

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No. 106/2005

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 106/05

Misc. Petition NO. _____

Contempt petition No. _____

Review Application No. _____

Applicants. G. Singh

Respondents. H.O.I. Jurs

Advocates for the Applicant. Mr. G. Singh, S. Khunmukham

Advocates of the Respondents. CAG Mr. K.K. Phukan, B.K. Borah, J. Likhok
For Respdt. No. 2, 3, 4,

Notes of the Registry	Dated	Order of the Tribunal
<p>Application is in for is filed/C.F. for Rs. 50/- d pos. & vide P.O. No. <u>116/388300</u> Dated <u>8.4.05</u></p> <p><u>mb</u> Dy. Registrar</p>	<p>13.5.2005</p>	<p>Counsel for the applicant is absent. post on 16.5.2005.</p> <p><u>Member</u> Vice-Chairman</p>
<p><u>Steps taken with envelops.</u></p> <p><u>Notice & order sent to D/section for issuing to resp. Nos. 1 to 4, by regd. A/D post.</u></p> <p><u>18/5/05.</u> <u>D/No = 768 to</u> <u>771</u> <u>DT = 18/5/05.</u></p>	<p>16.5.05</p>	<p>Heard Mr M.G.Singh, learned counsel for the applicant and Mr M.U.Ahmed, learned Addl. C.G.S.C for the respondents.</p> <p>After a preliminary hearing we feel that some more details from the respondents are required. In the circumstances issue notice to the respondents to show cause as to why this application shall not be admitted.</p> <p>List on 16.6.05 for filing reply to the show cause and admission.</p> <p><u>Member</u> Vice-Chairman</p>

Reply not yet filed
by the respondents

30
15.6.05

Notice duly served
on resp. No-4.

16.6.2005

Today, Mr. K.K. Phukan,
learned counsel has entered appear-
ance on behalf of Respondent Nos.
2, 3 and 4 and he seeks time for
filing reply. Post on 4.7.2005.

Member

Vice-Chairman

mb

04.07.2005

Counsel for the applicant is
absent. Post on 11.7.2005.

mb

11.7.05.

Neither the counsel for the
applicant nor the counsel for the
Respondent is present.

Post the matter on 18.7.05.

Member

Vice-Chairman

lm

18.7.05.

The learned counsel for the
applicant is present. Mr. M.U. Ahmed
learned Addl. C.G.S.C. appearing for the
1st Respondent. The counsel for the
Respondent Nos. 2 to 4 are absent.

Written statement has not been filed

Post the matter on 19.8.05.

Member

Vice-Chairman

lm

19.8.2005

Counsel for the applicant is
present. On behalf of Mr. M.U. Ahmed,
learned ~~counsel~~ Addl. C.G.S.C. for
the respondents Mr. G. Baishya, learned
Sr. C.G.S.C. is represented. Counsel
for the respondents No. 2 to 5 is
absent. Post before the next Division
Bench.

Member

Vice-Chairman

mb

30
18.8.05

19.9.05
W/S submitted
in respondent Nos. 2 to 4.

2-1-06
W/S has been filed.

24

15/6

No. Reply has been
filed.

30
1.7.05

No. Reply has been
filed.

30
8.7.05

15.7.05

No. Counsel has been
shown before

No. W/S has been
filed.

3.1.06.

HHeard Mr.N.T.Singh learned counsel representing Mr.M.G.Singh learn a counsel for the applicant to argue the matter for sometime. Mr.K.K.Phukan learned counsel for Respondent Nos. 2 to 4 is absent. In the circumstances the case is adjourned to 5.1.06.

Member

Vice-Chairman

lm

5.1.06.

Mr.N.T.Singh learned counsel on behalf of Mr.M.G.Singh counsel for the applicant seeks for short adjournment. Post the matter on 17.1.06.

Member

Vice-Chairman

lm

17.1.2006

Learned counsel for the applicant is absent. It is reported that contested respondents have filed written statement. Let it be brought on record. Let the case be posted before the next Division Bench.

Vice-Chairman

bb

3.8.2006

When the matter came up for hearing Mr.K.K.Phukan, learned counsel for the respondents has filed written statement raising preliminary objection about the jurisdiction of this Tribunal. We of the view that the issue has to be addressed first and then only matter can be adjudicated upon. Mr.M.G.Singh, learned counsel for the applicant sought for getting instruction on this point and to produce some other documents if any.

post on 7.8.2006.

Member (A)

Vice-Chairman

bb

16.1.06

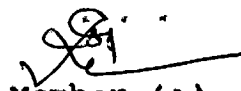
2) 1 on b/k respd.
No. 2-4 filed.
lm

1-8-06

① Wks has been filed.

② No. rejoinder has been filed.

7.8.2006 Counsel for the applicant is absent.
Let the case be posted before the next
Division Bench.


Member (A)


Vice-Chairman

bb

28.2.2007 Heard learned counsel for the
Applicant.

Order delivered in open Court, kept
in separate sheets. The O.A. is dismissed
in terms of the order. No costs.

26.3.07

Copy of the
order has
been sent to
the office for
filing the same
as the applicant
as well as to the
Regis No 4.
BT.


Member (A)


Vice-Chairman

/bb/

copy received
order dated
26/3/07.
Kashula.
22/11/08.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 106 of 2005

DATE OF DECISION: 28.02.2007

Shri L.Gajendra Singh

Applicant/s

Mr.S.Khumuksham

Advocate for the
Applicant/s.

- Versus -

Union of India & Others

Respondent/s

Advocate for the
Respondents

CORAM

THE HON'BLE SRI K.V. SACHIDANANDAN, VICE CHAIRMAN.

THE HON'BLE MRS.CHITRA CHOPRA, ADMINISTRATIVE MEMBER.

1. Whether reporters of local newspapers
may be allowed to see the Judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether to be forwarded for including in the Digest
Being complied at Jodhpur Bench & other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy
of the Judgment ? Yes/No

Vice-Chairman/Member (A)

2

X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 106 of 2005.

Date of Order: This, the 28th day of February 2007.

THE HON'BLE SRI K.V. SACHIDANANDAN, VICE-CHAIRMAN.

THE HON'BLE MRS. CHITRA CHOPRA, ADMINISTRATIVE MEMBER.

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

... Applicant

By Advocates S/Shri M.G.Singh & S.Khumuksham

- Versus -

1. The Union of India,
Through the Secretary to the
Government of India
Ministry of Agriculture
Department of Agriculture
and Corporation, 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 union
National Cooperative Union of India
Cooperative Education Field Project
3, Siri Institutional Area
Khel Gaon Marg
New Delhi - 110 016.
- ✓

4. The Chairman
Project Coordination Committee
of National Cooperative Union of India
Cooperative Education Field Project
Bishnupur, Manipur.

... Respondents.

None appeared for the Respondents.

ORDER (ORAL)

K.V. SACHIDANANDAN (V.C.)

The Applicant was initially appointed as Farm Guidance Instruction in the office of the National Cooperative Union of India, NCUI Coop Edn. Field Project, Bishnupur, Manipur (vide Annexure-A/1). The National Cooperative Union of India, an Apex Organisation of the Indian Cooperative Movement, is a Multi State Cooperative Society registered under the Multi State Cooperative Societies Act, 1984. Thereafter, the Applicant was appointed to the post of Project Officer, NCUI Coop. Edn. Field Project, Bishnupur, Manipur (vide Annexure-A/2). Vide order 04.06.2003 the services of the Applicant was terminated. The Applicants claimed that the termination order was passed by Respondent, No.4 who was not the appointing authority. Being aggrieved with the order of termination the Applicant has filed this O.A. seeking the following main reliefs: -

- "8.(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.

8.2 for a direction to the Respondents to reinstate the Applicant to the post of Project Officer, NCUI Coop. Edu. Field Project, Bishinupur, 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)."

2. The Respondents have filed their reply statement raising a preliminary objection as to the jurisdiction point of view and submitted that 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 as such the present petition filed by the Applicant is not maintainable.

3. We have heard Mr. S. Khumukcham, learned counsel for the applicant. Nobody appeared for the Respondents.

4. We have also given due consideration to the preliminary objection raised by the Respondents. On verification, it is found that the institution wherein the Applicant served is not notified under Section 14(2) of the Administrative Tribunals Act, 1985 and therefore the case cannot come under the jurisdiction of this Tribunal. At this juncture, learned counsel for the Applicant



submitted that Applicant will be satisfied if he is permitted to approach appropriate forum.

5. Considering the issue involved and the submissions made by the learned counsel for the Applicant, the O.A. is dismissed for want of jurisdiction. However, Applicant is given the liberty to approach appropriate forum, if he is so advised.

In the circumstances, there will be no order as to costs.



(CHITRA CHOPRA)
ADMINISTRATIVE MEMBER



(K.V.SACHIDANANDAN)
VICE CHAIRMAN

/BB/

GUWAHATI BENCH

O.A. 106/05
Shri

..... Applicant.

1. The Union of India and 3 others.

..... Respondents.

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For use in Tribunal's office

Date of filing :

Registration .:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Presented by

H. G. G. Singh

Advocate.

ORIGINAL APPLICATION NO. 106 OF 2005

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 Corporation, 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.

L. Gojendra Singh

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 :

- i) Reply of the Sr. consultant dated 10/2/2005 to the representation dated 23/10/2003.
- ii) Office order NCUI/AA/ESTT/Po/Bishnmupur/03, 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 Application 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.

L. G. Gindera II

Funded by

d. Gijendra H.

- 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 Prashad 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 19/12/1981 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.

1. Gjandra H

- (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.

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 he 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

L. Gajendra H

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~~ in the said Office Memoranda are very vague in as much 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, 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.

L. Gajendra

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.

- AND -

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

- L. Gijendra S.*
- 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 04/08/2003 is enclosed herewith and marked as Annexure-A/8.

- IX. The applicant filed representation dated 23.10.2003 to the Authorities including Chief Executive, NCUI for his reinstatement to the post of Project Officer, NCUI COOP Edn. Field Project, Bisnupur.

- X. The Applicant being aggrieved by the said impugned order dated 4/6/2003 filed an Original Application being no. 272 of 2003 before the Hon'ble Central Administrative Tribunal.

The Hon'ble Central Administrative Tribunal was pleased to dispose of the said OA no. 272 of 2003. The extend that "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."

L. Gindra SP

A true copy of the judgement and order of the Hon'ble Central Administrative Tribunal dated 16.9.2004 is enclosed herewith and marked as Annexure-A/9 ✓

- XI. In pursuance of the said order of the Hon'ble Central Administrative Tribunal the Respondent no. 3 (Sr. consultant, NCUI) informed vide letter being no. NCUI/UD5/ESTT/Imphal/2005 dated 10.02.05 that the representation of the Applicant has been reconsidered by the competent authority in the light of order of the Honourable Central Administrative Tribunal, Guwahati Bench dated 16/9/2004 passed in Original application no. 272 of 2003 and applicant is not possible to reinstate to the former post.

A true copy of the letter of the Sr. consultant dated 10.2.2005 is enclosed herewith and marked as Annexure A/10. ✓

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/probationer 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 be following principle of natural justice. The impugned order dated 04/06/2003 (at Annexure-A/6) 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), MCUI 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

L. Gijindra M

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. 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).
- (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 or crook in order to appoint a new

L. G. Singh

incumbent to the post of Project Officer, NCUI Coop. Edn. Field Project, Bishnupur. As such, Shri T.S. Mehta, Deputy Director (EP), NCUI write 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/11.

- (G) Any person has not yet appointed as project Officer, NCUI Coop. Edn. Field Project, Bishnupur in persuance of the said letter dated 23/10/2003 (at Annexure-A/11).
- (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 of interim order restraining the

Respondents from filling up the post of Project Officer, NCUI Coop. Edn. Field Project, Bishnupur, Manipur during the tendency 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 with 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 No. 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).

L. Gimbresh

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

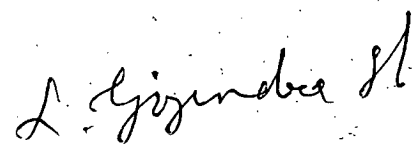
9. Interim order, if any prayed for :

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/stated 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 April, 2005



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. *JIG 3883* dated *8-4-2005*

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/11

(6) Index in form-1,

(7) Receipt Slip,

(8) Vakalatnama.

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 are those legal points are based on the information of my counsel which I also verily believe to be true.

Dated/Imphal,

The April, 2005

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 2005

Shri L. Gojendra singh, Manipur.

..... Applicant.

- Versus -

1. The Union of India and 3 others.

..... Respondents.

AFFIDAVIT

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 belief the same to be true.

3. That, the documents at Annexures - A/1 to A/11 are the true and correct copies of their originals.

L. Gojendra Singh

(L. GOJENDRA SINGH)

DEPONENT.

Dated/Imphal,

The April, 2005

Drawn up by:-

Advocate.

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.

(18) Annexure - A/1 29

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

Gram : COPUNIN
RHONo : 66 27 50
 66 27 54

3-3131 Institutional Area,
Panchshila Park, (Behind
Hauz Khas), New Delhi-17.

Ref.No.NCUI/AA/ESTT-I(P.O) : ~~Annexure A/1~~ 19th, December, 1981

M E M O R A N D U M

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 Lalshram Gajendra Singh, FCI, is offered the post of Farm Guidance Instructor/Cooperative Education ~~Instructor~~ on the following terms and conditions:-

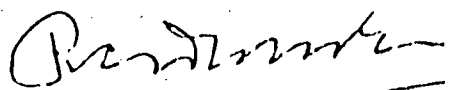
1. He will be eligible to draw pay of Rs.425/- p.m. in the scale of Rs.425-15-500-EB-15-560-20-640-EB-20-700-EB-25-800/- plus other allowances as are admissible to the employees of the N.C.U.I. which at present are identical with those admissible to the employees of the Govt. of India of his status.
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.~~

True Copy

M. Chandra
Advocate.

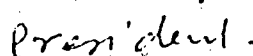
10. In case the offer is acceptable to him he must report himself for duty to the Project Officer or in his absence to the Chief Executive, Project Officer, NCUI, Cooperative Education Field Project, C/o Manipur State Cooperative Union, Panna Bazar, Imphal-795001 (Manipur)

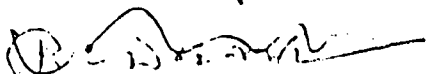
11. The joining report may be forwarded to the Chief Executive NCUI, through the Project Officer of the Chief Executive of above organisation under intimation to the State Cooperative Union.


(R.C. Dwivedi)
Chief Executive 21/1/78

Shri Laishram Gajendra Singh,
Top-Awang Leikai, B.P.O.
Moirang-Kampha,

Copy to:-

- 
1. The ~~Chief Executive Officer~~, Manipur State Cooperative Union,
Panna 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, Panna Bazar, Imphal-795001, Man
4. Director (i), NCUI.


(R.C. Dwivedi)
Chief Executive

- (1) Director (Edn.)
NCUI
- (2) Joint Director (Adm.)
NCUI
- (3) Assistant Director (Adm.)
NCUI

20 21
Annexure A/2
भारतीय राष्ट्रीय सहकारी

(भारतीय सहकारी आंदोलन की शीर्षक संस्था)

NATIONAL COOPERATIVE UNION (INDIA)

(APEX ORGANISATION OF THE INDIAN COOPERATIVE MOVEMENT)

NCUI/026/Bishnupur

16.7.1999

OFFICE MEMORANDUM

क्रमांक

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, Bishanpur 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.

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,
Bishanpur.

True Copy

M. Singh
Advocate.

(29)

Annexure - A/3 (copy)
32

I am so glad to visit Mairang Kendra, S.H.G.S. and found the records of self help groups are maintained systematically. I have also found members of self help group have keen interest in all activities of groups.

I wish the group will be success in future.

Am

19/10/00

(DR. V.K. Dubey)
Dy. Director
M.C.V.S. New
Delhi.

DR. V.K. Dubey

Dy. Director

NEVI - New Delhi

19/10/2000

True Copy

M. Ghosh
Advocate.

(22)

33

The 20th Oct' 2000

I have seen the activities of the Nyangarwa
GPHMPCs 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.

Rangasa
(N. Rangasa Des)
Principal ICM
Hptal.

23

24


24

34

Today in 21st Nov. 2000 I visit S.C.L. at Moirang
Kendra S.H.G at the meeting of Naramba village and found
very good organisation in mairing.

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

Date - 21-11-2000

 21/11

(K.H. BORUAH C.A.)
President

M. S. C. C.

21-11-2000

I have seen the G.H.M.P.Cs and I have seen active members of the 15 self help groups. There are ample scope for development and members 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 themselves from the help of cooperation. I hope they will still do good.

Thyuly

(G.H. Amin)

Chairman Gujarat State Co-op Union

ex. President N.C.U.I.

hired the opportunity to visit the SHGs.
They are in need of financial support
from banks. They appear to have
faith well. Banks should come
forward to encourage this natural
programme.

MA. Etesham
DGM 15/12/2000
NABARD - Imphal

MA. ETESHAM

DGM NABARD, Imphal

15/12/2000

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 pine apple but due to lack of cold storage facilities they are not getting remunerative prices and moreover a sizable 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.

14/4/2019

(Bhagwati Prasad
Chief Executive
N.C.U. - New Delhi)

Today I have the pleasure to visit the Motrang Kendra Self Help Group along with the Chairman, Institute of Co-op. Management, Project officer, NCU, Manipal & officers of nearby Rural Bank Branches. We have checked all the records maintained by them. I assure that necessary credit linkage programme with the rural bank branches of Manipal Rural Bank will be taken up shortly. I suggest that Institute of Co-operative Management will take up a training programme for the development of SHG beneficiaries. I wish them all success.

— S. Singh
28/8/2001.

Chairman
Manipal Rural Bank

(Sri Tapan Kumar Sengupta
Chairman
Manipal Rural Bank)

I have visited the Self Help Group of
Moring and have been impressed
by the work undertaken by them.
It has been observed that Members
are encouraged by the work of
NCU Coop. Cdn 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.

J. K. Gupta

1/12/01

27/3/02

THE TAKHEL KHONG SAN

LEIRAK SHG

30

40

Imp-hd

Name of Visitor

Designation

Remarks

(I) Sri Hemanta Kr. Mohs.

I/c. Project Officer,
F/Project-Kamrup
Assoc.

Subsidiary
with the
Assoc.

(II) Sh. M. C. Sarma

F/G, F/Project
Kamrup
Assoc.

Found the project officer
Sharma to be very helpful.

(III) Minkahi Goswami

Joint, Mobilization
NCU/F/Project-Kamrup
Assoc.

Found the project officer
Sharma to be very helpful.

M. Dwendra Singh

PO (H)

NCU H-Project

Read the study

visit team of Gahabati

on 27th March 02

Satisfied with the
activities

T. S. Mehta

Dy. Director, NCU

- do -

N. Rangsa Dasi

Principal, NCU

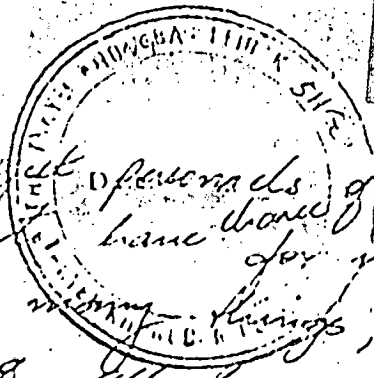
Very good

Thamiraj Karan

Kakar

I am impressed
that the activities be improved

the



We, the project officers of Aizawl, NCU are
indeed glad to have done for visiting different
SHG. We observe many things, learn much
experience out of all these. Some of the
SHG's seem to have good cooperation
and devote their time sincerely. There are
many things we learn from them and
once we go back to our hometown i.e. Aizawl
and carry on the same task, it is
gonna help us in many ways beyond
much beyond what we can express.
Wishing all the SHG success in future.

Signature
23/11/02

(KENNETH LALTHANLUAM)
Project Officer
NCU - Project Aizawl

(LALDINSANGI ZOBENG)

in-
Lady Nohelisa,
Aizawl

R. Lalthak
23/11/02
(R. LALBIAK DIKA)
CEI, NCU, Aizawl
Mizoram

Signature
23/11/02
(DAVID ZOREMSIAMA)
CEI, NCU, Aizawl
Mizoram

Signature
23/11/02
(ISRAEL LALTHANLUAM)
F&I, NCU, Aizawl
Mizoram

Signature
23/11/02
(LALRINKHAI)
CEI, NCU - Aizawl
Mizoram

All Trong Leobi S.H.G.

Trong Leobi; Moirang

SL/NO

Name of visitor

Prof. Samir K. Datta

Designation

Professor, Indian Inst. of
Management, Ahmedabad

7-10-2022

I am very happy to hear
that a large number of
the womenfolk including
elderly women are engaged
in matri-making on a
part-time basis and
earning a fairly
decent amount of money.
The market for these
products can be expanded
if there are well
standardized products
made with the help
of a network of big
commerce stores. C.P.R.I.,
Agartala can help
standardize these
products. They can
provide high consultation
to the producers by
multinationals like
Kellogg.

Visited Ngong Khalewei G.P. L. M.P.C. 101,
on 24.4.03, with 32 members
leaders and of PACS and self help
group from Nagaland.

Found the records up to date, and
met all the members of the society.
The society's, different activities are
found quite satisfactory. The C.E.F.P.
District staff, and Council C.E.I. is
working hard for the all round develop-
ment. We are satisfied with all the
performance and reception.

Ghosh L. P. Ashu
Project Officer
NCH-CEFP-Kohima



34 44
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

OFFICE MEMORANDUM

It has been observed that the performance of Sh. L. Ganjendra 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.

(T.S. Mehta)

Dy. Director (EP)

Sh. L. Ganjendra 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. Ganjendra Singh

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

True Copy

Advocate.



95

भारतीय राष्ट्रीय सहकारी संघ

(भारतीय सहकारी आंदोलन की शीर्षस्थ संस्था)

Annexure - A/ST
25

NATIONAL COOPERATIVE UNION OF INDIA

(APEX ORGANISATION OF THE INDIAN COOPERATIVE MOVEMENT)

संदर्भ सं.
Ref. No. :

NCUI/AA/ESTT/2002

By Regd. Secy

दिनांक
Dated :

28.1.2002

OFFICE MEMORANDUM

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.

11/1/2002
6/1/2002

Dy. Director (EP)



26

भारतीय राष्ट्रीय सहकारी संघ

(भारतीय सहकारी आंदोलन में सर्वोच्च संगठन)

Annexure - A/B

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

संदर्भ सं.

Ref. No.

NCUI/AA/ESTT/Bishnupur/2003

दिनांक

Dated :

29.01.03

OFFICE ORDER

In spite 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,
NCUI Coop. Edu. Field Project,
Bishnupur

(D.P.Neb)
Sr. Consultant

NCUI-EDUCATION FIELD PROJECT,
BISHNUPUR

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

BL. MEMBERS PRESENT

	DESIGNATION	SIGNATURE
1. Shri Kh. Borkashor 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. Gajendra 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. Gajendra 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 3311 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 Kishan Credit Cards to Progressive farmers, Organisation/Seminar/Conference, Income 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 :-

Cont'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. Banjana Devi Principal ICW Imphal had suggested that more Rural Awareness Programme should be organised to sensitize 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 (ADO) Manipur 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 Sam le of Soil shall be charged Rs 10 /-.

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.

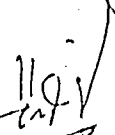
Recommendation No.6 :- Considering the impressive performance of Shri L. Rajon Singh, FGI who has been serving in the NCUI-Education Field Project for more than 3 years on deputation basis, the Committee has decided to persuade the NCUI-New Delhi to absorb the Services of Shri L. Rajon Singh in the NCUI-Field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

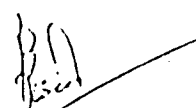
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- 33 -

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. Bojendra Singh
Project Officer

Project Officer,
NGUY-Co-op, Edn. Field Project
Kishanpur


Kh. Borkeshor Singh
Chairman

Project Coordination Committee

Chairman,
Project Coordination Committee
NGUY-Project, Bishnupur.



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Annexure - A/8/
भारतीय राष्ट्रीय सहकारी संघ

(भारतीय सहकारी आन्दोलन का शीर्षक संगठन)

NATIONAL COOPERATIVE UNION OF INDIA.

(APEX ORGANISATION OF THE INDIAN COOPERATIVE MOVEMENT)

संख्या
Ref. No. :

NCUI/AA/ESTT/Po/Bishnupur/03

दिनांक
Dated :

June 4, 2003

OFFICE ORDER

In spite 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 :

- 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.
- The Principal, Institute of Cooperative Management, Imphal for information.
- Director (P-A/c), NCUI, New Delhi.
- Personal file of Sh. L. G. Singh, Project officer.

Sr. Consultant

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 272 of 2003.

Date of Order : This, the 15th Day of September, 2004.

THE HON'BLE MR. JUSTICE R. K. BATTI, 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.

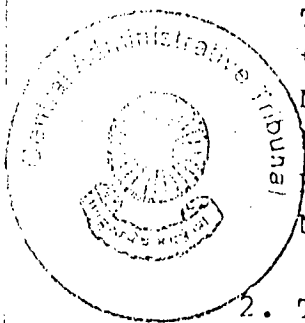
- Versus -

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.

R



ORDER (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/a,

Contd./3

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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 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.

Sd/ VICE-CHAIRMAN

Sd/ MEMBER (A)

TRUE COPY

28/9/04

Section Officer (D)

C.A.T. G.D.P. CHITRANCH

Gwalior-471002

28/9/04



45 ANNEXURE - A/10
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/UDS/ESTT/Imphal/2005

By. Regd. Post.

दिनांक

Dated:

10.02.05

Sh. L. Gojendra Singh
Ex- Project Officer,
NCUI Coop. Edu. Field Project,
Bishnupur.

Sub.: Representation dated 23.10.2003 – reg.

Dear Sir,

Your representation dated 23.10.2003 has been reconsidered by the competent authority in the light of order of the Honourable Central Administrative Tribunal, Guwahati Bench dated 16.09.2004 passed in original application No. 272 of 2003 and it is informed that it is not possible to re-instate you on the post of Project Officer, NCUI Cooperative Education Field Project, Bishnupur.

Yours faithfully

(Signature)
(D.P.Neb)

Sr. Consultant

Copy to :-

1. Sh. A.Sachi Kumar Singh, Advocate C/o T. Nand Kumar Singh, Sr. Advocate Keishamthong Top Leirak, Imphal – 795001 for information.
2. Sh. S.D.Indoria, Director (Cooperation), Deptt of Agriculture & Cooperation, Govt. of India with reference to his letter No. A-11011/9/2001-CT dated 09.11.2004.

(Signature)
Sr. Consultant

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 : 26861472, 26565146, 26568408

फैक्स/Fax : 011-26863248, 011-26865350, ई-मेल/E-Mail : ncuidel@ndb.vsnl.net.in



565
5/11/03

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Annexure - A/11

भारतीय राष्ट्रीय सहकारी संघ

(भारतीय सहकारी आन्दोलन की शीर्षस्थ संस्था)

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

Ref. No.

NCUI/AA/ESTT/Sikkim/2003

23.10.2003

Dated: 23

The Registrar, Coop. Societies, Govt. of Manipur

The Managing Director/Chief Executive,
State/Disst. 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:

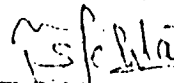
Name of the post	Project Officer
Pay scale (for deputation)	Rs. 6500-200-10500
Consolidated salary	Rs. 12,000/-
Qualification	Graduate with HDC and Post Graduate, with 5 years experience in Cooperative Education and Development or related areas

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.

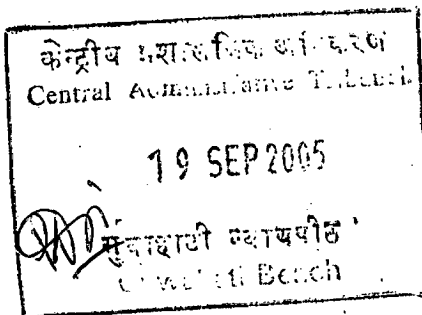
The Chief Executive
National Cooperative Union of India
3, Siri Institutional Area
August Kranti Marg
New Delhi - 110016

Yours faithfully,


(T.S. Mehta)

Dy. Director (EP)

3, सीरी इंस्टीट्यूशनल एरिया, अगस्त क्रांति मार्ग, नई दिल्ली - 110016
सूचना/ग्राम : COOPERATION, अगस्त क्रांति मार्ग, नई दिल्ली - 110016
फोन : 011-2651174, 2651175, 2651176, 2651177, 2651178, 2651179, 2651180, 2651181, 2651182, 2651183, 2651184, 2651185, 2651186, 2651187, 2651188, 2651189, 2651190, 2651191, 2651192, 2651193, 2651194, 2651195, 2651196, 2651197, 2651198, 2651199, 2651200, 2651201, 2651202, 2651203, 2651204, 2651205, 2651206, 2651207, 2651208, 2651209, 2651210, 2651211, 2651212, 2651213, 2651214, 2651215, 2651216, 2651217, 2651218, 2651219, 2651220, 2651221, 2651222, 2651223, 2651224, 2651225, 2651226, 2651227, 2651228, 2651229, 2651230, 2651231, 2651232, 2651233, 2651234, 2651235, 2651236, 2651237, 2651238, 2651239, 2651240, 2651241, 2651242, 2651243, 2651244, 2651245, 2651246, 2651247, 2651248, 2651249, 2651250, 2651251, 2651252, 2651253, 2651254, 2651255, 2651256, 2651257, 2651258, 2651259, 2651260, 2651261, 2651262, 2651263, 2651264, 2651265, 2651266, 2651267, 2651268, 2651269, 2651270, 2651271, 2651272, 2651273, 2651274, 2651275, 2651276, 2651277, 2651278, 2651279, 2651280, 2651281, 2651282, 2651283, 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Filed by S. G. Singh
Respondent no. 2 to 4
Through L. N. Dikshit
Advocate
19/9/15

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH:

O.A. NO. 106 OF 2005

IN 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 : Preliminary Objections:-

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 applicant 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 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 Ors 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 against the Respondent No.2 to 4, for the same and 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.

REPLY ON MERITS

1. That the contents of Para I of the application are matter of record.

2. That the contents of para 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 para under reply 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 under reply 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 preliminary objections above and in view thereof the present application of the applicant is not maintainable and is liable to be dismissed.

3. That the contents of para 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.

4. It is also not denied 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 Bishanpur. 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.

5. The contents of para 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 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-A/4 to A/6 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 para under reply are baseless and have no merits.

6. The contents of para 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.

7. The contents of para 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.

8. In reply to para 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.

9. In reply to para 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.

10. The contents of Para X of the application are matter of record. Anything contrary to record are denied.

11. The contents of Para XI are not denied but anything contrary to records are denied.

6. REPLY TO THE GROUNDS:-

(A) In reply to Para (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 Multi-state Co-operative Societies Act, 1984 with the Central Registrar and is nether 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 (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 evident from the Annexure-A/4 to A/6 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 (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 A/6 respectively were vague as alleged in Para under reply. The applicant 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 A/6 filed by the applicant with the application and now the 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 (D) 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 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 cooperate 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 (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 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 (G) it is submitted that because the interim order dated 16.12.03 passed by this Hon'ble Tribunal in OA No. 272/03 staying the operation of the letter dated 4.6.2003 vide Annexure-A/6 the post could be filled up but vide final order dated 16.09.04 the Hon'ble Tribunal was pleased to vacate the same. Now the respondent authorities are in the process of filling up the vacant posts.

(H) The contents of Para (H) are wrong and denied.

(I) The contents of Para (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 (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 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 preliminary objections this Hon'ble Authority 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 in the preliminary objections.

6. The contents of Para 6 is matter of record.
7. That the contents of Para 7 are denied for want of knowledge.

It is, therefore, prayed that the application be dismissed with costs.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH:

O.A. NO. 106 OF 2005

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, Sri S.K Singh, Principal, I/c, Institute of Co-operative Management, Guwahati do hereby solemnly affirmed as state as follows:

1. That, I am the Principal, I/c of National Co-operative Union of India and am fully conversant with the facts and circumstances of the case and I am authorized by the Chief Executive, NCUI vide letter dated 31.05.05 to sign Vakalatnama and all other papers/documents relating to O.A No.106/2005 and as such 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 paragraphs 1, 3 to 9 are based on the records of the National Co-operative Union of India and those of paras 2 to are believed to be true on the legal advice received.

Shree Kant Singh

VERIFICATION

DEPONENT

Verified at Guwahati on 19th ~~August~~ ^{September}, 2005 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.

Shree Kant Singh

DEPONENT

V E R I F I C A T I O N

I, Sri S.K Singh, 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 1,3,4,5,7,13,15 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 ^{19th} ~~August~~ ^{September} 2005 at Guwahati.

Shree Kant Singh

DECLARANT

Solemnly affirmed and declared before me by the deponent who is identified by Shri L.Dhingia, Advocate on ^{19th September} ~~August~~, 2005 at my Chamber.

*For My hand
Paper 9 on*

Shri K.K Phukan,
Advocate,
Gauhati High Court.