

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T/A No... 41/2005.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet.....Pg..... 01..... to... 07.....
2. Judgment/Order dtd. 20.11.2006.....Pg..... 01..... to... 13.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....Pg..... 01..... to... 50.....
5. E.P/M.P.....Pg..... to.....
6. R.A/C.P.....Pg..... to.....
7. W.S.....Pg..... 01..... to... 37.....
8. Rejoinder.....Pg..... 01..... to... 20.....
9. Reply.....Pg..... to.....
10. Any other Papers.....Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....Pg. 01..... to... 07.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

  
01/11/14

FORM No. 4  
 (SEE RULE 42)  
 CENTRAL ADMINISTRATIVE TRIBUNAL  
 GUWAHATI BENCH

ORDER SHEET

Original Application No. 41/2005  
 Misc. Petition No. \_\_\_\_\_  
 Contempt Petition No. \_\_\_\_\_  
 Review Application No. \_\_\_\_\_  
 Applicants: DR N.L. Barwad  
 Respondents UOI 2018  
 Advocates for the Applicant MR M. Chanda & S. Nath  
 Advocates of the Respondents CASE

Notes of the Registry      Date      Order of the Tribunal

This application is in form  
 filed C.F. for Rs. 50/-  
 deposited vide IPC/BD  
 No. 20G.11.7639  
 Dated 7.2.05

21.02.2005

Present : The Hon'ble Mr. K.V. Prahlanan, Member (A).

Heard Mr. M. Chanda, learned counsel for the applicant.

The application is admitted, call for the records. Issue notice to the parties. Returnable within four weeks.

List on 25.3.2005 for orders

Mr. P. S. Sivarajan  
 Member (A)

Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

Mr. G. Rahul, learned counsel has entered appearance on behalf of the Respondents No. 2 to 6 and seeks time for filing written statement. Post on 27.4.2005. Written statement, if any, in the meantime.

G. Sivarajan  
 Vice-Chairman

N. Barwad  
 Dy. Registrar 18.2.05

Steps taken  
 on 3/3/05.  
3/3

Notice & Order  
 sent to D/section  
 for issuing to  
 resp. Nos. 1 to 6 by  
 regd. A/D post.  
3/3/05 D/No = 352 to 357  
 Notice duly served  
 on resp. No - 2, 4.  
3/3/05

mb  
 31.3.2005

mb

30-3-05  
 S/R amb

26.4.05

No. 1/15 has been filed

27.4.05

Mr M.Chanda, learned counsel for the applicant is present. Mr G.Rahul, learned counsel for the respondents submits that some more time is required for filing written statement.

List on 1.6.05 for order.

*[Signature]*  
Vice-Chairman

31-5-05

No. 2/15 has been filed

pg

01.06.2005

Mr. M. Chanda, learned counsel for the applicant is present. Mr. G. Rahul, learned counsel appearing on behalf of the respondents No. 2 to 6 seeks time for filing written statement. Post on 13.7.2005. Written statement in the meantime.

*[Signature]*  
Vice-Chairman

12-7-05

No. 3/15 has been filed

mb

13.7.05.

Mr.S.Nath learned counsel for the applicant is present. The learned counsel for the Respondents is absent. Written statement has not been filed.

Post the matter on 16.8.05.

In the meantime, written statement may file.

*[Signature]*  
Vice-Chairman

*[Signature]*  
Member

No written statement has been filed.

*[Signature]*  
12.8.05

lm

16.8.2005

Mr.G.Rahul, learned counsel appear for the respondents seeks for some more time to file written statement post on 30.8.2005.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

No. Written Statement has been filed.

*[Signature]*  
29.8.05

bb

30.8.05

The Respondents have filed their written statement. The applicant wants to file rejoinder. Post the matter on 3.10.05.

Vice-Chairman

31.8.05

lm

3.10.05

Mr.M.Chanda learned counsel for the applicant submits that the applicant wants to file rejoinder. Mr.G.Rahul learned counsel for the respondents is also present.

post the matter on 9.11.05.

W/s filed on behalf of the Respondent Nos. 2, 3, 4, 5 and 6.

*Pri.*

Member

Vice-Chairman

lm

9.11.2005

Mr.S.Nath, learned counsel for the applicant and Mr.G.Rahul, learned counsel for the respondents are present and both submit that this case can be posted for hearing. Post on 8.12.2005 for hearing.

No. Rejoinder has been filed.

Vice-Chairman

31  
8.11.05

8-12-05

Rejoinder has been filed by the applicant, page 102 & 103 not visible.  
N 5  
8.12.05

bb

9.12.05.

Mr.S.Nath learned counsel for the applicant submits that this case may be adjourned by two weeks. There is no representation for the Respondents.

Post the matter on 2.1.06.

Vice-Chairman

lm

02x01x2006  
06.02.2006

Mr. S. Nath, learned counsel for the applicant, submits that he has got some personal inconvenience and sought for adjournment. Post on 8.2.2006.

Vice-Chairman

The case is ready as regards Service,

MS  
8-12-05

8.2.06.

When the matter came up for hearing Mr. G. Rahul learned counsel for the respondents is directed to produce undelivered letter dated 17.6.2003 which is referred in the impugned letter.

Post the matter on 27.3.06.

Vice-Chairman

lm

24-3-06

27.3.2006

Post on 4.4.2006.

The case is ready for hearing

Vice-Chairman

bb

4.4.06.

Post the matter on 27.4.06 for hearing.

Case is ready for hearing.

Vice-Chairman

MJ 8.5.06

lm

9.5.06

On the prayer for the counsel for the applicant post the matter on 17.5.06 for hearing.

Vice-Chairman

pg

17.5.2006

It is stated that due to some personal inconvenience Mrs. R.S. Choudhury learned counsel for the respondents is not present today. Post on 23.5.2006. No further adjournment will be granted thereafter.

Vice-Chairman

The case is ready for hearing

MJ 22.5.06

bb

23.5.2006

Mr. M. Chanda, submits that he has got some personal difficulty today and hence prayed for adjournment as a very last chance. Post on 29.5.2006.

Vice-Chairman

bb

O.A. 41/2005

29.5.2006. Heart in part. Adjourned to  
31.5.2006.

  
Vice-Chairman

bb

31.5.06 Part heard matter. After hearing the counsel for the parties at length it is found that for proper adjudication of the matter the records pertaining to the constitution of the Committee for taking over charge is necessary.

The respondents are directed to produce the above records on the next date.

Post on 23.6.06 for further hearing.

  
Vice-Chairman

pg

23.6.2006 At the request made by Mrs. R.S. Choudhury, learned counsel for the respondents let the case be posted on 26.6.2006.

  
Vice-Chairman


bb

26.06.2006 Mrs. R.S. Chowdhury, learned counsel for the respondents submitted that the documents which was asked to be produced, have not been received and the document received is not the correct document. However, considering the issue involved, this Court directs the respondents to produce the records pertaining to the constitution of the committee. It is also submitted that disciplinary proceeding is also ~~initiated~~ initiated subsequently. Counsel for the respondents shall submit affidavit.


Post on 28.07.2006.

  
Vice-Chairman

The case is ready  
for hearing.

  
22-6-06

order dt-26/06/06  
issuing to learned  
advocate's for both  
the parties.

  
27/6/06

28.7.2006

The learned counsel for the respondents submits that the records will produced within three days. The respondents are directed to produce the records before the Registry and the records will be kept in safe custody. Let the case be posted on 17.8.06 for hearing.

18.8.06

An additional affidavit filed by the Respondents in compliance of the order dt. 26.06.06

nkm

Vice-Chairman

17.08.2006 Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.

*Prin*

Mrs. R.S. Chowdhury, learned Counsel for the Respondents submitted that she has submitted additional affidavit. Mr M. Chanda, learned Counsel for the Applicant submitted that he would like to react by filing reply. Mrs. Chowdhury, learned Counsel for the Respondents also produced records, which will be kept in her safe custody and shall submit the same before the Tribunal in cover on the next date of hearing.

The case is ready for hearing.

31.8.06

Post on 01.09.2006.

Vice-Chairman

01.09.2006 Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.

When the matter came up for hearing, learned Counsel for the parties submitted that the case may be posted in the next week. Post on 14.09.2006.

Vice-Chairman

(7)

X

22.9.06.

Counsel for the parties are not ready for hearing. Post the matter for hearing on 7.11.06.

The case is ready for hearing.

Vice-Chairman

lm

30  
6.11.06.

7.11.2006

Heard Mr.M.Chanda, learned counsel for the applicant and Mr.G.Rahul, learned counsel for the respondents. Reserved for orders.

sh

Vice-Chairman

bb

20.11.2006 Present: Hon'ble Sri K.V. Sachidanandan Vice - Chairman.

Judgment pronounced in open Court, kept in separate sheets. The Application is partly allowed in terms of the order. No order as to costs.

29.11.06

Copy of the judgment has been sent to the office for issuing the same to the applicant as well as to the respondents.  
sh

sh

Vice-Chairman

/mb/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

O.A. No. 41 of 2005

DATE OF DECISION 20.11.2006

Dr W.L.Barwad

.....Applicant/s  
Shri M.Chanda & S.Nath

..... Advocate for the  
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Shri G. Rahul

.....Advocate for the  
Respondents

CORAM

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

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 compiled at Jodhpur Bench & other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

21/11/06  
Vice-Chairman/Member (A)

10

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**

Original Application No. 41 of 2005.

Date of Order: This, the 20<sup>th</sup> day of November, 2006.

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

Dr.W.L.Barwad  
Sr.Scientist (Agril. Entomology)  
National Bureau of Plant Genetic Resources  
Indian Council of Agricultural Research  
P.O Umium  
Meghalaya.

.....Applicant.

By Advocates S/Shri M.Chanda, S.Nath.

- Versus -

1. The Union of India  
Represented by the Secretary to the  
Government of India  
Ministry of Agriculture  
Krishi Bhawan  
New Delhi-110001.
2. The Director General  
Indian Council of Agricultural Research  
Krishi Bhawan, New Delhi-110001.
3. The Director  
National Bureau of Plant Genetic Resources  
Indian Council of Agricultural Research  
Pusa Campus  
New Delhi - 110 001.
4. The Officer-in-Charge  
National Bureau of Plant Genetic Resources  
Regional Station, Akola  
PMV Campus Krishnagar  
Akola-444104.
5. The Officer-in-Charge  
National Bureau of Plant Genetic Resources  
Regional Station, Umroi Road  
Umium (Barapani)  
Meghalaya.
6. The Sr. Administrative Officer  
National Bureau of Plant Genetic Resources  
Indian Council of Agricultural Research  
Pusa Campus, New Delhi-110 012.

.....Respondents.



By Senior Advocate Mr.K.N.Choudhury, & Advocates  
Mr.I.Choudhury, Mrs.R.S.Choudhury, Mr.G.Rahul.

.....  
O R D E R

SACHIDANANDAN, K.V.,(V.C.):

The applicant is working as Senior Scientist in the National Bureau of Plant Genetic Resources, Indian Council of Agricultural Research, Umiam, Meghalaya. He was initially appointed as Scientist-1 on 28.9.1977, promoted as Scientist-2 and transferred to Sirsa, Haryana on 1.7.1983, then transferred to Hyderabad on 26.3.1991, further transferred to Amaravati, Maharashtra on 2.1.1999 and ultimately he was transferred to Umiam, Meghalaya vide order dated 23.11.2002 which was deferred till the end of March, 2003. Applicant sought payment of Transfer Traveling Advance (TTA in short) to enable him to proceed to the new place of posting at Umiam. The respondents neither paid the TTA nor made any arrangement for taking over the charge from the applicant. In the transfer order dated 23.11.2002 it was made clear that the applicant would hand over the charges to Mr. N. Dixit, Sr. Scientist, NBPGR, Regional Station, Akola before leaving for his new place of posting, and according to the applicant, Mr. Dixit never turned up for taking over the charge. On 16.1.2004, he received one demand draft of Rs.92,000/- as TTA and he immediately proceeded to his new place of posting at Umiam and joined there on 27.1.2004 but the applicant was paid his salary upto 15.4.2003 only on their assumption that he was

|

released from Amaravati w.e.f. 16.4.2003 denying him salary for the period 16.4.2003 to 26.1.2004 treating the period as absence from duty. He made representations on 31.1.2004 and on other occasions for payment of salary for the aforesaid period, which were not considered. He approached this Tribunal by ways of O.A. No.181/2004 and this Tribunal directed to dispose of the representation to be filed by the applicant. Accordingly, the applicant made representation on 7.9.2004. But the respondents vide letter dated 16.11.2004 replied to his representation denying to pay him the salary for the aforesaid period making some false allegations against him. According to the applicant, the allegations made against him are false, unfounded and concocted. The constitution of the committee was not communicated to the applicant at any point of time and proceeding was drawn without informing him at any stage. Sri Dixit never came to take over the charge and how the committee can hand over the charge to Dr.I.P.Singh in absence of the relieving officer. The applicant had not been relieved from the Amaravati Station and no release order has been issued and no handing over charge have been taken place in the absence of the applicant and Sri Dixit. Aggrieved by the said action on the part of the respondents, the applicant has filed this O.A. before this Tribunal seeking the following main reliefs:-

"8.1) That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter bearing No.1(37)/2004-Vig/534 dated 16.11.04 (Annexure-VII Series) issued by the respondents.

8.2 That the Respondents be directed to treat the applicant as on duty from 16.04.2003 to 26.01.2004 at Amaravati and pay his salary and all other dues fro the said period with interest @ 18% per annum.

8.3 Costs of the application."

2. The respondents have filed a detailed reply statement contending that vide order dated 23.11.2002 the applicant was transferred from NBPGR Satellite Centre, Amaravati to NBPGR, Regional Station, Shillong and he was released from Amaravati on 27.12.2002 with immediate effect. However, neither did the applicant comply with the transfer order nor did he turn up to hand over the charge. Thereafter, the Director, NBPGR, New Delhi was informed vide letter dated 4.1.2003 about the irresponsible and non challant attitude of the applicant and further seeking permission for taking over charge of moveable office items/articles including the germ loom materials of different crops being maintained/stored in the Centre. The applicant had locked the cabin at the Centre and the authorities are finding it difficult to run the affairs of the Centre at Amaravati. Despite the request of the respondents the applicant willfully refrained from responding to any of the communications. The applicant preferred an O.A. No.2005/2003 before the Mumbai Bench of this Tribunal assailing the transfer order dated 23.11.2002. Initially vide order dated 31.1.2003 some interim protection was granted to the applicant and pursuant thereto his transfer order was deferred till the

end of March 2003 vide order issued on 26.2.2003 wherein it was stated that the applicant would stand relieved from NBPGR, Satellite Centre, Amaravati w.e.f. 16.04.2003. However, after detailed deliberations the Tribunal vide order dated 10.4.2003 was pleased to reject further extension of the interim relief of staying the transfer order holding inter alia that "there is no sufficient material on record to prima facie conclude that the transfer order is malafide or against any statutory provisions". Pursuant to the said order dated 10.4.2003 the applicant stood relieved from NBPGR, Satellite Centre, Amaravati w.e.f. 16.4.2003 vide earlier order dated 26.2.2003 (Annexure-F to the reply statement) issued in this regard. Even thereafter since the applicant did not turn up to hand over charge of the Amaravati Centre the concerned authorities were left with no other option but to constitute a committee for taking over the charge. The applicant instead of complying with the transfer order submitted a astronomical bill of Rs.1,84,480/- as TTA advance vide his letter dated 5.4.2003 stating therein the bill shall be taken into consideration if the O.A. is rejected at Mumbai. However, the Officer I/C of NBPGR, Regional Station forwarded a pre-receipt bill for TTA vide Demand Draft No.340237 dated 17.6.2003 amounting to Rs.92,000/- only. The O.A. No.2005/2003 filed by the applicant before the Mumbai Bench was finally heard and dismissed vide judgment dated 12.12.2003 (Annexure-J to the reply statement). Although the applicant was released way



back on 16.4.2003 he joined at the NBPGR, Regional Station, Umiam only on 27.1.2004 i.e. almost after a period of nine months. The concerned authorities forwarded 2 demand drafts drawn in favour of the applicant amounting to Rs.92,000/- for TTA and Rs.2,942/- for TA adjustment and D.A. arrears respectively, which the applicant accepted. The applicant was always trying to avoid the transfer from Amaravati to Umiam and he deliberately avoided any correspondences which were sought to be made with him by the concerned authorities. Since the applicant failed to render any service from 16.4.2003 to 26.1.2004, that period of absence was treated as unauthorized absence and therefore, he is not entitled to any relief as claimed.

3. The applicant has filed a rejoinder reiterating the contentions made in the O.A. and further submitted that he was on commuted leave on medical ground w.e.f. 2.1.2003 to 1.2.2003 and he had not received any letters during the aforesaid period and was not aware of these letters being issued to him as mentioned in the reply statement. Both Mr. Dixit and Dr.I.P.Singh visited Amaravati Station on official tour during the disputed period but were not inclined to take over the charge from the applicant despite the clear mention in the transfer order of 23.11.2002. A so-called committee could not have taken over the charge without associating the applicant. The applicant was not released on 16.4.2003 and he received the TTA only on 16.1.2004 and could join his new place of posting on 27.1.2004 and therefore he is entitled to get the reliefs



as claimed in the O.A. The allegation that the applicant was not available in the office is incorrect and he was very much available in the office for the said purpose.

4. The respondents have filed an additional affidavit and submitted that applicant's transfer order was deferred till the end of March 2003 as per order of the Mumbai Bench of this Tribunal and there is a clear finding of this Bench in its order dated 26.8.2004 passed in O.A. No.181/2004 preferred by the applicant that the applicant was released from Amaravati w.e.f. 16.4.2003.

5. I have heard Mr. M. Chanda, learned counsel for the applicant and Mr. G. Rahul, learned counsel for the respondents and given due consideration to the pleadings, arguments, evidences and materials placed on record. Mr.Chanda would submit that his reliever Mr.Dixit never turned up and therefore applicant could not hand over the charge since he was in possession of the imprest cash, cash money, Govt. Receipt Books, important official records, registers, court files etc. The report of the committee without giving notice to the applicant is only smack on the facts and therefore the same is factious. Mr. Rahul, on the other hand, submitted that the applicant had locked the cabin at the centre and keeping important materials in his custody he was absconding. He was busy in filing case before the Mumbai Bench of this Tribunal and was not physically available in the station. Therefore, a committee was constituted and charge was taken over by breaking the

L



lock and taking inventory. Many notices were issued to him but he was not available in his office nor to his last available address and therefore, his contention that he was in the station is totally false statement.

6. The cause of action for the applicant emanated from the transfer order from Amaravati to Umiam, Meghalaya. In the transfer order dated 23.11.2002 it was made clear that "Dr.W.L.Barwad, Senior Scientist, NBPGR, Satellite Centre, Amaravati. He is requested to Hand over the charge to Shri Dikshit and thereafter report for duty at NBPGR, Regional Station, Shillong." At Annexure-XVI to the O.A. counsel for the applicant has annexed Rule 78 of Swamy General Fundamental Rules (GFR), Page-55 which is reproduced below:-

**"Rule 78. Transfer of Officer.-** A report of transfer of a Gazetted Government servant duly made in Form TR 1 or GFR 33 and signed both by the relieved and relieving Government servants shall be sent on the same day to the Audit Officer and/or the Accounts Officer, as the case may be. A copy of the report of transfer of charge shall be sent simultaneously to the Treasury Officer, and Head of the Department or other Controlling Officer concerned."

Relying on the above rule Mr.Chanda submitted that report of transfer of a Gazetted Govt. servant should be made in Form TR1 or GFR and signed both by the relieved and relieving Government servants shall be sent to the Audit Officer and/or the Accounts Officer on the same date. He further argued that since his reliever was not available he could not be relieved as procedure laid down. On 26.2.2003

18

the authority passed an order staying his transfer order till the end of March, 2003 pursuant to order of the Mumbai Bench of this Tribunal with a direction that applicant would stands relieved w.e.f. 16.4.2003. Counsel for the applicant argued that the applicant has been released w.e.f. 16.4.2003 from Amaravati without making any arrangement and without passing any appropriate order to whom the charges to be handed over alongwith imprest cash, cash money, Govt. Receipt books, important official records, registers and court file etc. The chamber was locked by one Dr.I.P.Singh without intimating the applicant thereby restraining him to sit in his chamber. He was also not paid TTA demanded by him and without receiving the TTA it was impossible on his part to shift his family to Umiam. He was paid TTA only on 16.1.2004 and he could join at Umiam only on 27.1.2004 and therefore, the period from 16.4.2003 to 26.1.2004 cannot be treated as unauthorized absence. In response to his grievances ventilated in his representation dated 7.1.2004 the respondents vide letter dated 16.11.2004 informed the applicant that TTA grant of Rs.92,000/- was sent to him vide DD No.340237 dated 17.6.2003 but the same was received back and he was not available in the address furnished by him. So the applicant was willfully avoiding receipt of such communication in order to defend that it was on the fault of the respondents. Therefore, it was necessitated to constitute a committee for taking over the charge of Satellite Centre, Amaravati. The applicant did not challenge the validity of

✓

such committee but his case is that this committee was a made belief story, not actually constituted and to defeat the interest of the applicant such a report has been concocted.

7. Mr.G.Rahul, counsel for the respondents was good enough to produce the file relating constitution and proceedings of such committee. On going through the said records this Court is convinced that since the applicant is avoiding from handing over the charge to the incumbent and was absconding from the scene by locking the cabin at the centre such a committee was proposed to be constituted for taking over the charge. In order to take the possession of the valuable records for the purpose of day-to-day official work and also due to the emergent need to take the CGIT Labour court case file urgently required in connection with filing of writ petition in the High Court the committee broke the lock and took the materials in their custody which cannot be faulted. The committee also asserted to have sent so many notices to the applicant but he was not available. Therefore, in any stretch of imagination one could not say that the action on the part of the committee to take charge of the Satellite Centre at Amaravati is faulted. It is borne out of letter dated 5.4.2003 (Annexure-I to O.A.) that the applicant addressed to the Director, NBPGR, New Delhi the subject of which is quoted below:-

"Subject:- Request for full advance payment of T.T.A. before actual relieved to me after



completing all formalities : If my O.A. rejected at Bombay."

Evidently the applicant was seeking his chance by filing O.A. No.2005/2003 before the Mumbai Bench of this Tribunal and admittedly, initially a stay order was granted vide order dated 31.1.2003 and the transfer order of the applicant was deferred till the end of March 2003 and after deliberations on 10.4.2003 the Tribunal rejected his prayer for further extension stay of the transfer order on the ground that "*there is no sufficient material on record to prima-facie conclude that the transfer is a malafide or against any statutory provisions*". Finally the aforesaid O.A. was dismissed by the Mumbai Bench on 12.12.2003. Thereafter, after joining at Umiam the applicant has filed an O.A. No.181/2004 before this Tribunal and in its order dated 26.8.2004 this Tribunal clearly observed as under:-

" The fact remains that the applicant was transferred to Amaravati (Maharashtra). The transfer order was challenged by the applicant before the Mumbai Bench and the said Bench directed that the applicant would stand relieved w.e.f. 16.4.03."

On going through the order of the Mumbai Bench of this Tribunal dated 10.4.2003 (Annexure-G to the reply statement) passed in O.A.2005/2003 and final order dated 12.12.2003 (Annexure-J to the reply statement) dismissing the O.A. and the office order dated 26.2.2003 (Annexure-F to the reply statement) the averment that the applicant is relieved from NBPGR, Satellite Centre w.e.f. 16.4.2003 cannot be said to be concocted as claimed by the applicant.

↓

It is fortified and reiterated by the order of this Tribunal in O.A. 181/2004 wherein it is observed that "the applicant would stand relieved w.e.f. 16.4.03." Therefore, it is quite evident that the applicant was relieved on 16.4.2003. One of the prayers in the O.A. is for grant of salary and other benefits w.e.f. 16.4.2003 to 26.1.2004. Admittedly, the relieving of the applicant w.e.f. 16.4.2003 was ordered pursuant to order of the Mumbai Bench vacating the stay already granted to him. The committee had taken over the charge only on 13.6.2003 though he is said to be relieved on 16.4.2003. Subsequent development of the case is that a charge sheet has been issued to the applicant on various counts including unauthorized absence, which is pending disposal. In the meantime the respondents wanted to square up the matter by regularizing that period by settling of his leave period at credit for which the applicant is not prepared to. However, these matters are not germane as per the dispute in the O.A. is concerned. All the issues in the disciplinary matters are left open especially when interference at this stage is not called for since it is pending before a quasi-judiciary authority for adjudication.

8. Considering all the aspects of the matter I am of the view that applicant's claim for grant of salary and other benefits for the period 16.4.2003 to 26.1.2004 is not tenable and therefore the impugned letter dated 16.11.2004 cannot be set aside and quashed. However, the second and/or third respondent shall consider the case of the applicant

fresh untrammelled by any of the proceeding pending and grant the applicant the pay and allowances for the period from 16.4.2003 (relieving date) to 13.6.2003 (the date on which charge was taken over by the committee) but not for the rest of the period. Regularisation of absented period from his leave credit, proceeds with disciplinary action are all at the discretion of the parties for which no opinion is expressed by this Court.

The Original Application is partly allowed with the observation that the applicant will be entitled to pay and allowances for the period from 16.4.2003 to 13.6.2003 but not for other period which will be governed by the observations made above.

In the circumstances, there is no order as to costs.



(K.V.SACHIDANANDAN)  
VICE CHAIRMAN

/BB/

- 1 -

23

58

**NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
REGIONAL STATION, DR. PDKV CAMPUS  
AKOLA- 444104**

**Phone & Fax - 91-0724-2258067**

**Dr. I.P Singh**  
**Principal Scientist & Officer In-charge**

**RS/Ak-1/31-02/ 356**  
**Dated: 04/01/03**

**To**

**The Director**  
**NBGR**  
**New Delhi- 110012**

**(Through SAO, NBGR)**

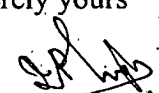
**Sir,**

Kindly refer to your letter no.3 (102)/1999 PI/3736 Dated 27 Dec 02 regarding relieving of Dr. W.L. Barwad, Scientist In-Charge from the Satellite Centre, Amaravati. In this connection, I am to inform you that he is neither honouring to the office order and our correspondence from this station (vide letter no.RS/AK-1/31-02/325/2 dated 11-12-02) nor physically present at the station to take the charge from him properly.

As he stands relieved with immediate effect I, therefore, request you to kindly advise me for taking over the charge of moveable office items/articles including the germplasm materials of different crops being maintained /stored at the station.

With regards.

Sincerely yours

  
(I. P. Singh) 4/1/03

-82-

80



# National Bureau of Plant Genetic Resources (Indian Council of Agricultural Research)

Pusa Campus, New Delhi - 110 012.

Phone: 25850022(direct) (O) 25822726 (R)  
25789208/25789211/25789214-Extn.231 FAX:091-011-5851495/578 5619  
E. mail [sao@nbpgr.delhi.nic.in](mailto:sao@nbpgr.delhi.nic.in) GRAM : GERMPLASM

No. 33-146/2001-Vig. /4299

January 20, 2003

Dr. I.P. Singh  
Principal Scientist &  
Officer-in-Charge  
NBPGR, Regional Station  
P.K.V. Campus, Akola

रा.पा.सं. वगैरे, क्षेत्रीय केन्द्र अकोला  
NBPGR, Regional Station, Akola.  
क्र./No. 4299 दि./Date. 20/1/03

Sub: Discussion held in the office of Assistant Labour Commissioner, Nagpur on 09.12.2002.

Sir,

With reference to this office letter No. 33-146/2001/Vig/3429 dated 04.12.2002, Dr. N.K. Dikshit, Scientist (Selection Grade) was requested to attend the joint discussion with Assistant Labour Commissioner, Nagpur on 09.12.2002. Dr. W.L. Barward, Scientist Incharge, NBPGR, Satellite Centre, Amravati Camp has informed vide his letter No. 1/NBPGR/SC/Am/2003/330 dated 01.01.2003 (copy enclosed), that the reply of ALC (C), Nagpur was drafted by him as a Scientist Incharge NBPGR, Satellite Centre, Amravati and sent by FAX before the due date for attending the Labour Commissioner at Nagpur but so far nobody is coming forward to collect the important papers and file.

You are, therefore, requested to kindly depute Shri N. Dikshit, Scientist (S.G.) to kindly collect the file and important papers from Satellite Centre, Amravati and attend the case as and when needed.

Encl: As above

Yours faithfully

for Sr. Admn. Officer

Copy to Dr. W.L. Barward, Senior Scientist, NBPGR, Satellite Centre, Amravati Camp for information.

Shri W.L. Barward to be send this to Dr. W.L. Barward

5.2.03

P.T.O.



25

21

By Hand

From Pro. Page.

Resources  
(the  
campus.

No. RSIAR-I/31-03/433  
Region - 444104 (Maharashtra)

Dated: 17.2.03

forwarded for inf & necessary action please.

To

Dr. W.L. Barwad.  
Sr. Scientist-

NBPR Late. Centre  
Menseappa Gauden Road,  
Behind Collector's Bungalow  
Amravati Camp - 444602.

OFFICER IN-CHARGE  
N.B. P.G.R., REG. STN.,  
AKOLA-444104.

18.2.03

-4-

Regd (E)

26

68

No.RS/AK-I/31-03/28512

Date: 28<sup>th</sup> Jan. 2003

To

Dr. W.L. Barwad,  
C/o B. L. Barwad  
Hari Ram Nagar,  
PULGAON (Rly.)  
Distt. Wardha.

Subject: Defunct & locked telephone instrument at the Satellite Centre, Amravati.

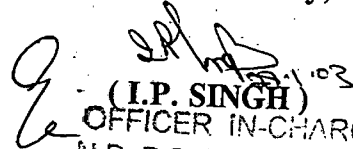
Sir,

I am not getting connected to the telephone of the Satellite Centre, since last one month and therefore finding it difficult to command over the work activities of the centre.

The telephone instrument is installed in your office cabin which is in your lock & key. Since you are not attending to the office & the other staff members do not find it accessible to attend to the telephone call from this station, you are requested to kindly unlock the cabin at the earliest so that the calls could be attended and instructions followed.

You are further requested to kindly handover the charge of the station properly before your joining at Regional Station, Shillong.

Yours sincerely,

  
(I.P. SINGH)  
OFFICER IN-CHARGE  
N.B. P.G.R., REG. STN.  
AKOLA-444104.

cc to:

The Sr. Admn. Officer, NBPGR, New Delhi - 110 012.



Ph. 0724-58067

E-MAIL No. *Regd 189*

राष्ट्रीय पादप आनुवंशिक संसाधन ब्यूरो  
क्षेत्रीय केन्द्र, डॉ. पं.दे.कृ.वि.परिसर, अकोला-४४४ १०४ महाराष्ट्र (भारत)  
NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
REGIONAL STATION, DR. P.D.K.V., CAMPUS, AKOLA-444 104 (M.S.) INDIA

NO.RS/AK-I/31-03 /19

DATED: 29.04.03  
*30*

To

The Director,  
NBPGR, New Delhi.

Through: The Sr. Admn. Officer, NBPGR, New Delhi.

Subject: Vacation of Hon'ble CAT order on transfer stay granted earlier to Dr.  
W.L. Barwad, reg...

Sir,

Kindly refer to your letter no. 33-166/2003-Vig./5002 dated 13.3.03 and find enclosed herewith the original/corrected reply (in originals) submitted by me in the Hon'ble CAT, Mumbai Bench, Mumbai on dated 01.04.03 through Sh. V.G. Rege, Advocate, (Govt. Standing Counsel), High Court, Wadia Building, 2<sup>nd</sup> floor, 22/D, Sayed Abdulla Brelvi Road, Fort, Mumbai and the tribunal's order based on hearing of the case on dated 10.04.03 (copy enclosed). This tribunal's order has vacated the transfer stay granted earlier and hence Dr. W.L. Barwad stands relieved from Amravati Centre from dated 16.04.2003 vide office order No. 33-166/2003/4760/9 dated 26.2.03 served to him and henceforth, I am not to entertain any correspondence from him or any reply either. Dr. N. Dikshit, Scientist (SG) of this station is to take the charge from Dr. W.L. Barwad vide office order no. 6(4)/2001/P.L/2735/3307 dated 23.11.2002. But I very much anticipate that Dr. Barwad will not properly hand over the charge of the centre.

In this regard, I, therefore, request you to kindly constitute a committee to do the needful and suggest/review as well on the future scientific work activities of the centre.

With regards,

Sincerely yours

*LP Singh*  
(LP. SINGH) 29.4.03

OFFICER-IN-CHARGE  
OFFICER IN-CHARGE  
N.B. P.G.R. REG. STN.,  
AKOLA-444104.

Encl. As above.

- 6 - 1/14/2003

282

NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
PUSA CAMPUS : NEW DELHI - 110012

No. 6(4)/2001/PI 1140

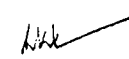
May 2, 2003

OFFICE ORDER

The Director, NBPGR has been pleased to constitute a committee consisting of the following officers to take over the charge of the Amravati Centre:

- |    |   |   |          |
|----|---|---|----------|
| 1. | Dr. I.P. Singh,<br>Principal Scientist & Officer-in-Charge,<br>NBPGR, Regional Station, Akola | - | Chairman |
| 2. | Scientist/Prof. - Agri. University  | - | Member   |
| 3. | Sh. N. Dikshit,<br>Scientist (SG),<br>NBPGR, Regional Station, Akola                          | - | Convener |

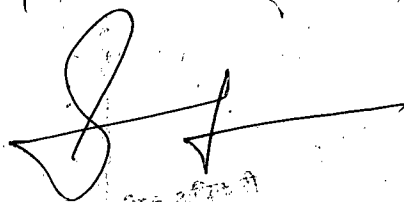
The Committee is requested to submit its recommendations immediately for perusal of the Competent Authority.

  
(S.K. Mitra)  
Sr. Admn. Officer

Distribution:

1. All officers from S.No. 1 to 3 (by name)
2. P.A. to Director

Attested



वरिष्ठ प्रशासनिक अधिकारी  
Senior Administrative Officer  
राष्ट्रीय पौध आनुवंशिक संसाधन ब्यूरो  
National Bureau of Plant Genetic Resources  
Pusa, New Delhi-110012

- 7 -

1. 2. 3. (+)  
283

29

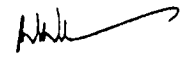
NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
PUSA CAMPUS NEW DELHI - 110012

No.6(4)/2001/PI 1164/B

May 9, 2003

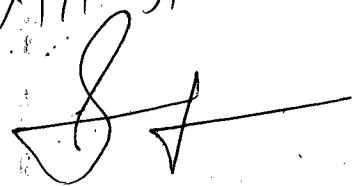
OFFICE ORDER

In continuation of this office order No.6(4)/2001/PI/140 dated May 2, 2003, the Director, NBPGR has approved the name of Dr. Ambrish Sharma, Senior Scientist, Germplasm Evaluation Division of this Bureau to be incorporated in the committee consisting to take over the charge of the Amravati Centre.

  
( S.K. Mitra )  
Sr. Admn. Officer  
mc

Distribution:

1. Dr. Ambrish Sharma, Senior Scientist, Germplasm Evaluation Division, NBPGR, New Delhi.
2. Officer-in-Charge, NBPGR, Regional Station, Akola/Scientist/Prof. - Agri. Univeristy/Sh.N. Dikshit, Scientist (SC) for information
3. P.A. to Director

Attested  


राष्ट्रीय वनस्पति आनुवंशिक संसाधन संस्थान  
National Bureau of Plant Genetic Resources  
Pusa, New Delhi-110012



- 8 -

30

280

**National Bureau of Plant Genetic Resources**  
**(Indian Council of Agricultural Research)**  
Pusa Campus, New Delhi - 110 012.

Phone 25843697(O), 25841177 (R)

E. mail :- [director@nbpgr.delhi.nic.in](mailto:director@nbpgr.delhi.nic.in)

FAX : 2584 2495

GRAM : GERMPLASM


Internet Home Page : <http://nbpgr.delhi.nic.in>

**Dr. B.S. Dhillon**  
Director

No. DIR/PA/J-Amt. 1331  
June 13, 2003

Please handover all the files pertaining to labour matters and CGIT case immediately to Officer-in-Charge, Akola and report compliance by return fax.

Yours sincerely,

  
(B.S. Dhillon) 1316

To  
Dr. W.L. Barwale  
Go Lake Sh. S.S. More  
Plot No. 41, Ganediwal layout  
By Pass Road,  
CAMP AMRAVATI

3

0724-436914  
SYNDICATE BANK  
अकोला - 444 001 (महाराष्ट्र)  
AKOLA - 444 001 (Maharashtra)  
सहायक शाखा/HELPER BRANCH

वैधता अवधि/VALID FOR 6 MONTHS FROM DATE OF ISSUE

चैक नंबर/चैक नं. 930  
Dr. Sr. No. of D.D.

पहल टिकट/पहल टिकट  
OT TT पुराना टिकट/पुराना टिकट  
OL TL

17/06/03 19

जाने पर/On Demand *W.L. Borwad* या उनके आदेश पर प्राप्त *रु. Rs 92000*  
के लिए/for

केवल/Receipts *only* *only*  
अदा की/for Value Received

सिंडिकेट बैंक Syndicate Bank

*Amavathi*  
DPO CODE: 5125

NOP No. 340237

सिंडिकेट बैंक/For SYNDICATE BANK  
अधिकृत हस्ताक्षर/Authorized Signatory  
SUBHASH. G. MAHURE  
SYNO No. 17831  
033 0829

Attested  
*[Signature]*

संयुक्त प्रशासक  
Section Administrator  
राष्ट्रीय पाठ्य प्रणाली के लिए  
Nation Bureau of Text Book Resources  
पुणे, महाराष्ट्र  
Pune, Maharashtra

32

Please see the Pre-rec-  
language of R.S. Akola  
in which proforma is made  
by them as per their wish

PRE-RECEIPT

Received a Demand Draft No. \_\_\_\_\_ dated \_\_\_\_\_ for a sum of

Rs.92,000/- (Rupees Ninety Two Thousand only) against bill No.344/04.06.2003 from the

Officer - In - charge, NBPGR Regional Station, Akola alongwith a committee

constituted by the Competent Authority, NBPGR, New Delhi-12, towards my Transfer

Traveling Advance consequent upon my transfer (& relieving from NBPGR Satellite

Centre, Amravati to NBPGR Regional Station, Shillong w.e.f. 16.04.03.)

*False & misleading*

Director NBPGR, ND  
Please -

I am not aware of committee  
till date & what for. Relieving from  
NBPGR w.e.f. 16.4.03 is false & misleading  
with official documents &amp;amp; on record  
Date: June, 03

*W.L. Barwad*

(DR. W.L. BARWAD)  
c/o Late Sh. S.S. More,  
Plot No.41, Ganediwal Layout,  
Bypass Road,  
Camp Amravati



11-  
DATE: 17/06/2003

To,  
Dr. W.L. Barwad,  
Sr. Scientist,  
C/o Late. Sh. S.S. More,  
Plot No.41, Ganediwal Layout,  
Bypass Road,  
Camp- Amravati

Subject: Pre-receipt bill for TTA and request for handing over the CGIT Court case  
File - reg.

Dear Dr. Barwad,

Kindly find enclosed herewith the pre-receipt bill vide D.D. No.340237  
dated.17/06/2003 amounting Rs.92,000/- ( Rs. Ninty two thousand only).

You are requested to kindly send back the same duly signed by you on revenue  
stamps with date to the undersigned at the earliest. You are also requested to send the  
CGIT Court case file urgently required and as directed by the Director, NBPCR, New  
Delhi (copy enclosed).

Thanking you.

Encl: blank pre-receipt bill.

Sincerely yours,

*I. P. Singh*  
( I. P. Singh )  
OFFICER IN-CHARGE  
N.B. P.G.R., REG. STN.,  
AKOLA-444104.

CC to: The Sr. Administrative Officer, NBPCR, New Delhi-12 for inf. Please.

✓ TO,  
Sh. W. L. Barwad,  
Behind Bank colony,  
Near Bhagwan Nagar Post Office.  
Bhagwan Nagar,  
Nagpur (M.S.)

This "Speed Post"  
letter was <sup>actually</sup> received  
by wife on 27<sup>th</sup> July 03  
at Nagpur, as per  
cover attached

RECEIPT

Received a Demand Draft No. 340237 dated 17.06.03 for a sum of Rs. 92,000/- (Rupees Ninety Two Thousand only) against bill No. 344/04.06.2003 from the Officer - in - charge, NBPGR Regional Station, Akola alongwith a committee constituted by the Competent Authority, NBPGR, New Delhi-12, towards my Transfer Traveling Advance consequent upon my transfer & relieving from NBPGR Satellite Centre, Amravati to NBPGR Regional Station, Shillong w.e.f. 16.04.03.

Date: June, 03

(DR. W.L. BARWAD)  
c/o Late Sh. S.S. More,  
Plot No. 41, Canalwal Layout,  
Burus Road,  
Camp Amravati.

The Committee consisting of

- ① Dr. I.P. Singh, OIC NBPGR Akola
- ② Sh. P.L. Tadas, Asst. Prof. RRC, Dr. PDKV, Amravati
- ③ Sh. N. Dikshit, Scientist (SS) NBPGR Akola, Akola

alongwith Sh. S.S. Wange, Asst. Secy. Sh. P.L. Dabke, include  
Sh. L.T. Dabke, T-2 visited the residence of  
Dr. W.L. Barwad, Sr. Secy. at Amravati on dated 18.6.03  
at 3.30 P.M. for handing over the DD no. 340 237/17-6-03  
of Rs. 92000/- in respect of TTA (as mentioned above). It was  
told by his relation Mr. Mahendra Barwad that Dr.  
Barwad is not available at home.

(I.P. Singh) 18/6/03

(P.L. Tadas) 18/6/03

(N. Dikshit) 17/6/03

(S.S. Wange) 18/6/03

(P.L. Dabke)

(L.T. Dabke)

Attested

Secretary  
National Bureau of Plant Genetic Resources  
Pusa, New Delhi-110012

4/1/05

may be for a  
day

23/11/02

(49)

Quali - paper order  
only handwritten cheques be cer  
present to Pankaj

Recd 78 (50) Quali

inward Cash thru Branch  
Symund & hand over  
3 1000/- Cash Hand Velayudh  
O A 2005/03 Bombay branch

2 bills 1 R sum not returned fully  
5/4/03 (A1) 10/4/03 26/1/04  
6/4/03 7 A bill (19) A1  
16/4/03 " A II Quali 2  
neer



13/6/03. Allow his salary only  
Gim  
up to 16/4/03 - 13/6/03. 2 weeks

(35) salary only  
not to holiday

2. Appellate's salary Committee was constituted

2. 16/1/04 TTA salary was not set

2. TTA was not granted.

2. Approach! Bell's statement

order produce this letter.

2. 8/2/06 order by CMA.

2. King his case to take an oath  
Direct to release us.

(49)

2. Refuse Govt. letters.

2. No comment. 10/4/07

2 Salary Advances - Budgeting  
2 Cash of Receipts - Budgeting  
2 Misc. - Cash and bank

Other items

2 Budgeting - Cash and bank  
2 Budgeting - Cash and bank

2 Changes in direction of interest  
2 Changes in direction of interest

2 Changes in direction of interest  
2 Changes in direction of interest  
2 Changes in direction of interest  
2 Changes in direction of interest  
2 Changes in direction of interest  
2 Changes in direction of interest

39  
(19) At 1 my off reached at home

26/8/04 Page no. I (23)  
18/1/04 admitted. Work to be done  
relieved on 16/4/03.

1/2 Greenh Paddock

Reding Repty Admitted relief  
(us) 17/12/04 as 16/4/03

03/40 work his he did not find  
up

27/12/04 Menus made  
Chaps well

Don't want any more

2  
Imp A letter Page 25  
Rishabam  
Can you please

Page 29 jumping letter

(31) Int the Quota

By Order

16-11-03 index 7 CA 7  
to 20/1/04

Dear

yes

Travelling received  
at 12/1/03  
17A 16/1/04



41 4/1/05

Dilworth did not come  
and take charge

Draft = Report on 11/10/03  
7-10-03

When did you  
order

(49)

27-1-04. Journal  
March 15

~~23/11/02~~

Dilworth taking  
Dilworth proceeding taking  
Subsequent to his taking charge

18/1/04

(48)

Fresh  
at 16/1/04

Reff. Found report order  
Arrange 1  
another computer behind  
his back

2 Adult & Child  
Memorandum 27/12/04 & Charge

Asse

He was not advised  
Counselor contacted  
Conducted &

2 4.15

2 Cash was given  
1 p sing/District  
given was near  
charge court

- 4 =

2 → name available  
to 4 registered

2 H.C. Jan 2003 - rejected  
order passed.

And will

2/11/04 I.R. rejected. <sup>transfer</sup> <sub>to</sub> <sup>order</sup>

Booked



NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
Regional Station, UMIAM - 793103 Meghalaya (India)



Office: 0364-2570193. Tel/Fax: 0364-2570651. E-mail:

By Speed-Post

Dated 18.1.2006

To,

Shri Manik Chandra, Advocate

Lachit Nagar, Lane No. 7

Lachit Nagar Apartment H.No. 3

First Floor

Post-Office - Ulubari

Guwahati - 7

From:

Dr. W. L. BARWAD,

Sr. Scientist (Pl. Sci.)

N.B.P.G.R., Reg. Sta.

Umiam - 793103

(Barapani - Shillong)

Ref:- My earlier several representation submitted to the Inquiry Officer & Under Secretary (Vig.) ICAR, New Delhi regarding sending a copy of Enquiry Report / Proceedings.

Subject:- 1. Submission of a copy of "Proceedings of Inquiry received from Under Secretary (Vig.) by Speed Post  
2. Submission of a copy Memorandum dt 27.12.04 alongwith statements of Article of Charge framed against Dr. W. L. Barwad  
3. Submission of translation of important relevant part of Officer I/c, NBPGR, Akola <sup>(Dr. J. P. Singh)</sup> from Hindi to English in which the statements recorded by I.O.; P.O. in presence of C.O. (Crossing & Charge Officer)

Respected Sir,

Kindly find attached herewith a xerox copy of Memorandum dated 9.1.06 alongwith the copy of Proceedings of Inquiry conducted w.e.f. 15.20th Sept, 2005 received by me on 17.1.2006. (Subject 1) In addition to this, I am attaching herewith a xerox copy of statement of Article of Charge framed against me by intentional hiding the Official documents and truth. Not only this, the Director (PGR)

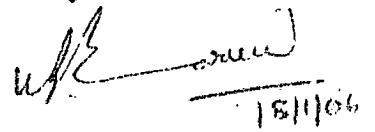
Dr. B. S. Dhillon has wilfully violated all administrative norms including Rule No. 78 (GFR-33) and misguided the ICAR to help his guilty Officers (Sub-2)

Sir, I am submitting herewith the relevant portion of translation from Hindi to English in connection with the charge of my Amraoti Station, in which the statements were given by Dr. I. P. Singh (I.P.S.) before the Inquiry Committee consists of Inquiry Officer (Dr. D. C. Bhandari), Presenting Officer (Dr. Yadav) and Charged & Crossing Officer Dr. W. L. Barwad (W.L.P.).

This is for your kind information and suitable action in the Central Admn Tribunal, Guwahati Bench, Guwahati.

Encl:- As above

Yours faithfully,



(W. L. Barwad)



NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
Regional Station, UMIAM - 793103 Meghalaya (India)



Office: 0364-2570193. Tel/Fax: 0364-2570651. E-mail: [redacted]

To whom it may concern

Translation of relevant portion of page No. 15

(Red Colour on the top of page signed by ICAR authority)  
in which Dr. I.P. Singh (IPS) has given his statements before I.O.P. of  
First line WLB - 26.02 का आदेश (Relieving) के अनुसार आप चार्ज लेने  
(Hindi) क्यों नहीं आये थे सिंग साहब ?

(Translation - Dr. Singh Sahab - as per (relieving) Order  
in to English) dated 26.02, why you did not come to  
take up the charge ?

IPS - 16.4.03 को चार्ज लेने नहीं गए। मैंने यह सोचकर  
(Hindi) की फायनल Hearing 09.6.03, नागपुर को होनी थी  
इसलिए नहीं गए।

(Translated On dated 16.4.03, I never went to take up  
in to English) the charge. I presumed that the final  
hearing was commencing on 9.6.03 at  
Nagpur. Hence, never proceeded.

I.O. - 16.4.03 को Relieve करने के क्या Efforts किए ?

(Translated What efforts have you made for relieve ?  
in to Hindi)

I.P.S. - कुछ नहीं।

(Translated - Absolutely Nil -  
in to Hindi)

WLB क्या आपने मुझे Relieving Order दिया ?  
Translated Have you given me relieving order ?

IPS - Director is empowered for this

(No Transl. required)

WLB - आपने मुझे क्यों नहीं Committee में लिया गया

(Translated) - Why you did not taken me in the Committee

IPS - You were not available & it is depend upon authority.

(No Transl. required)

N.B.: WLB -

Dr. W.L. Barwad asked the question to Dr. I.P. Singh Officer I/c, NBPGR Akola regarding relieving of Dr. Barwad from his Amravati Office as Scientist I/c.

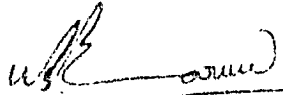
IPS

Reply of Dr. I.P. Singh recorded by I.O. in presence of Presenting Officer (PO) of ICAR and Charged Officer/Crossing Officer Dr. W.L. Barwad

IO

Inquiry Officer put up the question to Dr. I.P. Singh, Officer I/c, NBPGR, R.S. Akola in presence of Enquiry Committee (I.O., P.O. & C.O.)

This is for kind information of all concerned.

  
( W.L. Barwad ) 18/11/66  
Sr. Scientist (Agri. Engrg.)  
NBPGR, R.S.  
Umiam

Subject - 2

CONFIDENTIAL  
REGISTERED

47

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAVAN, NEW DELHI

F.No. 3(22)/2004-Vig(D)

Dated the 27/11/04

MEMORANDUM

The President, ICAR proposes to hold an inquiry against Dr. W.L. Barwad, Sr. Scientist NBPGR Regional Station, Umiam, Meghalaya under Rule 14 of CCS (CCA) Rules, 1965 as extended to ICAR employees. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge is proposed to be sustained are also enclosed (Annexure III & IV).

2. Dr.W.L. Barwad is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defense and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
4. Dr.W.L. Barwad is further informed that if he does not submit his written statement of defence on or before the date specified in Para 2 above or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS (CCA) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against him ex-parte.
5. Attention of Dr. W.L. Barwad is invited to Rule 20 of CCS (CCA) Rules, 1964 (as extended to ICAR employees) under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his services under the Government. If any representation is



MS

received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Dr. W.L. Barwad is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules, 1964.

The receipt of this Memorandum may be acknowledged.

(S.K. Behera)

UNDER SECRETARY (Vig)

FOR AND ON BEHALF OF PRESIDENT ICAR

✓ Dr. W.L. Barwad  
Senior Scientist  
NBPGR Regional Station, Umiam  
Meghalaya

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST DR. W.L. BARWAD, SENIOR SCIENTIST, NBPGR REGIONAL STATION, UMIAM(MEGHALAYA)

ARTICLE OF CHARGE I

Dr. W.L. Barwad, while working as Senior Scientist at NBPGR Satellite Centre, Amravati was authorized vide NBPGR letter No.33-127/99-Vig. Dated 4.11.2000 to appear before the CGIT cum Labour Court at Nagpur in connection with an Industrial dispute between the Management of NBPGR and field workers on account of their illegal termination from service. The relevant case file No.RS/AK-III/4-Part-2000 was in his custody for handling case. Consequent on his transfer to NBPGR Regional Station, Umiyam, Barapani, he was advised to hand over the charge along with the case file to the next officer. However, despite instructions from the NBPGR Hqrs, he has not handed over the important CGIT Court case file and other files/documents to the authorities so far.

By his above act, Dr. W.L.Barwad has exhibited lack of devotion to duty, and has acted in a manner unbecoming of a Council's employee and thereby contravened the provisions of Rule 3(1)(ii) & (iii) of Central Civil Services(Conduct) Rules, 1964 as extended to ICAR employees.

ARTICLE OF CHARGE II

Dr.W.L. Barwad while working as Senior Scientist at NBPGR Satellite Centre, Amravati, has functioned as proxy contractor in the labour contract work at NBPGR satellite station at Amravati & Akola which has been substantiated vide the judgement dated 16.12.03 of Central Government

Industrial Tribunal, Nagpur in the case No.CGIT 196/2000 against the Management of NBPGR Regional Station, Akola. Accordingly, Dr. Barwad has engaged himself in private business by functioning as Labour contractor, in the same Institute where he was working as Senior Scientist.

By his above act, Dr.W.L. Barwad has exhibited lack of integrity and devotion to duty, and has acted in a manner unbecoming of a Council's employee and thereby contravened the provisions of Rule 3(1)(i) (ii) & (iii) of Central Civil Services(Conduct) Rules, 1964 as extended to ICAR employees.

### ARTICLE OF CHARGE III

Dr. W.L. Barwad while working as Senior Scientist at NBPGR Satellite Centre, Amravati has involved himself in temporary financial embezzlement by not depositing Rs 12,500/- pertaining to sale of farm produce with the Competent Authority till date.

Sale  
& receipt  
Report

No. 32938

By his above act, Dr.W.L.Barwad has exhibited lack of integrity and devotion to duty and has acted in a manner unbecoming of a Council's employee and thereby contravened the provisions of Rule 3(1)(i) (ii) & (iii) of Central Civil Services(Conduct) Rules, 1964 as extended to ICAR employees.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

Filed by the applicant  
through S. M. Kalita  
Attorney  
31.05.06

In the matter of:

O.A. No. 41/2005

Dr. W.L. Barwad

-Versus-

Union of India & Ors.

-And-

In the matter of:

Submission of documents by the  
applicant in support of the  
contention raised in O.A. No.  
41/2005.

The applicant above named rely on the following documents in  
support of his contention raised in Original Application.

1. Three (3) undelivered letters in Original.

केन्द्रीय प्रशासनिक अपीलतल  
Central Administrative Tribunal  
18 FEB 2005  
गुवाहाटी न्यायतल  
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

O.A. No. 41 /2005

Dr. W.L. Barwad.

-Vs.-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 28.09.1977- Applicant was initially appointed as Scientist-1.
- 01.07.1983- Applicant was promoted as Scientist-2 and transferred to Sirsa (Haryana).
- 26.03.1991- Applicant transferred to Hyderabad.
- 02.01.1999- Applicant transferred to Amaravati (Maharastra).
- 23.11.2002- Respondents issued order transferring the applicant from Amaravati (Maharastra) to Umiam (Meghalaya).
- 26.02.2003- Respondents deferred transfer order till end of March, 2003 with the direction that the applicant would be relieved w.e.f. 16.04.03.
- 05.04.2003- Applicant submitted application praying for payment of his Transfer Traveling allowances amounting Rs. 1, 84,480/- and other dues in order to facilitate his joining at Umiam. (Annexure-I).
- 16.04.2003- Applicant submitted representation praying interalia for arranging for taking over of charges of his office at Amaravati. As per transfer order the charges were to be taken over by Shri Dikshit from Akola who did not come to take over charges. (Annexure-II)
- 30.04.2003- Salary paid through Demand Draft to the applicant for April'03 but the salary was paid for 15 days only i.e. from 01.04.03 to 15.04.03 and treated the applicant as relieved from 16.04.03 from Amaravati.
- 06.05.2003- Applicant submitted application praying for payment of his salary for the full month of April'03 since he had attended duties regularly for the whole month of April'03 but to no result.

W.L. Barwad

- 16.01.2004- Applicant received Demand Draft of Rs. 92,000/- as his TTA.
- ✓ 27.01.2004- Applicant joined at Umiam (Meghalaya).
- 30.01.2004/19.02.2004- Applicant sent representations for payment of his salary etc. for the period from 16.04.03 to 26.01.2004 which was not paid by the Respondents although the applicant was on duty and attended works at Amaravati center. (Annexure-III & IV)
- 26.08.2004- Being aggrieved due to non-payment of his salary for the period from 16.04.03 to 26.01.04, the applicant approached this Hon'ble Tribunal through O.A. No. 181/04 and this Hon'ble Tribunal vide its order dated 26.08.04 directed the respondents dispose of the representation of the applicant within two months from the date of receipt of the representation. (Annexure-V)
- 07.09.2004- Applicant submitted a fresh representation enclosing therewith a copy of the order dated 26.08.04 passed in O.A. No. 181/04 and prayed to the respondents to release his salary for that period accordingly. (Annexure-VI)
- ✓ 16.11.2004- Respondents vide their impugned letter dated 16.11.04 denied payment of salary on the basis of some false allegation. (Annexure-VII Series) ✓
- 08.12.2004- Applicant submitted representation furnishing his reply against each para of the impugned letter rebutting the false charges. (Annexure-VIII)
- 16.11.2004- Respondents issued letter dated 16.11.2004 inviting the applicant to visit the NBPGR, Headquarter, New Delhi for settling the matter of his salary. 9
- 06.12.2004- Applicant replied letter dated 16.11.04, wherein he requested the respondents to release his arrear salary. (Annexure-XIII)
- 17.12.2004- Respondents issued letter dated 17.12.04 asking the applicant to visit New Delhi office even on official tour for settling the matter of his salary. 9 (Annexure-XII)
- 20.12.2004- Applicant replied letter dated 17.12.04, whereby he requested the respondents to release his arrear salary. (Annexure-XIV)

Hence this application filed before the Hon'ble Tribunal.

P R A Y E R S

Relief(s) sought for:

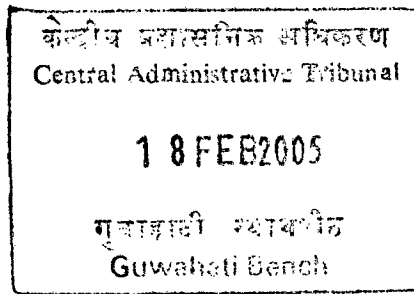
Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter bearing No. 1 (37)/2004-Vig/534 dated 16.11.04 issued by the respondents.
2. That the Respondents be directed to treat the applicant as on duty from 16.04.2003 to 26.01.2004 at Amaravati and pay his salary and all other dues for the said period with interest @ 18% per annum.
3. Costs of the application.
4. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for.

During pendency of this application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar to the respondents for considering the representations of the applicant for payment of his salary as prayed for.
2. The applicant prays that the instant application be disposed of expeditiously.



Filed by the applicant -  
Subrata Nath  
Advocate  
18.02.05

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O. A. No 41 /2005

Dr. W.L. Barwad : Applicant.

- Versus -

Union of India & Others. : Respondents.

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	----	Application	1-17
02.	----	Verification	-18-
03.	I	Copy of application dated 05.04.03.	19~
04.	II	Copy of application dated 16.04.03.	-20-
05.	III	Copy of representation dated 30.01.04.	-21-
06.	IV	Copy of representation dated 19.02.04.	-22-
07.	V	Copy of order dated 26.08.04.	23-24
08.	VI	Copy of representation dated 07.09.04.	25-28
09.	VII (Series)	Copy of impugned letter dated 16.11.04.	29-37
10.	VIII	Copy of representation dated 08.12.04.	38-40
11.	IX	Copy of Demand draft dated 23.10.03.	-40-
12.	X	Copy of leave application dated 10.06.03.	-42-
13.	XI	Copy of letter dated 16.11.04.	43-47
14.	XII	Copy of letter dated 17.12.04.	-48-
15.	XIII	Copy of reply dated 06.12.04.	45-47
16.	XIV	Copy of reply dated 20.12.04.	-48-
17.	XV	Copy of transfer order dated 23.11.02.	-49-
18.	XVI	Copy of Rule 78.	-50-

Filed by

Subrata Nath  
Advocate

Date 18.02.05.

W.L. Barwad



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 41 /2005

BETWEEN

Dr. W.L. Barwad,  
Sr. Scientist (Agril. Entomology)  
National Bureau of Plant Genetic Resources,  
Indian Council of Agricultural Research,  
P.O Umium,  
Meghalaya.

...Applicant.

-AND-

1. The Union of India,  
Represented by the Secretary to the  
Government of India,  
Ministry of Agriculture,  
Krishi Bhawan,  
New Delhi- 110001.
2. The Director General  
Indian Council of Agricultural Reserch,  
Krishi Bhawan  
New Delhi-110001.
3. The Director  
National Bureau of plant Genetic Resources,  
Indian council of Agricultural Reserch,  
Pusa campus  
New Delhi-110001.
4. The Officer-in-Charge,  
National Bureau of plant Genetic Resources,  
Regional station, Akola,

(W.L. Barwad)

PMV campus, Krishnagar,  
Akola-444104.

5. The Officer-in-Charge,  
National Bureau of Plant Genetic Resources,  
Regional station, Umroi Road,  
Umium (Barapani)  
Meghalaya.
6. The Sr. Administrative Officer,  
National bureau of Plant Genetic Resources,  
Indian Council of Agricultural Research,  
Pusa Campus,  
New Delhi-110012.

... Respondents.

#### DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made against the impugned letter No. 1(37)/2004-Vig/534 dated 16.11.2004 issued from the office of the Respondent No. 3 rejecting the representation dated 07.09.2004 submitted by the applicant thereby denying the payment of his salary for the period from 16.04.2003 to 26.01.2004. The representation dated 07.09.2004 was submitted by the applicant in compliance with the order dated 26.08.2004 passed by this Hon'ble Tribunal in O.A. No. 181/2004.

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. He belongs to the Halba Community, which is a schedule Tribe Community of the State of Maharashtra.
- 4.2 That your humble applicant was initially appointed as Scientist-1 following his selection by the Agricultural Recruitment Board (ASRB), New Delhi on 28.09.1977 and was posted at India grassland and Fodder Research Institute (IGFRI), Jhansi (U.P). Thereafter, he was promoted as Scientist-2 on 01.07.1983 and then transferred to Central Institute for Cotton Research (CICR), Sirsa (Haryana) in public interest. Again he was transferred to National Research Center for Sorghum, Hyderabad on 24.04.1991 and eventually transferred to National Bureau of plant Genetic satellite center, Amaravati (Maharashtra) by order-dated 02.01.1999.
- 4.3 That vide one office order no. 6(4)/2001/P.I/2735/3307 dated 23.11.2002, the applicant was transferred from NBPGR satellite Centre, Amaravati to National Bureau of Plant Genetic Resource's (NBPGR) Regional station at Umium,

W

5 4

Shillong, Meghalaya. Subsequently, vide office order no. 33-166/2003/4760/9 dated 26.02.2003 his transfer was deferred till the end of march, 2003 with the instruction that he would be relieved from NBPGR, Amaravati w.e.f 16.04.2003.

- 4.4 That pursuant to the orders aforesaid, the applicant vide his application dated 05.04.2003 prayed for payment of his transfer traveling advance (TTA) of Rs. 1,84,480/- and other dues prior to his release so as to enable him to proceed to his new place and other dues prior to his release so as to enable him to proceed to his new place of posting at Umiam. Further, vide his application dated 16.04.03, the applicant also requested the respondents to taking over of the charges etc. of Amaravati Station from the applicant to facilitate his joining at his new station i.e. Umiam.

(Copy of application dated 05.04.03 and application dated 16.04.03 are annexed hereto for perusal of Hon'ble Tribunal as Annexure-I and II respectively).

- 4.5 That the applicant inspite of the applications dated 05.04.03 and dated 16.04.03 and his persuasions even thereafter, the Respondents neither paid the Transfer Travelling Advance (TTA) to the applicant as applied for nor arranged for taking over of the charges from the applicant. It is relevant to mention here that in the transfer order dated 23.11.02 it was clearly mentioned that the applicant would hand over the charges to Mr. N. Dixit, Senior Scientist, NBPGR, Regional Station, Akola before leaving for his new place of posting but Mr. Dixit did never turn up for taking over the charges. As such, the applicant had no other option but to discharge his duties at Amaravati due to non availability of his TTA and proper reliever. He however, kept on persuading for payment of his TTA and taking over

of charges through his representations, messages repeatedly but with no result whatsoever.

4.6 That the applicant received on 16.01.04 only one Demand Draft of Rs. 92,000/- as his TTA and thereafter he immediately proceeded to his new place of posting at Umiam where he joined on 27.01.04. But in the meantime, while paying the salary for April '03, the Respondents paid the salary of the applicant upto 15.04.03 only on their own assumption that the applicant was released from Amaravati w.e.f. 16.04.03 although it was well known to them that the applicant had been continuing his duties at Amaravati since he was neither relieved from there nor his TTA was paid and the factum of his attending duties at Amaravati was evident from various office records available with the applicant which includes cash register, permanent and consumable Registrar, cash receipts etc. and other important documents. The applicant thereafter submitted application on 06.05.03 asking for his salary for remaining days of April '03 i.e. from 16.04.03. But the respondents on the other hand stopped the salary of the applicant w.e.f. May '03 and not to speak of paying the full salary of April '03, in an arbitrary and illegal manner. The applicant thereafter submitted representations repeatedly for payment of his salary but with no result.

4.7 That the applicant was denied his salary for the period from 16.04.2003 to 26.01.2004 treating this period as his absence from duty. After his joining at Umiam on 27.01.04, the applicant again submitted representations on 30.01.04 and 19.02.04 for release of his salary from 16.04.03 to 26.01.04 since he was very much on duty at Amaravati during the said period. But his prayer has not been considered.

(Copy of representations dated 30.01.04 and dated 19.02.04 are annexed hereto as Annexures- III and IV respectively).

4.8 That being aggrieved due to non-payment of his salary for the period from 16.04.03 to 26.01.04, the applicant approached this Hon'ble Tribunal by filing the O.A No. 181/2004, for protection of his rights and this Hon'ble Tribunal vide its order dated 26.08.04 in O.A No. 181/2004 disposed of the O.A No. 181/04 with the following directions:-

"----- In the circumstances the OA is decided at the admission stage with direction to the respondents to decided the two representations dated 19.02.04 and 30.1.04 within a period of two months from the dated of receipt of this order. Mr. M. Chanda learned counsel for the applicant has submitted that the applicant may be given liberty to give details representation to the department. As prayed liberty is granted. The applicant may submit a fresh representation alongwith the copy of the representations dated 19.2.04 and 30.1.04. We direct the respondents to dispose the date of receipt of the representation.

Accordingly the application is disposed of. No costs."

(Copy of the order dated 26.08.04 is annexed hereto for perusal of Hon'ble Tribunal as Annexure-V.)

4.9 That pursuant to the above mentioned order, the applicant submitted a fresh representation on 07.09.2004 to the respondents enclosing therewith a copy of this Tribunal's order dated 26.08.04 and copies of his earlier representations dated 30.01.04 and 19.02.04 as directed. In his said representations dated 07.09.04, the applicant narrated the details of his grievance and prayed to the respondents to

treat him as on duty during the period from 16.04.2003 to 26.01.2004 and release his salary for that period accordingly.

(Copy of representation dated 07.09.04 is annexed hereto for perusal of Hon'ble Tribunal as Annexure-VI).

4.10 That the Respondents replied to his representations dated 07.09.04 aforesaid vide their impugned letter No. 1 (37)/2004-Vig/534 dated 16.11.2004. In the said letter the respondents while denying to pay the salary aforesaid, made some false allegations against the applicant which are mainly as follows; -

- (a) The TTA of Rs. 92,000/- was sent to the applicant vide DD No. 340237 dated 17.06.03 by Regd. Post but the same was received back since the addressee was not found.
- (b) As regards the charge of Amaravati Centre, it has been alleged that the Respondents constituted a committee for taking over charge. The committee is said to have visited Amaravati on 12.06.03 and 13.06.03 but the applicant was not available and he did not appear before the Committee and as such the Committee handed over the charges of Amaravati Station to Dr. I.P. Singh, Officer in charge, Akola.
- (c) The applicant was relieved from Amaravati ON 16.04.2003 and hence his salary was paid upto 15.04.2003.
- (d) The applicant's stay at Amaravati thereafter was unauthorized and hence his salary for his stay at Amaravati from 16.04.2003 to 26.01.2004 cannot be paid. As such the applicant has been advised to apply for leave for the said period.

(Copy of the impugned letter dated 16.11.2004 alongwith its enclosures are annexed hereto for perusal of Hon'ble Tribunal and marked as Annexure-VII series).

4.11 That the applicant most respectfully begs to submit that all the allegations made by the respondents in their impugned letter aforesaid are false, concocted and unfounded. As such the applicant immediately submitted a representation on 8.12.2004 to the respondents furnishing his reply in seriatim against each para of the impugned letter rebutting the false charges. In his representation dated 8.12.2004, the applicant made it clear that the allegations made by the respondents are all false and stated as follows: -

- (a) The applicant submitted his application for payment of TTA on 5.4.2003 followed by his persuasions over telephones etc and his ultimate fax message and telegram on 5.1.2004 and 8.1.2004 but even inspite of all persuasions the TTA was not paid to him. It was only on 16.01.2004 that the applicant received one D.D No. 917096 dated 23.10.2003 for Rs. 92,000/- being his TTA. He never received any such D/D bearing no. 340237 dated 17.06.2003 for Rs. 92,000/- as stated in the impugned letter which is false and amounts to misrepresentation.
- (b) As regards visit of a so called committee at Amaravati on 12.06.2003 and 13.06.2003, the applicant replied that he was on earned leave during that period and as such his appearance before the committee is out of question and a copy of his leave application dated 10.06.2003 was also annexed to his reply. Further he was not aware of such a committee, and the handing over charges of Amaravati station to Dr. I.P.Singh by such committee in absence of



the applicant and that too in a clandestine manner without informing the applicant whatsoever as stated was not known to the applicant.

- (c) The applicant refuted the allegation that he was relieved from Amaravati on 15.04.2003 and maintained that he was very much attending his normal duties at Amaravati even after 15.04.2003 which was known to Dr. I.P.Singh who even visited Amaravati on 22.04.2003 even thereafter and had official consultations with the applicant in his office chamber. The applicant had been performing all his normal duties at Amaravati until he joined at Umium on 27.01.2004 after receiving his TTA on 16.01.2004 and his discharging of duties at Amaravati are evident from various day to day official records/documents etc. Even official letters were addressed to the applicant at Amaravati by Dr. I.P.Singh and the applicant received the same and distributed the salary and other payments to the staff members working at Amaravati in his official capacity, after 16.4.2003.

(Copy of the representation dated 08.12.2004, Demand Draft dated 23.10.2003 and leave application dated 10.06.2003 are annexed hereto for perusal of Hon'ble Tribunal and marked as Annexures- VIII, IX and X respectively).

4.12 That the applicant most respectfully begs to state that the respondents have enclosed the following documents alongwith their impugned letter dated 16.11.2004.

- (a) Office order No. 6(4)/2001/PI/140 dated 02.05.2003 notifying the constitution of the so called committee.
- (b) Office order No. 6(4)/2001/PI/164/3 dated 09.05.2003.

(c) Letter No. RS/AK-1/31-03/79 dated 23.06.2003 relating to proceedings etc. of the committee.

It is evident from the enclosed documents stated above that none of the documents was addressed to the applicant although the matters were concerning to the applicant only and as such the entire exercise was made at the back of the applicant keeping the applicant in dark. Even the constitution of the so called committee was not communicated to the applicant and the proceedings were drawn without associating the applicant at any stage whereas the said committee was constituted against none other than the applicant. As such it is abundantly clear from the very face of the documents that they are false, concocted and fabricated and have been made only in order to cover up the lapses committed by the respondents, which they resorted to after receiving the order dated 26.8.2004 of this Hon'ble Tribunal in O.A. No. 181/2004.

4.13 That the applicant further begs to submit that while the respondents issued their impugned letter No. 1(37)/2004-Vig/534 on 16.11.2004 making allegations against the applicant aforesaid but simultaneously they have issued another letter bearing No. 3 (102)/99-PI/593 on the same day i.e. 16.11.2004 inviting the applicant to visit the NBPGR Headquarter, New Delhi for setting the matter of his salary. Again on 17.12.04 the respondents have issued another letter bearing No. 3 (102)/99-PI/4355 dated 17.12.04 asking the applicant to visit New Delhi office even on official tour for the said purpose. This clearly indicates that the Respondents have been making some allegations against the applicant in one hand and on the other hand they are inviting the applicant to visit the Head office in Delhi even on official tour for dealing in the matter just to cover up their lapses

and as such they are maintaining double standard since they are aware of their lapses. The applicant replied those letters dated 16.11.04 and 17.12.04 aforesaid vide his letter dated 06.12.04 and dated 20.12.04 respectively whereby he requested the respondents release his salary on the basis of available official documents for which his visit to Delhi on official tour was not necessary, which would be mere wastage of official money.

(Copy of letter dated 16.11.04, dated 17.12.04 and replies dated 06.12.04 and dated 20.12.04 are annexed hereto for perusal of Hon'ble Tribunal as Annexures- XI, XII, XIII and XIV respectively).

4.14 That the applicant most humbly begs to submit that after receiving the order dated 26.08.04 of this Hon'ble Tribunal in O.A. No. 181/04 and the representation of the applicant therewith, the respondents have now been unfolding these false and concocted pleas that a committee was constituted and that the applicant was relieved by the committee from the charges of Amaravati w.e.f. 16.04.03 etc. which they never stated earlier during the last 18 months although the applicant submitted number of representations, telegrams, messages and at no point of time these facts were communicated to the applicant.

4.15 That the applicant begs to state that as per the transfer order dated 23.11.02, the charges of Amaravati station had to be handed over to Dr. N. Dixit, Sr. Scientist only by the applicant but Shri Dixit never came to take over the charges. It is surprising as to how a committee could hand over the charges as stated in absence of the relieving officer (Mr. Dixit) and the relieved officer (applicant herein) named in the transfer order particularly when the relieved officer was holding lot of important official materials under his custody including financial records, research

documents etc. in respect of Amaravati station. It is relevant to mention here that as per Rule 78 of the GFR, it is mandatory that in case of transfer of Gazetted government servants the charge report must be signed by both the relieved and relieving officer which should be sent to the Audit Officer/Accounts Officer. Nowhere in the procedures established by law it has been provided that the charges of an officer on transfer can be taken over/handed over by a committee and that too in a clandestine manner without even communicating to the relieved officer and even in absence of both the relieved officer and the relieving officer named in the relevant transfer order.

(Copy of transfer order dated 23.11.02 and copy of Rule 78 are annexed hereto for perusal of Hon'ble Tribunal as Annexure-XV and XVI respectively).

- 4.16 That it is stated that even till now, the applicant has not been relieved from the charges of Amaravati Station and no release order has been issued and no handing over/taking over of charges have taken place between the applicant and Dr. N. Dixit, although the applicant has since joined at his new place of posting at Umiam on 27.01.04. As such the claim of the respondents that the applicant was relieved from Amaravati on 15.04.03 is unsubstantiated and unfounded.
- 4.17 That although it is an established fact that the applicant was not released from Amaravati on 15.04.03 as stated by the respondents and the applicant was discharging his duties at Amaravati from 16.04.03 to 26.01.04, the non-payment of his salary for the said period and treating the applicant as not in duty for this period is arbitrary, malafide, unjust, unfair, illegal and violative of the principles of natural justice.

4.18 That the applicant most humbly begs to submit that due to non-payment of his salary and other dues for the period from 16.04.03 to 16.01.04, the applicant has been suffering great financial hardships, more so because of his stay at a completely unknown new place (Umiam) at the remotest corner of the Country. As such finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of his legitimate rights and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant directing the respondents to treat the applicant as on duty and release his salary and other dues for the said period immediately.

4.19 That the applicant most respectfully begs to submit that due to non-payment of salary of the applicant for the period from 16.04.03 to 26.01.04 in an illegal manner, the applicant has eventually been forced to file this Original Application before this Hon'ble Tribunal for the ends of justice and for the purpose the applicant has been incurring substantial amount of expenditure towards expenses of litigation and journey expenses, hotel expenses etc. and till now he has already spent more than Rs. 15,000/- (Rupees Fifteen thousand only).

4.20 That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that, the delay in joining of the applicant at his new place of posting (Umiam) is attributable to the Respondents.

5.2 For that, the transfer order dated 23.11.2002 contained clear direction that the applicant would hand over the charges to Shri. Dikshit, officer in charge, NBPGR.

Akola and thereafter join at his new place of posting at Umium. But neither Shri Dikshit came to take over the charges nor any alternative arrangements were made to relieve the applicant.

- 5.3 For that, the applicant inspite of all his efforts and innumerable representations did not get his transfer traveling advance (TTA) until 16.01.2004 for which he could not join at his new place of posting before 27.01.2004.
- 5.4 For that, the applicant being the scientist in charge at Amravati Satellite Centre and being a responsible Gazetted officer, has got important office records, cash money and important research materials vested on him by the Government and as such charges of Amaravati Station has to be taken over form him only observing office procedures.
- 5.5 For that, the applicant attended his normal duties and responsibilities on every working day at Amaravati Station during the period from 16.04.03 to 26.01.04 which is evident from the daily attendance sheets and other day-to-day official records of the center and as such he is entitled to get his full salary and other benefits for the said period.
- 5.6 For that, the applicant received his Transfer Travelling advance (TTA) only 16.01.04 which he applied for on 05.04.03 and as such his stay at Amaravati was inevitable and attributable to the Respondents.
- 5.7 For that, the claim of the Respondents that the applicant was relieved from Amaravati on 15.04.03 is false and he has not been relieved even till now.

- 5.8 For that, the Constitution of a committee as stated by the Respondents was never communicated to the applicant nor the so called visit of the committee at Amaravati on 12.06.03 and 13.06.03 during the leave period of the applicant was never intimated to the applicant and the entire exercise was done at the back of the applicant.
- 5.9 For that, handing over of charges of Amaravati station by the so called committee to Dr. I.P. Singh is contrary to the procedure established by law. As per Rule 78 of the GFR, it is mandatory that in case of transfer of Gazetted officers, the charge report must be signed by both the relieved and relieving officer which should be sent to the Audit officer/Accounts officer.
- 5.10 For that, as per the transfer order dated 23.11.02, the applicant has to be the relieved officer and Dr. N. Dikshit to be the relieving officer in respect of Amaravati center but neither of them was associated in taking over/handing over of the charges as claimed by the Respondents and as such is contrary to the procedures established by law.
- 5.11 For that, the allegations made by the Respondents in their impugned letter No. 1 (37) /2004-Vig/534 dated 16.11.04 (Annexure-VI) are all false and concocted and these are their after thoughts following the receipt of the order dated 26.08.04 of this Hon'ble Tribunal passed in O.A. No. 181/04. They did not mention those allegations at any point of time earlier although the applicant has been submitting representations, Lawyers notice etc. repeatedly for last 18 months which clearly indicates that the allegations resorted to by the Respondents now are baseless, malicious, malafide and concocted.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had filed O.A. No. 181/04 before this Hon'ble Tribunal which was disposed of by this Hon'ble Tribunal in favour of the applicant and no such application, writ petition or suit is pending before other Bench of the Tribunal or before any of the Court regarding the subject matter of this application.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter bearing No. 1 (37)/2004-Vig/534 dated 16.11.04 (Annexure-VII Series) issued by the respondents.
- 8.2 That the Respondents be directed to treat the applicant as on duty from 16.04.2003 to 26.01.2004 at Amaravati and pay his salary and all other dues for the said period with interest @ 18% per annum.
- 8.3 Costs of the application.



8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar to the respondents for considering the representations of the applicant for payment of his salary as prayed for.

9.2 The applicant prays that the instant application be disposed of expeditiously.

10. ....  
This application is filed through Advocates.

11. Particulars of the L.P.O.

i)	I. P. O. No.	:	206 JJ 7639
ii)	Date of Issue	:	7.02.05
iii)	Issued from	:	G. P. O, Gausahat
iv)	Payable at	:	G. P. O, Gausahat

12. List of enclosures.  
As given in the index.

VERIFICATION

I, Dr. W.L. Barwad, S/o Shri Laxman Rao Narayan Barwad, aged about 53 years, working as Sr. Scientist (Agril. Entomology) in the National Bureau of Plant Genetic Resources, Indian Council of Agricultural Research, P.O- Umiam, Meghalaya, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 18<sup>th</sup> day of February, 2004.

W. L. Barwad



Ph. 0721 - 662265

011-25851495

राष्ट्रीय पादप आनुवंशिक संसाधन ब्यूरो

By FAX-MOST URGENT

सॅटेलाईट केंद्र, अमरावती (कॅम्प) ४४४ ६०२ महाराष्ट्र (भारत)

NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
SATELLITE CENTRE, AMRAVATI (CAMP) - 444 602 (M.S.) INDIA

F.No. 1/NBPGR/S.C./Amt/2003/372

From:- Dr. W.L. BARWAL

Dated: 05.4.003

SENIOR SCIENTIST &  
SCIENTIST INCHARGE,  
N. B. P. G. R.  
Satellite Centre,  
AMRAVATI CAMP-444602

To,  
The Director,  
N.B.P.G.R; Pura Campus  
New Delhi - 110012

Ref:- Your Conditional Office Order dt. 26.02.003 actually received  
to me by Speed Post on 04.4.003. Please see the movement  
of your letter.

Subject:- Request for full <sup>advance</sup> payment of T.T.A. before actual relieved  
to me after completing all formalities: If my O.A. is  
rejected at Bombay.

Sir, Kindly refer to the reference and subject cited above  
which are self explanatory. I am applying for full advance of T.T.A.  
& all other monetary benefits due to me in my transfer: Conditions of

- |  |                       |
|--|-----------------------|
| ① Air Fare for my father, mother, sons & wife & myself<br>6 tickets (Nagpur to Calcutta & Calcutta to Guwahati<br>Rs (15000 each ticket) | Amount Rs:-<br>90,000 |
| ② Rail fare from Amt to Nagpur @ 60 x 6  | 5160                  |
| ③ Guwahati to Shillong By Taxi   | 1500                  |
| ④ Composit grant (1 month basic pay)   | 18320                 |
| ⑤ One full truck load (60 quintals) Transp. Charges  | 35000                 |
| ⑥ One month Advance salary (Deductable in 3 install.)<br>from salary   | 32000                 |
| ⑦ Transportation Charges for personal effect   | 2000                  |
| ⑧ D.A. 2 days x 6 persons<br>Other benefits if applicable  | 2000                  |

Rs. One lakh eighty four thousand four hundred eighty only 1,84,480/-  
An urgent action on the matter  
is requested

O/C Yours faithfully,  
W.L. Barwal

True copy  
for  
reference

To,  
The Director,  
N.B.P.G.R., Pusa Campus  
New Delhi-110012

"Translation from Hindi letter")

"By Regd. Post"

From: Dr. V.L. BARWAD  
Sr. Scientist & Secy I/C  
N.B.P.G.R.  
Sat. Centre,  
Amravati-444602.

Ref: Please refer the written transfer rules of ICAR. alongwith representations

Sub: 1. As per Tribunal Order dt. 10.4.003, the final hearing commencing at Nagpur Circuit Bench w.e.f. 09.6.2003

I shall fully obey the order of Tribunal.

3. Please take over the charge of Amravati Station from me, arrange all official payments, examined cash & Audit - Later on I will not be responsible.

4. Final examination of sons commencing from 13th May & end on 10.6.2003.

--- Submitted for consolidated action pl.

Sir,

May I humbly request you Sir, to kindly refer the reference and subjects cited above thoroughly and take suitable action.

For completion of Annual Report of Amravati Station, the statistical analysis is in progress and may require some more time.

By misuse of power by Mr. N. Dixit, Officer I/C NBPGR, Akola he did not paid the payment of <sup>5 months</sup> contractual service of the contractor by deliberate violation of Contract Rules. It is again relevant to mention that he did not raise any objection on the payment bill of contractor. I have paid the payment of poor contract labourers from my salary for smoothly running of research works, technical works and security services to research farms & office. In this connection, I have already submitted written letter to concerned officers time to time as under ---

- |   |             |  |
|---|-------------|--|
| 1. F.No. 1   NBPGR   S.C.   Amt.   2002     | Dt. 12.9.02 | - To → Director by FAX                                   |
| 2. F.No. 1   NBPGR   S.C.   Amt.   2002/239 | 18.9.02     | - " Officer I/C Akola & Dindori                          |
| 3. F.No. 1   NBPGR   S.C.   Amt.   2002/242 | 19.9.02     | - " Director by FAX                                      |
| 4. F.No. 2   NBPGR   S.C.   Amt.   2002/265 | 18.10.02    | - " I/C Director by FAX<br>" Copies to Head G.E.D., N.D. |
| 5. F.No. 1   NBPGR   S.C.   Amt.   2002/269 | 23.10.02    | - Head GED NBPGR, New Delhi<br>& Contractor, Nagpur      |
| 6. F.No. 1   NBPGR   S.C.   Amt.   2002/292 | 15.11.02    | - " Director by FAX                                      |
| 7. F.No. 1   NBPGR   S.C.   Amt.   2002/293 | 16.11.02    | - " Officer I/C Akola - FAX                              |

Kindly refer the letter from Sr. No. 1 to 7 and please recall the promise given by the Director and Head, G.E.D. to me regarding the payment of contract labourers will be released shortly. (Please do not back your promise given on official telephone).

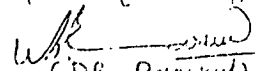
Therefore, you are requested to kindly take immediate action on the written documents. But, if it is refused, I may please be informed in writing urgently.

Copy to :-

1. Dr. I.P. Singh, Officer I/C NBPGR, Reg. Stn., Akola
2. Dr. Mahendra Singh, Head GED, NBPGR, New Delhi

Thanks.

Yours faithfully,

  
(Dr. Prasad)  
Sr. Scientist & Secy I/C  
NBPGR, Sat. Cen.  
AMRAVATI Camp

True copy  
for  
Amravati

F. No. 2 | Salary Payment | WLB | 2004

21 - Fax: 011-25542495

ANNEXURE - III  
~~Annexure XIX~~

Dated: 30/11/2004

26

To,  
The Director,  
N.B.P.G.R. ~~Regd.~~  
Pusa Campus,  
New Delhi - 110012

From: - Dr. W.L. Brown  
Sr. Scientist (Ent)  
N.B.P.G.R., R.S.  
Umiam (Megha)

Through: Proper Channel

Forwarded for n.o.

31.1.04

Ref: My several official letters; documentary proofs; records already submitted to NBPGR, New Delhi for release of my salary w.e.f. 16.4.003 till 26.1.2004.

Subject: Request for payment of salary of waiting period w.e.f. 16.4.003 to 26.1.2004 urgently (Received T.T.A. only on 16.1.004 by D.D.)

Respected Sir,

With due regard, I would like to bring to your kind notice that, I was very much on duty w.e.f. 16.4.003 till 26.1.2004 at NBPGR, Sat. Cen., Amravati. In this connection, I have already submitted written documentary evidence of every description & amply on record.

It is once again relevant to ~~not~~ mention that I am not relieved yet from NBPGR, Amravati from the post of Scientist I/charge & Sr. Scientist (Ent). Neither any no dues are cleared nor any person/ staff member were reached to Amravati office to take the charge of office. Hence, all the Govt. claimants are available with me. Several representations were submitted by me to the Director, NBPGR, New Delhi for payment of my salary till date. But, the concern authority failed to answer to my representation.

I, therefore once again request you Sir, to kindly arrange my salary of waiting period (16.4.003-26.1.004) within fifteen days & help me in acute financial hardship.

Thanks,

Yours faithfully,  
W.L. Brown

True Gm  
for  
Amravati

F.No.2 | Salary Payment | WLB/2004/

REMINDER - I

ANNEXURE - IV

Dated: ~~19.2.2004~~  
19.2.2004

To,  
The Director,  
N.B.P.G.R.,  
Pura Campus,  
New Delhi-110012

From: Dr. W.L. BARWAD,  
Sr. Scientist (Ent.)  
N.B.P.G.R., P.S.  
Umiam (Meghalaya)

✓ Through: Proper channel

Ref :- My earlier letter F.No.2 | Salary payment | WLB/2004 dated 30.1.2004 regarding payment of salary of waiting period: Submitted Through Proper channel

Subject: Again request for payment of salary of waiting period w.e.f. 16.4.003 to 26.1.2004 urgently.

Respected Sir,

May I request you to kindly refer the reference and subject ~~as~~ as cited above thoroughly against which no action is being taken by the authority of N.B.P.G.R., New Delhi till date. This clearly indicates the violation of I.C.A.R. Instruction Manual Chapter No-29, priority No-I and deliberate financial and mental torture to a Senior tribal Scientist.

Before approaching the competent authority of Council & Govt. of India; Tribal Development Division, may I request you, Sir, to kindly dispose-off my genuine grievance for payment of salary of waiting period as cited above, urgently within seven days. Failing which, I have no <sup>other</sup> alternative rather than to knock the door of higher authority of I.C.A.R./Govt. of India for redressal of my genuine grievance as per rules.

Thanking you, Sir.

Yours faithfully,  
W.L. Barwad  
(W.L. Barwad)

Received. WLB 19/2/04  
Director - in charge,  
NEPQA Regional Station,  
FMS ICD, Meghalaya

True copy  
for  
Adm. Office

78

Form No. 1  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORDER

~~Cont. Petr. No. 181/04~~ 181/04

In O.A.

Name of the Applicant(s) Dr. W. K. Banwad

Name of the Respondent(s) W. C. J. Jais

Applicant M. Chanda, G. N. Chakrabarti, S. Naik  
S. Chaudhary, S. K. Dey  
Respondent Railway/C.G.S.C.

OFFER. NO.

DATE

NAME OF THE TRIBUNAL

26.3.04.

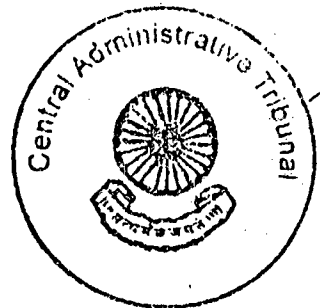
Present: Hon'ble Mr. D. C. Verma, Vice-Chairman.  
Hon'ble Mr. K. V. Prabhakar, Administrative Member.

Heard Mr. M. Chanda learned counsel for the applicant and Mr. A. Deb Roy, Sr. C.G.S.C. for the respondents.

By this O.A. the applicant has prayed for directing the Respondents to treat the applicant as on duty from 16.4.03 to 26.1.2004 at Anarvati to pay his full salary and all other dues for the said period.

The fact remains that the applicant was transferred to Anarvati (Maharashtra) The transfer order was challenged by the applicant before the Mumbai Bench <sup>the said Bench</sup> and directed that the applicant would stand relieved w.e.f. 16.4.03. The applicant submitted representations before the Authority on 30.1.2004 (Annexure XIX) and 19.2.2004 (Annexure XX) for release of his salary with effect from 16.4.03 to 26.1.04. But the Respondents have not decided his representation.

contd./-



*File by  
Jais  
Advocate*

26.8.04. Without exhausting the departmental remedy the applicant <sup>has</sup> approach<sup>ed</sup> this Tribunal. Hence this application.

In the circumstances the O.A. is decided at the Admission stage with direction to the Respondents to decide the two representations dated 19.2.04 and 30.1.04. within a period of two months from the date of receipt of this order. Mr.M.Chanda learned counsel for the applicant has submitted that the applicant may be given liberty to give detail representation to the department. As prayed liberty was granted. The applicant may submit a fresh representation alongwith the copy of the representations dated 19.2.04 and 30.1.04. We direct the respondents to dispose of the representation within two months from the date of receipt of the representation.

Accordingly the application is disposed of. No costs.



Sd/-  
Vice-Chairman  
Sd/- Member (A)

Certified to be true Copy  
प्रमाणित प्रतिलिपि

*(Signature)*  
Section Officer (J)  
C.A.T. GUWAHATI BRANCH  
Guwahati-781005

*(Signature)*  
11/5/04

True Copy  
*(Signature)*  
Advocate



o/c

88

To,

The Director,  
NBPGR, Pusa campus,  
New Delhi-110012.

Dated 7<sup>th</sup> September 2004.

Through the Officer In Charge, NBPGR Reg. Station, Umiam (Meghalaya).

Ref:- An Order of Hon' ble CAT, Guwahati Bench, OA No.181/2004 Dt. 26.08.2004

Sub.: Submission of genuine representation regarding payment of salary w.e.f. 16.04.2003 to 26.01.2004 as per the Order of CAT, Guwahati Bench dt 25.08.2004.

Respected Sir,

It is submitted that the transfer order issued on 23.11.2002, whereby undersigned is sought to be transferred from NBPGR, Anravati to NBPGR R.S., Umiam (Shillong). Being aggrieved, I approached Hon'ble CAT, Mumbai, Circuit Bench at Nagpur. Through OA No. 2005/2003, An Interim order passed staying the transfer order dt. 23.11.2002 by Nagpur Circuit Bench on dt. 31.1.2003.

On dt 26.2.03, authority passed order staying the transfer order till the end of March, 2003 following the direction of CAT, Mumbai Bench with the direction that applicant would stands relieved w.e.f. 16-4-03.

I submitted application on dated 5.4.03 praying for payment of my Transfer T.A. Advance in order to facilitate my joining at NBPGR, Umiam.

I submitted representation officially on 16.4.03 (F.N.) intimating the authority as per transfer order, the charges prior to be taken over by Shri N.Dixit from NBPGR, Reg. Sta., Akola who did not turned up to take up this charge.

Surprisingly, I have been paid salary only for 15 days w.e.f. 1.4.03 to 15.4.03 after the end of month and the undersigned has been treated as stands relieved w.e.f. 16.4.03 from Anravati without making any arrangement and without passing any appropriate order to whom the charges to be handed over alongwith imprest case, cash money, Govt. Receipt books, important official records, registers, court file etc.

I again submitted representation on dt. 6.5.03 for payment of salary for the full month of April' 03, but to no result.

10/4/03  
This was  
a stay

Received

*[Signature]*

8/9/04

Regional Station  
Umiam

True copy  
for  
Shri  
Akola

2/10

61

I have attended duties continuously at my Amravati office which will be evident from the attendance register of the staff members working under my supervision and this was verified by me being the Scientist Incharge. In addition to this there are several official documents as evidence. Being the Scientist Incharge, I could not move for NBPGR, Umiam due to non release of T.T.A. advance demanded by me way back on 05.4.03.

I have submitted another representation on dated 7.6.03 praying for payment of salary for the month of May, 2003.

It is ought to be mention here that my office chamber was locked on 16.6.2003 by Dr. I.P. Singh without any intimation to the undersigned and thereby restrained me to seat in my chamber. On the other hand, in spite of my repeated approaches, T.T.A. advance was not released to the undersigned due to which I could not move to NBPGR, Umiam (Shillong) due to acute financial hardship. I have categorically submitted in my representation dated 16-4-2003 "I shall fully obey the order of tribunal". I have also submitted a bill amounting to Rs. 184,480/- as TTA advance vide my representation dated 5-4-2003 addressed to the Director, NBPGR, New Delhi officially, but no reply.

I have asked over the telephone only on 7-10-2003 to collect my TTA advance from NBPGR, Akola. Accordingly, I went to Akola on 8-10-2003 and I approached to Dr. I. P. Singh, Officer-in-charge, Akola for payment of TTA advance. But he refused to pay the same. This fact was immediately intimated by me to the Director through telegram on 8-10-2003 itself.

I have again submitted representation on 13-10-2003 addressed to your honour intimating the facts that neither I have been paid TTA advance nor there was any reliever available to take charge from the undersigned at Amravati office as per transfer order No. 6(4)/2001/P.I./2735/3787 dated 23-11-2002, so as to facilitate my journey to NBPGR, Umiam.

I have sent reminders and Fax messages to your honour on 25-10-2003 and 26-12-2003 but no response/ instruction/ guidance was available from your end and it was difficult on my part to move to us to NBPGR, Umiam without receiving the TTA advance to shift my family at Umiam.

In this connection, it is pertinent to mention here that a amount of Rs. 34,000/- (approx.) as Government money which is received me by way of sales proceeds of agricultural produce, was in my hand alongwith all important other official documents which

True Copy  
Int.  
Advocate

could not be handed over to Mr. N. Dixit, Senior Scientist, Since he did not turned up at any point of time as per transfer order during my stay at Amravati after issuance of transfer and posting order dated 23-11-2002. However, the Govt. money of Rs. 34,000/- was utilized towards payment of contract labourers at Amravati as per the telephonic instructions received from your end.

I again sent another Fax messages and telegram on 5-1-2004 as well as 8-1-2004 for payment of TTA advance. However, it is only on 16-1-2004, I have received megre amount of Rs. 92,000/- as TTA advance and immediately on receipt of the same, I moved towards NBPGR, Umiam and reported for duty at Umiam on 27-1-2004 without any delay.

I have submitted representation dated 30-1-2004, 19-2-2004, 15-3-2004 and a lawyers' notice on 12-4-2004 for payment of my salary with effect from 16-4-2003 to 26-1-2004 but to no result.

Surprisingly, I have received a letter on 28-6-2004, wherein it was advised to submit application for regularization of period w.e.f. 16-4-2003 to 26-1-2004. In the said letter it is stated by S.A.O., NBPGR that the undersigned has been relieved on 16-4-2004 (A.N.) vide office order No. bearing letter No. 33-166/2003/3232/.8. dated 11-2-2003 with the instruction to report to Umiam. But, unfortunately I have not received such letter indicated in the letter dated 28-6-2004. However, I have received office order dated 26-2-2003, where by the undersigned was directed to report to NBPGR, Umiam and also stated that the undersigned is stands relieved from 16-4-2003.

Therefore, on mere perusal of your letter dated 28-6-2004 it appears that the undersigned was on duty up to 16-4-2003 (A.N.). But, I have been paid salary up to 15-4-2003 and there is a variation appears from two relieving orders.

Since, I have been paid TTA advance only on 16-1-2004, therefore, at any circumstances and by no stretch of imagination, the undersigned can be treated as unauthorized absence for the upper said period. Because, there is a clear provision in the Govt. rules that a gazetted officer working under Govt. of India can not move without handing over the charge to the designated person, Mr. Dixit, Sr. Sc., NBPGR, Akola.

It is relevant to mention here that Mr. Dixit never turned up for taking over the charge as per direction contained in the transfer order dated 23-11-2002. Therefore, undersigned can

Time taken for Review

28

83

not be held  
assignment and that too without releasing my TTA amount.

In the circumstances stated above I must humbly and respectfully prayed that the period w.e.f. 16-4-2003 to 26-1-2004 be treated as on duty for all purposes and your honour to further be please to pass necessary office order releasing my salary for the aforesaid period.

An early decision in this regard is highly desired. A copy of the honourable Tribunal's order dated 26-8-2004 passed on OA No. 181/ 2004 and also a copy of my earlier representation dated 30-1-2004 and 19-2-2004 are also enclosed for your ready reference.

Thanking you.

Encl.: Xerox copy of Tribunal's Order dt. 26-8-04 and representation dt. 31-1-2004 and 19-2-04.

Yours faithfully,

*W.L. Barwad*  
07.9.004

(W. L. Barwad)  
Sr. Scientist (Ento.),  
NBPGR RS, Umiam (Meghalaya)

Copy for information and further n.a. to-

1. Secretary, Union of India through Secretary, ICAR, Krishi Bhavan, New Delhi.
2. Director General, ICAR, K. B., New Delhi as Respondent- II.
3. Officer-In-charge, NBPGR RS, Akola as Respondent- IV.
4. Officer-In-charge, NBPGR RS, Umiam as Respondent- V.

*o/c*

*W.L. Barwad*  
07.9.004

(W. L. Barwad)  
Sr. Scientist (Ento.),  
NBPGR RS, Umiam Meghalaya.

*For copy  
sent  
to  
Akola*



National Bureau of Plant Genetic Resources

(Indian Council of Agricultural Research)

Pusa Campus, New Delhi - 110012



Phone: 25841022(direct)

25849208/25849211/25849214/25843296/25849545-Extn.231

E. mail [sao@nbpgr.delhi.nic.in](mailto:sao@nbpgr.delhi.nic.in)

FAX: 091-011-25842495/25841619

GRAM : G E R M P L A S M

No. 1 (37)/2004- Vig 1592

November 16, 2004

✓ Dr. W.L. Barwad  
Senior Scientist  
NBPGR, Regional Station,  
Umiam - (Meghalaya)

Ref. An order of Hon'ble CAT, Guwahati Bench & Account No. 181/2004 dated 26.08.2004.

Sir,

Please refer to your representation/letter dated September 7<sup>th</sup>, 2004 on the subject cited above.

In this context parawise reply is furnished as under:-

Para -1 and 2 of your representation need no mention since these are matters of office record.

*W.L. Barwad*  
The transfer T.A. grant of Rs. 92,000/- was sent to you vide DD No. 340237 dated 17.06.2004 by the officer -in-Charge, Regional Station, Akola by registered letters but the same were received back (copy enclosed). The officer-in-Charge tried to contact you on different given addresses but all in vain. Even registered letters were received back with remarks of the Postal Authorities thereon.

As regards handing over the charge of the Satellite Centre, Amrawati, the Competent Authority constituted a Committee vide O. O. No. 6 (4)/2001- P. I/140 dated 2.05.2003 and No. 6 (4)/2001/164/3 dated 9.05.2003 for taking over charge. The duly constituted Committee visited Amrawati Centre on 12.06.2003 & 13.06.2003 but you were not found there and also at your residence. The Committee members contacted Mrs. Barwad on telephone who informed that you were not at home and further requested to convey the message to you for the appearing before the Committee on 12<sup>th</sup> & 13<sup>th</sup> June, 2003 but it appears you did not meet them

*True Copy  
for  
Amrawati*

- 36 -

intentionally. However, the Committee handed over charge to Dr. I.P. Singh, Officer-in-Charge, Regional Station, Akola. This was your deliberate attempt to avoid the committee and to delay your posting to Umiam (Shillong).

The salary upto 15.04.2003 has been paid to you by the Officer-in-Charge Akola.

In pursuance of CAT's decision you were given sufficient time and relieved on 16.04.2003. Since you were officially relieved on 16.04.2003 as such question of payment of salary for full month of April, 2003 does not arise from Regional Station, Akola (MS). As per letter No. RS/AK-1/31-03/79 dated 20.06.2003 (copy attached) the Officer-in-Charge, NBPGR, Regional Station, Akola contacted you for handing over a demand draft for a sum of Rs. 92000/- as TTA and to receive CGIT court case file on 18.06.2004 at your residence Plot No. 41, Ganediwal Layout By pass Road, Camp, Amrawati.

Further your claim that you have attended duties continuously at Amrawati is totally false and baseless. Since you stood relieved on 16.04.2003 from your duties at Amrawati, therefore, the official documents, attendance etc; verified by you is invalid. On being relieved from Amrawati on 16.04.2003 you were no more in-charge of the Centre. There was no official communication from the headquarters of the Bureau for you to continue at Amrawati. Whatever you were doing it was at your own volition and without the information and approval of the Competent Authority. It is already mentioned herein above that on being relieved from Amrawati w.e.f. 16.04.2003 the payment of salary by the said establishment from 16.04.2003 onward does not arise. It is evident from proceedings of the Committee that strenuous efforts were made to locate your where about all in vain and then the Committee took necessary action as required on the spot on 12 & 13<sup>th</sup> June, 2003. Not only committee but also registered correspondence from headquarters of the Bureau was made on your available residential addresses but all the letters were received back with certain remarks thereon by the postal authorities. The office is not to be blamed for you own faults and deliberate attempts to avoid meeting the Committee on scheduled dates at Amrawati and to refuse receipt of official letter sent to your residence which were received back in the office.

In nutshell it is observed that you did not obey the transfer/relieving order and remained in Amrawati at your own volition in your own interest. It is further evident from the proceedings of the Committee dated 13.06.2003, that in spite of repeated requests made by the members of the said committee you did not present yourself to handover charge and deliberately

31

88

avoided meeting the Committee as well as ignored correspondence made to you in this regard by headquarters.

Although the above omission and commission on the part of Dr. Barwad calls strict action against him yet the Competent Authority has taken a lenient view in the matter and you are again advised to submit application for leave of the kind due for the period from 17.04.2003 to 25.01.2004 since you were not on official duty either at Amrawati or Umiam (Meghalaya).

Further it is informed that necessary orders for releasing salary on provisional basis from 16.04.2003 to 26.01.2004 are being issued separately subject to the condition that you should apply for leave of the kind due for the period of absence from duty to regularize the matter. Your request/leave application must reach the Director, NBPGR within fifteen days from the date of receipt of this letter failing which necessary action in the matter will be taken accordingly.

This issues with the approval of Director, NBPGR.

Yours faithfully,

Encl. As above

*Namrta Sharma*  
(Namrta Sharma)  
Sr. Admn. Officer

**Copy for information to:-**

1. The Officer-in-Charge, NBPGR, Regional Station, Umiam, (Meghalaya) writ litter NO. SLG(P)/1/WLB/2003-2004/380 dated 8.09.2004. It is requested that leave application of Dr. Barwad, Senior Scientist for the above mentioned period may please be obtained and sent to this office as requested earlier also.
2. Section officer (J), Central Administrative Tribunal, Guwahati Bench.  
Guwahati – 783005 with reference to order dated 26.08.2004 in O.A. No. 181/2004.

32

87

ISSUED S No. 19611

Amravati

2/5/03

NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
PUSA CAMPUS : NEW DELHI - 110012

No.6(4)/2001/PI 1140

May 2, 2003

OFFICE ORDER

The Director, NBPGR has been pleased to constitute a committee consisting of the following officers to take over the charge of the Amravati Centre:

- 1. Dr. I.P. Singh, - Chairman  
Principal Scientist & Officer-in-Charge,  
NBPGR, Regional Station, Akola
- 2. Scientist/Prof. - Agri. University - Member
- 3. Sh. N. Dikshit, - Convener  
Scientist (SG),  
NBPGR, Regional Station, Akola

The Committee is requested to submit its recommendations immediately for perusal of the Competent Authority.

*Signature*

( S.K. Mitra )  
Sr. Admn. Officer

O/C V

Distribution:

- 1. All officers from S.No. 1 to 3 (by name)
- 2. P.A. to Director

True Copy  
for  
Amravati



33-36

~~AMRATURE~~

ISSUED NO. 2011

68

Amravati  
11/1

NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
PUSA CAMPUS : NEW DELHI - 110012

No.6(4)/2001/PI 1164B

May 9, 2003

OFFICE ORDER

In continuation of this office order No.6(4)/2001/PI/140 dated May 2, 2003, the Director, NBPGR has approved the name of Dr. Ambrish Sharma, Senior Scientist, Germplasm Evaluation Division of this Bureau to be incorporated in the committee consisting to take over the charge of the Amravati Centre.

*(Signature)*

(S.K. Mitra)  
Sr. Admn. Officer

*(Signature)*

Distribution:

1. Dr. Ambrish Sharma, Senior Scientist, Germplasm Evaluation Division, NBPGR, New Delhi.
2. Officer-in-Charge, NBPGR, Regional Station, Akola/Scientist/Prof. - Agri. Univeristy/Sh.N. Dikshit, Scientist (SG) for information
3. P.A. to Director

True Copy  
*(Signature)*  
Akola

34

285

89

NATIONAL BUREAU OF PLANT GENETIC RESOURCES;  
REGIONAL STATION, AKOLA - 444 104 (M.S.)

No.RS/AK-V/31-03/79

Dated: 19/06/2003

20

To,  
The Director,  
NBPGR, (Pusa Campus),  
New Delhi-12.

(Through SAO)

- Ref No. : 1. 6(4)/2001.PI/140 dated. 2 May, 2003  
2. 6(4)/2001/PI/164/3 dated. May, 12, 2003  
3. 7(6) 96-97/Audi/742 dated. 10/06/2003  
4. DIR/PA/J-Amt/831 dated. 13 June, 2003

Sir,

Kindly refer to your above cited letters and find enclosed herewith the proceeding of the committee taken over the charge of the Satellite Centre, Amravati, report on handing over a demand draft for a sum of Rs.92,000/- as TTA and receiving of CGIT Court Case file from Dr.W.L. Barwad contacted on dated 18/06/2003 at his residence, c/o Late Sh.S.S. More, Plot No.41, Ganediwal Layout, Bypass Road, Camp, Amravati.

It is for your kind information and further necessary action please.

With regards,

Sincerely yours,

  
(I.P. Singh)



NATIONAL BUREAU OF PLANT GENETIC RESOURCES,

286/00

PROCEEDING OF THE COMMITTEE CONSTITUTED FOR TAKING OVER THE CHARGE OF SATELLITE CENTRE, AMRAVATI.

In view of the non-compliance of the office order issued to Dr. W.L. Barwad, Sr. Scientist to handover the charge of Amravati Centre to the Officer Incharge, NBPOR Regional Station, Akola, a committee was constituted vide office order no.6(4)/2001/PI/140 dated 02.05.03 and 6(4)/2001-PI/16-4/3 dated 12.05.03 by the Competent Authority, NBPOR, New Delhi to take over the charge of Amravati Centre. The committee visited the Amravati Centre, on 12.06.03 & 13.06.03 to contact Dr. W.L. Barwad and to take over the charge of the centre from him. The following committee members joined the process:

1. Dr. I.P. Singh, Officer Incharge, NBPOR, Akola & Amravati - Chairman
2. Dr. Ambresh Sharma, Sr. Scientist, Evaluation Division, NBPOR, New Delhi - Member
3. Sh. N. Dikshit Scientist (SO), NBPOR Reg. Stn. Akola - Member
4. Sh. P.L. Tadas, Asstt. Prof. RRC, DR. PDKV, Amravati - Member

The following staff members also assisted in taking over the charge:

1. Sh. S.S. Wange, Assistant, NBPOR Reg. Stn., Akola
2. Sh. P.L. Dhoke, Sr. Clerk, NBPOR Reg. Stn., Akola
3. Sh. R.A. Awale, T-4 (Driver), NBPOR Reg. Stn. Akola
4. Sh. B.B. Kurumbana, S.S.Gr. IV, NBPOR Sate. Centre, Amravati
5. Sh. R.P. Baroo, S.S.Gr. II, NBPOR Sate. Centre, Amravati
6. Sh. A.D. Oadlinge, S.S.Gr. II NBPOR Sate. Centre, Amravati
7. Sh. S.J. Sreat, Security man

The committee asked the staff present at the centre about Dr. W.L. Barwad and the availability of keys of rooms/almirahs/ cup boards. They replied that Dr. W.L. Barwad is away to Nagpur and the keys are taken by him alongwith. Dr. Barwad was then contacted on telephone at his Nagpur residence through Sh. B.B. Kurumbana and Sh. P.L. Tadas. In response, they were informed by Mrs. Barwad that Dr. Barwad was not available at home. Mrs. Barwad was then requested to convey the message of the committee to Dr. Barwad to contact back at Amravati Satellite Centre immediately.

However, since no telephonic response was received for few hours and due to the emergent need to take the COIT Labour court case file urgently required in connection with filing of writ petition in the High Court, the committee decided to break open the doors of office rooms & almira. An inventory of the available office records/articles/equipments was prepared. The new lock's were placed on all the almira's and the doors. The material/articles/ equipments and the germplasm materials contained in the gunny bags seed packets, as per the list and the keys were handed over to Dr. I.P. Singh, Officer Incharge, NBPOR Regional Station, Akola.

However, the following couldn't be traced despite intensive search of almira/cup board etc in the office premises.

1. COIT Labour court case file.
2. Lists & field note book of germplasm in respect to maize/uridbean/mungbean/sem, which were raised in the preceding year.
3. Despatch register
4. Inpress/Invoice/Stock register
5. Stamp Register

*(I.P. Singh)*  
(I.P. SINGH)  
CHAIRMAN

*(Ambresh Sharma)*  
(AMBRISH SHARMA)  
MEMBER

*(N. Dikshit)*  
(N. DIKSHIT)  
MEMBER

*(P.L. Tadas)*  
(P.L. TADAS)  
MEMBER

*(S.S. Wange)*  
(S.S. WANGE)

*(P.L. Dhoke)*  
(P.L. DHOKA)  
13/6/03

*(B.B. Kurumbana)*  
(B.B. KURUMBANA)  
13/6/03

*(R.P. Baroo)*  
(R.P. BAROO)  
13-6-03

*(A.D. Oadlinge)*  
(A.D. OADLINGE)  
13-6-03

*(S.J. Sreat)*  
(S.J. SREAT)  
13/6/03

36  
287  
910  
**RECEIPT**

Received a Demand Draft No. 340237 dated 17.06.03 for a sum of Rs. 92,000/- (Rupees Ninety Two Thousand only) against bill No. J44/04.06.2003 from the Officer - in - charge, NBPGR Regional Station, Akola alongwith a committee constituted by the Competent Authority, NBPGR, New Delhi-12, towards my Transfer Travelling Advance consequent upon my transfer & relieving from NBPGR Satellite Centre, Amravati to NBPGR Regional Station, Shillong w.e.f. 16.04.03.

Date: June, 03

(DR. W.L. BARWAD)  
c/o Late Sh. S.S. More,  
Plot No. 41, Ganodival Layout,  
Bypass Road,  
Camp Amravati.

The Committee consisting of

- ① Dr. I.P. Suresh, OU Nanded Akola
- ② Sh. P.L. Tadas, Asst. Prof. RRC, Dr. PDKV, Amravati
- ③ Sh. N. Dikshit, Scientist (S.S.) Nanded Ak, Akola

alongwith Sh. S.S. Wange, Asst. Prof. & Sh. P.L. Dhoke, Akola  
Sh. S.T. Dabekar, T-2, visited the residence of Dr. W.L. Barwad, Tr. Sui. at Amravati on dated 18.6.03 at 3.30 P.M. for handing over the DD no. 340 237/17-6-03 of Rs. 92000/- in respect of TTA (as mentioned above). It was told by his relation Mr. Mahendra Barwad that Dr. Barwad is not available at home.

*(Signature)*  
(I.P. Suresh) 18/6/03

*(Signature)*  
(S.S. Wange) 18/6/03

*(Signature)*  
(P.L. Tadas) 18/6/03

*(Signature)*  
(P.L. Dhoke)

*(Signature)*  
(N. Dikshit) 18/6/03



0724 436314

SYNDICATE BANK

VALID FOR 6 MONTHS FROM DATE OF ISSUE

अकोला - 444 001 (महाराष्ट्र)  
AKOLA - 444 001 (Maharashtra)

ISSUING BRANCH

930

OT TT CL TL

13/06/03 18

1  
2  
3  
4  
5  
6  
7  
8

W. L. Borwad

या उनके आदेश पर प्राप्त मूल्य के लिए / or Order

रुपये / Ninety two thousand only

रु. Rs. 92000

अदा करें / for Rupees Received

कृते सिंडिकेट बैंक / For SYNDICATE BANK

सिंडिकेट बैंक Syndicate Bank

Amravati

BRANCH BALANCE

DPO CODE

5123

Authorized Signatory

Authorized Signatory

SUBHASH. G. MAHURE

NDP No. 340237

033

0829

SYNO. No. 17831

Kindly refer to your above cited letters and find enclosed herewith the proceeding of the committee taken over the charge of the Satellite Centre, Amravati,

38  
Dated: 08-12-2004

O/C  
ANNEXURE - VIII

e Director,  
National Bureau of Plant Genetic Resources,  
New Campus,  
New Delhi-110012

From: Dr. W.L. BARWAD  
Sr. Scientist (Entomology)  
N.B.P.G.R. Registration  
Umiam (Shillong)  
Pin - 793103 (Meghalaya)

27

Subject: "Proper Channel"

- Subject:- 1. Hiding the official truth, willfully, helping guilty Officers and submitting false and misleading reply to Hon'ble Tribunal and me is illegal, improper and unjustified.
2. Last request for payment of my salary for waiting period from 16.4.2003 to 26.1.2004 with 14.5% penal interest on or before 23.12.2004 by any mean & stop litigation further.

in,

Please refer to your letter dated 16.11.2004 received me on 29.11.04 in connection with my genuine representation submitted to all 5 respondents on dt. 07.9.2004 as per the directives of Hon'ble Tribunal, Guwahati Bench vide O.A. 181 dated 26.8.2004.

1. It is submitted that you have willfully and deliberately hidden the official truth and documents to save your guilty Officers Mr. Mitra, Sr. Adm. Officer & Dr. I.P. Singh, Officer I/C Akola as well as Mr. Dharmana and Mr. N. Dixit. Several Official letters and documents are available with me and in your office on this aspects. Hence you are totally failed to answer my genuine representation parwise sent to you and all on dt. 07.9.04.

2. As regard to your letter para No. 1, it is submitted that you never sent me D.D. No. 340237 dt. 17.6.003 for Rs. 92000/- as TTA by any mean as mentioned by you. But you sent me the DD 917096 dt. 23.10.2003 alongwith another D.D. No. 917097 only on 16.1.2004 for the first time (Further details please refer my letter dt. 07.9.004 thoroughly.)

Now, it appears that Dr. I.P. Singh, Officer I/C Akola has misguided & misled you and you wanted to save him as saved him earlier on various occasions. Therefore your reply against my representation is burden, incorrect, illegal and unjustified.

3. As regards to your para No. 2, it is submitted that the undersigned was not informed at any time regarding any type of Committee constituted by you. The reference quoted by you dt. 02.5.003 & 09.5.003 are no way concerned with me & I was not aware at all. Please note. It is again submitted, that I was on Earned leave during said period. (Annexure -I).

Forw. by  
Dr. W.L. Barwad

29

2.

Therefore, the whole para of your reply is false and misleading. But, as per your official transfer order dt. 23.11.2002, (Please refer thoroughly) Mr. N. Dixit Sr. Scientist, NBSGR, Akola did not turned up at any point of time to take up the charge from the undersigned Officer at Amravati.

21

As regards to your para No. 3, it is submitted that you are informing and attaching the letter dt. 20.6.2003 just now i.e. after a lapse of 18 months. The whole para is absolutely incorrect with misleading with documentary proofs. Hence denied in toto.

As regards to your para No. 4, it is submitted that Dr. I. P. Singh, Mr. N. Dixit and all staffs at Akola and Amravati were well aware that Dr. W. L. Barwad, Scientist I/C Amravati was not relieved from his duties. Therefore all the staffs at Amravati were submitting me their leave applications and all official works were continuing. Hence your contention that Dr. Barwad was relieved on 15.4.03 (A. Noon) & second order speaks relieved on 16.4.2003 are absolutely false. (Two Administrative Officers written 2 relieving orders). Please note Not only this, your Dr. I. P. Singh has visited Amravati Office after 16.4.2003 several times and discussed with me on labour court case & official matters in my seating chamber without any remarks/objection against me on duty. There are huge written official documents copy on record stating that I was on duty including official letter of Dr. I. P. Singh. All other extraneous points raised by you as per your whim and fancies after a lapse of 18 months (first time) are illegal and baseless. (Para-5)

"As to your nutshell observation", it is submitted that your observations are incorrect, baseless with gross violation of Council Transfer guidelines 1980; non-payment of T.F.A. to me despite applied for on dt. 05.4.2003 (well in advance) as well as deliberate apathy and inaction on my representation dt. 04.4.2003 against your conditional stands relieved order dt. 26.2.003. Hence, the applicant should not be blamed and he was very much on duty with huge official correspondence with H. Quarters without any objection to them on official letters. As per your transfer order dt. 23.11.2002, your scientist completely failed to take up the charge from undersigned and you have shown your apathy and inaction against him. No any official formalities were completed by you as required under rules while transferring one Scientist I/C from one place to another (i.e. No dues clearance, handing over/taking over charge, all official registers/accounts, Cash clearance & others.)

It is absolutely false and misleading the statements of committee, because I have not involved in the committee. Neither any letters served to me regarding constitution of committee nor any information was given to me directly or indirectly. Please check up your documents and false statements - and please do not blame me at the cost of your mistakes.

As regard you to your para No 6, it is submitted that your whole letter is incorrect, baseless and prepared as per your own will by deliberate violation of Govt rules. Hence, you are totally faulted

(P.T.O)

-40-29-

to reply my genuine representation parawise submitted to all concerned as per the directives of Honble Tribunal vide OA No. 181 dt. 26.8.04. Therefore, you are completely failed to dispose off my representation dt. 30.1.2004 & 19.2.2004, Legal Notice dt. 12.4.04 and even representation dt. 04.4.2003 against your conditional stands relieved order 26.2.2003.

N.B.:- Similar type of stands relieved order was issued earlier by Dr. Punjab Singh, Director, I.G.F.R.I, Jhansi on 26.2.1988 and he paid me T.T.A. after 1 months & 9 days. Against this baseless stands relieved order, I have filed case in C.A.T. Hyderabad Bench vide OA No. 262/97. The decision of this case announced on 14.12.1998. in my favour and accordingly the competent authority of ICAR, N. Delhi issued an official order through Dr. J. Ravi, Dy. Director (P) treating my period 01.3.1988 to 10.4.201988 as on duty. (refer Annexure-II) Vide Council' Order F.No. 54 (Sr. Sci.) 02/91-Per. II Vol-I, May 7, 1999.

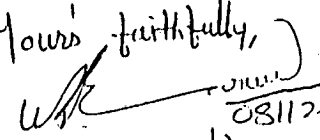
I hope that you may kindly arrange my due payment of salary of waiting period (16.4.2003 to 26.1.2004) latest by 23.12.04 by any means at NBPGR, R.S. Umiam. Failing which I have every right to redress my grievance in the appropriate court as per rules and you will be solely responsible for litigation charges, advocate's fees, transportation charges and all leave to undersigned for court case.

• hoping an urgent action and salary payment at an earliest.

Thanks,

Encl:- Annexure I & II


O/C

Yours faithfully,  
  
08112-1004  
(W.L. Barwad)  
Sr. Scientist (Agri. Ento.)

Copy for information and necessary action to:

1. Dr. Mangla Rai Sahib, D.G. ICAR, K.B. New Delhi 11001.
2. Secretary, U.O.I; Th-Secretary ICAR.
3. Officer IIC, NBPGR, R.S, Akola 444104 as respondent No. 4
4. Officer " " " Umiam 793103 " " " No. 5

Received

  
Officer  
NBPGR-Regional Station,  
Barapani-793 103, Meghalaya



सिंडिकेटबैंक/SYNDICATEBANK

VALID FOR 6 MONTHS FROM DATE OF ISSUE

एक	दो	तीन	दो
OT	TT	CL	TL

9029A  
बीआई कूट  
BI CODE

E.C. NATIONAL SEEDS CORPORATION,  
NEW DELHI 110 012

1263

Date 23.10.2003

**सूट्टे के लिए पर/ On Demand Pay**  
**आवेदने के लिए पर/ On Demand Pay**

रुपये/ Rupees Ninety two thousand only

अदा करे/ for Value Received.

₹. Rs. 92000 = 00

सिंडिकेटबैंक/SyndicateBank

सिंडिकेटबैंक Syndicate Bank

Amravati

उत्तरदाता शाखा/DRAWEE BRANCH

NBPSR

बीआई कूट/

S 120

भेजने वाले का नाम/REMITTERS NAME MDAG

बीआई कूट/

S 120

अनुमोदित हस्ताक्षर/ Authorized Signatory

*[Signature]*

अनुमोदित हस्ताक्षर/ Authorized Signatory

6088

917096 0000250001

16

Adv. Please

Received above number D.D for T.T.A. only on 16.1.2004 for the first time

*[Signature]*  
16/1/2004  
(Dr. W.L. Barwad)

True copy  
Dr. W.L. Barwad

Outward No. 398

10.6.003

07

APPLICATION FOR LEAVENOTE: Item - I - II must be filled by all applicants whether  
Gazetted or Non-Gazetted.

1. Name of the applicant. : Dr. W. L. Barwad
2. Leaves rules applicable : Revised Leave Rules, 1933
3. Post Held : Sr. Scientist (Ento.)
4. Department, Office and Section : National Bureau of Plant Genetic Resources, Regional Station, Akola/Amravati Centre.
5. Pay : Rs. 18320/-
6. House rent allowance conveyance allowance or other compensatory allowances drawn in the present post : 15%
7. Nature and period of Leave applied for and date from which required : Earned Leave for 5 days  
09.6.003 to 13.6.003
8. Sunday and holidays, if any proposed to be pre-fixed suffixed to leave : C Casual leave on dt. 09.6.003 may be converted in to E.L.)
9. Ground on which leave applied for : Prefixed Sunday falling on 08.6.03  
Suffixed 2nd Sat & Sunday.  
To attend C.A.T. Nagpur in connection with my 'case' final heavy border
10. Date of return from the last leave and the nature and period of that leave : —
11. I propose/not proposed to avail my self of leave travel concession for the year block year \_\_\_\_\_ during the ensuring year : —
12. (a) I undertake the refund the difference between the leave salary drawn during leave on average pay/computed leave on half average pay/half pay leave, which would not have been admissible had the provision to F.R.81(b) (11)/rule II (c) (iii) of the Revised Leave Rules 1983 not been applied in the event of my retirement from service at the end of during the currency of the leave.  
(b) I undertake to refund the leave salary drawn during (LEAVE NOT DUE) which would not have been admissible and F.R.81 (c)/rule II (d) of the Revised Leave Rules, 1963 not been applied in the event of my voluntary retirement from service at the end of during the currency of the leave.

LEAVE ADMISSIBILITY

13. Remarks and/or recommendation the controlling officer

14. Order of sanctioning Authority

DR. W. L. Barwad  
Plot No. 37  
Bhagwan Nagar  
Behind Amambal Vidyalaya  
NAGPUR - 440027

Signature of the applicant (with date)

10/6/03

True Copy  
for  
Admission

43

ANNEXURE - XI

98



National Bureau of Plant Genetic Resources  
(Indian Council of Agricultural Research)  
Pusa Campus, New Delhi - 110012



Phone: 25841022(direct)

25849208/25849211/25849214/25843296/25849545-Extn.231

FAX : 091- 011-25842495/25841619

E. mail [sao@nbpgr.delhi.nic.in](mailto:sao@nbpgr.delhi.nic.in)

GRAM : G E R M P L A S M

No. 3 (102)/99-PI / 593

November 16, 2004

To

Dr. W.L.Barwad,  
Senior Scientist,  
NBPGR Regional Station,  
Umiam (Meghalaya)

Subject:-Non-Payment of salary for nine months and harassment – regarding.

Sir,

As desired by the Competent Authority you should visit NBPGR Head Quarter, New Delhi as early as possible in connection with cited matter.

Yours faithfully

  
(NAMRTA SHARMA)  
SR.ADMN.OFFICER

Copy to:-

The Officer Incharge, NBPGR Regional Station, Umiam (Meghalaya) for information.

True Copy  
for  
Reference

Recd.

YAG

To

Dr. W. L. Barwad  
Senior Scientist  
NBICR, Regional station  
Umroi Road, NEH Region  
ICAR, Barabui - 793103  
Shillong

P.G.R. (ARI Campus)  
Delhi-110012

भारत पोस्ट



INDIA POST

I.A.R.L. POST OFFICE (110012)  
RLA 4439

Counter No: 1. OP-Code: CP1

99

INDIA POSTAGE

Amount: Rs 32.00

20/11/2004 14:20:32

KT: 4507555 TO : BARABUI SHILLONG

This registered letter is  
received by me <sup>by hand</sup> on 29.11.04 at  
03:05 pm by an office peon Shri Thapa S.S. Sr. III

W.L. Barwad

True Copy  
for  
reference

49

ANNEXURE - XII

100



National Bureau of Plant Genetic Resources  
(Indian Council of Agricultural Research)  
Pusa Campus, New Delhi - 110012



Phone: 25841022(direct)

25849208/25849211/25849214/25843296/25849545-Extn.231

E. mail [sao@nbpgr.delhi.nic.in](mailto:sao@nbpgr.delhi.nic.in)

FAX : 091- 011-25842495/25841619

GRAM : G E R M P L A S M

No. 3 (102)/99-PI / 4355

Dated:-17.12.2004

To

Dr. W.L.Barwad,  
Senior Scientist,  
NBPGR Regional Station,  
Umiam (Meghalaya)

Subject:-Non-Payment of salary for nine months and harassment – regarding.

Sir,

I am directed to refer your letter No. F.No.2/WLB/S.T.-Harassment/2004/39 dated 6.12.2004 and to say that you may visit the NBPGR, H.Q.,New Delhi on tour in order to settle the above said matter.

Yours faithfully

(NAMRITA SHARMA)  
SR.ADMN.OFFICER

Copy to:-

The Officer Incharge, NBPGR Regional Station, Umiam (Meghalaya) for information.

Tonelsony  
Adv.  
Advocate

US

O/C

By-FAX (Most-Urgent)

F.No 2 | WLB | S.T-Harassment | 2004 | 39

Dated: 06.12.2004

ANNEXURE - XIII

To,  
Dr. B. S. Dhillon  
Director,  
N.B.P.G.R.,  
Pura Campus,  
New Delhi - 110012

From: - Dr. W.L. Barwad  
Sr. Sci. (Agil. Entt.)  
N.B.P.G.R., R.S.  
Umiam - 793103  
(Meghalaya State)

✓ Through :- Officer In Charge, N.B.P.G.R., R.S., Umiam-793103

Subject :- Non-Payment of salary for 9 months 13 days and harassment to undersigned - by violation of Govt. Rule

Respected Sir,

May, I draw your kind attention towards your official letter No. 3(102)/99-PI/593 dated 16.11.04 issued by Regd. letter by Namrita Sharma, S.A.O. regarding my visit to NBPCR Head Quarter, New Delhi, "As desired by competent authority"

With due regard, it is submitted that, if you are <sup>really</sup> interested in arranging my due waiting period salary w.e.f. 16.4.003 to 26.1.2004; please refer my all written documented proofs submitted to you several times. Regarding harassment to a tribal scientist, please refer my genuine representations submitted earlier with documentary evidence, against which your Sr. Adm. Officer have shown his apathy and inaction till today.

May, I request you to kindly depute your unbiased officer to this station latest by 23.12.2004 alongwith my genuine representation and please resolve the issues of salary & harassment which I have every right to redress my grievance in Honble C.A.T. Guwahati Bench as well as Sche-Tribe Commissioner, Tribal Development Division, New Delhi; Prime Minister & President of ICAR Shri Barwad. Please do not give me the chance to do so.

Thanks,

Yours faithfully  
WLB  
(W.L. Barwad)

Copy to: Director General (Thir-P.A.) ICAR, K.B.  
New Delhi w.ref to my letter dt. 09.7.2004

Received.

Dhillon  
6/12/04

Officer-in-Charge  
NBPCR Regional Station,  
Umiam-793103, Meghalaya

Time copy  
for  
reference

DR. W. L. BARWAD  
NBPGR Regional Station  
Umroi Road, NEH Complex (ICAR)  
Barapani  
Shillong-793. 013  
Meghalaya

Received by Hand (Dr. D. K. Hore)  
on dt. 20/12/2004

*[Signature]*  
20/12

102

F. No. 2/WLB/S.T. Harassment/42

By FAX (Most Urgent Plea)

Dated: 20/12/2004

O/C <sup>Annexure - #</sup>  
103 XIV

To:  
✓ Dr. B. S. Dhillon Sahib,  
Director,  
N.B.P.G.R.,  
Pusa Campus,  
New Delhi - 110012

From: Dr. W.L. BARWAD  
Sr. Secy (Jt. Entor.)  
N.B.P.G.R.,  
Reg. Station,  
Umiam - 793103  
(Meghalaya State)

Forwarded

Dhillon  
20/12/04

Officer-in-Charge  
N.B.P.G.R. Regional Station  
Umiam - 793103, Meghalaya

✓ Through :- Officer I/C, N.B.P.G.R.; Reg. Station, Umiam

Ref. :- Your letter No. 3 (102)/99-PI/4355 dated 17.12.04 regarding my visit to NBPGR, New Delhi on Tour

- Subject :-
- ① Arrange my salary for waiting period "9 months 13 days" latest by 23.12.2004 by any means.
  - ② Please stop wasting of poor man's fund (Govt. Money) Rs. 26000/- on my Delhi tour without any cause.

Respected Sir,

With reference to your letter cited above, I would like to inform you Sir, once again, to kindly refer my all documentary proofs (official) already submitted for payment of my due salary for 9 months & 13 days. For redressal of my genuine harassment I have submitted huge documentary proofs. But, no action is being taken till today.

It is again submitted that there is no need to come to NBPGR, New Delhi on Tour just to misuse of Govt. Funds Rs. 26000/- without any valid cause.

Copy to :- Director General, ICNR, K. P. New Delhi w.r. to my letter dt. 8.12.04

O/C Yours faithfully,  
W. L. Barwad

Received

Dhillon  
20/12/04



ANNEXURE - A XV

NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
PUSA CAMPUS : NEW DELHI - 110 012

No. 6(4)/2001/P.I. / 2735 / 337

Nov. 23 2002

OFFICE ORDER

In the exigencies of work the Director, NBPGR, New Delhi has been pleased to transfer the following Scientists in the public interest as indicated against each with immediate effect and to further orders:

S. No.	Name & Designation	From	To
1.	Dr. W.L. Barwad, Senior Scientist	NBPGR, Satellite Centre, Amravati	NBPGR, Regional Station, Shillong
2.	Dr. I.P. Singh, Principal Scientist	Germplasm Evaluation Division, NBPGR, New Delhi	NBPGR, Regional Station, Akola Officer-in-Charge and will look after the Officer-in-Charge of both Akola and Amravati Station
3.	Dr. D.B. Parakh, Senior Scientist	Plant Quarantine Division, NBPGR, New Delhi	NBPGR, Regional Station, Bhowani till continuation of U. P. DAS Project
4.	Dr. A.K. Singh, Scientist	NBPGR, Regional Station, Srinagar	Germplasm Exchange Division, NBPGR, New Delhi up to 15-03-03 He will regularly visit Regional Station, Srinagar (J&K) to look after the crops.

The officers should report for duty at the place of their next posting immediately after they are entitled for TTA and joining time etc. as per rules.

S.K. MITAL

(3) SR. IN-CHARGE

Distribution:-

1. Dr. W.L. Barwad, Senior Scientist, NBPGR, Satellite Centre, Amravati. He is requested to hand over the charge to Shri Dikshit and thereafter report for duty at NBPGR, Regional Station, Shillong.
2. Dr. I.P. Singh, Principal Scientist, Germplasm Evaluation Division
3. Dr. D.B. Parakh, Senior Scientist, Plant Quarantine Division
4. Dr. A.K. Singh, Scientist, NBPGR, Regional Station, Srinagar (J&K)
5. Head, Germplasm Evaluation Division/Plant Exploration Division/Plant Quarantine Division/Conservation Division/Germplasm Exchange Division
6. P.F. of S.No.1 to 4 above.
7. Vigilance Cell/Coordination Section
8. P.A. to Director

True Copy  
Dr. W.L. Barwad

Act. Please

Name of Ref. Book - <sup>50</sup> ~~50~~ <sup>50</sup> "Swamy General Fundamental Rules" (GFR)

ANNEXURE - XVI

6

## Establishment

**Rule 76. Alterations of Establishment.**—All proposals for additions to establishment, whether permanent or temporary, or for an increase in the emoluments of the existing posts, shall be scrutinised and submitted to the sanctioning authority in accordance with such instructions as may be prescribed in this behalf.

### GOVERNMENT OF INDIA'S DECISION

(1) Procedure for submission of proposals for new establishment, etc.—(a) When the entertainment of a new establishment or a change, temporary or permanent, or revision of existing establishment in excess of the delegated powers is proposed, a letter fully explaining the proposals and the conditions which have given rise to them, should be submitted to the sanctioning authority.

(b) The letter, referred to in sub-para. (a), should set out—

- (i) the present cost, either of the section or sections affected, or of the total establishment, as the circumstances of the case may indicate to be necessary;
- (ii) details of the pay of post or posts and the number of posts which it is proposed to add or modify;
- (iii) as accurate an estimate as possible of the extra cost involved including the expenditure on allowances, whether fixed or variable, and how the expenditure is proposed to be met;
- (iv) expenditure in respect of any claims to pension and/or gratuity including death-cum-retirement gratuity, that may arise in consequence of the proposals with reference to Article 429 of the Civil Service Regulations.

(c) If the expenditure is to be met by reappropriation, a reappropriation statement prescribed in the Government of India's Decision under Rule 72 should be submitted.

**Rule 77. Adjustment in Appointments.**—In the case of non-gazetted establishments divided into separate units or cadres carrying different scales of pay, an authority competent to make appointments in that establishment on both the units or cadres may make excess appointments in a lower unit or cadre against an equal or greater number of vacancies left unfilled in the higher unit or cadre.

**Rule 78. Transfer of Officer.**—A report of transfer of a Gazetted Government servant duly made in Form TR 1 or GFR 33 and signed both by the relieved and relieving Government servants, shall be sent on the same day to the Audit Officer and/or the Accounts Officer, as the case may be.

RULE 78 ]

ESTABLISHMENT

55

✓ A copy of the report of transfer of charge shall be sent simultaneously to the Treasury Officer, and Head of the Department or other Controlling Officer concerned.

NOTE.—Administrative instructions relating to the place where charge of office should be handed over are contained in Section II (a) of Appendix 3 to the P & T Compilation of FR & SR, Volume II.

### GOVERNMENT OF INDIA'S DECISIONS

(1) Information to accompany the charge report on transfer.—When a Government servant assumes charge of a new post on transfer from another post, information as to whether the journey on transfer was performed by air, and if so, the actual time occupied by the journey should accompany the charge report.

[ G.I., M.F., O.M. No. 3 (4)-E. IV/50, dated the 7th March, 1950. ]

(2) Cases in which charge reports need not be signed both by the relieving and relieved Government servants.—In the following or similar types of cases report of transfer of charge need not be signed both by the relieving and relieved Government servants simultaneously and may be sent independently to the Audit Officer and/or the Accounts Officer, as the case may be:—

- (i) Where a Gazetted Government servant assumes charge of a newly created or vacant post or relinquishes charge of a post which has been abolished; and
- (ii) Where a Gazetted Officer vacates a post for a short period and no formal appointment or officiating arrangement is made in his place.

(3) Instructions to be followed where assumption of charge involves responsibility for cash, stores, etc.—In cases in which the transfer of charge involves assumption of responsibility for cash, stores, etc., the following instructions should be observed:—

- (i) The cash book or imprest account should be closed on the date of transfer and a note recorded in it over the signatures of both the relieved and the relieving Government servants, showing the cash and imprest balances and the number of unused cheques, if any, made over and received by them respectively.
- (ii) The relieving Government servant reporting that the transfer has been completed should bring to notice anything irregular or objectionable in the conduct of business that may have come officially to his notice. He should examine the accounts, count, weigh and measure certain selected articles in order to test the accuracy of the returns. He should also describe the state of the account records.

Tone Copy  
J. S. Advaita

505

51-  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORIGINAL APPLICATION NO.41 OF 2005

IN THE MATTER OF:-

Dr. W.L. Barwad

....Applicant

-Versus-

The Union of India & Ors.

....Respondents.

-AND-

IN THE MATTER OF:-

A Written Statement filed on  
behalf of the Respondents Nos.2,  
3, 4, 5 and 6.

WRITTEN STATEMENT

I, Dr. D.K. Hore, son of Late J. K. Hore, aged about 57 years, presently serving as Principal Scientist-cum-Officer-in-Charge, National Bureau of Plant Genetic Resources, Regional Station, Umroi Road, Meghalaya, do hereby solemnly affirm and state as follows:-

1. That the applicant has arrayed me as the Respondent No.5 in the instant case and a copy of the Original Application has been served upon me. I have gone through the copy of the Original Application and have understood the contents thereof. Being the Officer-in-Charge of the Regional Station, I am well acquainted and fully conversant with the facts and circumstances of the instant case. As such, I am competent to file this Written Statement. Further I have been instructed by the Respondent Nos.2, 3, 4 and 6 to file this Written Statement on their behalf also.
2. That save and except those statements and averments made in the Original Application, which have been specifically admitted herein below, the rest shall be deemed to have been denied by the answering respondents.

Filed by  
The Respondents no.2 to 6  
Through  
Subroban Choudhury  
Advocate 30/8/05

3. That the applicant has approached this Hon'ble Tribunal by suppressing relevant and material facts. The applicant has made several misleading statements in the Original Application and has miserably failed to place the facts in its entirety and, as such, the answering respondent begs to place the facts of the case before giving a detailed parawise reply.

### FACTS OF THE CASE

- A. That in the exigencies of work and public interest, the Director of National Bureau of Plant Genetic Resources, New Delhi vide Office Order under No.6(4)2001/P.I/2735/ 3307 dated 23.11.2002 was pleased to transfer the applicant from NBPGR, Satellite Centre Amravati to NBPGR, Regional Station, Shillong. The said order specifically stated that the Officer should report for duty at the place of next posting immediately and is entitled to TTA as per rules. The said transfer order was forwarded to the applicant for immediate handing over of charge by the Officer-in-Charge, NBPGR, Regional Station, Ankola vide letter No.RS/AK-I/31-02/325/2 dated 11.12.2002.

Copies of the transfer order dated 23.11.2002 and the forwarding letter dated 11.12.2002 are annexed herewith and marked as ANNEXURES-A and B respectively.

- B. That thereafter, vide Office Order No.3(102)/1999/P.I/3736 dated 27.12.2002 the applicant was relieved from NBPGR, Satellite Centre, Amravati to report for duty at NBPGR, Regional Station, Shillong with immediate effect. However, neither did the applicant comply with the transfer order nor did he turn up to hand over the charge. As such, the Officer-in-Charge of the NBPGR, Regional Station, Ankola had to write to the Director NBPGR, New Delhi vide Office Letter No.RS/AK-I/31-02/350 dated 04.01.2003 informing him about the irresponsible and non-challant attitude of the applicant and further seeking permission for taking over charge of moveable office items/articles including the germ loom materials of different crops being maintained/stored in the Centre at Amravati. The Officer-in-Charge of the Regional Station, Ankola had vide letter No.RS/AK-1/31-03/389/2 dated 28.01.2003 reminded the applicant that he has not handed over charge of the Amravati Centre yet and has kept the Cabin at the Centre locked, as a result of which the authorities are finding it difficult to run the affairs of the Centre at Amravati. The applicant was further requested to hand over the charge of the Centre properly before joining

Amr

at Regional Station, Shillong. However, for reasons best known, the applicant most willfully refrained from responding to any of the communications of the answering respondents not to speak of complying with the transfer order.

Copies of the relieve order dated 27.12.2002, letter dated 04.01.2003 and 28.01.2003 are annexed herewith and marked as ANNEXURE-C, D and E respectively.

- C. That in the meantime the applicant preferred an Original Application before the Central Administrative Tribunal, Mumbai Bench, which was numbered as O.A. No. 2005/2003, inter alia, assailing the transfer order dated 23.11.2002. Initially vide order dated 31.01.2003 some interim protection was granted to the applicant and in pursuance to such interim protections an order was issued on 26.02.2003 under Memo No. 33-166/2003/4760/9 whereby the applicant's transfer order was deferred till the end of March 2003 and it was stated therein that the applicant would stand relieved from NBPGR, Satellite Centre, Amravati w.e.f. 16.04.2003. However, after detailed deliberations the Hon'ble Tribunal on 10.04.2003 was pleased to reject the prayer for further extending the interim relief of staying the transfer order, holding inter alia that "there is no sufficient material on record to prima facie conclude that the transfer order is malafide or against any statutory provisions". Pursuant to the order dated 10.04.2003 passed by the Hon'ble Central Administrative Tribunal, the applicant stood relieved from NBPGR, Satellite Centre, Amravati with effect from 16.04.2003 vide the earlier order No.33-166/2003/4760/9 dated 26.02.2003 issued in this regard by the Respondent No.6.

Copies of the Office Order dated 26.02.2003 and Hon'ble Central Administrative Tribunal's Order dated 10.04.2003 are annexed herewith and marked as ANENXURES-F and G respectively.

- D. That even after passing of the Order dtd. 10/04/2003 by the Hon'ble Central Administrative Tribunal, Mumbai Bench in O.A. No. 2005/2003 the applicant did not turn up to handover charge of the Amravati Centre to the Officer-in-Charge. Under such compelling circumstances the concerned authorities were left with no other option but to constitute a Committee for taking over the charge of satellite

Centre. The Committee visited the Amravati Centre on 12.06.2003 and 13.06.2003 and took over the charge of the Centre.

Proceedings of the Committee Constituted for taking over the charge of the Amravati Centre is annexed herewith and marked as ANNEXURE -H.

- E. That it is pertinent to mention that the applicant instead of complying with the transfer order, raised an astronomical bill of Rs. 1,84,480/- as TTA advance vide his letter dtd. 05.04.2003, under No. 1/NBPGR/SC/Amt/2003/372 (Annexure I of the Original Application). Surprisingly, the said letter categorically mentioned that the bill shall be taken into consideration if the O.A. is rejected at Mumbai. However, the Officer-in-Charge of N.B.P.G.R. Regional Station vide Office letter No. RS/AK-1/32-03/85 dtd. 19.06.2003 forwarded the pre-receipt bill for TTA vide Demand Draft No. 340237 dtd. 17.06.2003 amounting to Rs. 92,000.00 (Rupees ninety two thousand) only. Vide the same letter a request was also made to the applicant to return the CGIT Court Case file. But the said letter returned undelivered to the sender.

Copy of the said letter dtd. 19.06.2003 alongwith photocopies of the envelopes returned undelivered alongwith their postal receipts are annexed herewith and marked as ANNEXURE-I Colly.

- F. That the aforesaid Original Application i.e. O.A. No. 2005/2003 filed by the applicant before the Hon'ble Central Administrative Tribunal, Mumbai Bench inter alia challenging the transfer Order was finally heard and dismissed vide Judgement dtd. 12.12.2003.

Copy of the Judgement dtd. 12.12.2003 passed by the Hon'ble Central Administrative Tribunal, Mumbai Bench in O.A. No. 2005/2003 is annexed herewith and marked as ANNEXURE - J.

- G. That thereafter the applicant joined at the NBPGR, Regional Station, Umiam only on 27.01.2004. Although the applicant was relieved way back on 16.04.2003 from the Amravati Centre yet he joined his new post only on 27.01.2004, i.e. almost after a period of nine months. The concerned authorities once again forwarded two demand drafts drawn in favour of the applicant being Demand Draft No. 917096 dtd.

23.10.2003 for Rs. 92,000/- for TTA and Demand Draft No. 917097 dtd. 23.10.2003 for Rs. 2,942/- for TA adjustment and D.A. arrears. This time both the demand drafts were duly received by the applicant. However, it is pertinent to mention herein that the applicant had made the following endorsement under his signature on the 'Receipt' of the Demand Draft No. 917096:

"Demand Draft accepted under protest since the matter is subjudice before Hon'ble High Court, NGP Bench for interim stay on transfer matter. Listed for 21.01.2004"

Such action on the part of the applicant clearly establishes the fact that the applicant has always been trying to avoid his transfer from Amravati to Umiam. The applicant most willfully avoided any correspondences that were sought to be made with him by the concerned authorities. Even, though the initial interim protection granted in his favour in O.A.No 2005/2003 was vacated vide Order dtd 10.04.2003 and despite the fact that the authorities had already issued the relieving Order dated 16.04.2003, yet the applicant refrained from handing over the charge at Amravati Centre. In view of the facts and circumstances narrated herein above it transpires that the applicant was waiting for the O.A. No. 2005/2003 to be disposed of in his favour. However, when the Hon'ble Central Administrative Tribunal, Mumbai Bench dismissed the said Original Application, vide Order dated 12.12.2003 the applicant was left with no other alternative but to join at Umiam Station.

Copies of the demand drafts alongwith the receipts are annexed herewith and marked as ANNEXURE - K Colly.

#### PARAWISE REPLY

4. That with regard to the statements made in paragraphs 4.1 and 4.2 of the Original Application, the answering respondent has no comments to offer.
5. That with regard to the statements made in paragraph 4.3 of the Original Application, the answering respondent begs to reiterate that the transfer order of the applicant dated 23.11.2002 was issued in the exigencies of service and public interest. However, subsequently vide order No.33-166/2003/4760/9 dated 26.02.2003 applicants transfer order was deferred till the end of March

2003, from the Amravati Centre with effect from 16.04.2003 in compliance with the initial interim protection granted to the applicant in Original Application No. 2005/2003 (vide Order dated 31.01.2003).

6. That while categorically denying the statements made in para 4.4 and 4.5 of the Original Application the answering respondents state that although the applicant was relieved from Amravati Centre w.e.f. 16.04.2003 yet he never came forward to handover the charge of the Centre. As has already been narrated hereinabove several communications were made with the applicant but to no avail. The question of handing over – taking over charge did not arise since the applicant deliberately refused to attend office and handover charge. Under such compelling circumstances the concerned authorities were left with no other option but to constitute a Committee for taking over charge of the Amravati Centre since the work of the said Institute was being affected adversely. Moreover, the applicant had kept the Office Room of the Centre under lock and key and as such, it was becoming impossible for the Centre to function.

Further as has been stated herein above the TTA of the applicant was sent to the applicant vide D/O No. 340237 dated 17.06.2003, but the same was returned undelivered. Moreover, since the applicant was relieved from the Amravati Centre on 16.04.2003, pursuant to the order dated 10.04.2003 of the Central Administrative Tribunal, Mumbai Bench, he was no longer the Officer-in-Charge of the Centre thereafter.

7. That while denying the statements made in paragraph 4.6 of the Original Application the answering respondent states that the applicant has once again conveniently refrained from mentioning the fact that the Hon'ble Tribunal, Mumbai Bench refused to extend the earlier interim order vide Order dated 10.04.2003 and the Original Application preferred by him at Mumbai was dismissed on 12.12.2003 and only thereafter the applicant decided to join at Umiam. The applicant has not approached this Hon'ble Tribunal with clean hands and has in fact misrepresented facts to his own convenience. As such, the OA is liable to be dismissed on this short ground alone. It is evident that the applicant had failed to render any service from 16.04.2003 to 26.01.2004. As such, the said period of absence of the applicant was treated to have been unauthorized absence and hence the salary of the applicant was not paid for the said period. The answering respondent categorically denies the contention of the applicant that he had rendered any service at the Amravati Centre after 16.04.2003.



8. That with regard to the statements made in paragraph 4.7 of the Original Application the answering respondent while denying the same reiterates the statements made herein above.
9. That with regard to the statements made in paragraphs 4.8 of the Original Application the answering respondent has no comments to offer, the same being matters of record.
10. That the statements made in paragraph 4.9 being statements of facts and records the answering respondent does not admit anything contrary thereto.
11. That with regard to the statements made in paragraph 4.10 of the Original Application, the answering respondent states that a bare glance of the said order dated 16.11.2004 would reveal the same is a reasoned order which has been passed upon due application of mind and after considering all the relevant factors as narrated above. The answering respondent humbly begs to submit that the applicant has no basis to feel aggrieved to approach this Hon'ble Tribunal. The applicant has always been well aware of the fact that he had never rendered any service between 16.04.2003 to 26.01.2004, at the Amravati Center or at Umiam. For all practical purposes, on the refusal of the Hon'ble Tribunal, Mumbai Bench to extend the interim order, the Applicant stood posted at Umiam w.e.f 16.04.2003. However, the Applicant deliberately refused to join at Umiam without assigning any reason. As such, the respondents were left with no other option but to treat the said period as unauthorized absence. However, inspite of the fact that the applicant after being relieved from the Amravati Centre way back on 16.4.2003 had joined in his next post only on 27.01.2004, the respondents instead of initiating any disciplinary action against him have infact asked him to apply for leave due and admissible for the said period so that the same can be regularized and his salary can be paid. It is pertinent to mention herein that the applicant had 235 days of Earned Leave and 78 days of Half Pay Leave to his credit. As such, if the applicant had applied for leave, his period of absence could have been regularized and accordingly his dues could have been paid to him in terms of the relevant Rules/norms/guidelines etc. However, for reasons best known to the applicant, he has willfully refrained from applying the same till this date. In this regard several communications including letter dated 11.02.2005 were made with the applicant but to no avail. In fact earlier also vide letter dated 28.06.2004 the respondent No.5 was informed by the respondent No.6 to request the applicant to apply for leave for the period of his absence.

Copies of the letters dated 28.06.2004 and 11.02.2005 are annexed herewith and marked as ANNEXURE- L & M respectively

12. That the answering respondent categorically denies the statements made in paragraphs 4.11, 4.12 and 4.13 of the Original Application and reiterates the statements made hereinabove. The answering respondents humbly beg to state that the Applicant has sought to raise certain factual disputed in paragraph 4.11 of the O.A., which this Hon'ble Tribunal may be pleased to refrain from entering into. With regard to the allegation raised by the applicant in 4.11 (a) to the effect that his TTA was not paid in time, the answering respondent reiterates upon the statements made in paragraph E hereinabove and further begs to state that although the TTA of the applicant was sent to him in time yet the same had returned undelivered. The respondents were unable to trace the whereabouts of the applicant and as such were compelled to constitute the committee for taking over charge of the Amravati, Centre. The answering respondent further begs to submit that the applicant has not approached this Hon'ble Tribunal with clean hands and has tried to raise certain grievances, which are his mere conjectures and surmises. With regard to the statements made in paragraph 4.12 of the O.A. the answering respondent begs to state that inspite of making several requests to the applicant to come and handover the charge of the Amravati Centre, he had not turned up and several communications were made to him which returned undelivered. The applicant has been raising all these allegations only with a view to get his salary for the period for which he had remained absent. Had the applicant applied for leave against the period of his absence, his salary for the said period could have been released. On the contrary the applicant has filed this Original Application for reasons that are not germane and bonafide. The present Original Application is nothing but a mode used by the applicant to harass the respondents.
13. That the statements made in paragraphs 4.14 to 4.20 of the Original Application are nothing but mere repetitions and as such the answering respondent most categorically denies the correctness of the same and reiterates the statements made hereinabove. The Applicant has resorted to making vague, baseless and wild allegations without even making a faint effort to satisfy this Hon'ble Tribunal as to how and under what authority he could have continued to serve at Amaravati, if at all, on the face of the Order dated 26.02.2003 relieving him w.e.f 16.04.2003 read with the Order dated 10.04.2003 passed by the Hon'ble Central Administrative Tribunal, Mumbai

Bench. The Applicant appears to have entirely lost sight of the fact that both these orders have attained finality.

14. That the answering respondent most respectfully begs to submit that the grounds averred to in the Original Application are not sustainable both in law as well as in facts. The delay in joining of the applicant at his new place of posting can in no way be attributable to the Respondents. It is infact noteworthy that the applicant has resorted to harassment of his employers and has behaved in a manner most unbecoming of a model employee. As such, this Hon'ble Tribunal may be pleased to dismiss the original application as not maintainable.

### VERIFICATION

I, Dr. D. K. Hore, son of Late J. K. Hore, aged about 57 years, at present working as Principal Scientist-cum-Officer-in-Charge, National Bureau of Plant Genetic Resources, Regional Station, Umroi Road, Meghalaya, do hereby solemnly affirm and verify that I am the Applicant in the instant application and conversant with the facts and circumstances of the case. The statements made in Paragraphs 1, 2, 4, 8, 10, 11(Partly), 12 (Partly), 13(Partly), 14 are true to my knowledge and those made in paragraphs - 3 (A), B, C, D, E, F, G, 5, 6, 7, 9, 11(Partly), 12(Partly), 13(Partly) are true to my information derived from records which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this Verification on this the 30<sup>th</sup> day of August 2005

Dipak Kumar Hore .

NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
PUSA CAMPUS : NEW DELHI - 110 012

No. 6(4)/2001/P.I. / 2735 / 3307

Nov. 23 2002

OFFICE ORDER

In the exigencies of work the Director, NBPGR, New Delhi has been pleased to transfer the following Scientists in the public interest as indicated against each with immediate effect and until further orders:

S. No.	Name & Designation	From	To
1.	Dr. W.L. Barwad, Senior Scientist	NBPGR, Satellite Centre, Amravati	NBPGR, Regional Station, Shillong
2.	Dr. I.P. Singh, Principal Scientist	Germplasm Evaluation Division, NBPGR, New Delhi	NBPGR, Regional Station, Akola as Officer-in-Charge and will look after the Officer-in-Charge of both Akola and Amravati Station
3.	Dr. D.B. Parakh,, Senior Scientist	Plant Quarantine Division, NBPGR, New Delhi	NBPGR, Regional Station, Bhowali till continuation of UPDAS Project
4.	Dr. A.K. Singh, Scientist	NBPGR, Regional Station, Srinagar	Germplasm Exchange Division, NBPGR, New Delhi up to 15-03-03. He will regularly visit Regional Station, Srinagar (J&K) to look after the crops.

The officers should report for duty at the place of their next posting immediately and they are entitled for TTA and joining time etc. as per rules.

रा.पा.आ.सं. न्यूरो, वॉकेल केंद्र अकोला  
NBPGR Regional Station, Akola.  
क्र. No. 230  
दि. Date, 23/11/02  
Distribution:-  
131

(S.K. MITRA)  
SR. ADMN. OFFICER

1. Dr. W.L. Barwad, Senior Scientist, NBPGR, Satellite Centre, Amravati. He is requested to Hand over the charge to Shri Dikshit and thereafter report for duty, at NBPGR, Regional Station, Shillong.
  2. Dr. I.P. Singh, Principal Scientist, Germplasm Evaluation Division
  3. Dr. D.B. Parakh, Senior Scientist, Plant Quarantine Division
  4. Dr. A.K. Singh, Scientist, NBPGR, Regional Station, Srinagar (J&K)
  5. Head, Germplasm Evaluation Division/Plant Exploration Division/Plant Quarantine Division/Conservation Division/Germplasm Exchange Division
  6. P.F. of S.No.1 to 4 above.
  7. Vigilance Cell/Coordination Section
  8. P.A. to Director
- Officer-in-Charge, NBPGR, Reg. Stn. Shillong/Akola/  
Bhowali/Srinagar(J&K)

PTO

Certified to be true copy

- 11 -

ANNEXURE - B

रा. पा. का. सं. कृष्ण, पी. आर. ए. केंद्र  
N.B.P.G.R., Regional Station, Akola

from pre-page:

NO.RS/AK-I/31-02/32/2

Date: 11<sup>th</sup> Dec. 02

Forwarded for information & necessary action regarding handing over of charge immediately please.

To

Dr. W.L. Barwad,  
Sr. Scientist  
NBPGR Satellite Centre,  
Amravati.

Cc to :

The Sr. Admn. Officer, NBPGR, New Delhi -12 with the request to issue necessary relieving orders of Dr. W.L. Barwad, Sr. Scientist.

N. S. S. S. S.  
OFFICER - INCHARGE  
OFFICER IN-CHARGE  
N.B. P.G.R., REG. STN.,  
AKOLA-444104.

Certified to be true copy.

NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
PUSA CAMPUS : NEW DELHI - 110017

No.3(102)/1999/P.I. (37) 36

December 26, 2002.

**OFFICE ORDER**

With reference to this Office Order No. 6(4)/2001/P.I./2735 dated November 23, 2002, the Director, NBPGR, New Delhi has been pleased to relieve Dr. W.L.Barwad, Senior Scientist, NBPGR Satellite Centre, Amravati to report for duty at NBPGR Regional Station, Shillong with immediate effect.

*SKM*  
(S.K.MITRA)

*o/c* Sr. Admin. Officer

Distribution :-

- 1. Dr. W.L.Barwad, Senior Scientist, NBPGR Satellite Centre, Amravati
- 2. Dr. I.P.Singh, O/I, NBPGR Regional Station, Akola & Amravati
- 3. Head, Germplasm Evaluation Division, NBPGR, New Delhi
- 4. F & A.O.
- 5. DDO, NBPGR Regional Station, Akola - 444104 (Maharashtra)
- 6. P.A. to Director

*Sh. S.S. change to pl. file*

*[Signature]*  
2-1-03

रा.पा.आ.सं. तालुका केंद्र अकोला  
NBPGR Regional Station, Akola.  
No. 425  
1/31  
8/103

Certified to be true copy.  
*[Signature]*

- 13 -

63  
ANNEXURE - D

NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
REGIONAL STATION, DR. PDKV CAMPUS  
AKOLA- 444104  
Phone & Fax - 91-0724-2258067

Dr. I.P Singh  
Principal Scientist & Officer In-charge

RS/Ak-I/31-02/356  
Dated: 04/01/03

To

The Director  
NBPGR  
New Delhi- 110012

(Through SAO, NBPGR)

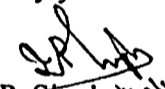
Sir,

Kindly refer to your letter no.3 (102)/1999 PI/3736 Dated 27 Dec 02 regarding relieving of Dr. W.L. Barwad, Scientist In-Charge from the Satellite Centre, Amaravati. In this connection, I am to inform you that he is neither honouring to the office order and our correspondence from this station (vide letter no.RS/AK-1/31-02/325/2 dated 11-12-02) nor physically present at the station to take the charge from him properly.

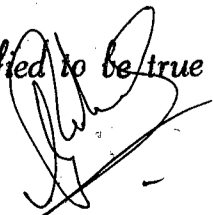
As he stands relieved with immediate effect I, therefore, request you to kindly advise me for taking over the charge of moveable office items/articles including the germplasm materials of different crops being maintained /stored at the station.

With regards.

Sincerely yours

  
(I. P. Singh) M-1109

Certified to be true copy



No.RS/AK-I/31-03/288/2

Date: 28<sup>th</sup> Jan. 2003

To

Dr. W.L. Barwad,  
C/o B. L. Barwad  
Hari Ram Nagar,  
PULGAON (Rly.)  
Distt. Wardha.

Subject: Defunct & locked telephone instrument at the Satellite Centre, Amravati.

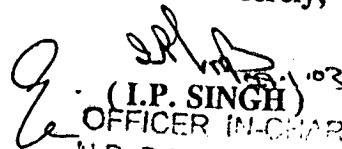
Sir,

I am not getting connected to the telephone of the Satellite Centre, since last one month and therefore finding it difficult to command over the work activities of the centre.

The telephone instrument is installed in your office cabin which is in your lock & key. Since you are not attending to the office & the other staff members do not find it accessible to attend to the telephone call from this station, you are requested to kindly unlock the cabin at the earliest so that the calls could be attended and instructions followed.

You are further requested to kindly handover the charge of the station properly before your joining at Regional Station, Shillong.

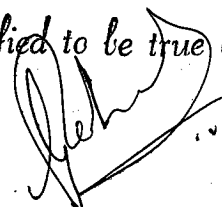
Yours sincerely,

  
(I.P. SINGH)  
OFFICER IN-CHARGE  
N.B. P.G.R. REG. STN.  
AKOLA-444104.

cc to:

The Sr. Admn. Officer, NBPGR, New Delhi - 110 012.

Certified to be true copy





NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
PUSA CAMPUS : NEW DELHI - 110012

120

No. 33-166/2003 / 4767/9

February 26, 2003

OFFICE ORDER

In pursuance of Hon'ble Central Admn. Tribunal, Mumbai Bench, Nagpur (MS) order dated 31.01.2003 passed on original application No. 2005/2003, the Director, NBPGR, New Delhi has been pleased to defer the transfer of Dr. W.L. Barwad, Senior Scientist till the end of March, 2003 and accordingly, he would stand relieved from NBPGR, Satellite Centre, Amravati (Camp), M.S. with effect from 16.04.2003 to enable the scientist concerned to report for duty to the Officer-in-Charge, NBPGR, Regional Station, Umiam, Umroi Road, Barapani (Meghalaya).

This supersedes previous office order No. 3 (102)/1999/PI/3736 dated 27<sup>th</sup> December 2002.

This order will be effective only, if the order of Hon'ble CAT dated 31.01.2003 is vacated.

*W.M.*  
(S.K. MITRA)  
Sr. Admn. Officer

Distribution: -

1. Dr. W.L. Barwad, Senior Scientist, NBPGR, Satellite Centre, Amravati.
2. Officer-in-Charge, NBPGR, Regional Station, Akola & Amravati.
3. Officer-in-Charge, NBPGR, Regional Station, Umiam, Barapani (Meghalaya).
4. Head, Germplasm Evaluation Division/Plant Exploration Division.
5. Finance & Accounts Officer.
6. DDO, NBPGR, Regional Station, Akola - 444104 (Maharashtra).
7. P.A. to Director.
8. P.F. of Dr. Barwad.
9. F. No. 3(102)/1999/P.I

*M/2/2*

*Regd.*

No. RE/AC - I/31-03/467

Dated: 26.03.03

*forwarded for inf. & further necessary action please.*

To

Dr. W.L. Barwad  
Sr. Scientist  
NBGR, Sat. Centre,  
Amravati.

*skh*  
26.3.03  
OFFICER IN-CHARGE  
N.B. P.G.R. REG. STN.,  
AKOLA-444104.

Certified to be true copy  
*[Signature]*

011-25851495

ATTN:

The Sr. Admn. O

ANNEXURE - G

URGENT

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

121

ORIGINAL APPLICATION NO. 2005/2003.

Dr. V.L. Barwad. .... Applicant

V/s.

Min. of Agriculture & Anr. .... Respondents.

CORAM: Hon'ble Shri A.S. Sanghvi, Member (J).

Hon'ble Shri Shankar Prasad, Member (A).

TRIBUNAL'S ORDER :

DATED: 10.04.2003.

Heard Shri S. Marathe, Learned Counsel for the Applicant  
and Shri V. G. Rege, Learned Counsel for the Respondents.

2. The Applicant seeks interim order against his transfer from Amravati to NBPGR, Regional Station, Shillong, vide order dated 23.11.2002. The transfer is challenged on the ground of applicant being a Scientists working on a project and the project being incomplete. It is also challenged on the ground that he is being victimised as he had not agreed for the sanction of tender where the respondents were interested.



3. We have heard the Learned Counsel for both sides. We find that there is no sufficient material on record to prima-facie conclude that the transfer is a malafide or against any statutory provisions. The applicant has already put in more than three years of service in Amravati and his transfer is stated to be in the exigencies of service. Even the guidelines for the transfer of Scientists annexed at Annexure A-7 suggests that such transfers can be made for administrative reasons or to

...2

Certified to be true copy

correct imbalance in the cadre strength of scientists or to fill positions in high propriety projects as well as to utilize the experience of scientists in appropriate field. It is an undisputed position that the post of the applicant carries All India transfer liability and when the transfer is made alongwith other officers, not even suggesting that the same is made with a mala fide intent, we do not see any reason to interfere with the transfer at this juncture. We, therefore, refuse to grant the interim relief staying the transfer order any further. The interim relief prayed for is therefore rejected.

List the case for final hearing before Nagpur Circuit Bench commencing w.e.f. 09.06.2003.

Original Date Copy  
Date 11/4/03

GAT/MUM/JUDL/GA 2006/2003/3471

Dated: 16/4/03

Copy to :-

Section Officer  
Central Admn. Tribunal

1. Shri Sanjay Marathe for Shri M.M. Sudame, counsel for Applicant.
2. Shri V.G. Rege, counsel for the respondents.

SECTION OFFICER.

V. M. Joshi

ए. ए. आ. सं. व्यरो. क्षेत्रीय केन्द्र, अकोला  
N.B.P.G.R. Regional Station, Akola

No. RS/Ac-5/31-03/12

Date: 19/4/03

forwarded for information please.

OFFICER IN CHARGE  
N.B.P.G.R. REG. STN.  
AKOLA-444104.

Do  
Sh. Govind Michra  
Advocate, Govt. Standing Counsel.  
Congress Nagar,  
Nagpur.

ATTN: P.A. to the Director, NBPGR, New Delhi or  
The Sr. ADMN. Officer, NBPGR, New Delhi.

- 18 -  
ANNEXURE - H

NATIONAL BUREAU OF PLANT GENETIC RESOURCES,  
REGIONAL STATION : AKOLA - 444 104

PROCEEDING OF THE COMMITTEE CONSTITUTED FOR TAKING OVER THE  
CHARGE OF SATELLITE CENTRE, AMRAVATI.

In view of the non-compliance of the office order issued to Dr. W.L. Barwad, Sr. Scientist to handover the charge of Amravati Centre to the Officer Incharge, NBPGR Regional Station, Akola, a committee was constituted vide office order no.6(4)/2001/PV/10 dated 02.05.03 and 6(4)/2001-PV/164/3 dated 12.05.03 by the Competent Authority, NBPGR, New Delhi to take over the charge of Amravati Centre. The committee visited the Amravati Centre, on 12.06.03 & 13.06.03 to contact Dr. W.L. Barwad and to take over the charge of the centre from him. The following committee members joined the process:

1. Dr. I.P. Singh, Officer Incharge, NBPGR, Akola & Amravati - Chairman
2. Dr. Ambrish Sharma, Sr. Scientist, Evaluation Division, NBPGR, New Delhi - Member
3. Sh. N. Dikshit, Scientist (SG), NBPGR Reg. Stn. Akola - Member
4. Sh. P.L. Tadas, Asstt. Prof. RRC, DR. PDKV, Amravati - Member

The following staff members also assisted in taking over the charge:

1. Sh. S.S. Wange, Assistant, NBPGR Reg. Stn., Akola
2. Sh. P.L. Dhoke, Sr. Clerk, NBPGR Reg. Stn., Akola
3. Sh. R.A. Awale, T-4 (Driver), NBPGR Reg. Stn. Akola
4. Sh. B.B. Kurumbansi, S.S.Gr. IV, NBPGR Sate. Centre, Amravati
5. Sh. R.P. Barse, S.S.Gr. II, NBPGR Sate. Centre, Amravati
6. Sh. A.D. Gadlinge, S.S.Gr. II NBPGR Sate. Centre, Amravati
7. Sh. S.J. Sirsat, Security man

The committee asked the staff present at the centre about Dr. W.L. Barwad and the availability of keys of rooms/almirahs/ cup boards. They replied that Dr. W.L. Barwad is away to Nagpur and the keys are taken by him alongwith. Dr. Barwad was then contacted on telephone at his Nagpur residence through Sh. B.B. Kurumbansi and Sh. P.L. Tadas. In response, they were informed by Mrs. Barwad that Dr. Barwad was not available at home. Mrs. Barwad was then requested to convey the message of the committee to Dr. Barwad to contact back at Amravati Satellite Centre immediately.

However, since no telephonic response was received for few hours and due to the emergent need to take the CGIT Labour court case file urgently required in connection with filing of writ petition in the High Court, the committee decided to break open the doors of office rooms & almirahs. An inventory of the available office records/articles/equipments was prepared. The new lock's were placed on all the almirahs and the doors. The material/articles/ equipments and the gemplasm materials contained in the gunny bags/seed packets, as per the list and the keys were handed over to Dr. I.P. Singh, Officer Incharge, NBPGR Regional Station, Akola.

However, the following couldn't be traced despite intensive search of almirahs/cup board etc. in the office premises.

1. CGIT Labour court case file.
2. Lists & field note book of gemplasm in respect to maize/widbean/mungbean/sem, which were raised in the preceding year.
3. Despatch register
4. Imprest/Invoice/Stock register
5. Stamp Register.

*[Handwritten signatures and dates]*  
(I.P. SINGH) 13.06.03 (AMBRISH SHARMA) 13.06.03 (N. DIKSHIT) 13.06.03 (P.L. TADAS) 13/6/03  
CHAIRMAN MEMBER MEMBER MEMBER

*[Handwritten signature]*  
(S. S. Wange)

*[Handwritten signature]*  
(P.L. Dhoke) 13/6/03

*[Handwritten signature]*  
B.B. Kurumbansi  
13/6/03

*[Handwritten signature]*  
93-E-2003

*[Handwritten signature]*  
13-6-03

*[Handwritten signature]*  
13/6/03

Certified to be true copy.

*[Handwritten signature]*

- 19 - 69 - ANNEXURE - I

COLLY

NATIONAL BUREAU OF PLANT GENETIC RESOURCES,  
DR.P.D.K.V. CAMPUS : AKOLA - 444 104

No.: RS/AK-1/32-03/ 85

Dated: 19/06/2003

20

To,  
Dr. W.L. Barwad,  
Sr. Scientist,  
C/o Late. Sh. S.S. More,  
Plot No.41, Ganediwal Layout,  
Bypass Road,  
Camp- Amravati

Subject: Pre-receipt bill for TTA and request for handing over the CGIT Court case  
File - reg.

Dear Dr. Barwad,

Kindly find enclosed herewith the pre-receipt bill vide D.D. No.340237  
dated.17/06/2003 amounting Rs.92,000/- ( Rs. Ninty two thousand only).

You are requested to kindly send back the same duly signed by you on revenue  
stamps with date to the undersigned at the earliest. You are also requested to send the  
CGIT Court case file urgently required and as directed by the Director, NBPGR, New  
Delhi (copy enclosed).

Thanking you,

Encl: blank pre-receipt bill.

Sincerely yours,

(L. P. Singh)

OFFICER IN-CHARGE  
N.B. P.G.R., REG. STN.,  
AKOLA-444104.

CC to: The Sr. Administrative Officer, NBPGR, New Delhi-12 for inf. Please.

7 Working not accept it

Certified to be true copy

*[Signature]*

- 20 -

- 70 -

29/12/05

PRE-RECEIPT

Received a Demand Draft No. \_\_\_\_\_ dated \_\_\_\_\_ for a sum of  
Rs.92,000/- (Rupees Ninety Two Thousand only) against bill No.344/04.06.2003 from the  
Officer - In - charge, NBPGR Regional Station, Akola alongwith a committee  
constituted by the Competent Authority, NBPGR, New Delhi-12, towards my Transfer  
Traveling Advance consequent upon my transfer & relieving from NBPGR Satellite  
Centre, Amravati to NBPGR Regional Station, Shillong w.e.f. 16.04.03.

Date: June, 03

(DR. W.L. BARWAD)  
c/o Late Sh. S.S.More,  
Plot No.41, Ganediwal Layout,  
Bypass Road,  
Camp Amravati

CAMP AMRAVATI



- 21 -      - 71 -

146  
290

**National Bureau of Plant Genetic Resources**  
(Indian Council of Agricultural Research)  
Pusa Campus, New Delhi - 110 012.

Phone 25843697(O), 25841177 (R)

E. mail :- [director@nbpgr.delhi.nic.in](mailto:director@nbpgr.delhi.nic.in)

FAX : 2584 2495

GRAM : GERMPLASM

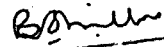
Internet Home Page : <http://nbpgr.delhi.nic.in>

**Dr. B.S. Dhillon**  
Director

No. DIR/PA/J-Amt. 13/4  
June 13, 2003

Please handover all the files pertaining to labour matters and CGIT case immediately to Officer-in-Charge, Akola and report compliance by return fax.

Yours sincerely,

  
(B.S. Dhillon) 13/6

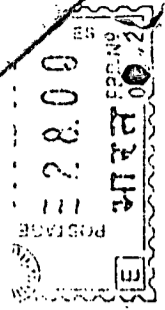
To  
Dr. W.L. Barwale  
Go Lake, Sh. S.S. More  
Plot No. 41, Ganediwal layout  
By Pass Road,  
CAMP AMRAVATI

- 22 -

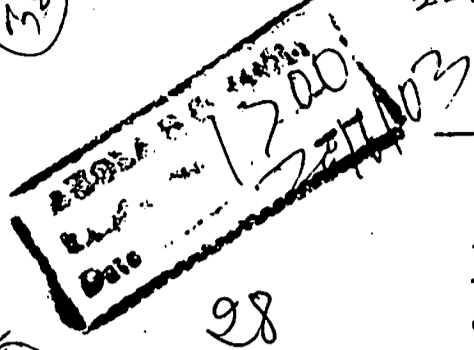
72

DESPATCH NO. 135  
22107103

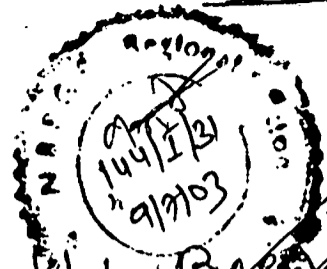
SPEED POST A.D



38



98



for 288  
22/11/03  
372/57

TO,  
DR. W. L. BARWAD,  
SR. SCIENTIST,  
C/O Late SH. S. S. MORE,  
PLOT NO. 41,  
GANEDIWAL LAYOUT  
BYPASS ROAD,  
CAMP - AMRAVATI - 444602.

Sh. S. S. More



NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
REGIONAL STATION, P.K.V. CAMPUS,  
AKOLA-441104.

SPEED POST

288



TO,  
DR. W. L. BARWAD  
SR. SCIENTIST,  
C/O Late SH. S. S. MORE,  
PLOT NO. 41  
GANEDIWAL LAYOUT  
BYPASS ROAD  
CAMP - AMRAVATI - 444602.

NATIONAL BUREAU OF PLANT GENETIC RESOURCES  
REGIONAL STATION, P.K.V. CAMPUS,  
AKOLA-441104.



- 23 -

- 73 -

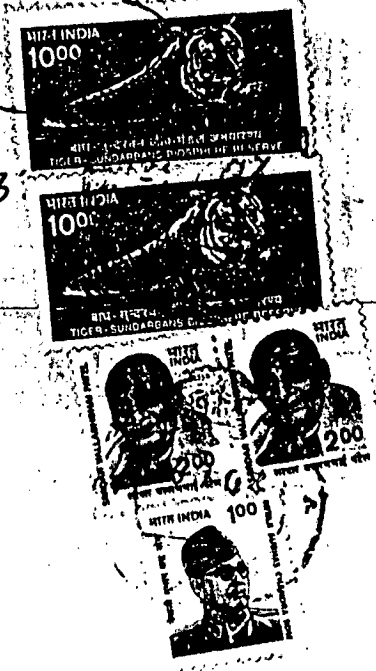
128



~~AB~~  
~~2116.~~  
~~Lot 2~~  
~~2316 -~~  
~~2416 -~~  
~~2516 -~~  
~~921~~  
~~2616.~~

LIC  
→ 9

22018  
 2150  
 920  
 2217/03



LIC  
→ 9

(FIRST TIME)

बीमा नहीं NOT INSURED

प्राप्त किये गये डाक टिकटों का मूल्य रु. 28 P.

Amount of Stamps affixed Rs. 28 P.

एक रजिस्ट्री\* प्राप्त किया

Received a Registered\* AD

पानेवाले का नाम  
Addressed to W. L. Barwad

Nagpur पानेवाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

क्रमांक  
No. 1700

तारीख मोहर  
Date Stamp

vide letter NO.  
RS/AK-I/3203/852g  
pre. receipt bill  
of Dr. Barwad  
vide Registered  
AD NO. 1700  
dt: 20/06/03

Despatch No. 86  
dated: 20/06/03

(FIRST TIME)

Despatched No. 85  
dated - 20/6/03

बीमा नहीं NOT INSURED

प्राप्त किये गये डाक टिकटों का मूल्य रु. 28 P.

Amount of Stamps affixed Rs. 28 P.

एक रजिस्ट्री\* प्राप्त किया

Received a Registered\* AD

पानेवाले का नाम  
Addressed to W. L. Barwad

Simavati पानेवाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

क्रमांक  
No. 1699

तारीख मोहर  
Date Stamp

Letter NO.  
RS/AK-I/3203/85  
regarding pre-  
Receipt bill vide  
Registered AD  
NO. 1699 dt:  
20/06/03 in/fo  
Dr. W. L. Barwad.

7  
11  
1  
3  
11

Second TIME -25-

130 258

-25-

DEPARTMENT OF POSTS, INDIA

EE01752751 6IN SPEED POST

From: NBP&R Anoy

To: Dr. W.L. Barwad  
Gairat  
Camp Anandwadi

DOCUMENT

MERCHANDISE

WEIGHT: 30

Rs. 25

23/7/03

OFFICE IN CHARGE

TICK (✓) MARK WITH R.V. R APPLICABLE

Despatch NO. 135  
Vide Speed post NO. 53 dated: 23/7/03 regarding pre-receipt bill of Dr. Barwad

(Second Time)

DEPARTMENT OF POSTS, INDIA

EE01752750 2IN SPEED POST

From: NBP&R Anoy

To: Shri W.L. Barwad  
Bhagwan Nagar  
Anandwadi

DOCUMENT

MERCHANDISE

WEIGHT: 25g

Rs. 30

23/7/03

OFFICE IN CHARGE

Despatch NO. 136 by Speed post NO. 52 dated: 23/7/03 regarding pre-receipt bill of Dr. Barwad

- 26 - 76 -  
**CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ANNEXURE - J**

121

**ORIGINAL APPLICATION NO.:** 2005 of 2003.

Dated this Friday the 12<sup>th</sup> day of December, 2003.

**CORAM :** Hon'ble Shri S. G. Deshmukh, Member (J).

Dr. Wamanrao Laxmanrao Barwad,  
Sr. Scientist & Scientist Incharge,  
National Bureau of Plant Genetic  
Resources, Satellite Centre,  
Amravati Camp.

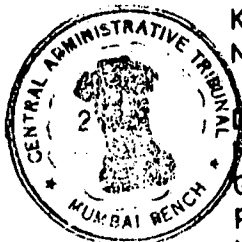
...

Applicant.

(By Advocate Shri Sandeep Marathe  
for Shri M. M. Sudame)

VERSUS

1. Union of India through  
its Secretary,  
Government of India,  
Ministry of Agriculture,  
Krishi Bhawan,  
New Delhi.



Director,  
National Bureau of Plant  
Genetic Resources,  
Pusa Campus,  
New Delhi - 110 012.

...

Respondents.

(By Advocate Shri S. V. Akolkar)

**ORDER**

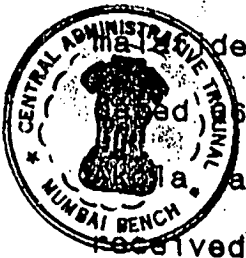
**PER :** Shri S. G. Deshmukh, Member (J).

The present O.A. is filed for quashing and setting aside the transfer order dated 23.11.2002 transferring the applicant from Amravati to Shillong. The applicant was selected for the post of Scientist-I by A.S.R.B., New Delhi and was appointed at I.G.F.R.I., Jhansi (U.P.) on 28.09.1977. Thereafter, he was promoted as Scientist S-2 on 01.07.1983. He was transferred to C.I.C.R., Regional Station Sirsa (Haryana) in public interest.

... 2

*Certified to be true copy.*

Thereafter transferred to National Research Centre, Sorghum, Hyderabad on 26.03.1991. He served on transfer to C.R.S. Solapur from 15.06.1998. Thereafter he was transferred to N.B.P.G.R. Satellite Centre, Amravati, by order dated 02.01.1999. He belongs to Schedule Tribe Halba Community. He obtained Ph.D Qualification from Marathwada Agriculture University Parbhani as an inservice candidate. He is transferred to Shillong by order dated 23.11.2002 which is under challenge. The applicant had represented the respondents on 18.12.2002 and a reminder dated 01.01.2003 for cancelling the transfer. As the post at Amravati was vacant from 1995, the applicant was transferred from Hyderabad to Amravati in exigency of scientific research and technical work. According to applicant, the transfer from Amravati to Shillong is not at all in public interest but it is made. The applicant was issued a confidential memorandum dated 06.08.2002 regarding opening of tender for farm work at Amravati and Amravati stating that the competent authority had received a written complaint from the tenderer. It was stated that an undesirable incident occurred due to aggressiveness of the applicant and he was advised to maintain proper office decorum/discipline while executing official responsibility. The applicant had claimed that the matter should be investigated and enquired thoroughly and if anybody found guilty he should be punished. Thereafter, the applicant was issued a Memorandum dated 08.10.2002 stating that investigation is not required and the applicant is required to maintain proper decorum while executing the official responsibility. According to him, the transfer order to Shillong is because of his demand for impartial enquiry in the matter as he contended that the matter in question



is illegal and liable to be quashed. He also contended that the guidelines regulating powers of transfer of A.R.S. Scientist are not followed by the respondents while transferring him to Shillong. The respondents have given a complete go bye to the guidelines framed by I.C.A.R. He is transferred in the mid session when important research programme was going on. As he falls in the category of C/D group, he is entitled to be continued at Amravati. His transfer is contrary to guidelines. He also contended that being a Scheduled Tribe candidate he cannot be transferred on administrative exigency only. Hence this O.A.

2. The respondents filed their reply and contended that there is neither an allegation of malafide nor any malafides. The applicant has challenged the routine administrative order which is not maintainable. The applicant is holding the post of Scientist and as per the conditions of service attached to the said post, it is transferable anywhere throughout India. The transfer order was deferred till the end of April, 2003, by the order of Central Administrative Tribunal, Mumbai Bench, by looking at the academic session of applicant's children. It is also contended that it is settled law by the Apex Court that transfer is a condition of service and an employee cannot object to transfer except in the most extra ordinary circumstances. The respondents relied on Hindustan Lever Limited V/s. Workman [1974 (3) SCC 510] in which it has been held that the employer has a right to transfer in the absence of victimization, unfair labour practice or violation of conditions of service. The respondents also relied on Jeet Mahindra Singh V/s. Harinder Singh Jassi



[1999 (99) SCC 386] in which it is held that transfer and postings are ordinary incidence of service and ordinarily any transfer or posting is presumed to have been made to satisfy administrative exigencies of service. The applicant is holding the post of Scientist with all India transfer liability. There is no allegation of malafide exercise of power on the part of the competent authority nor there is any allegation about violation of any statutory provision which would make the transfer illegal. The respondents also relied on N.H.P.C. V/s. Sri Bhagvan [2001 (8) SCC 574] in which it is held that transfer of an employee is not only an incidence but condition of service, unless shown to be an outcome of malafide exercise of power or violation of statutory provision. Hence, not subject to judicial interference as a matter of routine. The Court and Tribunal cannot substitute their own decision in the matter of transfer that of the Management. It is also contended that the transfer of the applicant from Amravati to Shillong is absolutely in public interest and it has been made in the exigencies of work. The applicant alongwith others has been transferred by order dated 23.11.2002 and Dr. I. P. Singh, Principal Scientist, from the Headquarters of the Bureau has already joined at Akola to look after as the Officer-in-Charge of Regional Center, Akola and its Satellite Centre, Amravati. The opening of tender, issuing of confidential memorandum and holding of Departmental inquiry are purely subject of day-to-day office functions and it has nothing to do with transfer of the applicant.



3. Heard Shri Sandeep Marathe for Shri M. M. Sudame, Learned Counsel for the applicant and Shri S. V. Akolkar, Learned Counsel for the Respondents and perused the pleadings.

4. It is well settled that Courts and Tribunals are not appellate forum to decide on transfer of officers on administrative grounds. The wheels of administration should be allowed to run smoothly. It is for the administration to take appropriate decision. Who should be transferred where, is a matter for appropriate authority to decide. Unless the order of transfer is vitiated by malafides or is made in violation of any statutory provisions, the Court or Tribunal cannot interfere.

5. The applicant being a Scientist and a Member of Agriculture Research Service has All India service liability and can be transferred to any place in India. The opening of tender on 30.03.2002, issuing of confidential memorandum and holding of Departmental enquiry have nothing to do with the transfer of the applicant. The applicant has not mentioned the name of any officer and as such the allegation of malafide cannot be entertained. There is absolutely no material to show that the order in question is out of malice and personal grudge by the officers against the applicant. It is apparent that tenders were

invited for executing farm work at Akola and Amravati. The Committee consisting of Dr.D.P. Patel, Officer-in-Charge, NBPGR, Stn. Akola (Chairman), the applicant (Dr. W. L. Barwad, Sr. Scientist & Incharge, Satellite Centre, Amravati), Dr. K. B. Wanjari, Sr. Scientist & Pulse Breeder, Dr. PDKV, Akola, had received nine tenders out of which 8 were valid for further scrutiny. Some of the tenders were found without I.T. Clearance Certificate, which was not mentioned in the advertisement. The Chairman and a Member agreed to give some two hours time for submission of the certificate, on which the applicant had objected. After discussion, they decided to re-advertise the tender notice with some addition i.e. condition of submitting the





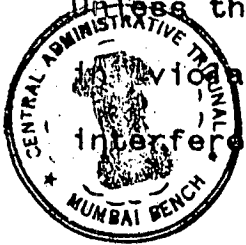
that one Dr. A. K. Singh, Head of Division, Germplasm visited Akola and Amravati on 30-31st May, 2002 and discussed with officials and representatives of the firms. Based on the enquiry report, fresh tenders were invited and the applicant was advised to maintain proper office decorum/discipline while executing the official responsibilities. There appears nothing to link this incident with the transfer in question. The applicant had made a representation dated 18.12.2002 against his transfer order dated 23.11.2002. He nowhere mentioned that he had rejected the tender of one M/s. Guru Krupa Construction, Akola, who was in relationship with the Members of the Committee and for rejection of the said tender both the Chairman and another Member have caused various false complaint against him. It appears to be a matter relating to the procedure and office discipline. It has no relevance to the transfer order. It appears that the applicant has been transferred after completion of his tenure. The applicant has put in more than three and a half years of service in Amravati. It also be remembered that the applicant was brought to Amravati from Hyderabad by transfer order dated 26.11.1998 on his request only. The transfer order does not disclose any colourful exercise of powers with a view to harass the applicant. The representation made by the applicant has been rejected by the respondents by a speaking order as per direction of Central Administrative Tribunal. The guidelines for the transfer of Scientists produced at Annexure-VII (Page 22 of the paper book) states that such transfers could be made for administrative reasons or to correct imbalance in the cadre strength of Scientists or to fill positions in high propriety project, to utilize the experience of scientists in appropriate field. The applicant alone was not transferred but he was transferred alongwith some other Scientists. His transfer



137  
92

I have mentioned that the applicant has not alleged that the authority who has passed the transfer order had any malice against him or that he was acting due to some oblique motive .

Unless the order of transfer is vitiated by malafides or is made in violation of any statutory provisions, the Tribunal cannot interfere with it. The O.A. deserves to be dismissed.



6. The O.A. is accordingly dismissed with no order as to cost.

(S. G. DESHMUKH)  
MEMBER (J).

Certified True Copy  
Date 17/12/03

os\*

*kuite*  
Section Officer  
Central Admn Tribunal,  
Bombay Bench.

Copy  
138

**सिंडिकेटबैंक/SYNDICATEBANK** वैधता अवधि: 6 महीने तक वैध, VALID FOR 6 MONTHS FROM DATE OF ISSUE

9029A E.C. NATIONAL SEEDS CORPORATION, NEW DELHI - 110 012

बीआई कूट BI CODE: **5122** पाप ड्राफ्ट की सीमा 2.5 लाख रु. Br. Si. No. of D.D. **1264**

मार्गदर्शक अ/c. Only **1264**

मार्गदर्शक अ/c. पर/On Demand Pay **Dr. W. L. Barwad NB PGR Regional Station** Date: 23.10.2003

रुपये/Rupees **two thousand nine hundred and two only** या उनके आदेश पर प्राप्त मूल्य के लिए/or Order

अदा करें/for Value Received.

**सिंडिकेटबैंक Syndicate Bank**  
Amravati  
(अदा करने वाला/DRAWEE BRANCH)  
NB PGR

कृते सिंडिकेटबैंक/For Syndicate Bank

रु. Rs. **2942 = 00**

REMITTERS NAME MDAG BI CODE: **5122**

आधिकारित हस्ताक्षर/Authorised Signatory

आधिकारित हस्ताक्षर/Authorised Signatory **6088**

"917097" 0000250001

**सिंडिकेटबैंक/SYNDICATEBANK** वैधता अवधि: 6 महीने तक वैध, VALID FOR 6 MONTHS FROM DATE OF ISSUE

9029A E.C. NATIONAL SEEDS CORPORATION, NEW DELHI - 110 012

बीआई कूट BI CODE: **5120** पाप ड्राफ्ट की सीमा 2.5 लाख रु. Br. Si. No. of D.D. **1263**

मार्गदर्शक अ/c. Only **1263**

मार्गदर्शक अ/c. पर/On Demand Pay **Dr. W. L. Barwad NB PGR Regional Station** Date: 23.10.2003

रुपये/Rupees **Ninety two thousand only** या उनके आदेश पर प्राप्त मूल्य के लिए/or Order

अदा करें/for Value Received.

**सिंडिकेटबैंक Syndicate Bank**  
Amravati  
(अदा करने वाला/DRAWEE BRANCH)  
NB PGR

कृते सिंडिकेटबैंक/For Syndicate Bank

रु. Rs. **92000 = 00**

REMITTERS NAME MDAG BI CODE: **5120**

आधिकारित हस्ताक्षर/Authorised Signatory

आधिकारित हस्ताक्षर/Authorised Signatory **6088**

"917096" 0000250001

own to us the same will be communicated to you immediately.  
ind herewith my bill for conducting the O.A. till its finality.  
re requested to do the needful at the earliest.  
ing you

Yours faithfully,  
*Santosh V. Akaikar*  
(Santosh V. Akaikar)

*Sh. Kange to Ac. fill up the  
min. official member form  
and submit for  
approval of the  
director.*  
*22/12/03*

Certified to be true copy

- 34 -

- 84 -

28 139

RECEIPT

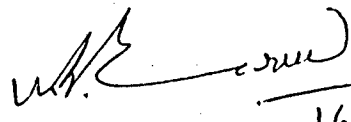
Received from the Director, NBPGR, New Delhi-12 through the Officer - In - charge, NBPGR Regional Station, Akola a Demand Draft No.917096 dated 23/10/2003 for a sum of Rs.92,000/- (Rupees Ninety Two Thousand only) towards my Transfer Traveling Advance on my transfer to NBPGR, Regional Station, Umiam, Shillong (Meghalaya).

  
16/1/04

(DR. W.L. BARWAD)  
Plot No.40,  
Behind Anand Vidyalaya,  
Bhagwan Nagar,  
Nagpur-27

Date: January, 2004

Demand Draft  
accepted under protest  
since the matter is  
subjudice before Hon'ble  
High Court, NCP Bench  
for interim stay on transfer matter.  
21.1.04

  
16/1/04

Sr. Scientist & Scientist I/c  
NBPGR, S.C. Amravati

-35-

-85-

(25)

140

RECEIPT

Received from the Director, NBPGR, New Delhi-12 through the Officer - In - charge, NBPGR Regional Station, Akola a Demand Draft No.917097 dated 23/10/2003 for a sum of Rs.2,942/- (Rupees Two thousand Nine hundred forty two only) towards my DA Arrears + TA Adjustment (Rs.1,940/- + Rs.339/- + Rs.663/- = Rs.2,942/-).



*arw* 16/1/04  
Sr. Scientist

Date: January, 2004

(DR. W.L. BARWAD)  
Plot No.40,  
Behind Anand Vidyalaya,  
Bhagwan Nagar,  
Nagpur-27

Received after a lapse  
of about 8 months time.

S. No. 1 (9)

ANNEXURE - L

REC'D.



National Bureau of Plant Genetic Resources  
(Indian Council of Agricultural Research)  
Pusa Campus, New Delhi - 110012



E. Mail : [son@nbgp.cari.ernet.in](mailto:son@nbgp.cari.ernet.in)  
Gmail : GERMPLASM

Phone : (0) 011-2584 1022 (R) 25822726  
FAX : 091-011-25842495, 25785619

No.3(102)/1999/PI/WTT

Dated:-28.6.2004

To

The Officer Incharge,  
NBPGR Regional Station,  
Umiam (Meghalaya)

Subj:- Regularisation of period from 17.4.2003 to 24.1.2004 in respect of Dr. W.J. Harwad, Senior Scientist, reg.

Sir,

This is to state that Dr. Harwad was relieved from Aniravali on 16.4.2003 vide office order No. 33-166/2003/3232/8 dated 11.2.2003 to report for duty to the Officer Incharge, NBPGR Regional Station, Umiam as per the Hon'ble CAT order dated 31.1.2003. He joined duty at Umiam on 27.1.2004(AN).

Dr. Harwad was relieved on 16.4.2003(AN) but he did not join the place of his posting upto 26.1.2004 for the reasons best known to him. The abovesaid period of absence of Dr. Harwad is required to be regularised. He has following leave at his credit for which an application duly sanctioned by the concerned Officer Incharge is required by the Head Quarter:-

Earned Leave: 235 days  
HPL: 78 days

The Scientist concerned may please be informed accordingly and an early reply to settle/regularise the period of his absence be sent to the Competent Authority immediately.

This issues with the approval of Director, NBPGR.

Yours faithfully

*Namrita Sharma*  
(NAMRITA SHARMA)  
SR. ADMN. OFFICER

NBPGR, Umiam (Barapani)  
Ribho-793103  
Diary No. 1/WLB/295  
Date... 6-7-04

1/WLB

*Sharma*  
6/7/04

Certified to be true copy.

*[Signature]*



National Bureau of Plant Genetic Resources  
(Indian Council of Agricultural Research)  
Pusa Campus, New Delhi - 110012



Phone: 25841022(direct)  
25849208/25849211/25849214/25843296/25849545-Extn.231  
E: mail [sao@nbpgr.delhi.nic.in](mailto:sao@nbpgr.delhi.nic.in)

FAX :091- 011-25842495/25841019  
GRAM : G E R M P L A S M

No. 33-166/2003-Vlg./1999@

February 11, 2005

Dr. W.L. Barwad  
Sr. Scientist (Ag. Engo.)  
NBPGR Regional Station  
Umiam - 793 103 (Meghalaya)

Sub: Non receipt of letter dated 11.02.2003

Ref: Your letter 2/WLB/Sche.Tribe-harassment/2004-05/52 dated 11.01.2005  
and No.1/WLB/04-05/657 dated 10.01.2005

Sir,

Please refer to your above mentioned letters on the subject cited above. In this connection, this is to inform you that Office Order No.33-166/2003/3232/8 dated February 11, 2003 was amended vide this Office Order No.33-166/2003/4760/9 dated 26.02.2003 in which you stand relieved w.e.f. 16.04.2003, and it was also confirmed by you regarding receipt of said order on 4.4.03 vide your Fax No.1/NBPGR/SC/Amt/2003/371 dated 05.04.2003 (copy enclosed). As per the relieving order you should have joined immediately at NBPGR, Regional Station, Umiam but you have joined on 27.01.2004 and remained absent from 16.04-2003 to 26.01.2004 for which you have to apply for leave. Due to the reason, your salary have not released. It is repeated that please apply for the leave for the period mentioned above so that your salary can be released. If you will not apply for the leave within 15 days of receipt of this letter, failing which, the period of absence will be treated as willfull absence as per leave rules and no further correspondence will be entertained in this regards.

This is issued with the approval of the Director, NBPGR, New Delhi.

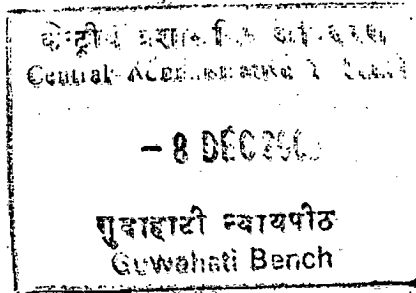
Encl: as above

Yours faithfully,

(Namrta Sharmā)  
Sr. Admn. Officer

Mr 11/2

Certified to be true copy



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

143

88

Filed by me applicant  
through Subrata Naha.  
Advocate

In the matter of: -

O.A. No. 41 of 2005

Dr. W.L. Barwad.

-Vs-

Union of India and others.

-And-

In the matter of: -

Rejoinder submitted by the applicant in  
reply to the written statement submitted  
by the respondents.

The applicant above named most humbly and respectfully begs to state as  
under;

1. That your applicant categorically denies the statements made in paragraph 3  
of the written statements and begs to state that this application has been  
made on the basis of official records and established facts and there is no  
suppression of an material fact whatsoever as stated by the respondents. The  
facts of the case narrated by the respondents in paragraph 3 A, B, C, D, E, F  
and G of the written statements are not true picture of the entire facts and as  
such the same are denied and stated below para wise in seriatim.

- A. That the transfer of the applicant from Satellite Centre, Amravati  
and his posting at Regional station Shillong was neither in the  
exigencies of work nor in the public interest as stated by the  
respondents. It is evident from the fact that the applicant is



144  
2

working as Sr. Scientist (Agril Entomology) but in his new place of posting (i.e. at Shillong), there is no post of Agril Entomology as per cadre strength of the scientist of ICAR and as such the posting of the applicant at Shillong is a mere wastage of the scientific expertise and misuse of manpower resource, more so, when the applicant had been handling important research projects at Amravati, which he was suddenly sought to be dissociated from.

Further, in the transfer order dated 23.11.2002 (Annexure-XV to the O.A), it was clearly mentioned interalia that the applicant would handover the charge to Shri N. Dikshit and thereafter report for duty at Shillong, but Shri Dikshit did not come to take over charge.

It is also relevant to mention here that after receipt of transfer order, the applicant submitted one representation on 18.12.2002 to the respondent No. 2 praying for reconsideration of his transfer, which has been suppressed by the respondents in their written statement.

(Copy of the representation dtd. 18.12.2002 is annexed hereto as Annexure- A).

- B. That the three order/letters dated 27.12.2002, 04.01.2003 and 28.01.2003 referred to by the respondents in paragraph B of their written statements are their after thoughts whereby it has been attempted to misrepresent the facts before this Hon'ble Tribunal. It is relevant to mention here that the applicant was on commuted leave on medical ground w.e.f. 02.01.2003 to 01.02.2003 and interestingly, the said letters have been shown to have been issued during the leave period of the applicant. The applicant has neither received those letters nor aware of those letters which he has come to know after going through the contents of the instant written statement dated 30.08.2005 only and the respondents did not

mentioned about those letters even in their impugned letter dated 16.11.2004 (Annexure-VII to the O.A).

C. That the Hon'ble Tribunal Mumbai Bench vide its interim order dated 31.01.2003 in O.A No. 2005/2003 was pleased to stay the operation of the transfer order dated 23.11.2002 till the end of March, 2003 and directed the respondents to decide the representation dated 18.12.2002 of the applicant by end of March, 2003 and further directed the respondents to file a detailed reply to the O.A. within one month. But the respondents instead of complying with the directions aforesaid of the Tribunal, issued their order dated 26.02.2003 deferring the transfer till the end of March, 2003 stating that the applicant would stand relieved from Amravati w.e.f. 16.4.2003. It is relevant to mention here that the respondents neither decided the representation of the applicant nor filed any reply to the Tribunal as directed by the Hon'ble Tribunal in its interim stay order dated 31.01.2003 but issued their order dated 26.02.2003 when the interim order was in force. However, the applicant received the order dated 26.02.2003 only on 04.04.2003 and thereafter submitted one representation on 04.04.2003 against the said order. Further, vide his representation dated 05.04.2003 (Annexure-I to the O.A.), the applicant prayed for payment of transfer Traveling advance and other dues prior to his release so as to facilitate his joining at his new place of posting. Subsequently vide another application dated 16.04.2003 (Annexure-II to the O.A.) the applicant requested the respondents to arrange for taking over of the charges etc. of Amravati station from him so as to facilitate his joining at his new place of posting. But neither the Transfer Traveling Advance was paid nor the charges were taken over from the applicant. As such the contention of the respondents that the applicant stood relieved from Amravati w.e.f. 16.04.03 in terms of

- 90 - 46  
4

order dated 26.02.03 is not sustainable since the order dated 26.02.03 was not only issued illegally but the respondents also did not take any action on the representations dated 04.04.2003, 05.04.2003 and dated 16.04.2003 submitted by the applicant, to facilitate his joining at his new place of posting.

(Copy of interim order dated 31.01.2003 and representation dated 04.04.2003 are annexed hereto as Annexures- 'B' and 'C' respectively).

D. That even after the submission of applications dated 05.04.03 and order dated 16.04.03 by the applicant requesting for payment of Transfer Traveling Advance and taking over of charges, neither his advance was paid nor anybody came to take over the charges at Amravati by signing relevant records, receiving stores, funds, assets etc. as per procedure. Both Sri N. Dikshit, Sr. Scientist, Akola and Dr. I.P. Singh, office i/c, Akola visited Amravati Station on official tour during that period but they were not inclined to take over the charge from the applicant inspite of its clear mention in the transfer order dated 23.11.2002.

Further the constitution of committee and taking over of the charges of Amravati Centre by the said committee on 12.06.03 and 13.06.03, if any, as stated by the respondents was a unilateral secret deal by the respondents which was not intimated to the applicant. It is relevant to mention here that the applicant was on Earned leave from 09.06.03 to 13.06.03 which is evident from his leave application dated 10.06.2003 (Annexure -X to the O.A.) and the applicant was not informed of such a committee or its visit ever. It is surprising as to how the so called committee could take over the charges without intimating or without associating the applicant

- 91  
148  
5

from whom the charges have to be taken over, and that too was done in the absence of the applicant.

E. That the applicant applied for payment of Transfer Travelling Advance on 05.04.03 as per rules and as per his entitlement for his joining at his new place of posting and persuaded the same by subsequent letters, FAX, telegram and telephonic communications. But even thereafter, the advance was not paid in time and situated thus, the applicant even visited Akola Office in person for drawing his advance which was refused by Dr. I.P. Singh, officer in charge, Akola, for the reasons best known to him. As such it was not possible for the applicant to proceed to his new station without having the traveling advance but had to continue with his existing duties at Amravati regarding demand draft dated 17.06.03 for Rs. 92,000/- as stated by the respondent, the applicant is not aware of since the same was not delivered to him ever. However, the applicant received the advance only on 16.01.2004 and that too was much less than the admissible amount, and thereafter only, he could make necessary arrangements for proceeding to his new place of posting where he joined on 27.01.04.

F. That the O.A. No. 2005/2003 decided by the Mumbai Bench of this Tribunal, as mentioned by the respondents, was in a different issue and in no way related to the issues involved in the instant O.A. as such the statement in paragraph F of the written statement is irrelevant here.

G. That the applicant was not relieved from Amravati on 16.04.2003 and the applicant could join his new place of posting at Shillong only on 27.01.04 for the reasons stated in the preceding paragraphs hereinabove.

92  
6/49

Further, it is clearly evident from the records that the applicant asked for his Transfer traveling Advance and taking over of charges from him well in time and persistently insisted on the same but the respondents failed to take any action on the matter. As such the delay in his joining at Shillong is attributable to the respondents only, and their statement otherwise that the applicant willfully delayed his joining and avoided correspondence etc. are simply illusory and not sustainable.

2. That the applicant categorically denies the statements made in paragraph 5 of the written statement and further begs to submit that the transfer order dated 23.11.2002 was issued neither in the exigencies of service nor in public interest but with oblique motive and malafide intentions. It is evident from the fact that the applicant being a scientist in Agril. Entomology was transferred to Shillong Center where there is no post of Agril. Entomologist at all, which was uncalled for, more so when he was handling important projects in his own field of specialization at Amravati and as such his stay at Amravati was more required in the interest of exigencies and public interest.

Further, the order dated 26.02.2003 mentioning a condition therein that the applicant would stand released from Amravati w.e.f. 16.04.2003 is illegal and arbitrary in as much as that the said order was opposed to the interim order dated 31.01.2003 in O.A. No. 2005/2003 (Annexure- B) passed by the Mumbai Bench of this Tribunal and violative of the transfer guidelines contained in serial No. 9 of the letter No. ICAR letter No. 8-16/76- Pers. IV dated 17.11.1980. The respondents deliberately suppressed these facts that the Mumbai Bench in its interim order dated 31.01.03, directed the respondents to decide the representation dated 18.12.2002 of the applicant by the end of March, 2003 and further to file a detailed reply to the O.A. within one month and stayed the operation of the transfer order dated 23.11.2002 till the end of March, 2003. But the respondents did not comply with the directions aforesaid

93 7  
449

and issued the order dated 26.02.2003 arbitrarily violating the interim stay order which was in force. This apart, the transfer guidelines laid down in ICAR letter dated 17.11.80 also provides that the orders of transfer will be issued at least two months in advance to enable the Scientist to make preparations for his movement and the representation received from the Scientist against the transfer will be considered by the Institute. The respondents violated this provision also while issuing their order dated 26.02.2003. As such, after receiving the illegal order dated 26.02.2003. As such, after receiving the illegal order dated 26.02.03 on 04.04.2003, the applicant submitted representation on 04.04.2003 itself (Annexure- 'C') against the said order which the respondents have conveniently suppressed in their written statement.

(Copy of transfer guidelines dated 17.11.1980 is annexed hereto as Annexure- 'D').

3. That the applicant categorically denied the statements made in paragraph 6 of the written statement and begs to submit that the applicant in his application dated 16.04.2003 (Annexure- II to the O.A.) made specific request to the respondents for taking over the charges and thereafter the applicant persistently insisted on the matter and kept on waiting for handing over the charges. But none came to take over the charge as directed in the transfer order which involves formal handing over/taking over of records, stores, assets, imprest fund etc. as per rules 78 of G.F.R (Annexure- XVI to O.A.) and the applicant was very much available in his office for the purpose. Further, the constitution of a committee for taking over charges of Amravati etc. as stated by the respondents are all misrepresentation of facts and it is surprising that how the charges could be taken over without informing the applicant or associating the applicant in the exercise whereas the charges have to be taken over from the applicant only who was in possession of the things to be handed over/taken over. The claim of the respondents is that the applicant was relieved from Amravati on 16.04.03 but in the same breath they

94-  
257  
8

have also stated that on 17.06.2003 they had sent the demand draft to the applicant at Amravati and as such the statements are inconsistent and not sustainable in as much as that they have admitted that the applicant was at Amravati and as such the statements are inconsistent and not sustainable in as much as that they have admitted that the applicant was at Amravati Centre on 17.06.2003, i.e. even after 16.04.03, the date of so called release.

4. That with regard to the statements made in paragraphs 7, 8, 9 and 10 of the written statements, the applicant begs to reiterate as stated hereinabove and further begs to state that the order dated 10.04.03 and dated 12.12.03 in O.A. No. 2005/2003 of the Hon'ble Mumbai Bench of this Tribunal as stated by the respondents is in no way related to the issues involved in the instant O.A. and hence not relevant here. However, it is relevant to mention here that even prior to the passing of the order dated 10.04.03 aforesaid, the applicant applied on 05.04.03 for payment of his TT advance and immediately thereafter he also submitted his application dated 16.04.03 (which has no relation with the order dated 12.12.2003 since there were official holidays from 11<sup>th</sup> to 15<sup>th</sup> April, 2003) requesting the respondents to take over the charges of Amravati Centre from him which made his intention and loyalty abundantly clear. But the respondents neither paid the TT advance nor arranged for taking over charges. As such the contention of the respondents that the applicant decided to join at Umiam (Shillong) only after the dismissal of his O.A. vide order dated 12.12.2003 by the Hon'ble Mumbai Bench is misconstrued, illusory and misstatement. Further, the applicant was very much in service at Amravati Centre during the period from 16.04.2003 to 26.01.2004 and he had rendered services there which is clearly evident from the attendance register of the staff and other official records like cash receipt book, imprest vouchers, Gate passes, etc. pertaining to the relevant period.

(Copy of attendance roll for April and May, 2003 and some cash receipts are annexed hereto as Annexures- 'E').

5. That the applicant emphatically denies the statements made in paragraph 11 of the written statement and begs to state that in the impugned letter dated 16.11.2004 (Annexure- VII to the O.A.), the respondents have not answered any of the points raised by the applicant in his representation dated 07.09.2004 but instead have made some allegations against the applicant which are entirely false and concocted and the applicant has narrated the facts thereto in paragraph 4.11 of the O.A. and further in the paragraphs hereinabove. It is clearly evident from the facts narrated in the preceding paragraphs hereinabove, that the applicant was very much in service at Amravati Centre during the period from 16.04.03 to 26.01.04 which cannot be treated as unauthorized absence since his stay there is attributable to the respondents and not to the applicant for the reasons stated hereinabove. The respondents realized their lapses and in a bid to eclipse their own lapses, they insisted on the applicant to apply for leave for the said period which the applicant does not have any reason to comply with since he was on duty at Amravati during the period. The letter dated 11.02.05 and 28.06.04 as referred to by the respondents were accordingly replied by the applicant on 01.03.2005 and 12.07.2005 respectively. The series of official communications addressed to the applicant at Amravati by the respondents even after 16.04.2003 and other official registers and records etc. pertaining to the period in dispute, will clearly show that the applicant had attended duty at Amravati during that period. The respondents have suppressed all those facts in their impugned letter dated 16.11.2004 which they have issued unavoidably following the submission of representation dated 07.09.2004 by the applicant pursuant to the order dated 26.08.04 in O.A. No. 181/2004 (Annexure- V to the O.A.) of this Hon'ble Tribunal may be pleased to call for those official records.
  
6. That the applicant categorically denies the statements made in paragraph 12, 13 and 14 of the written statement and most respectfully begs to



submit that those statements being the repetitions of the statements made in the written statements by the respondents, this applicant refrains from repeating the same answers to avoid the wastage of time of this Hon'ble Tribunal and begs to reiterate the facts narrated in the preceding paragraphs hereinabove. The applicant as his last remedy, has filed this O.A. before this Hon'ble Tribunal which is bonafide and aimed at securing the ends of justice only against the arbitrary, illegal, unfair, malafide and capricious actions of the respondents.

7. That in the facts and circumstances, the applicant most respectfully submits that he is entitled to the reliefs prayed for, and the Original Application deserves to be allowed with costs.

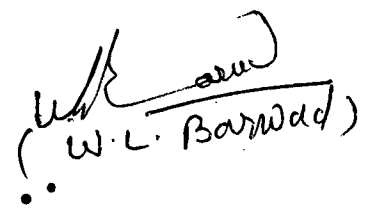
97-153

VERIFICATION

:

I, Dr. W.L. Barwad, S/o Shri Laxman Rao Narayan Barwad, aged about 54 years, working as Sr. Scientist (Agril. Entomology) in the National Bureau of Plant Genetic Resources, Indian Council of Agricultural Research, P.O. Umiam, Meghalaya, do hereby verify that the statements made in Paragraph 1 to 7 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the \_\_\_\_ day of November, 2005.

  
(W.L. Barwad)

F- No. 1/N.B.P.G.R./Sat. Centre/Amt./2002/ 3/3/1-2

Dated : 18/12/2002

To,  
The Director,  
National Bureau of plant Genetic Resources,  
Pusa Campus,  
New Delhi - 110012

Registered AD

Ref: - Your office order No. 6 (4) / 2001/P.1/2735/3307 dated 23.11.2002 received through officer incharge, N.B.P.G.R. Regional Station, Akola by Regd. A.D. on 12.12.2002

Subject: Request for cancellation / withdraw of my transfer order (Amravati to shillong) in the overall interest of approved Rerearch Project running at Amravati and as per Transfer rules (A.R.S.) of I.C.A.R. approved by SFC/GB and the president of I.C.A.R. vide Council Lr. No. 8-16/76 - per. IV dated 17.10.1980.

Respected Sir,

With humble submission and due regard, the undersigned Senior scientist & Scientist Incharge beg to submit his genuine representation against the abovementioned office order of the Director N.B.P.G.R. New Delhi in a bonafide manner. The representation is in the overall interest of the Institute, nation, for proper justification of salary and poor man' funds ( Govt. money) by keeping in view the transfer rules of ARS for scientists as mentioned in the subject as well as genuine administrative lapses.

1. It is most respectfully submitted that the works of the A.R.S. scientist is not a routine and public dealing jobs like I.A.S, I.P.S., I.F.S., I.C.S. etc. where exigencies of the works involved in the public interest to maintain the law and order or public dealing jobs.

The works of the A.R.S. scientist is Research Project planning in which my research project has been approved in the S.R.C. meeting and currently I, am handling two research project entitled ---

- 2.1 Conservation & preliminary evaluation of agricultural and horticultural crops.
- 2.2 Studies on insect host plant interaction in mungbean (*Vigna radiata*), sweet potato and papaya.

These two research project is to be competed at N.B.P.G.R. Satellite Centre, Amravati only, for proper justification of my salary at the cost of poor man' fund. Those two research projcet is worth for Rs. 42,20,000/- and is amply on official records (Ann- I,II,III,IV,&V)

2. It is further submitted that the post of scientist was vacant (exists) at N.B.P.G.R., Sat. Centre, Amravati w.e.f. 1995 due to retirement of a scientist here. Therefore, due to exigencies of scientific research and technical works, I have been called by the Director of N.B.P.G.R. New Delhi from N.R.C.S. Hyderabad to N.B.P.G.R. Sat. Centre, Amravati, as none was willingly to go at Amravati being the remote areas. This is also amply on the official records of I.C.A.R. & N.B.P.G.R. New Delhi

3. It is again submitted that plenty of research works is to be done at this center and currently I am the only one Tribal Senior Scientist at Amravati Centre who is looking after all the research project works technical activites and managemenet of this important Station, being the officer incharge. The ongoing scientific research works can be done only at Amravati and not possible at

Shillong (meghalaya) due to climatic factor, crop involved, its objectives etc. and it is a wasting of Govt. money in several lakhs of rupees, if I am forcibly transferred to shillong.

4. It is further submitted that the reason mentioned in my transfer case is incorrect and it has some genuine administrative lapses, where, the Hon'ble Director wanted to save the guilty staff members involved in indisciplined activities in the office / Institute at Akola & Amravati center.

So keeping in view my genuine representation along with documentary evidence of every description in the above mentioned paras, I humbly request the Director, N.B.P.G.R. to kindly withdraw / cancel my transfer order from N.B.P.G.R. Amravati to N.B.P.G.R. Regional Station Shillong (meghalaya) in the overall interest of the Institute & nation for proper justification of my salary at the cost of poor man's fund.

Thanking you sir in anticipation of favourable action at the earliest.

Yours faithfully

*W.L. Barwad*  
o/c

(W.L. Barwad)  
Sr. Scientist &

Scientist Incharge  
NBPGR Satellite Center  
Amravati

Encl : Ammexure I to V and Sr. No. 1 to 18 as under

- 1) Confidential Memorandum No. 1 (8)/2000/vig/1688 dt. 6.8.02 & reply by Dr. Barwal dt. 7.11.02
- 2) Fax to Director & Incharge F. No. 1/NBPGR/Sat Cen./Amt./2002 Dt. 12/9/02.
- 3) Fax to S.A.O. NBPGR, New Delhi, F. No. 3 /Indiscipline & vigilacne/ 2002 / Vol. II / 257 dt. 10.10.02
- 4) Fax message to Incharge Director, NBPGR, New Delhi F. No 2/NBPGR/ Sat Cen./Amt./2002 265 dt. 18.10.02
- 5) Speed post letter to officer I/C NBPGR, RS, Akola F.No. 2/NBPGR/SC /Amt/2002/ 268 dt. 19.10.02
- 6) O.Letter to Head, GED, NBPGR, N.D. by Regd. letter dt. 23.10.02
- 7) Official letter to S.A.O. NBPGR, N.D. dt. 24.10.02
- 8) O.Fax message to S.A.O. NBPGR, N Delhi Dt. 25/10/02
- 9) O.Fax message to Director to NBPGR, N.Delhi Dt. 31/10/02
- 10) O. Fax to Director, NBPGR, N.Delhi Dt. 1/11/02
- 11) Regd. A.D. letter to chief Editor & owner of Deshonnati Amt. Dt. 2.11.02 & copies to Director & O.I/C Akola & others
- 12) O.Fax message to the Director dt. 14.10.02
- 13) O.Fax message to Shri Dixit, O I/C NBPGR Akola dt. 16.11.02 *ned*
- 14) O.Fax message to Director NB PGR, N, Delhi, dt. 19.9.02
- 15) O.Fax message to shri Dixit, NBPGR Akola dt. 18.9.02
- 16) O.Fax message to Dr. B.S. Dhillon, Director, NBPGR, N.D. dt. 15.11.02
- 17) Publication of news in Deshonnati Akola dt. 25.11.02
- 18) Approved 2 Res. project contineing at NBPGR, SC, Amravati. with estimated budget for Rs.42,20,000/- (Ref Amm-I,II,III,IV,V)

*W.L. Barwad*  
o/c

(W.L. Barwad)

SENIOR SCIENTIST &  
SCIENTIST INCHARGE,  
NB PGR,  
Satellite Center,  
AMRAVATI CAMP-445002

Original Application No :- 2005/2003

Shri Dr. W.L. Sarwad ..... Applicant

Versus

M/o. Agriculture & Anr. .... Respondents

Coram :- Hon'ble Shri S.L.Jain, Member (30

TRIBUNAL'S ORDER :-

Dated :- 31-01-2003

Heard Shri M.M.Sudame, counsel for the applicant and Shri Govind Mishra, Learned counsel for the respondents.

The applicant is transferred from National Satellite Centre, Amravati to Regional Station, Shillong, vide order dated 23-11-2002. The applicant has represented in respect of the said transfer order vide representation dated 18-12-2002. The said representation is yet to be decided by the respondents.

Learned counsel for the applicant has drawn my attention to the transfer policy, particularly Para, 3, 4 and 9. In para 4, it is being mentioned that "as far as possible transfer should normally be made by the end of March when the academic session of the school and college will come to a close so as not to disturb the education of the children." Applicants transfer is in mid session, the respondents can decide the representation of the applicant by end of March, 2003 and till then transfer order dated 23-11-2002. its operation is being stayed. The respondents may file a detailed reply to the OA within one month. The matter be listed for final hearing on 3-4-2003 at Mumbai Bench.

Certified True Copy  
Date 31/1/03



NO/CAT/MUM/NOP/JUDL/158  
Copy To :-

Section Officer  
DATED :- 31-01-2003, Tribunal,  
Nagpur

- 01. Shri M.M.Sudame, counsel for the applicant.
- 02. Shri Govind Mishra, counsel for the respondents.

-150-  
253

"By FAX" (MOST URGENT)

National Bureau of Plant Genetic Resources, Satellite Centre,  
Amravati Camp - 444602

F No. 1 / NBPGR / S.C. / Violation of ICAR Rules / 2003 / 368

Dated - 04/4/003

101

To,

The Director,  
N. B. P. G. R.; Pusa Campus  
New Delhi - 110012 011-25851495

From: DR. W. L. BARWAD

SENIOR SCIENTIST &  
SCIENTIST INCHARGE,  
N. B. P. G. R.  
Satellite Centre,  
AMRAVATI CAMP - 444602.

Ref: Transfer Revised Guidelines of Council Ln. No. 8-16/76-Per-IV :  
17th Nov. 1980 with the approval of the SFC / GB & the  
President, I. C. A. R.

Subject: That O. Order of Sr. Adm. Officer, No. 33-168/  
2003/4760/9 dated 26.2.2003 is a gross  
violation of Council' letter as above Sr. No. 9.  
Transfer Committee - Request for its immediate  
withdrawal, if interested in Council' rules.

Sir,

May, I request you to kindly refer your above  
mentioned Office Order dated 26.2.003, actually  
received by me for the first time on 04.4.003.  
This Office Order is self explanatory and conditional  
in nature. But, issuing this type of order is a gross  
violation of Council' Order dated 17.11.1980 vide Sr.  
No. 9, Transfer Committee (Please verify the Council' Guidelines)

The Council' Order speaks that "the order of  
transfer will be issued atleast 2 months in advance to  
enable the scientist to make preparations for their  
movement." Please also refer the Tribunal' Order passed on  
31.1.2003, according to which the reply is not filed within  
one month as well as the representation of Dr. W. L. Barwad  
dt. 18.12.003 is not decided till the end of March, 2003.  
I have already informed you by Fax on 31.3.003 Pl. note.

I have not received your letter No. 3(102)/1999/P.I.  
Dated 15.1.2003 till 03.4.003, since the concerned scientist  
was on Commuted leave period w. f. p. 02.1.003 to 2.2.003  
which is comply on official record at Akole Station. Please note & verify.  
A line of reply is requested.

Yours faithfully,  
O/C W. L. Barwad

Transfer Guidelines of ICAR

W. L. BARNARD  
ANNEXURE - 'D'  
Annexure - II  
102

Extract from ICAR letter No. 8-16/76-Pers. IV dated the 17th November, 1980 addressed to the Directors/Project Directors of Research Institutes/Projects.  
Ref: Council's letter No. 8-16/76-Pers. IV dated 27th September 1977.

In supersession to Council's letter mentioned above, it has been decided with the approval of the SFC/GP and the President, Indian Council of Agricultural Research that the following revised guidelines will be observed for making transfers of ARS Scientists from one Institute to another and within the Institutes with immediate effect:-

The transfer of scientists will be made:-

- (i) to correct imbalance in the cadre strength of scientists in various disciplines at different institutes and also within an Institute including regional stations.
- (ii) to fill positions in high priority projects direct recruitment to which through the Agricultural scientists Recruitment Board may result in delay in the implementation of programmes.
- (iii) to utilize the experience of scientists in appropriate fields.
- (iv) to post scientists in backward or comparatively less developed areas in accordance with the provisions of rule 20(2) of the A.R.S. Rules.
- (v) for administrative reasons.

CATEGORISATION OF STATIONS

The stations in which the ICAR Institutes stations and centres are located have been categorised as A, B, C, D & E. For purposes of transfer, A and B will form one group, C the second group and D and E third group.

TENURE OF POSTING

The tenure of posting will normally be 5 years in the first group, 4 years in the second group and 3 years in the third group. The scientist on completion of his tenure of 5 years in the first group will be transferred to the third group and on completion of three years tenure in that group to the second group and then to the first group and so on. If any scientist working in second and third group i.e. category C, D & E. Stations does not want to be disturbed he may be allowed to continue in those stations. A scientist is required to spend at least a minimum of three years in group three stations i.e. category D or E station during his entire career.

TIME OF TRANSFER

As far as possible, transfers should normally be made by the end of March when the academic session of the schools and colleges will come to a close so as not to disturb the education of the children.

MODE OF TRANSFER

Transfer will be made in the order of length of stay at a particular place, i.e. the scientists who have served longest in a station will be transferred first. The scientists who have served for long periods in stations included in the second and the third groups will be considered first for transfer. While computing the length of service for transfer the period already rendered in B, C and other areas should

See Next Page for research project should not disturb

be taken into account. In case of inter-institutional transfer, Directors should be consulted/informed in advance. While transferring the scientists consideration should be given to its effect on research programmes so that no programme is disrupted. Transfer not of a routine nature according to pattern but on administrative/disciplinary grounds should be ordered by the Directors in the Centres/Stations under them after getting the prior approval of the D.G., ICAR.

6. DISCIPLINE OF THE SCIENTIST ON TRANSFER

The discipline of the scientist transferred shall be the same. Transfer of scientists engaged in extension work, will be made having regard to their knowledge of the local language.

7. PERIOD OF ACCOMMODATION

Scientists transferred to a station may be allowed to retain their residential accommodation at their place of posting before their transfer for a period of two months from the date of relief. Such scientists should also be allotted residential accommodation in the new Institutes within two months from the date of their joining.

8. POSTPONEMENT OF ASSESSMENT FOR SCIENTIST NOT PROCEEDING ON TRANSFER

If a scientist transferred in accordance with this pattern to a station included in any of the Groups does not proceed on transfer or delays it for some reason or the other, his assessment for merit promotion or advance increments shall be deferred till he complies with the transfer orders. The period by which he delays the transfer will not be taken into account for computing the 5 years period of service for assessment.

9. TRANSFER COMMITTEE

A Transfer Committee will be set up at the Headquarters of the Council with Director General as Chairman, Secretary/one D.D.C. nominated by the Director General and Director (P) as members to consider the question on transfers according to the above mentioned pattern and on the recommendations of the Committee, the orders of transfer will be issued at least two months in advance to enable the scientists to make preparations for their movement. Representations received from the scientists or from the Directors on this matter will be considered by the Council. For considering cases of transfers from Institute to regional stations and vice-versa a similar committee will be set up by the Director of each Institute. Representations against transfers received from the scientists will be considered by the Institute.

10. LIST OF SCIENTISTS ELIGIBLE FOR TRANSFER

By the 31st March every year, the Directors of the Institutes shall forward to the Headquarters a list of scientists who have become eligible for transfer. The list need not contain the names of the scientists who can be transferred according to this pattern by the Directors themselves from the Regional Stations/Centres to the Headquarters of the Institutes and vice-versa. There should, however, be uniformity in intra-institutional transfers.

11. EXTRANEOUS AND OUTSIDE PRESSURES

Extraneous and outside pressures if brought upon the administration against the transfers made according to the pattern shall attract the provision of C.S. (Conduct Rules) as applied to the Council's employees.

INDIAN GRASSLAND & FEEDER RESEARCH INSTITUTE, JHAJESI

Standing No. F. 1-11/30-Adm. (ARS)

Dt: 2nd Dec., 1980

Copy forwarded to All Incharge Divisions/Sections/Sr. Scientists/OIC, ICARI Sub-station, Mansal with the request that contents of above circular may please be brought to the notice of all A.R.S. Scientists working in the Division/section.

standing No. F. 1-11/30-Adm. (ARS)  
of eligible  
Scientists  
to be  
pared by  
Dec. '80

*[Handwritten signature]*



मास १६ की  
ATTENDANCE ROLL FOR THE

हाजिरी पंजीका  
MONTH OF April 2003 19

(7)

Name नाम		1	2	3	4	5	6	7	8	9	10	11	12	13
Shri B. B.	श्रीमान A	15.30	16.30	17.30	18.30	19.30		20.30	21.30	22.30	23.30	24.30		
Kuumbhar S-3 Gr. IV	श्रीमान D	15.30	16.30	17.30	18.30	19.30		20.30	21.30	22.30	23.30	24.30		
Shri R.P.	श्रीमान A	15.30	16.30	17.30	18.30	19.30		20.30	21.30	22.30	23.30	24.30		
Borse S-5 Gr. II	श्रीमान D	15.30	16.30	17.30	18.30	19.30		20.30	21.30	22.30	23.30	24.30		
Shri A.D.	श्रीमान A	15.30	16.30	17.30	18.30	19.30		20.30	21.30	22.30	23.30	24.30		
Godlinge S-5 Gr. I	श्रीमान D	15.30	16.30	17.30	18.30	19.30		20.30	21.30	22.30	23.30	24.30		
	श्रीमान A													
	श्रीमान D													
	श्रीमान A													
	श्रीमान D													

	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	दिवाक Remarks
Shri B. B.	15.30	16.30	17.30	18.30	19.30	20.30	21.30	22.30	23.30	24.30	25.30	26.30	27.30	28.30	29.30	30.30	31.30		
Kuumbhar	15.30	16.30	17.30	18.30	19.30	20.30	21.30	22.30	23.30	24.30	25.30	26.30	27.30	28.30	29.30	30.30	31.30		
Shri R.P.	15.30	16.30	17.30	18.30	19.30	20.30	21.30	22.30	23.30	24.30	25.30	26.30	27.30	28.30	29.30	30.30	31.30		
Borse	15.30	16.30	17.30	18.30	19.30	20.30	21.30	22.30	23.30	24.30	25.30	26.30	27.30	28.30	29.30	30.30	31.30		
Shri A.D.	15.30	16.30	17.30	18.30	19.30	20.30	21.30	22.30	23.30	24.30	25.30	26.30	27.30	28.30	29.30	30.30	31.30		
Godlinge	15.30	16.30	17.30	18.30	19.30	20.30	21.30	22.30	23.30	24.30	25.30	26.30	27.30	28.30	29.30	30.30	31.30		

Attested Xerox  
from original Attendance Register

31/5/03  
SENIOR SCIENTIST &  
SCIENTIST INCHARGE,  
P. P. G. R.

मास १६ की  
ATTENDANCE ROLL FOR THE

No.	Name नाम	Category	Days														
			1	2	3	4	5	6	7	8	9	10	11	12	13		
1	Shri B.B.	आना A	EL														
	Kuramhanni	बाना D															
2	Shri R.P.	आना A	0														
	Barre	बाना D	0														
3	Shri A.D.	आना A															
	Eadlinge	बाना D															
4		आना A															
		बाना D															
5		आना A															
		बाना D															

हाजिरी पंजीका  
MONTH OF May, 2003

No.	Name	Category	Days																												Remarks	
			14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31												
1	Shri B.B.	आना A																														
	Kuramhanni	बाना D																														
2	Shri R.P.	आना A																														
	Barre	बाना D																														
3	Shri A.D.	आना A																														
	Eadlinge	बाना D																														
4		आना A																														
		बाना D																														
5		आना A																														
		बाना D																														

Attended from  
Original from  
Atten. Register

SENIOR SCIENTIST &  
SCIENTIST INCHARGE,  
P. G. R.  
COM-C,  
MP-444603

*Gate pass issued*

(Treasury Rule 23.)  
 INDIAN AGRICULTURAL RESEARCH INSTITUTE  
 NEW DELHI.

No. A 87118      Dated 19/4/03 19

Received from *Jawahar Pachpor*

with letter No. --- dated --- 19

the sum of Rupees *eight only*

In Cash    
 by Cheque  on account of *Selling of mangoes (small)*

in payment of *25kg @ Rs 4/-kg.*

Initial *wk*   
 Scientist Incharge.

Designation *H. B. P. G. R., Sat Centre, Amravati.*

*Rs 8/-*

*Gate pass issued*

(Treasury Rule 23.)  
 INDIAN AGRICULTURAL RESEARCH INSTITUTE  
 NEW DELHI.

No. A 87117      Dated 08/5/03

Received from *Staff NBPGR, S.C. Amravati*

with letter No. --- dated ---

the sum of Rupees *thirty four only*

In Cash    
 by Cheque  on account of *Selling of mangoes 8*

in payment of *Small @ Rs 4/-kg*

Initial *wk*   
 Scientist Incharge.

Designation *H. B. P. G. R., Sat Centre, Amravati.*

*34.00*

*Gate pass issued*

(Treasury Rule 23.)  
 INDIAN AGRICULTURAL RESEARCH INSTITUTE  
 NEW DELHI.

No. A 87118      Dated 09/5/03 19

Received from *Hamesh Ramteke with Homkesh*

with letter No. --- dated --- 19

the sum of Rupees *thirty six only*

In Cash    
 by Cheque  on account of *Selling of small mangoes 25*

in payment of *25kg @ Rs 3/-kg*

Initial *wk*   
 Scientist Incharge.

Designation *H. B. P. G. R., Sat Centre, Amravati.*

*Rs 36.00*

*Gate pass issued*

(Treasury Rule 23.)  
 INDIAN AGRICULTURAL RESEARCH INSTITUTE  
 NEW DELHI.

No. A 87119      Dated 13/5/03 19

Received from *Sh. Suddashiv M. Dongre*

with letter No. --- dated --- 19

the sum of Rupees *twenty two only*

In Cash    
 by Cheque  on account of *Selling of small mangoes*

in payment of *5.5kg @ Rs 4/-kg.*

Initial *wk*   
 Scientist Incharge.

Designation *H. B. P. G. R., Sat Centre, Amravati.*

*Rs 22.00*

*Gate pass issued (13)*

(Treasury Rule 23.)  
 INDIAN AGRICULTURAL RESEARCH INSTITUTE  
 NEW DELHI.

No. A 87120      Dated 31/5/03 19

Received from *Shri Choubay*

with letter No. --- dated --- 19

the sum of Rupees *five hundred only*

In Cash    
 by Cheque  on account of *Selling of wheat, straws*

in payment of *2 chak land*

Initial *wk*   
 Scientist Incharge.

Designation *H. B. P. G. R., Sat Centre, Amravati.*

*Rs 500/-*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

17/8/06  
103  
FILED BY: The Respondents  
THROUGH: Mr. R.S. CHOWDHURY Advocate  
17/8/06

**IN THE MATTER OF:-**

Original Application No. 41/2005

Dr. W.L. Barwad

....**Applicant**

-Versus-

The Union of India & Ors.

....**Respondents.**

-AND-

**IN THE MATTER OF:-**

An Additional Affidavit filed by  
and on behalf of the Respondents  
in pursuance/compliance of the  
Order dated 26.06.2006 of this  
Hon'ble Tribunal.

**ADDITIONAL AFFIDAVIT**

I, Dr. D.K. Hore, son of Late J. K. Hore, aged about 57 years, presently serving as Officer-in-Charge, National Bureau of Plant Genetic Resources, (N.B.P.G.R.) Regional Station, Umroi Road, Umiam, Meghalaya, do hereby solemnly affirm and state as follows:-

1. That, in pursuance to the Order dated 26.06.2006, this Additional Affidavit is being filed on behalf of the Respondents to place on record certain additional information, as required by this Hon'ble Tribunal pursuant to the hearing which was held on 26.06.2006.

2. That, the sequence of events which has led to the formation of the Committee to take over charge of the N.B.P.G.R. Satellite Centre, Amaravati from the Applicant are sequentially placed herein below :-

- i) 23.11.2002      The original transfer order of the Applicant was issued transferring the Applicant from Amaravati to Umiam, Shillong. .... (Annexure-A to W.S.)
- ii) 11.12.02      The said Order dated 23.11.02 was forwarded to the Applicant for handing over charge immediately, which was duly received by him. .... (Annexure-B to W.S.).
- iii) 18.12.02      The Applicant files representation before the authorities concerned for cancellation of the transfer Order dated 23.11.02. (does not hand over charge).  
**(Annexure-A to Rejoinder)**
- iv) 26.12.02      The Respondent No.6 issued an Order whereby the Applicant was relieved from his duties at N.B.P.G.R., Satellite Centre, Amaravati, since the Applicant was not handing over charge. .... (Annexure-C to W.S.)
- v) 01.01.03      The Applicant filed another representation for cancellation of his transfer Order dated 23.11.02.
- vi) 04.01.03      The Officer-in-Charge, N.B.P.G.R., Regional Station, Akola informed the Respondent No.3 that the Applicant is neither honouring the office order dated

27.12.02 nor physically present at the Station to take over the charge from him properly. .... (Annexure-D to W.S.)

vii) 09.01.03 The Applicant approaches the Hon'ble Central Administrative Tribunal, Mumbai Bench challenging the Order of transfer dated 23.11.02.

viii) 28.01.03 The Respondent No.4 informs the Applicant regarding the locked telephone instrument at the Satellite Centre, Amaravati requesting him to unlock the cabin and further handover charge of the Station properly. .... (Annexure-E to W.S.)

ix) 31.01.03 The Applicant obtains an interim Order from the Hon'ble Central Administrative Tribunal, Bombay Bench against the transfer Order dated 23.11.02. The interim Order categorically stated " The Applicant's transfer is in mid-session, the Respondents can decide the representation of the Applicant up to the end of March'03 and till then the transfer Order dated 23.11.02 and its operation is being stayed." ..... (Annexure-B to Rejoinder)

x) 26.02.03 In pursuance to the Hon'ble Central Administrative Tribunal, Bombay Bench's Order, the transfer of the Applicant was deferred till the end of March'03. .... (Annexure-F to W.S.)

- xi) 04.04.03 The Applicant represents to the Respondent No. 3 for withdrawal of the Order dated 26.02.03. ....  
**(Annexure-C to Rejoinder).**
- xii) 10.04.03 Meanwhile, the Hon'ble Central Administrative Tribunal, Bombay Bench refuses to extend the interim relief staying the transfer Order any further and accordingly, rejects the same. .... **(Annexure-G to W.S.)**
- xiii) 16.04.03 In continuation of the Order dated 26.02.03 and considering the fact that the Hon'bl Central Administrative Tribunal, Bombay Bench did not extend the interim relief, the Applicant stood released from the Institute on 16.04.03.
- xiv) 29.04.03 The Respondent No. 4 intimates the Respondent No. 3 that the Applicant stands released from the Amaravati Centre from 16.04.03. He further expresses his apprehension that the Applicant would not hand over the charge of the Centre and as such, requests to constitute a Committee to do the needful. (Documents Placed before this Hon'ble Tribunal on 26.06.06 during hearing of the matter).
- xv) 02.05.03 The Respondent No.6 passed an Office Order with regard to the constitution of a Committee with Dr. I. P. Singh, Sri N. Dixit as the Chairman and the Convenor of the Committee respectively and a Scientist/Professor, Agricultural University to be

167

nominated as member. (Document Placed before this Hon'ble Tribunal on 26.06.06 during hearing of the matter).

xvi) 09.05.03 Name of Dr. Ambrish Sarma was approved to be incorporated in the Committee to take over charge of Amaravati Centre. (Document Placed before this Hon'ble Tribunal on 26.06.06 during hearing of the matter).

xvii) 13.06.03 The Committee visited the Amaravati Centre on 12.06.03 and 13.06.03 to take over charge from the Applicant. However, the Applicant was not available and accordingly, the Committee proceeded to open the Office room and Almirah and new locks were placed on the same. It is pertinent to mention that certain very essential files could not be traced out/located despite intensive search of the Office premises. ....  
(Annexure-H to the W.S.).

3. That, the Deponent humbly states that the sequence of events that have been narrated herein above clearly indicates that the Applicant was never inclined to hand over charge of the said Amaravati Centre and in fact, by approaching the Hon'ble Tribunal, Bombay Bench and by obtaining interim order in his favour, the Applicant refused to comply with the orders of the authorities. Be it further stated herein that once the Hon'ble Tribunal, Bombay Bench refused to extend the interim relief so granted to the Applicant, vide Order dated 10.04.03, it is not understood as to how and under what authority the Applicant could have continued to render his services at the Amaravati Centre. Assuming but not admitting, that the Applicant did render services at



the Amaravati Centre pursuant to being relieved on 16.04.03, the same was without any authority of law and as such, the Respondents rightly treated the said period from 16.04.03 to 26.01.04 as absence from duty.

4. That, the Deponent further for the sake of brevity, refrains from reiterating the statements made in the Written Statement and craves leave of this Hon'ble Tribunal to refer to and rely upon the averments made in the Written Statement as well as the additional documents produced before this Hon'ble Tribunal during the hearing on 26.06.03.

5. That, the statements made in this paragraph and those made in paragraphs 1 and 4 are true to my knowledge and those made in paragraph 2 being the matters of record are true to my information derived therefrom, which I believe to be true and the rests are humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this 17<sup>th</sup> day of ~~July~~<sup>August</sup>, 2006 at Guwahati.

Dipak Kumar Hore

Identified by Advocate

DEPONENT

169

**NOTICE**

From: Mrs. R. S. Chowdhury,  
Advocate, Gauhati High Court

Date: 17.08.2006

To : Mr. M. Chanda,  
Advocate, Gauhati High Court

Sub: O.A. No. 41 of 2005

Dr. W. L. Barwad

....Applicant

- VERSUS -

Union of India & Ors.

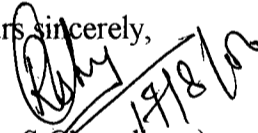
... Respondents

Sir,

Please find herewith a copy of the Additional Affidavit filed on behalf of the Respondents. Kindly acknowledge receipt of the same.

Thanking you,

  
Received copy

Yours sincerely,  
  
( Mrs. R. S. Chowdhury )  
Advocate