable opportunity of being heard to the temporary employees/probationers and also by following principle of natural justice. The impugned order dated 04/06/2003 (at Annexure-A/8) for terminating the service of the Applicant with "stigma" was issued without holding full Departmental Enquiry.

(B) As stated above, the Chief Executive, NCUI, Chairman, Project Coordination Committee, NCUI and Shri T.S. Mehta, Deputy Director(EP), NCUI who had visited the project site and enquired about the performance of the Applicant as Project Officer were fully satisfied with the performance of the Applicant as Project Officer and accordingly, they made their observations in the visiting register of the NCUI Coop. Edn. Field Project, Bishnupur. As such, the impugned dated 04/06/2003 (at Annexure-A/8) was issued on surmise and conjecture and the same is not supported by the material of evidence.

(C) The charge mentioned in the Office Memoranda dated 12/09/2001 (at Annexure-A/4), 28/01/2002 (at Annexure-A/5) and Office Order dated 29/01/2003 (at Annexure-A/6) are very vague and as such, the Applicant could not submit effective representation and thereby denying the fair procedure and natural justice to the Applicant before issuing the impugned order dated 04/06/2003 (at Annexure-A/8).

(D) The words "inspite of many warnings issued from time to time to Shri L.G. Singh, Project Officer NCUI Coop.

of
opposite
page

Edn. Field Project, Bishnupur (Applicant), he has not shown any improvement in his performance as Project Officer" mentioned in the impugned order dated 04/06/2003 (at Annexure-A/8) are very much stigmatic words inasmuch as the Applicant would not be able to get any fresh employment to any department of the State Government of Manipur or Union of India as the Applicant had been terminated from his service with the above said stigmatic words mentioned in the impugned order dated 04/06/2003 (at Annexure-A/8).

18/10/2003

(E) From the materials and the circumstances of the present case, it has been very clear that the said stigmatic words mentioned in the impugned order dated 04/06/2003 are the very foundation for terminating the service of the Applicant without holding Departmental Enquiry by following principle of natural justice against the Applicant. The impugned order dated 04/06/2003 (at Annexure-A/8) had contravened the provisions of Article 311(2) of the Constitution of India.

(F) The impugned order dated 04/06/2003 (at Annexure-A/8) was issued on surmise and conjecture in order to terminate the service of the Applicant as Project Officer by hook and crook in order to appoint a new incumbent to the post of Project Officer, NCUI Coop. Edn. Field Project, Bishnupur. As such, Shri T.S. Mehta, Deputy Director(EP), NCUI wrote a letter dated 23/10/2003 to (i) Registrar, Cooperative Societies, Government of Manipur, (ii) The Managing Director/Chief Executive, State/Distt. Coop. Bank/State

Coop. Union, (iii) Principal, ICM and Project Officers, NCUI projects that the post of Project Officer in NCUI Coop. Edn. Field Project, Bishnupur is lying vacant and applications are invited from the interested candidates and the interested persons may submit the applications latest by 24/11/2003 to the Chief Executive, National Cooperative Union of India, 3, Siri Institutional Area, August Kranti Marg, New Delhi – 110016.

A true copy of the letter of the Deputy Director(EP), NCUI dated 23/10/2003 is enclosed herewith and marked as Annexure-A/13.

2. Bishnupur Manipur

(G) Any person has not yet appointed as Project Officer, NCUI Coop. Edn. Field Project, Bishnupur in pursuance of the said letter dated 23/10/2003 (at Annexure-A/14).

(H) The impugned order dated 04/06/2003 (at Annexure-A/8) contravenes the terms and conditions of the appointment of the Applicant as Project Officer, NCUI Coop. Edn. Field Project, Bishnupur, Manipur mentioned in the appointment order dated 19/07/1999 (at Annexure-A/2).

(I) The impugned order dated 04/06/2003 (at Annexure-A/8) is issued by the incompetent authority inasmuch as the Senior Consultant, NCUI is not the appointing authority.

(J) The Applicant has quite strong *prima-facie* case to succeed in his present application. The balance of convenience is also in his favour in granting temporary injunction in the form

2

of interim order restraining the Respondents from filling up the post of Project Officer, NCUI Coop. Edn. Field Project, Bishnupur, Manipur during the pendency of the present application. The Applicant shall suffer an irretrievable injury and irreparable loss unless interim order is passed for restraining the Respondents for filling in the post of Project Officer pending disposal of the present application.

6. Details of the remedies exhausted :

The Applicant declares that there is no remedy available to him or provided under the relevant Service Rules, except by way of the present application.

7. Matter not previously filed or pending with any other Court :

The Applicant further declares that he had not previously filed any application, writ-petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Branch of the Tribunal nor any such application, writ-petition or suit is pending before any of them.

8. Reliefs sought :

In view of the facts and grounds mentioned in para Nos.4 and 5 above, the Applicant prays for the following reliefs :-

- (a) *the impugned order dated 04/06/2003 (at Annexure-A/8) be set-aside having been passed in violation of the provisions of law mentioned in para No.4 above and also since the impugned order contravenes the mandatory provisions of Article 311(2) of the Constitution of India.*
- (b) *for a direction to the Respondents to reinstate the Applicant to the post of Project Officer, NCUI Coop. Edn. Field Project, Bishnupur, Manipur with full pay and allowance for the period the Applicant was terminated illegally by the impugned order dated 04/06/2003 (at Annexure-A/8)*

(c) Any other reliefs as considered just, expedient and equitable be also granted.

9. Interim order, if any, prayed for :

pending final decision of the application, the Applicant seeks the following interim reliefs :-

- (a) the operation of the impugned order dated 04/06/2003 (at Annexure-A/8) be suspended/stayed pending disposal of the present application.
- (b) the Respondent be restrained from filling up the post of Project Officer, NCUI Coop. Edn. Field Project, Bishnupur, Manipur pending disposal of the present application.
- (c) the Applicant be allowed to continue as Project Officer, NCUI Coop Edn. Field Project, Bishnupur, Manipur during the pendency of the present application and
- (d) any such other interim reliefs/orders as may be deemed appropriate, just and equitable, be also granted/issued.

Signature of the Applicant.

Dated/Imphal,

The November, 2003.

By :-

Advocate.

10. The application is being submitted by hand through the Applicant's duly appointed counsel.
11. **Particulars of Postal Orders filed in respect of the application fee :**

12. List of enclosures :

(1) Application in triplicate,
(2) Affidavit
(3) Postal Order No. dated
In favour of the payee, the Registrar, CAT, Guwahati
Branch, Guwahati ,
(4) 4 extra copies of the application for 4 Respondents ,
(5) Copies of Annexures-A/1 to A/13.
(6) Index in Form-1 ,
(7) Receipt Slip ,
(8) Vakalatnama.

Lignin der St

VERIFICATION

I, L. Gojendra Singh, aged about 44 years, S/o L. Babu Singh, resident of Top Awang Leikai, Tinsid Road, P.S.- Porompat, District - Imphal East, Manipur, do hereby verify that the contents of paragraph Nos.1,4,7,8,9,10,11 and 12 are true to personal knowledge and contents of Para Nos. 2 and 3 are believe to be true on the legal advice and the contents of the Para Nos.5, 6 and 7 are true and correct excepting those legal points and those legal points are based on the information of my counsel which I also verily believe to be true.

Dated/Imphal,

The November, 2003.

Signature of the Applicant.

Place : Imphal.

L. Gojendra Singh

Drafted & settled by

Advocate

To

The Registrar,
Central Administrative Tribunal,
Guwahati Bench, Guwahati.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO. OF 2003.

Shri L. Gojendra Singh, Manipur.

____ Applicant.

Versus -

1. The Union of India and 3 others.

____ Respondents

A F F I D A V I T

I, L. Gojendra Singh, aged about 44 years, S/o L. Babu Singh, resident of Top Awang Leikai, Tinsid Road, P.S.- Porompat, District - Imphal East, Manipur, do hereby solemnly affirm and state as follows :-

1. That, I am the Applicant in the accompanying application. I have gone through the contents of the present application and as such I am well conversant with the facts and circumstances of the case. I am presenting this affidavit in support of the statements made in the said application. These are true to my knowledge.
2. That, the statements made in the foregoing paragraph Nos.1,4,7,8,9,10,11 and 12 are within my personal knowledge ; and contents of Para Nos. 2 and 3 are believe to be true on the legal advice and the contents of the Para Nos.5, 6 and 7 are based on the information received by me from my counsel which I believe the same to be true.
3. That, the documents at Annexures-A/1 to A/13 are the true and correct copies of their originals.

L. Gojendra Singh

- (L. GOJENDRA SINGH)

DEPONENT.

Dated/Imphal,

The 28 November, 2003.

Drawn up by : *Manohar Singh*

Advocate.

25.11.2003
Commissioner of Affidavits
Gauhati High Court
Imphal Bench, Manipur

Solemnly affirmed before me this, 28th
Nov. day of 2003 at 11.00
The declarant is identified by A.
Manohar Singh Advocate
personally known.

I certify that I have verified and explained
the content of the affidavit and that the
declarant seemed perfectly to understand
them.

RECEIPT SLIP

Receipt of the application filed in the Central Administrative Tribunal, Guwahati Bench by Shri L. Gojendra Singh, S/o L. Babu Singh, resident of Top Awang Leikai, Tinsid Road, P.S.- Porompat, District – Imphal East, Manipur, is hereby acknowledged.

Dated :

For Registrar

Seal :

Central Administrative

Tribunal,

Guwahati Bench.

NATIONAL COOPERATIVE UNION OF INDIA
(Apex Organisation of the Indian Cooperative Movement)

Gram : aCOPUNIN 3-SIRI Institutional Area,
RHONE & 66 27 50 Panchshila Marg, (Behind
Hauz Khas), New Delhi-17.

Ref. No. NCUI/AA/ESTT-I (P.O.) - Annexure A/180. 19th December, 1981.

MEMORANDUM

With reference to his application and subsequent interview for the post of Farm Guidance Instructor/Cooperative Education Instructor for intensification of Cooperative Education in Cooperatively under-developed States, Shri Laishram Gojendra Singh, FCI, is offered the post of Farm Guidance Instructor/Cooperative Education Instructor on the following terms and conditions:-

1. He will be eligible to draw pay of Rs. 425/- p.m. in the scale of Rs. 425-15-500-EB-15-560-20-640-EB-20-700-EB-25-300/- plus other allowances as are admissible to the employees of the N.C.U.I. which at present are identical with those admissible to the employees of the Govt. of India of his status.
2. The post is purely temporary and terminable without any notice and at present sanctioned upto VI plan only.
3. His appointment will be governed by the service rules of the Union in force and as amended from time to time.
4. He will work under the guidance of the Project Officer.
5. No joining time, pay and allowance or traveling allowance is admissible to him for joining the post.
6. He will have to remain on tour quite considerably and will be entitled to a fixed T.A. at the rate of Rs. 75/- 100/- p.m. subject to such regulations as may be prepared in this behalf.
7. His appointment is specifically for the post being offered to him and in case of winding up the project, his service shall stand terminated.

to be
verified before
A. S. B. C. S.

(19)

-: 2 :-

10. In case the offer is acceptable to him he must report himself for duty to the Project Officer or in his absence to the Chief Executive, P Project Officer, NCUI, Cooperative Education Field Project, C/o Manipur State Cooperative Union, Paona Bazar, Imphal 795001 (Manipur)

11. The joining report may be forwarded to the chief Executive NCUI, through the Project Officer of the Chief Executive of above organisation under intimation to the State Cooperative Union.

R. C. Dwivedi

(R. C. Dwivedi)
Chief Executive

27/11/81

Shri Laishram Gojendra Singh,

Top-Awang Leikai, B.P.O.

Moirang Kampus.

Copy to:-

President.

1. The Chief Executive officer, Manipur State Cooperative Union, Paona Bazar, Imphal (Manipur).

2. The Registrar Cooperative Societies, Imphal, Manipur.

3. The Project Officer, NCUI, Cooperative Education Field Project, C/o Manipur State Cooperative Union, Paona Bazar, Imphal-795001, Manipur.

4. Director (i), NCUI.

(R. C. Dwivedi)
(R. C. Dwivedi)
Chief Executive

*certified to be
true copy
Aslam Khan*



(20) **ANNEXURE A/2**
भारतीय राष्ट्रीय सहकारी संघ 3/

(भारतीय सहकारी आंदोलन की शीर्षस्थ संस्था)

NATIONAL COOPERATIVE UNION OF INDIA
(APEX ORGANISATION OF THE INDIAN COOPERATIVE MOVEMENT)

संदर्भ सं.
Ref. No.:

— NCU1/UDS/Bishnapur/99

OFFICE MEMORANDUM

16.7.1999

दिनांक
Dated: 19

With reference to his interview dated 21.6.1999 for the post of Project Officer, NCUI Cooperative Education Field Project, Shri L. Gojendra is offered the post of Project Officer, NCUI Coop. Edu. Field Project, Bishnapur in the pay scale of Rs. 6500-200-10500/- on the following terms and conditions:-

1. He will be eligible to draw pay of Rs. 6500/- p.m. in the pay scale of Rs. 6500-200-10500/- plus other allowances as are admissible to the employees of NCUI Coop. Edu. Field Project.
2. His appointment is purely on temporary basis which can be terminated without any notice or discontinuation of Project by Govt. of India.
3. His appointment will be governed by the service rules as applicable to project personnel in force and as amended from time to time.
4. His appointment is specifically for the post being offered to him and in case of winding up of the project his services shall stand terminated automatically.
5. He will work under the overall control of the Executive Director, National Centre for Cooperative Education, New Delhi.
6. No joining time pay and allowance or traveling allowance is admissible to him for joining the post.

16/7/99
In case the offer is accepted by him he must inform to the Executive Director, National Centre for Cooperative Education, New Delhi under intimation to Manipur State Coop. Union, Manipur

Kindly furnish the undertaking at the time of joining (Proforma enclosed)

A.K. Singh
(A.K. Singh)
Director (P&A)

Shri L. Gojendra Singh., FGI,
NCUI Coop. Edu. Field Project,
Bishnapur.

3, सीरी इंस्टीट्यूशनल एरिया, अगस्त क्रांति मार्ग, नई दिल्ली-16. 3, Siri Institutional Area, August Kranti Marg, New Delhi-16
दूरभाष/Gram : COPUNION, इंडिया/Phones : 6861472, 6861988, 6565146, 6568408
फैक्स/Fax : 011-6865350, ई-मेल/E-Mail : root@ncuidel.ren.nic.in

*certified to be
true copy*

M. A. Khan

I am so glad to visited mairang kendra.

S.H.G.S. and formed the records of self help groups.

are maintained systematically. I have also

found members of self help group take keen

interest in all activities of groups.

I wish the group will be success in
future.

Fam

19/10/00

(DR. V.K. Dubey)

Dy. Director

MCS Mee

Delhi.

DR. V.K. Dubey

Dy. Director
NCU - New Delhi)

19/10/2000

certified to be
true copy
A. S. Bhattacharya

the 28th Oct' 2000

I have seen the activities of the Ngangchana
GPMPCS LTD and met the active members
of the 15 self help groups formed by
the NCVI Education Field Project.

The members expressed gratitude to the
NCVI. The area has ample scope for
development and members are very keen
to take up development activities for
the improvement of the area.

I feel the SHGs & Coordinating Committee
has a bright future. I wish them
all the best.

Rajendra
(N. Rajendra Das)
Principal ICN
Mysore.

Certified to be
true copy
Aslam Khan

Today i.e. 21st Nov. 2000 I visit G.P.L.M.C.L.C at Moirang
Kendra S.H.G at 16th number of Vansandou village and found
very good organisation in Manipur.

I am very happy to see the women activities and
I would like to give my support from my
end of level. So this for group want any help
in any movement, I will give my help and guide.

Date — 21-11-2000

D. 21/11
Oscar

(K.H. BORGESIOR C.I.S.)
President

10. S. C. C.

certified to be
true copy
A. S. BORGESIOR

21-11-2007

I have seen the GPH MPCs and I have seen active members of the 15 self help groups. There are ample scope for development and member are very keen to take up development activities. Their group must be finance from financing agency by either interest. The members are doing excellent work they are develop them self from the help of cooperation. I hope they will still do good.

Myself

(G.H. Amin)

Chairman Gujrat State Coop Union

Ex. President N.C.C.T.

certified to
done wif
A.S. Amin

15/12/00

ANNEXURE A/3 (colly)

I had the opportunity to visit the SHGs.

They are in need of financial support from banks. They appear to have joint will. Banks should come

forward to encourage this natural programme.

Md. Ehsan
DGM 15/12/2000
NABARD - Imphal

M.A. ETEESHAM
DGM NABARD, Imphal
15/12/2000.

certified to be
done wif
M. A. E.

(26)

ANNEXURE A/3 (contd)
98

I visited today Ngakhalaway and met the no. of women members of S.H.G.s who extended warm welcome. I heard them and came to know that as a S.H.G. they are doing good job. Their major activities include weaving and small business like vegetable selling etc. Main problem they are facing are lack of marketing network for sale of their products, lack of training facilities for designing & dyeing, lack of irrigation facilities for agriculture. There is a good production of orange and pure apple but due to lack of cold storage facilities they are not getting remunerative prices and moreover a sizeable portion goes waste. So this area needs a good marketing network and cold storage for the development of this area. I wish them all success.

11/6/2019

(Bhagawati Basad
Chief Executive
NCUT, New Delhi)

verified & b
One copy
Bhagawati

To day I have the pleasure to visit the Mahang Kendra Self Help Group along with the Chairman, Institute of Crop Management, Project officer, NCU, Manager & officers of nearby Mavur Bank Branches. We have checked all the records maintained by them. I assure that necessary credit linkage programme with the rural bank branches of Mavur Rural Bank will be taken up shortly. I suggest that Institute of Crop Management will take up one training programme for the development of SHG beneficiaries. I wish them all success.

— in Sanskrit
28/8/2001.

Chairman
Mavur Rural Bank

(Shri Tapan Kumar Shangal

Chairman

Mavur Rural Bank)

Subh
K. S.
Tapan
Shangal

Visit programme of SHRI I.R.GUPTA Dy. Director NCUT

I have visited the Self Help Group of
Moirang and have been impressed

by the work undertaken by them.

It has been observed that Members
are encouraged by the work of

NCUT Coop. Code Project, Bishnupur

and continue to assist them from
time to time. I wish every success

of the group and hope it will

be helpful to other women in the
area for undertaking income
generating activities

I. R. Gupta

7

11/2/01

Archived by
Jame WPF
Ghanshyam

27/3/02

THE TAKYEL KHONGBAN LEIRAKH SHG

Impression

29

ANNEXURE A3 (contd)

Name of Visitor	Observation	Remarks
① Sri Hemanta Kr. Mehta: I/C Project Officer, F/Project - Kamrup with their Assam. aerotiers.		Satisfied
② Sh. M.C. Sarma FCI, F/Project	Kamrup.	Found the product improved with culture.
③ Monohi Goswami, Lady Mobilizer Assam near F/Project - Kamrup.	Handloom Product	in combination very fine.
M. Swendra Singh: Po Chet	NCU Project.	Readed the Study Visit Team of Garhbeta on 27th March 02
		Satisfied with the activities
T. S Mehta Dy Director, NCU	- do -	

N. Rangarao Devi Principal ICM workshop Very good

Thamking Kamrup, Kachar, I am impressed.
that the qualities be maintained
The man

for be
urb for
one
Jame

ANNEXURE

42
43 (contd.)

We, the Project personnel of Agart, will be indeed glad to have chance for visiting different SHG. We observe many things, learn and experience out of all these. Some of the SHG's seems to have good co-operation and devote their time sincerely. There are many things we can learn from them and once we go back to our hometown in Agart and carry on the same taste, it is gonna help us in many ways. So much beyond what we can express. Wishing all the SHG success in future.

John Doe
23/11/02

(KENNETH CHRISTIAN WADA)
Project Officer
NCU - Project Officer

(ALDIN SANGI (FIRING))

Sri
Lady
Agart
Mizoram

R. L. D.
23/11/02
(R. LALBOK DIBA)
C.E.I. NCU, Agart
Mizoram

23/11/02
(DAVID DOREMISIAMA)
C.E.I. NCU, Agart
Mizoram

23/11/02
(ISABEL LILACREUZA)
FGI, NCU, Agart
Mizoram

23/11/02
(LALRINKHU)
C.E.I. NCU - ATRAK
Mizoram

certified to be
done by
John Doe

Alu Tronglaobi S.H.G.
Tronglaobi, Moirang

S2/H/10

Name of visitor	Designation	Date
Prof. Samir K. Datta	Professor, Indian Inst. of Management, Ahmedabad.	7-10-2002

I am very happy to see that a large number of the womenfolk in India's elderly women are engaged in mini-making on a part-time basis and earning a fairly decent amount of money. The market for these products can be expanded if these are sold in standardized forms. This will help to establish a framework of big business soon. C.F.I.R.D. figures can help standardize these products. In fact, the particle. long in collaboration with the products by multinationals like Kellogg's.

Visiting to be
done wif
Chawad

visited Nagang Khelawai G.P.L. M.P.C. 1/101,
on 24.4.03, with 32 members,
leaders out of PACS and self help
group from Nagaland.

Found the records upto date, and
met all the members of the society.
The society's, different activities are
and quite satisfactory. The CEFP-
fishumps staff, and concern CEF. is
working hard for the all round develop-
ment. we are satisfied with all the
performance and exception.

Yours
Jhumi P. Acham

Project Officer

NCU-CEFP-Kohima

written to be
done CEF
G. Ramak.



(33)
भारतीय राष्ट्रीय सहकारी संघ

(भारतीय सहकारी आंदोलन की शीर्षस्थ संस्था)

NATIONAL COOPERATIVE UNION OF INDIA
(APEX ORGANISATION OF THE INDIAN COOPERATIVE MOVEMENT)

संदर्भ सं.

Ref. No. : NCUI/EP/UDS/Bishnupur/2001

Regd. Post

दिनांक

Dated : 12.9.2001

ANNEXURE A/1

OFFICE MEMORANDUM

It has been observed that the performance of Sh. L. Gajendra Singh, Project Officer, NCUI Cooperative Education Field Project, Bishnupur has not been found satisfactory. He is hereby advised to improve his performance within three months, failing which he will be reverted back to the post of FGI or CEI.

rsphla
(T.S. Mehta)
Dy. Director (EP)

Sh. L. Gajendra Singh
Project Officer
NCUI Cooperative Education Field Project
Bishnupur (Manipur)

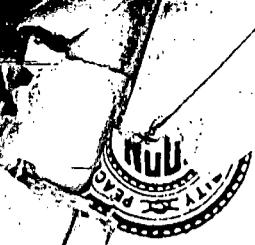
Copy to :

1. The Chairman, Project Coordination Committee NCUI Cooperative Education Field Project, Bishnupur, Manipur for information please.
2. Personal file of Sh. L. Gajendra Singh

rsphla
Dy. Director (EP)

3, सीरी इंस्टीट्यूशनल एरिया, अगस्त क्रांति मार्ग, नई दिल्ली-16. 3, Siri Institutional Area, August Kranti Marg, New Delhi-16
दूरलेख/Gram : COPUNION, दूरभाष/Phones : 6861472, 6565146, 6568408, 6512474
फैक्स/Fax : 011-6265350, ई-मेल/E-Mail : root@ncuidelren.nic.in

*certified b.b
Date 18/9/2001
Raman*



34 भारतीय राष्ट्रीय सहकारी संघ

(भारतीय सहकारी आंदोलन की शीर्षक संस्था)

NATIONAL COOPERATIVE UNION OF INDIA

(APEX ORGANISATION OF THE INDIAN COOPERATIVE MOVEMENT)

संदर्भ सं.
Ref. No. :

NCUI/AA/ESTT/2002

By Kegal Post

दिनांक
Dated :

28.1.2002

OFFICE MEMORANDUM

ANNEXURE A/s

It has been observed that the performance of Sh. L.G. Singh, Project Officer, NCUI Cooperative Education Field Project, Bishnupur has not been found satisfactory even after issuing a written warning. You are hereby given final notice of warning to improve the performance within three months. If the performance is not improved you will be reverted back to the original post of FGI without further notice.

✓ Sh. L.G. Singh
Project Officer
NCUI Cooperative Education Field Project
Bishnupur

T.S. Mehta
(T.S. Mehta)
Dy. Director (EP)

Copy to :

1. The Chairman, Project Coordination Committee, NCUI Cooperative Education Field Project, Bishnupur (Manipur) for information please.
2. Personal file of Sh. L.G. Singh, Project Officer.

10/01/2002
Dy. Director (EP)

3, सीरी इंस्टीट्यूशनल एरिया, अगस्त क्रांति मार्ग, नई दिल्ली-16, 3, Siri Institutional Area, August Kranti Marg, New Delhi-16
दूरलेख/Gram : COPUNION, दूरभाष/Phones : 6861472, 6565146, 6568408, 6512474
फैक्स/Fax : 011-6865350, ई-मेल/E-Mail : root@ncuidelren.nic.in

root@ncuidelren.nic.in

*verified by
Date
Signature*



35
भारतीय राष्ट्रीय सहकारी संघ

(भारतीय सहकारी आंदोलन की शीर्षरथ संस्था)

NATIONAL COOPERATIVE UNION OF INDIA
 (APEX ORGANISATION OF THE INDIAN COOPERATIVE MOVEMENT)

संदर्भ सं.

Ref. No.: NCUI/AA/ESTT/Bishnupur/2003

Regd. Post

दिनांक

Dated :

29.01.03

OFFICE ORDER ANNEXURE 4/6

— Inspite of many warning issued to Sh. L.G.Singh, Project officer, NCUI Coop. Edu. Field Project, Bishnupur, he has not shown any improvement in his overall performance. It has been decided by this Union to extend his appointment upto 31st March, 2003 as a special case only. If he does not show the desired level of improvement, his services will be terminated.

Sh. L.G.Singh,
 Project Officer,
 NCUICoop. Edu. Field Project,
 Bishnupur

.....
 (D.P.Neb)
 Sr. Consultant

3, सीरी इंस्टीट्यूशनल एरिया, प्रगस्त क्रांति मार्ग, नई दिल्ली-16. 3, Siri Institutional Area, August Kranti Marg, New Delhi-16
 दूरभाष/Gram : COPUNION, दूरभाष/Phones : 6861472, 6861988, 6565146, 6568408
 फैक्स/Fax : 011-6865356, ई-मेल : root@ncu.del.res.nic.in

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 one user
 on [Signature]*

NCUI-COOP. EDUCATION FIELD PROJECT,
BISHNUPUR

PROCEEDING OF THE SECOND PCC MEETING OF NCUI+FIELD
PROJECT, BISHNUPUR HELD ON 4-3-2003 AT PROJECT HEAD
QUARTER NAMBOL

BL. MEMBERS PRESENT	DESIGNATION	SIGNATURE
1. Shri Kh. Borkeshor Singh	President MSCU	Sd/-
2. Shri S. Apabi Singh	CEO, MSCU	Sd/-
3. Smt. N. Rangana Devi	Principal ICM	Sd/-
4. Shri M. Ibomcha Singh	Branch Manager MSCB Nambol	Sd/-
5. Shri H. Bombihari Singh	SDAO BPR	Sd/-
6. Shri L. Gojendra Singh	P.O. NCUI+Project	Sd/-

INVITEES

1. Smt. N. Devarani Devi	P.O. NCUI-Women Edn. Project	Sd/-
2. Shri K. Sharatchandra Singh	Faculty Member ICM, Imphal.	Sd/-

At the outset Shri L. Gojendra Singh, Project Officer extended a warm Welcome to the honourable members and Invitees. The P.O. also highlighted various activities taken up by the Field Project for the development of Cooperatives and its members during April 2002 to January 2003. He informed the members that during the period the NCUI-Field Project has conducted 356 no. of Programmes with 3511 participants out of which 1778 were Women. He also placed reports on various activities taken up during the period such as Formation of Self Help Groups, Micro Credit Programmes, Distribution of Kisan Credit Cards to Progressive farmers, organisation/Seminar/Conference, Incom generating activities, Social Welfare Programmes, introduction of new crop varieties, crop Demonstration, Linkages with other Agencies etc, Soil Sample collection and Testing of Samples etc. He also expressed that for successful conduction of various developmental Programmes and crop Demonstration, the field Project needed Budgetary support from NCUI, New Delhi. He appealed the honourable members to consider the proposed Budget as placed in Agenda No.4 and allow to move the same to NCUI-for its approval.

In depth discussion on various given Agenda was followed :-

and field
and crop
done
J. M. S.

Con'd... -

Shri Kh.Borkeshor Singh, President Manipur State Coop.Union and also Chairman of the Project Coordination Committee lauded good efforts made by the Project team for bringing all round development of the Rural people in the project area. He expressed his satisfaction over the performance of the Project team during the said period. In fact, the project personnel have created tangible impact on the Socio Economic Status of the rural people by providing needed support and guidance, he observed.

Smt. N. Ronjana Devi Principal ICM Imphal had suggested that more Rural Awareness Programme should be organised to sensitise the Rural people on various aspect of Social science. She also expressed her desire to introduce medicinal plant to Project area so that income of individual farmers may be increased. She suggested that agencies such as Agri. Development organisation(AD) Kanchipur, Imphal should be contacted in this regard. She also advised the Lady Mobiliser to enhance her activities on Social development front in her Service area.

The meeting concluded with Vote of thank proposed by the Project officer. He thanked the honourable members, and invitees and other Officials attending the meeting.

The following Suggestions/ recommendation was made :-

Recommendation No. 1 :- The participants of the meeting was of the view that the Soil Testing facility available at Project Head Quarter should be given wide publicity. So that farmers may aware of the facility available with the Project. Hence it was decided to give wide publicity of the facilities available to the Public.

Recommendation No.2 :- The committee also decided that to meet the operational Cost, Testing of One Sample of Soil shall be charged 3/-/-.

Contd.../-

Recommendation No.3 :- The Manipur State Cooperative Bank which is also the financing institute of the majority of the Project adopted PACS should maintain close linkup with the Education Field Project so that the existing poverty alleviation Scheme of the Bank may reach the rural Poor through Project effort.

Recommendation No.4:- For generation of additional income of the farmers, medicinal plants should be introduced in Project area. The Project personnel shall consult NGO(s) engaged in the field such as Agriculture Development organisation (ADO) of Kanchipur, Imphal.

Recommendation No.5:- For making wide publicity of the Project activities, the Field Project shall organise two Seminars in the year 2003-2004 and submit the Budget Proposal to NCUI-New Delhi for its approval.

Recommendation No.6 :- Considering the impressive performance of Shri L. Rajen Singh, FGI who has been serving in the NCUI-Education Field Project for more than 3 years on deputation basis, the Committee has decided to persuade the NCUI-New Delhi to absorb the Services of Shri L.Rajen Singh in the NCUI-Field Project.

Recommendation No.7:- The Committee minutely examined the Budget Proposal for conduction of 26 no. of Programmes during the year 2003-2004 as placed by the Project Officer. The Committee has approved the Budget Proposal and entrusted the matter to P.O. for further necessary action.

Contd.../-

Recommendation No. 8 :- The Committee also approved the Annual Work Programme of the Project Personnel for the year 2003-2004 as placed by the Project Officer.

L. Brijendra Singh
Project Officer

Project Officer,
NCUI- Co-op. Edn. Field Project
Rishikesh

Kh. Borkeshwar Singh
Chairman

Project Coordination Committee

Chairman,
Project Co-ordination Committee
NCUI- Project, Dighiupur.

existing to be
used
for
standard



भारतीय राष्ट्रीय सहकारी संघ

(भारतीय सहकारी आंदोलन की शीर्षस्थ संरथा)

NATIONAL COOPERATIVE UNION OF INDIA

(APEX ORGANISATION OF THE INDIAN COOPERATIVE MOVEMENT)

संदर्भ सं.
Ref. No. :

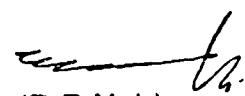
दिनांक
Dated :

NCUI/AA/ESTT/Po/Bishnupur/03

June 4, 2003

OFFICE ORDER

Inspite of many warning issued from time to time to Sh. L. G. Singh, Project officer, NCUI Coop. Edn. Field Project, Bishnupur, he has not shown any improvement in his performance as Project Officer. It has been decided by the competent authority to terminate the services of Sh. L. G. Singh, Project Officer, NCUI Coop. Education Field Project, Bishnupur with immediate effect.


(D.P. Neb)
Sr. Consultant

✓ Shri L. G. Singh
Project officer
NCUI Coop. Edn. Field Project,
Bishnupur

Copy to :

- i) The Chairman, Project Coordination Committee, NCUI coop. Education field Project, Bishnupur – for information and with the request to immediately relieve Sh. L. G. Singh, Project Officer and hand over the charge of Project officer to Shri M. Devendra Singh, CEI, Bishnupur.
- ii) The Principal, Institute of Cooperative Management, Imphal for information.
- iii) Director (P-A/c), NCUI, New Delhi.
- iv) Personal file of Sh. L. G. Singh, Project officer.


Sr. Consultant

*Archived to be
done by
Chandu*

ANNEXURE-A/9

To

The Chief Executive,
 National Cooperative Union of India,
 3, Siri Institutional Area,
 August Kranti Marg, New Delhi – 16.

Subject :- Representation for re-instatement of the undersigned to the services of the post of Project Officer, NCUI Co-operative Education Field Project, Bishnupur.

Sir,

With due respect, I, the undersigned, the then Project Officer, NCUI – Cooperative Education Field project, Bishnupur would like to apprise the following few facts for your kind perusal and favourable actions thereof:

1. That, I was initially appointed to the post of Farm Guidance Instructor for intensification of Co-operative Education in cooperatively underdeveloped States vide Memorandum No.NCUI/AA/ESTT-I(Pt.) dated 19th December, 1981 issued by the Chief Executive, National Co-operative Union of India and since my joining as Farm Guidance Instructor with effect from 02/01/1982 I had rendered my service as Farm Guidance Instructor after attaching to the Manipur State Co-operative Union (MSCU) till I was appointed to the post of Project Officer, NCUI Co-operative Education Field project, Bishnupur vide Office Memorandum No.NCUI/UDS/Bishnupur/99 dated 16/07/1999 issued by the Director (P&A), National Co-operative Union of India.

Photostat copies of the Memorandum dated 19/12/1981 issued by the Chief Executive, National Co-operative Union of India and Office Memorandum dated 16/07/1999 issued by the Director (P&A), National Co-operative Union of India are enclosed herewith for reference and marked as Enclosures-(1) and (2) respectively.

2. That, since my joining as Farm Guidance Instructor on 02/01/1982 and as Project Officer on 28/07/1999 I had been discharging my service with sincerity and utmost dedication to the satisfaction of the higher authorities. And during the tenure of my service as Project Officer, NCUI Co-operative Education Field Project, Bishnupur I was advised by the higher authorities of National Co-operative Union of India to improve my performance as Project

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Officer, NCUI Co-operative Education Field Project, Bishnupur on certain occasions and in compliance thereof my performance had been improved to the satisfaction of the higher authorities of the National Co-operative Union of India.

3. That, during my tenure in the service of Project Officer, NCUI Co-operative Education Field Project, Bishnupur there was some sort of communication gap between the Chairman, Project Coordination Committee, NCUI Co-operative Education Field Project, Bishnupur and higher authorities of the National Co-operative Union of India regarding submission of my ACRs by the concerned authorities and as such the authority concerned had done certain lapses on their part regarding submission of my ACRs of which I should not be given penalties without any fault/lapses from my end.

In connection with the above lapses of the concerned authority with regard to submission of my ACRs the Chairman, Institute of Co-operative Management, Imphal who is also the Chairman, Project Co-ordination Committee NCUI Co-operative Education Field Project, Bishnupur wrote a letter to the Principal, Institute of Co-operative Management, Imphal vide letter No. 1/1/(49)/2003-Pers. Dated 16/05/2003 calling explanation with this regard.

A copy of the said letter of the Chairman, Institute of Co-operative Management, Imphal dated 16/05/2003 is enclosed herewith for reference and marked as Enclosure(3).

4. That, during this sort of communication gap between the authorities of the National Co-operative Union of India and the authority concerned i.e. the Chairman, Project Co-ordination Committee, NCUI Co-operative Education Field Project, Bishnupur the Sr. Consultant, National Co-operative Union of India issued an office order being No.NCUI/AA/ESTT/PO/Bishnupur/03 dated 04/06/2003 terminating my services from being the Project Officer, NCUI Co-operative Education Field Project, Bishnupur with immediate effect.

A copy of the said office order dated 04/06/2003 issued by the Sr. Consultant, National Co-operative Union of India is enclosed herewith for reference and marked as Enclosure(4).

5. That, being aggrieved with the above order of the Sr. Consultant dated 04/06/2003 penalising me of the lapses arising out of the negligent acts of the authority concerned but not from me and in view of the difficulties faced by me and my dependents with the sudden termination from my services as Project Officer, NCUI Co-operative Field Project, Bishnupur I approached the Chief Executive, National Co-operative Union of India by filing an application dated 19/06/2003 for reinstating me to the service of the Project Officer, NCUI Co-operative Education Field Project, Bishnupur on humanitarian ground through the Chairman, Project Co-ordination Committee of NCUI Co-operative Education Field Project, Bishnupur and the same had also been forwarded to the Chief Executive, National Co-operative Union of India by the Chairman/Joint R.C.S. (Audit) Project Co-ordination Committee, NCUI Co-operative Education Field Project, Bishnupur the forwarding letter being No.NCUI/PCC/Chair/Bishnupur/2003-Admn. dated 20/06/2003. Thereafter, the Chairman/Joint R.C.S. Project Co-ordination Committee NCUI Co-operative Education Field project, Bishnupur sent a reminder letter being No.NCUI/PCC/Chair/Bishnupur/2003-Admn. dated 18/07/2003 to the Sr. Consultant (Project) National Co-operative Union of India requesting to consider my case and to reinstate me to the services of the Project Officer NCUI Co-operative Education Field Project, Bishnupur on humanitarian ground.

Copies of the said application dated 19/06/2003, the forwarding letter dated 20/06/2003 and the reminder letter dated 18/07/2003 are enclosed herewith for reference and marked as Enclosures(5), (6) and (7) respectively.

6. That, as the authorities concerned, National Co-operative Union of India did not pay any heed to my request for reinstating to the services of the Project Officer, NCUI Co-operative Education Field Project, Bishnupur and in view of the circumstances faced by me and my dependants with the sudden termination of my services from being the Project Officer, NCUI Co-operative Education Field Project, Bishnupur by the Sr. Consultant, National Co-operative Union of India vide its office order dated 04/06/2003 I filed an application to the Chief Executive, National Co-operative Union of India for re-appointing me to the post of Farm Guidance Instructor under the National Co-operative Union of India on humanitarian ground on 24/07/2003. But the concerned authorities, National Co-operative Union of India neither paid any attention to my request for reinstatement to the services of the Project Officer,

NCUI Co-operative Education Field Project, Bishnupur nor considered for reappointment to the post of Farm Guidance Instructor.

A copy of the application dated 24/07/2003 requesting for reappointment to the post of Farm Guidance Instructor is enclosed herewith for reference and marked as Enclosure-(8).

7. That, since the higher authorities of the National Co-operative of India are seemed to be forgetting the humble requests of an employee who had been working for the last about 22 years under the National Co-operative of India and who was terminated due to some sort of communication gap between the concerned authorities but not from his own lapses/default even after drawing the attention of the authorities concerned either for reinstating to his services as the Project Officer, NCUI Co-operative Education Field Project, Bishnupur or for re-appointing him to the post of Farm Guidance Instructor under the National Co-operative Union of India on humanitarian ground, I again approached the Chief Executive, National Co-operative Union of India through the Chairman, Project Co-ordination Committee, NCUI, Co-operative Education Field Project, Bishnupur by filing an application dated 22/09/2003 drawing the attention of the concerned authority to withdraw my application dated 24/07/2003 for re-appointment to the post of Farm Guidance Instructor and to consider my case for reinstating to the post of Project Officer, NCUI Co-operative Education Field Project, Bishnupur on humanitarian ground. And the same had also been forwarded to the Chief Executive, National Co-operative Union of India by the Chairman, Project Co-ordination Committee NCUI Co-operative Education Field Project, Bishnupur vide letter No.NCUI/PCC/Chair/Bishnupur/2003-Adm, dated 23/09/2003 of the Chairman, Project Co-ordination Committee NCUI Co-operative Education Field Project, Bishnupur.

Copies of the application dated 22/09/2003 and the forwarding letter dated 23/09/2003 of the Chairman, Project Co-ordination Committee, NCUI Co-operative Education Field Project, Bishnupur are enclosed herewith for reference and marked as Enclosures-(9) and (10 respectively.

8. That, inspite of my above requests to the higher authorities of National Co-operative Union of India for considering my case and to reinstate me to the services of the Project Officer, NCUI Co-operative Education Field Project, Bishnupur the concerned authorities of National Co-operative Union of India paid no attention to my case and as such I filed the present representation for considering my case and to reinstate me to the services of the Project Officer, NCUI Co-operative Education Field Project, Bishnupur on humanitarian ground.

In the above facts and circumstances, I, therefore, request you to consider my case and to reinstate me to the services of the Project Officer, NCUI Co-operative Education Field Project, Bishnupur on humanitarian ground for the ends of justice and public policy.

And your such kind act shall ever remain grateful.

Thanking you.

Yours faithfully,

Enclosures : as stated above.

Dated/Imphal. (L. Gojendra Singh)

The : October, 2003. Ex-Project Officer,

NCUI Co-operative Education Field Project, Bishnupur.

Copy to :-

1. The Director(P&A)
National Co-operative Union of India, New Delhi.
2. The Senior Consultant,
National Co-operative Union of India, New Delhi.
3. The Chairman, Project Co-ordination Committee,
NCUI Co-operative Education Field Project, Bishnupur.

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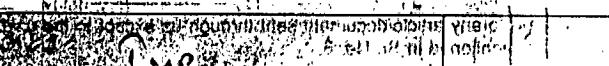
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ANNEXURE A/11

48



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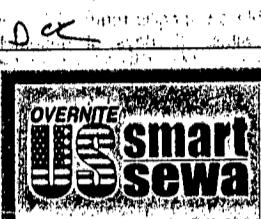
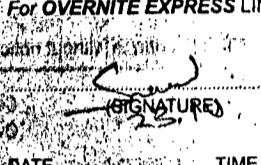
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ANNEXURE

4/13
6

भारतीय राष्ट्रीय सहकारी संघ

(भारतीय सहकारी आंदोलन की शीर्षरथ संरथा)

NATIONAL COOPERATIVE UNION OF INDIA

(APEX ORGANISATION OF THE INDIAN COOPERATIVE MOVEMENT)

संलग्न सं.
Ref. No. :

NCUI/AA/ESTT/Sikkim/2003

दिनांक 23.10.2003
Dated 23/10/03

The Registrar, Coop. Societies, Govt. of Manipur

The Managing Director/Chief Executive,
State/Distt. Coop. Bank/State Coop. Union

Principal, ICM and Project Officers, NCUI Projects

Dear Sir/Madam,

It is to inform you that the post of Project Officer in NCUI Cooperative Education Field Project, Bishnupur Project is lying vacant. The NCUI has decided to fill up the post of Project Officer on deputation/contractual basis. The details of the post are as under :

Name of the post	Project Officer
Pay scale (for deputation)	Rs. 6500-200-10500
Consolidated salary	Rs. 12,000/-
Qualification	Graduate with HDC and Post Graduate, with .5 years experience in Cooperative Education and Development or related areas.

The applications are invited from the interested candidates for the above post. The applications should reach this Office alongwith the Bio-Data and copies of testimony.

The persons who are already working in the cooperative organisations/ Deptt. may apply through their employer for appointment on deputation. The application may be sent on the following address latest by 24th November, 2003.

The Chief Executive
National Cooperative Union of India
3, Siri Institutional Area
August Kranti Marg
New Delhi - 110016

Yours faithfully,

(T.S. Mehta)
Dy. Director (EP)

3, सीरी इंस्टीट्यूशनल एरिया, अगरता क्रॉस मार्ग, नई दिल्ली-16. 3, Siri Institutional Area, August Kranti Marg, New Delhi-16
पूर्वोक्त/Gram : COPUNION, दूरगाम/Phones : 26861472, 26565146, 26568408, 26512474
फैक्स/Fax : 011-26865350, ई-मेल/E-Mail : ncuidel@ndb.vsnl.net.in
Website : www.ncui.net

*Archived & be
done
T.S. Mehta*

28 MAY 2004

Guwahati Bench

Step 50
62
Filed by
Shri S. Borotraokar
For Respondent
No. 2 to 4.
Through
Sukanta Kumar
Advocate

2008: 6 - 074

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH:O.A. NO. 272 OF 2003IN THE MATTER OF :

Shri L. Gajendra Singh

... Applicant

- VERSUS -

Union of India and Others

... Respondents

WRITTEN STATEMENT ON BEHALF OF RESPONDENTS

NO. 2 TO 4.

MOST RESPECTFULLY SHEWETH :

1. That this Hon'ble Tribunal has no jurisdiction to entertain the original application of the applicant as National Co-operative Union of India is a multi-state Co-operative Society Registered under the Multi State Co-operative Societies Act, 1984 with the Central Registrar and is neither State nor any authority or instrumental or agency within the meaning of Article 12 of the Constitution of India. As such the present petition filed by the petitioner is not maintainable.
2. That this Hon'ble Court has no jurisdiction under Section 14 of the Administrative Tribunal Act in view of the facts stated in paragraph No.1 and further no notification bringing the employees of the body i.e. Respondent National

2

Co-operative Union of India under the jurisdiction of the Tribunal as required and as such the present O.A. of the applicant is liable to be rejected as not maintainable. The Principal Bench of the Central Administrative Tribunal, Delhi has held in the case of R.K. Gupta - versus - International Airport Authority of India and others Reported in 1987(3) SLR Page 846 that in the absence of the Notification bring the employees of the body under jurisdiction of the Tribunal, the Tribunal has no jurisdiction. The Principal Bench had also held similarly in the case of Bal Krishan and others - versus - Kendriya Vidyalaya Sangathan and others reported in 1987(3) SLR-890.

3. That the respondent No.1 is not a necessary party and has been wrongly impleaded as a party to the present original application filed by the applicant, as the National Co-operative Union of India is a multi-state Co-operative Society registered under the Multi State Co-operative Societies Act, 1984 with the Central Registrar and is neither State nor any authority or instrumental or agency within the meaning of Article 12 of the Constitution of India. As such the present petition filed by the petitioner is not maintainable and in view thereof the application filed by the applicant is not maintainable against the Respondent No.1 and also the Respondent No.2 to 4, the same therefore, deserve to be dismissed/ rejected as not maintainable.

4. That the present original application filed by the applicant even otherwise is not maintainable as the same is barred under the provisions of Section 14 and 16 of the Specific Relief Act because the National Co-operative Union of India is a multi-state Co-operative Society registered under the Multi State Co-operative Societies Act, 1984 with the Central Registrar and is neither State nor any authority or instrumental or agency within the meaning of Article 12 of the Constitution of India and in view thereof as the Respondent National Co-operative Union of India being multi-state Co-operative Society, the contract of service cannot be specifically enforced against the Respondent No. 2 and in view thereof the present Original Application of the applicant is liable to be dismissed being not maintainable.

5. That the applicant has no locus-standi to file the present application invoking the jurisdiction of this Hon'ble Tribunal by filing the present Original Application in view of the bar/jurisdiction of this Tribunal under Section 14 of the Administrative Tribunal Act.

6. That the contents of Para 4.I of the application are matter of record. Hence no comment.

7. That the contents of para 4.II of the application are not denied to the extent that the National Co-operative Union of India is a multi-State Co-operative Society registered under the multi-state Co-operative Societies Act, 1984. The

National Co-operative Union of India is one of the national level Co-operative society as mentioned in the Second Schedule of the Multi-State Co-Operative Societies Act, 2002 having Registered Office at 3 Institutional Area, Khel Gaon Marg, New Delhi and is a body corporate under the Multi State Co-operative Societies Act, 1984 and Multi State Co-operative Societies Act, 2002 having its Governing Body and Branches in various part of India. Rest of the contents of the said are denied. It is denied that the National Co-operative Union of India is a State within the meaning of Article 12 of the Constitution of India. It is also denied that the National Co-operative Union of India is a functionary of the Ministry of Agriculture Department of Agriculture and Co-operative as alleged. No doubt the Respondent National Co-operative Union of India carries out the projects on behalf of the Ministry of Agriculture Department of Co-operation but in no way it is a State Agency or instrumental of the Ministry of Agriculture Department of Co-operation because it is a corporate body registered under the Multi-state Co-operative Societies Act and function independently and as such the allegation of the applicant in para 4.II that the respondent No.1 National Co-operative Union of India is a State is baseless. The applicant has wrongly invoked the jurisdiction of this Tribunal by filing the present application for redressal of grievance in view of the specific bar under Section 14 of the Administrative Tribunal

Act. The averments of the same have been mentioned in the para 1 above and in view thereof the present application of the applicant is not maintainable and is liable to be dismissed.

8. That the contents of para 4.III are not denied. That the National Co-operative Union of India has Co-operative Education Field Project in Bishnupur, Manipur and where the applicant was appointed to the post of Farm Guidance Instructor vide Office Memo dated 19.12.1981 attached to the application vide Annexure-A/1.

9. That the contents of para 4.IV are not denied to the fevering extent that the National Co-operative Union of India carried out the sponsored project on behalf of the Ministry of Agriculture, Department of Agriculture and Co-operation independently as assigned to it, including the project at Bishnupur. It is also not denied that the applicant was subsequently selected for the post of Project officer vide Office Order dated 19.07.1999 and was appointed as Project Officer vide Annexure-A/2 annexed with the application.

10. The contents of para 4.V of the application as stated are wrong and denied. It is submitted that the performance of the Respondent was not satisfactory. The applicant cannot consider on the basis of the reports in the Visitors Book made by the Visiting Officer because the said report was for the entire officials of the project and as such the applicant cannot consider or rely

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upon the said report as the only officer having performed the projects were satisfactory. As stated above the performance of the applicant was not satisfactory and to this effect he has been warned number of times which is evident from the Annexure-R/1 (colly) which are the self explanatory and further the applicant was given number of opportunity to change his attitude and show improvement in the performance as a Project Officer, but the applicant failed to do so and therefore, there was no order left with the respondent's competent authority but to dispensed with the services of the applicant vide Office Order dated 04.06.2003 vide Annexure-A/8 annexed with the application filed by the applicant. The applicant's grievances that despite the facts the allegations of the applicant alleging in para 4.V under reply are baseless and have no merits.

11. The contents of para 4.VI are wrong and denied. It is denied that Shri T.S. Mehta, Dy. Director (EP) of the Respondent was not fully apprised the performance of the applicant as a Project Officer of National Co-operative Education Field Project, Bishnupur by the Chairman Project Co-ordination Committee as alleged in the para under reply. It is submitted that Shri T.S. Mehta had issued the office memorandum dated 12.09.2001 and 28.01.2002. The said letters were issued by Shri T.S. Mehta after considering the performance report from the inspection carried out by the various officers and as well as the record of the

Respondent and further prior to the issuance of the said the applicant was given warning but there was no improvement in his performance as such there was no alternative for the respondent management but to issue the said letters. Despite the said letters having been issued there was no improvement whatsoever in the performance of the applicant.

It is denied that the charges made in the said Memorandum are vague as alleged. The applicant was given number of opportunities to change his attitude and also improve the performance but there was no change. The officials concerned were satisfied with the project but not with the performance of the applicant. The satisfaction of the officials regarding the project the applicant cannot take the credit of the same. The performance of the applicant was not satisfactory as stated above. It is submitted that Shri D.P. Nib Senior Consultant of the Respondent was duly apprised of the performance of the applicant and he after considering the record relating to the performance of the applicant had issued the letter dated 28.01.2003 vide Annexure-A/6 annexed with the application. It is, therefore, wrong and denied that Shri D.P. Nib Senior Consultant of the respondent was not apprised about the performance of the applicant as the Project Officer vide Office Memo dated 29.01.2003 attached as Annexure-A/8. The Annexure-A/4 and A/5 dated 12.09.2001 and 28.01.2002 annexed with the application are self explanatory which shows that the applicant have

been given number of opportunity to improve the performance but without any result in the performance of the applicant. The allegations therefore, are baseless and has no merits.

12. The contents of para 4.VII of the application are not denied. The Project Co-ordination Committee of the National Co-operative Union of India, Co-operative Education Field Project Bishnupur, Manipur had discussed the work carried out at the project but in no way the applicant can take the credit of the performance of the project. The applicant as Project Officer has been miserably failed to show improvement in his performance despite the fact he has been given number of opportunities which is evident from Annexure-A/4 and A/5 including letter of termination that there was no improvement in the performance of the applicant and as such the management was left with no alternative but to dispensed with services of the applicant vide Annexure-A/8 dated 04.06.2001 and for which the applicant has to be blamed and not the management. The competent authority has to pass this order after considering the record and not in a mechanical manner and for which before taking such decision the applicant was given number of opportunities.

13. In reply to para 4.VIII of the applicant the applicant submitted that the decision for dispensing with the service of the applicant had

taken by the Competent Authority and letter dated 04.06.2003 vide Annexure-A/8 was issued by the Senior Consultant on behalf of the Competent Authority, therefore, the allegation made are baseless. Further it is denied that the said letter whereby the service of the applicant was terminated was in any manner stigma as alleged.

14. In reply to para 4.IX of the application as submitted that the representation made by the applicant were duly considered but as there was no merit whatsoever in recalling the order of termination as the same were passed after giving due opportunities to the applicant was had not improved in his performance as Project Officer.

15. REPLY TO THE GROUNDS:-

(A) In reply to par 5(A) of the grounds submitted that the applicant has not given any citation, therefore, the answering respondents are not in a position to reply the same effectually. However, it is submitted that in terminating the services of the applicant the said letter issued by the respondent was in any manner stigma as the applicant was given number of opportunities before terminating his services because of the fact there was no improvement in his performance. It is submitted that the respondent National Co-operation Union of India is a multi State Co-operative Society registered under

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Multi-state Co-operative Societies Act, 1984 with the Central Registrar and is neither State nor any authority or instrumental or agency within the meaning of Article 12 of the Constitution of India. Even otherwise it is Co-operative Society and as such the contract of service cannot be specifically performed in view of the Bar under Section 14 and 15 of the Specific Relief Act. The present application of the applicant is not maintainable and is liable to be rejected not only this ground but also this Tribunal has no jurisdiction to entertain the application, in view of the bar under Section 14 of the Administrative Act.

(B) The contents of para 5(B) are wrong and denied. It is submitted that the performance of the Respondent was not satisfactory. The applicant could not be considered on the basis of reports in the Visitors Book made by the Visiting Officer because the said report was for the entire officials of the project and as such the applicant could not be considered or relied upon the said report as the only officer having performed the projects were satisfactory. As stated above the performance of the applicant was not satisfactory and to this effect he has been warned number of times which is

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evident from the Annexure-R/1 (Colly) which are the self explanatory and further the applicant was given number of opportunity to change his attitude and show improvement in the performance as a Project Officer, but the applicant failed to do so and therefore, there was no order left with the respondent's competent authority but to dispensed with the services of the applicant vide office Order dated 4.6.2003 vide Annexure-A/8 annexed with the application filed by the applicant. The applicant's grievances that despite the fact the allegations of the applicant alleging para under reply are baseless and have no merits.

(C) Contents of para 5(C) are wrong and denied. It is denied that the charges leveled against the applicant in office memo dated 12.9.2001 and 28.1.2002 and 29.1.2003 vide Annexure-A/4 to 4/6 respectively was given due opportunity for improving his performance and has himself not filed the representation to the said Memos, therefore now alleging that because of the said charges as he considered vague could not file representation have no merits. The applicant was given due opportunity which are self explanatory from Annexure-A/4 to 4/6 filed by the applicant with the application and now the

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applicant cannot blame the management for non-filing of the reply by him relating to the aforesaid Memos. The Competent Authority of the Management before issuing Annexure-A/8 dated 4.6.2003 annexed with the application after giving due opportunity to the applicant to improve his performance, but as there was no improvement the management therefore has to take this hard decision by dispensing with the services of the applicant vide Annexure-A/8 and for which the applicant has to be blamed not to the competent authority and respondent/management.

(D)-E) That the contents of para 5(D) and 5(E) of the application are not denied to the extent that the contents of the Annexure-A/8 annexed with the application, however, it is denied that the said averments mentioned in the said Annexure-A/8 dated 4.6.2003 was in any manner stigmatic as alleged in para under reply. The allegations are baseless and have no force. The action of the respondent National Co-operative Union of India was in no way was illegal and arbitrary. The allegations of the applicant that because of Annexure-A/8 the applicant would not be able to get fresh employment as alleged in para under reply. These allegations have no merits. No inquiry was needed in view

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of the facts that the applicant has failed to show any improvement in his performance despite number of opportunities given to him before passing the impugned order by the Competent Authority of the Respondent - National Co-operative Union of India. It is submitted that the National Co-operative Union of India. It is submitted that the National Co-operative of India is a Corporate Body registered under Multi-State Co-operative Societies Act and is neither State, agency or instrumental and being an ordinary cooperative body and further the applicant being Project Officer, the contract of service cannot invoke for performance of the contract of service by the Respondent NCUI as the contract of service cannot be enforced against the answering respondent in view of the bar under Section 14 and 16 of the Specific Relief Act.

(F) In reply to para 5(F) it is submitted that the Annexure-A/8 dated 4.6.2003 annexed with the application in no way based on surmises and conjectures in terminating the services of the applicant as the project officer as alleged. Further it is denied that the services were terminated in order to appoint a new incumbent in his place. The necessity for appointing a new incumbent in place of applicant has only

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arise after termination of his service and in no way without giving opportunity to the applicant. The letter issued by Shri T.S. Mehta, Dy. Director (EP) NCUI to various authorities for filling of the post and inviting application thereof was in no way in any manner illegal.

(G) In reply to para 5(G) it is submitted that because the order passed by this Hon'ble Tribunal staying the operation of the letter dated 4.6.2003 vide Annexure-A/6 the post cannot be filled up.

(H) The contents of para 5(H) are wrong and denied.

(I) The contents of para (5) (I) are wrong and denied. It is denied that the impugned order dated 4.6.2003 Annexure-A/8 was issued by the incompetent authority as alleged. It is submitted that the impugned order dated 4.6.2003 was approved by the competent authority and at his instance it was issued and in no way there was any infirmity in the said impugned order.

(J) The contents of para 5(J) are wrong and denied. It is denied that the applicant has *prima facie* good case or balance of convenience in his favour for granting the temporary injunction or any interim relief. Rather the balance of convenience

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is in favour of the National Co-operative Union of India, the respondent as they have *prima facie* good case. Further in view of the objections raised in this written statement this Hon'ble Tribunal has no jurisdiction to entertain the application of the applicant and in view of thereof the application deserves to be dismissed for the reasons stated above and the interim order passed on 16.12.2003 be vacated for the ends of justice.

16. The contents of para 6 is matter of record.

17. That the contents of para 7 are denied for want of knowledge.

It is, therefore, prayed that the application be dismissed with costs. The answering respondent prays that the interim order passed on 16.12.2003 be also vacated for the ends of justice.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH:

O.A. NO. 272 OF 2003

IN THE MATTER OF :

Shri L. Gajendra Singh

... Applicant

- VERSUS -

Union of India and Others

... Respondents

A F F I D A V I T

I, Dr. S. Borthakur, Principal, Institute of Co-operative Management, Guwahati do hereby solemnly affirmed as state as follows:

1. That, I am Principal of ~~National Co-operative Union of India~~ Institute of Coop. Management, Ghy.

and am fully conversant with the facts and circumstances of the case and I am competent to swear this affidavit in support of the written statement which are based on the records of the National Co-operative Union of India.

2. That, the Statements made in foregoing paragras 1 to 14 are based on the records of the National Co-operative Union of India and those of paras 1 to 19 are believed to be true on the legal advice received.

S. Borthakur

DEPONENT

Verified at Guwahati on ~~28th February~~ ^{May}, 2004 that the contents of my affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

S. Borthakur
DEPONENT

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- 66VERIFICATION

I, Dr. S. Borthakur, presently working as Principal, be duly authorized and competent to sign this verification do hereby solemnly affirm and declare that the statements made in para 1, ~~3, 4, 5, 7, 13, 14 to 17~~ are true to my knowledge and belief, these made in para ~~2, 6, 8 to 14~~ being matter of records, are true to my information derived from and the rest are my humble submission before the Hon'ble Tribunal, I have not suppressed any material facts.

That I sign this verification today the 28th May,
the April 2004 at Guwahati.

S. Borthakur
DECLARANT

Solemnly affirmed and declared
before me by the deponent
who is identified by Shri B.K. Baruah
Advocate on this 28th May, 2004,
at my chamber.

28/5/04

Umapurkam
Advocate,
Guwahati High Court

6 AUG 2003

GUWAHATI BENCH

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. NO. 272 OF 2003

Shri L. Gojendra Singh.

Applicant.

- Versus -

The Union of India and others.

Respondents.

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Signature of the Applicant.

L. Gojendra Singh

For use in Tribunal's office.

Date of filing :

Registration No. :

66
Filed by
Jitamukund
Advocate
4/8/05
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. NO. 272 OF 2003

Shri L. Gojendra Singh.

Applicant.

- Versus -

The Union of India and others.

Respondents.

*Replication / reply of the Applicant to the
written statement on behalf of the
Respondents No.2 to 4.*

MOST RESPECTFULLY SHEWETH :-

1. That, with regard to para Nos.1, 2, 3, 4, 5, 6 and 7 of the written statement it is submitted that the National Co-operative Union of India (NCUI for short) is admittedly an authority / Society registered under the Multi State Co-operative Societies Act, 1984. The horizon of the meaning of "The State" under Article 12 of the Constitution of India has been enlarged in the recent trend of law laid down by the Apex Court to such an extend that any authority, catering to the need of public thereby element of public interest is involved in the performance of its duties towards the public at large, is an authority or instrumental within the meaning of Article 12 of the Constitution of India. Further, the Central Govt. or State Govt. with a view to promoting Co-operative movement subscribed to the share capital of the National Co-operative Union of India. The Central Govt. in exercise of this power under Section 124 of the Multi-State Co-operative Societies Act, 2002, makes

*Laishram Bonomali Singh
Oath Commissioner (Judicial)
Manipur*

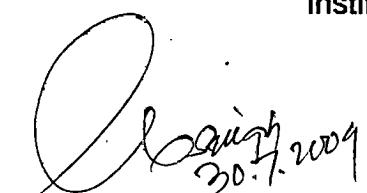
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the Rules called "Multi-State Co-operative Societies Rule, 2002".

Under Rule 34 of the Multi-State Co-operative Societies Rule, 2002, the National Co-operative Union of India has obtained previous approval of the Central Govt. in preparation of the scheme. Therefore, all the schemes of the National Co-operative Union are prepared and implemented with the approval of the Central Govt. It is admitted fact that the National Co-operative Union of India carries out the project on behalf of the Ministry of Agriculture Department, Govt. of India. It is also admitted fact that the National Co-operative Union of India is catering the Co-operative Education and Co-operative movement in all over India and the Co-operative movement is a very essential requirement to facilitate the voluntary formation and the democratic functioning of Co-operative as people's Institution based on Self-help and mutual aids and to enable them to promote their economy and social betterment and to provide the functional autonomy. As such, the National Co-operative Union of India is catering to the need of the public thereby element of public interest is involved in the performance of its duties towards the public at large. Therefore, the National Co-operative Union of India, which is one of the apex body of the Multi-State Co-operative Societies in India, is an authority or instrumental within the meaning of Article 12 of the Constitution of India. As such, the present petition filed by the Petitioner is maintainable.

It may not be out of place to mention that the Hon'ble Apex Court in the case of K. Krishnacharyula and others - Appellant - Vs. - Shri Venkateswaran Hindu College of Engineering and others - Respondents reported in AIR 1998 SC 295 held that even the private Institution caters to the needs of Educational opportunity. While an

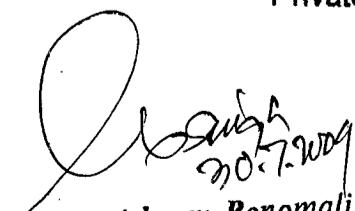


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Oath Commissioner (Judicial)
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element of public interest is created and the private Institution is catering so that element, the teacher, the arms of the Institution is also entitled to avail of the remedy providing under Article 226 of the Constitution of India. It would be different position, if the remedy is private law remedy. In another case of Unni Krishnan, J.P. and others – Petitioners – Vs. – State of Andhra Pradesh and others – Respondents reported in (1993)1 SCC 645 in para 79 held that "The emphasis in this case is as to the nature of duty imposed on the body. It requires to be observed that the meaning of authority under Article 226 of the Constitution of India came to be laid down distinguishing the same term from Article 12. In spite of it, if the emphasis is on the nature of duty on the same principle it has to be held that these Educational Institutions discharge public duties. Irrespective the Educational Institution receiving aids it should be held that it is a public duty. The absence of aid does not distract from the nature of duty". Therefore, the most important criteria for deciding the meaning of authority under Article 226 of the Constitution of India and the other authorities under Section 14 of the Administrative Tribunal Act, 1985 would be that whether or not those authorities discharge public duties. If those authorities discharge public duties, the employees or / members of those authorities are entitled to avail of the remedy provided under Article 226 of the Constitution of India and Section 14 of the Administrative Tribunal Act 1985. The Hon'ble Gauhati High Court in the case of Dipankar Roy – Petitioner – Vs. – Principal & Secretary, Public College of Commerce, Dimapur and others – Respondents reported in 2001 (2) GLT 361, held that the Private College discharging public duties is an authority under Article



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226 of the Constitution of India. As such, the said private college would also be the authority under Section 14 of Administrative Tribunal Act 1985. Inasmuch as the Tribunal is exercising all the powers of all Courts except the Supreme Court of India by virtue of Section 14 and Section 28 of the Administrative Tribunal Act 1985. It would be pertinent to mention that the apex court in the case of Surya Dev Rai – Vs. – Ram Chander and others reported in (2003)6 SCC 675 held that the writ of certiorari can be issued even if the list is between two private parties. Because of the recent development of law mentioned above the National Co-operative Union of India which carries out the project on behalf of the Ministry of Agriculture Department of Agriculture & Co-operative, Govt. of India and carries out the public duty of Co-operative Education and Co-operative movement towards the public at large, would be an authority within the meaning of Section 14(1) of the Administrative Tribunal Act 1985. Therefore, the present application is maintainable. It may not be out of place to mention that the apex court in the case of U.P State Co-operative Land Development Bank Ltd. -Appellant –Vs.- Chnandra Bhan Dubey and others – Respondents reported in (1999)1 SCC 741 held that the scope of judicial review under Article 226 of the Constitution of India is limited to the field of public law and therefore, the "U.P. State Co-operative Land Development Bank Ltd." which discharges public duties under the public law is an authority within the meaning of Article 226 of the Constitution of India. Similarly, the National Co-operative Union of India would also be the authority within the meaning of Article 226 of the Constitution of India and Section 14 of Administrative Tribunal Act 1985.

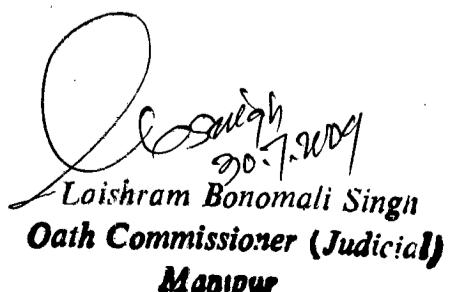

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In the light of the above submission, the Appellant categorically denies the allegations and assertions of the Respondents No.2 to 4 in the para Nos. 1, 2, 3, 4, 5, 6 and 7 of the written statement except that no doubt the Respondents National Co-operative Union of India carries out the projects on behalf of the Ministry of Agriculture Department of Agriculture & Co-operative, Govt. of India. It may here also be mentioned that non issuance of notification by the Central Govt. under Section 14(2) of the Administrative Tribunal Act 1985 that the provision of Sub-Section (3) would be applicable to the National Co-operative Union of India shall not render the present application unmaintainable inasmuch as National Co-operative Union of India would be an authority within the meaning of Section 14(1) of the Administrative Tribunal Act 1985 according to laws laid down by the Hon'ble Supreme Court of India and Gauhati High Court mentioned above.

2. That, with regard to the para Nos.10, 11, 12 and 13 of the written statement, the Applicant categorically denies the allegations and assertions of the Respondents No.2 to 4 in the said paras. It is also submitted that as stated in the Original Application, it is not known to the Applicant about the types of performance, types and particulars of the duties of the Applicant which are not satisfactory to the Respondents No. 2 to 4. Therefore, the charges of the unsatisfactory performance against the Applicant are also very vague and as such fair procedure and the principles of natural justice are denied to the Applicant in terminating his service under impugned termination order. The Applicant also begs to submit that the Respondents No.2 to 4 shall put to the strict proof of their allegations and assertions in the para



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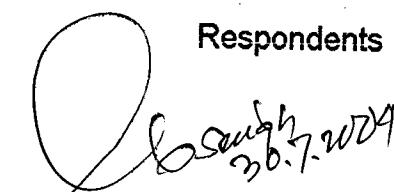
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Nos.10, 11, 12 and 13 of their written statement. It is also submitted that the project under the immediate control of the Applicant as Project Officer is fully satisfied by the Respondents and if that be so, it would be to hypothetical and fallacious on the part of the Respondents No.2 to 4 to say that the officials concerned were satisfied with the project but not with the performance of the Applicant. It is also reiterated that in all the letters written by the officials concerned to the Applicant, nothing is mentioned about the particulars and types of the performance of the Applicant to be improved to the satisfaction of the officials concerned and as such, it would not be correct that the performance of the Applicant who satisfactorily carried out the project under his immediate control as Project Officer is not satisfactory.

3. That, with regard to para No.14 of the written statement the Applicant categorically denies that the representation of the Applicant was duly considered but as there was no merit whatsoever in recalling the order of termination as the same were passed after giving new opportunities to the Applicant who had not improved in his performance as Project Officer.

4. That, with regard to para No.15 of the written statement the Applicant begs to submit that the allegations and assertions of the Respondents No.2 to 4 in the said para are not tenable under the law and also not factually correct. The Applicant also begs to submit that the Respondents No.2 to 4 should be put to strict proof of their allegations and assertions in the para No.15 of their written statement. The Applicant also categorically denies that the action of the Respondents National Co-operative Union of India was in no way,


 Lachshram Bonomali Singh
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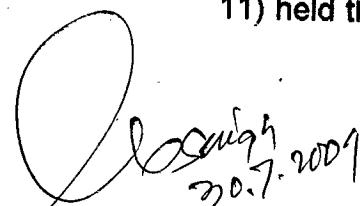
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illegal and arbitrary and also that the necessity for appointing a new incumbent in the place of the Applicant has only arisen after termination of his service and in no way without giving opportunity to the Applicant. The Applicant also begs to submit that the Respondents No.2 to 4 are only interested to terminate the service of the Applicant by any means so as to appoint a new incumbent as Project Officer to the post of Project Officer at present held by the Applicant. The Applicant also categorically denies that in view of the objection raised in the written statement Hon'ble Tribunal has no jurisdiction to entertain the application of the Applicant and in view of the application deserved to be dismissed for the reason stated above and the interim order passed on 16/12/2003 be vacated for the ends of justice.

That, the Applicant categorically denies that the Respondent National Co-operative Union of India is neither State nor any authority or instrumental an agency within the meaning of Article 12 of the Constitution of India or that even otherwise it is Co-operative Societies and as such, the contract of service cannot be specifically performed in view of the bar under Section 14 and 15 of the Specific Relief Act. The Applicant also begs to submit that the apex court in a catena of cases beginning with –

- (I) Roshan Lal Tandon (Constitution Bench), AIR 1967 SC 1889 (para 6), (II) Union of India – Vs. – Tulsiram Patel, (Constitution Bench), AIR 1985 SC 1416 (para 43A), (III) Dinesh Chandra Sangma – Vs. – State of Assam, AIR 1978 SC 17 (para 11) held that "It is true that the origin of the Govt. service is


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contractual. There is an offer and acceptance in every case but once appointed to his post or office, the Govt. servant acquires a status and his right and obligations are no longer determined by the consent of both the parties, but by statute or statutory Rules which may be framed and altered unilaterally by the Govt. In other words, the legal position of a Govt. servant is more of the status than of a contract. The hall-mark of status is the attachment to a legal relationship of rights and duties imposed by the public law and not by the mere agreement of the parties".

Therefore; the employment under the Govt. or / instrumental or / authority is a matter of status and not of contract. In the light of the above well settled principle of law under the service jurisprudence the service of an employee is not a mere contract and as such, bar under Section 14 and 15 of the Specific Relief Act does not all affect in the present application.

Signature of the Applicant.

Dated/Imphal,

The 30th July, 2004.

By :-

A. Sachdeva

Advocate.

Loishram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

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VERIFICATION

I, L. Gojendra Singh, aged about 44 years, S/o L. Babu Singh, resident of Top Awang Leikai, Tinsid Road, P.S.- Porompat, District - Imphal East, Manipur, do hereby verify that the contents of paragraph No.1 and last part of the para No.4 are based on the legal information of my counsel which I verily believe to be true and contents of the para Nos.2, 3 and 4 except the last part of Para No.4 are true to my personal knowledge.

Dated/Imphal,The 30th July, 2004.

Signature of the Applicant.

By :-

*A. Saelisham Singh**L. Gojendra Singh*Advocate.

To

The Registrar,
Central Administrative Tribunal,
Guwahati Bench, Guwahati.

L. Gojendra Singh
30.7.2004
Laishram Bonomali Singh
Oath Commissioner (Judicial)
Manipur