CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

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O.A/T.A No. 174/2007

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Kalita
05/10/2007

CENTRAL ADMINISTRATIVE [illegible]
GUWAHATI BENCH:

ORDERSSHEET

1. Original Application No. 174/07

2. Misc Petition No. /

3. Contempt Petition No. /

4. Review Application No. /

Applicant(S) Bakul Dutta VS Union of India & Ors

Advocate for the Applicant(S) Rajeswar Sarma
...Abdul Khaleque...

Advocate for the Respondant(S) CGSC

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/ F deposited No.346543635 Dated 12.6.07 Registrar	29.6.07	None for the applicant. Mrs. M. Das learned Addl. C. G. S.C. for the respondents is present. Post the matter on 17.7.07. Vice-Chairman
Petitions Copies for issue notices are received.	17.7.2007	None present for the Applicant. Mrs.M.Das, learned Addl. C.G.S.C. is present. Let the case be posted on 26.7.2007. Learned counsel for the Applicant is directed to be present on that day, otherwise matter will be disposed of in his absence. Vice-Chairman

lm

/bb/

25.7.07. Heard Mrs. M.Das learned Addl, C.G.S.C for the Respondents. Post the mater on 26.7.07.

Vice-Chairman

lm

26.7.07 When the matter is taken up Mrs M.Das, learned Addl.C.G.S.C submitted that she has got instruction and clarification from the Director, Central Silk Board vide letter dated 24.7.07 stating that the organisation under which the applicant is working would not come under the purview of the Section 14(2) of the CAT Act. Further it appears that today also the counsel for the applicant is not present. However, as a last chance the applicant's counsel is directed to appear before this Tribunal on the next date. It is made clear that if he is not present on the next date the matter will be disposed of in his absence.

Post on 2.8.2007 for order.

Vice-Chairman

pg

2.8.07 None present for the applicant. Heard Mrs M. Das, learned Addl.C.G.S.C for the respondents. The matter is not notified under Section 14(2) of the C.A.T. Act. Hence this Tribunal has no jurisdiction to entertain this application. The O.A is dismissed for want of jurisdiction in terms of the order recorded separately. No costs.

Vice-Chairman

pg

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

.....

O.A. No. 174 of 2007.

DATE OF DECISION : 02-08-2007

Shri Bakul Dutta.
.....Applicant/s

Sri R. Sarma & A. Khaleque
.....Advocate for the Applicant/s

-Versus –

Union of India & Ors.
.....Respondent/s

Sri M.Das, Addl.C.G.S.C.
.....Advocate for the Respondent/s

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 wise to see the fair copy of the judgment ? Yes/No.

Vice-Chairman

2/8/07

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.174 of 2007.

Date of Order : This the 2nd Day of August, 2007.

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

Sri Bakul Dutta
Son of Late Moni Ram Dutta
Resident of village Rupnagar,
P.O. Borhola, P.S. Borhola
District Jorhat, Assam. .....Applicant

Shri R.Sarma & A. Khaleque

-Versus –

1. Union of India
represented by the Secretary
to the Government of India,
Ministry of Textiles,
BTM Layout Medivala, New Delhi.

2. The Chairman,
Central Silk Board,
Bangalore.

3. The Director,
Central Muga, Eri Research & Training Institute,
Lahdigarh, Jorhat, Assam.

4. The Joint Director, Muga, Silk Worm,
Seed Organisation, Dispur,
Near Zoo, Guwahati. .....Respondents

By Advocate Mrs M. Das, Addl.C.G.S.C.

ORDER (ORAL)

SACHIDANANDAN K.V. (V.C)

The applicant was appointed as Laboratory Assistant in 1981 and discharging his duties and responsibilities in various capacity under the respondents. There was a dispute of the applicant with one Sri Ajit Roy, Assistant Technician of the same office in respect of a loan which culminated to the issuance of a memorandum dated 2.2.06 for

imputation of misconduct or misbehaviour. The applicant replied to the same memo on 13.2.06. The disciplinary proceeding was conducted in a very illegal manner by not affording the applicant adequate opportunity to defend his case. Aggrieved by those actions of the respondents the applicant has filed this O.A with a prayer to set aside and quash memo dated 2.2.06, 27.3.06, 10.8.06 and 29.11.06. The applicant has also prayed that he may be allowed to draw his pay and allowances without any deduction by maintaining service seniority.

None present for the applicant. Heard Mrs M.Das, learned Addl. C.G.S.C for the respondents. On earlier occasions when the matter was posted on 29.6.07, 17.7.07, 25.7.07 and 26.7.07 none present for the applicant. When the respondents counsel consistently arguing that she has got instruction that the matter pertaining to Central Silk Board which is a statutory body constituted under the Silk Board Act 1948. The said Board is not notified under Section 14(2) of the CAT Act and this Tribunal has no jurisdiction to entertain this application. She has furnished a communication dated 24.7.07 issued by the Director, Central Muga Eri Research & Training Institute which may be kept on record.

Considering the submission and records already produced, I am of the view that since Section 14(2) notification has not been issued this Tribunal may not have jurisdiction to entertain this application. Accordingly O.A is dismissed for want of jurisdiction. In the circumstances no order as to costs.

The applicant will be at liberty to approach the appropriate forum, if he so derires.

(K.V.SACHIDANANDAN)

VICE CHAIRMAN

pg

DISTRICT:JORHAT

Before the Hon'ble Central Administrative Tribunal Guwahati Bench, Guwahati

(An application under Section 19 of the Administrative Tribunal Act, 1985)

Original Application No.174 /2007

BETWEEN

Sri Bakul Dutta

..Applicant

- Versus -

The Union of India and Others.

..Respondents.

SYNOPSIS OF THE APPLICATION

The applicant was appointed as Labortary Assistant on 12.11.1981 and since then till date he is discharging his duties and responsibilities in various capacity on promotion. Sri Ajit Roy, Assistant Technician took a loan of Rs.6,850/- from the applicant and he requested Ajit Roy many a time for refund the same but he refused to refund the same. On demand his money Sri Ajit Roy allegedly reported on 30.9.2005 do the Higher authority a colourful and manufactured

Contd.../-

incident. However no First Information Report was lodged. Though incident did not happen, but the matter turned into serious way. The respondents issued memorandum on 3.10.2005 for holding of an inquiry. Another memorandum was issued on 2.2.2006 for imputations of misconduct or misbehaviour. The applicant replied on 13.2.2006. During the course of disciplinary proceeding the applicant was not allowed to have inspections of original documents, no co-employee was allowed to be assisted and he was not allowed to cross-examine the witnesses. The Inquiry Officer sometimes acted as Presenting Officer. Before passing order dated 29.11.2006, the applicant was not given any opportunity of personal hearing. He prefered an appeal on 15.12.2006 for setting aside and quashing the order dated 29.11.2006 and the appeal is pending for disposal.

Applicant prays to set aside and quash memorandum dated 2.2.2006, 27.3.2006, 10.8.2006 and 29.11.2006. The applicant may please be allowed to draw his pay and allowances without any deduction by maintaining service seniority.

Filed by

(Rajeswar Sarma) 20/6/07

Contd.../-

DISTRICT:JORHAT

Before the Hon'ble Central Administrative Tribunal Guwahati Bench, Guwahati

(An application under Section 19 of the Administrative Tribunal Act, 1985)

Original Application No.174 /2007

BETWEEN

Sri Bakul Dutta

..Applicant

- Versus -

The Union of India and Others.

..Respondents.

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For the Tribunal Office

Date of Filing - 20 June, 2007

registration

Signature

Filed by

Rajeswar Sarma 20/6/07

(Rajeswar Sarma)

Advocate

Contd.../-

DISTRICT:JORHAT

Before the Hon'ble Central Administrative Tribunal
Gauhati Bench, Guwahati

Original Application No.174 /2007

IN THE MATTER OF : -

An application under Section 19 of the Administrative Tribunal Act, 1985.

- AND -

IN THE MATTER OF :-

Sri Bakul Dutta
Son of late Moni Ram Dutta
resident of Village - Rupnagar,
P.O. - Borhola, P.S. Borhola
District - Jorhat, Assam.a

..Applicant

- Vs -

1. The Union of India
representative by the Secretary
to the Government of India,
Ministry of Textiles,
BTM Layout Medivala, New Delhi.

Contd.../-

2. The Chairman,
Central Silk Board, Banglore.

3. The Director,
Central Muga, Eri Research & Training Institute, Lahdigarh, Jorhat, Assam.

4. The Joint Director, Muga, Silk Worm, Seed Organisation, Dispur, near Zoo, Guwahati.

..Respondents

Details of Application -

1. The particulars against which the application made -

The application is made for issuance of nature of mandamus and/or of a Certiorari/direction/order to set aside and quash1 the impugned memorandum dated 02.02.06 , 27.3.2006, 10.8.2006 and order under Memo No. CSB/CMER & TI/15(II)/2005/FIR/5511 dated 29.11.06 passed by the Director/Disciplinary authority, Central Muga Eri research and Training Institute, Central Silk Board, Ministry of Textiles, Government of India, Ladohigarh, Jorhat, Assam.

Contd.../-

2. Jurisdiction of the Tribunal -

The applicant declares that the subject matter of application is within the jurisdiction of the tribunal.

3. Limitation -

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

4. Facts of the case -

4.1 That the applicant is a citizen of India by birth and the permanent resident of Village Rup Nagar, P.O. Borhola, P.S. Borhola, District - Jorhat, Assam, and as such is entitled to rights, privileges and protection under the Constitution of India and laws framed thereunder.

4.2 That the applicant was qualified to be appointed in the post of Laboratory assistant and he was appointed on 12.11.1981 and posted at Titabar. The applicant is energetic, dynamic, obedient and loyal to the service and because of all such qualities the applicant was promoted from time to time since 1981 and discharging his duties and responsibilities as

Contd.../-

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technical assistant at Central Muga, Eri Research and Training Institute, Lahdoigarh. The applicant was discharging such capacity since 5.6.2000 at Lahdoigarh and during his stay at Lahdoigarh he came into contact with Sri Ajit Roy Assistant Technician and both started living together on rent. Sri Ajit Roy during stay together took on loan of Rs. 6,850/- from the applicant on 14.8.2003 and on received the said amount from the applicant, Sri Ajit Roy issued a handnote on revenue stamp, acknowledged having received.

4.3 That during the month of August 2005 in absent of the applicant in rent premises, an incident of theft happened and the applicant a bit suspected upon Sri Ajit Roy resulted misunderstanding of each ther and they decided to live separately from the month of September 2005 and accordingly they were living separately

4.4. That Sri Ajit Roy, Assistant Technician of Central Muga Eri Research and Training Institute Lahdaigarh allegedly alleged that he applicant atacked Sri Ajit ray with a sharp weapon (dao) on 30.9.2005 and accordingly the Director issued a memorandum on 1.10.05 and proposed to conduct an enquiry of the incident of

Contd.../-

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30.9.2005 to find out the facts. It needs to mention that no First Information Report was lodged before the police station for alleged incident and applicant demanded a copy of report submitted by Sri Ajit Roy to the respondent but the same has not be furnished till date.

A copy of the memorandum dated 1.10.2005 is annexed hereto and marked as Annexure -1.

4.5. That the Deputy Director of the Central Muga Eri Research & Training Institute, Lahdoigarh issued a memorandum on 3.10.05 inter-alia that the inquiry committee felt necessary for enquiry into the incident that took place near the main gate of the institute on 30.9.2005 between the applicant as well as Sri Ajit Roy and directed the applicant and others to appear before the inquiry committee on 4.10.2005 for inquiry into the case without fail.

A copy of memorandum dated 3.10.2005 is annexed hereto and marked as Annexure -2.

4.6. That the Director issued a memorandum on 2.2.2006 proposed to hold an inquiry against the

Contd.../-

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applicant for imputations of the misconduct or misbehaviour in respect of which the inquiry is proposed to be held and the applicant was directed to submit his written statement of defence and whether the applicant desire to be heard in person.

A copy of memorandum dated 2.2.2006 is annexed hereto and marked as Annexure-3.

4.7. That the applicant on receipt of memorandum has gone through the contents made there upon and submitted his reply on 13.2.2006 inter-alia that the allegation alleged against the applicant is based on no facts and circumstances and the whole incident is manufactured, colourable and concocted. Being the applicant is honest is no where involved in such incident. However tendered apology before Ajit Roy and requested the Director not to proceed further of the proceeding as the relationship between Ajit Roy and the applicant are amicably settled.

A copy of reply dated 13.2.2006 is annexed hereto and marked as Annexure -4.

4.8. That the Director passeded an order on 24/25-02-2006 where an inquiry is being held against

Contd.../-

the applicant to inquiry in-to the charges against him accordingly Dr. P.K. Kakati, Deputy Director, Central Muga, Eri Research and Training Institute, Lahdoigarh, is appointed as the inquiring authority. The Director passed another order on 24/05-06, where Sri M. R. Das, Assistant Director, Central Muga, Eri Research and Training Institute, Lahdigarh is appointed as the presenting Officer.

Copies of order dated 24/25-02-06 appointed Dr. P.K. Kakoti and Sri M. R. Das as the inquiry authority and the presenting Officer are annexed hereto and marked as Annexures - 5 and 6 respectively.

4.9. That the Director issued a memorandum on 27.3.2006 inter-alia that the Director proposed to hold an inquiry for imputation of misconduct or misbehaviour in respect of which the inquiry is set out and the applicant was directed to submit the written statement of memorandum in his defence.

A copy of memorandum dated 27.3.2006 is annexed hereto and marked as Annexure - 7.

4.10. That, the Director of Central Muga Eri research and Training Institute in short CMER & TI

Contd.../-

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issued a memorandum 30.6.2006 inter-alia that in pursuance to Central Office Memorandum dated 10.4.2006, the applicant stands relieved at Lahdoigarh, Jorhat and advised to report for duty to the Assistant Director, Muga Silk Worm Seed Production Centre Kalaibari in the district of Kamrup, Assam within the admissible joining time and at present the applicant is discharging his duties and responsibilities at Kaliabari in the District of Kamrup, Assam.

A copy of memorandum 30.6.2006 issued by the Director is annexed hereto and marked as Annexure -8.

4.11. That Sri P.K. Thakur inquiry officer issued a memorandum on 10.8.2006 stating interalia that the inquiry officer has examined 5 witnesses but the delinquent was not allowed to cross examine. Further Dr. P.K. Kakati was appointed as the inquiry authority by order dated 24/25-02-06 where as Sri P.K. Thakur conducted the inquiry as inquiry officer without any preintimation to the delinquent. The inquiry officer did not allow the delinquent to take assistant from the co-employee. The delinquent was not allowed to take his defence and not allowed to have inspection of original documents and as such the findings of inquiry officer is perverse and violative by law.

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A copy of inquiry report dated 10/11-08-2006 is annexed hereto and marked as Annexure - 9.

4.12. That the applicant represented a representative on 29.08.2006 stating inter-alia that no such incident happened though the inquiry officer submitted the report and the delinquent has not committed any misconduct or misbehaviour and fervently requested to free him from charges as the applicant has great financial obligation and burden due to his school going children as service is the earning source of the applicant.

A copy of representation represented on 29.08.06 is annexed hereto and marked as Annexure -10.

4.13. That the Director/Disciplinary authority passed an order on 29.11.2006 inter-alia that the disciplinary authority arrived to the conclusion that the component of charges proved against the delinquent in the case are extrimely serious in nature and constitute serious misconduct on his part and has failed to maintain absolute integrity, had acted a manner which is unbecoming of Government Servant and inflicted major penalty of reduction in a

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lower stage in the time scale of pay by one stage for a period of 4 years and the applicant shall not earn his annual increments of pay during the period of reduction. It may be noted that prior to passing the major penalty the applicant was not afforded the opportunity of personal hearing and as such the order passed 29.10.2006 perverse, arbitrary, contrary and defiance of logic and as such the same is liable to be set aside and quashed.

A copy of order dated 29.11.2006 is annexed here to and marked as Annexure - II.

4.14 That the applicant preferred an appeal before the appellate authority that is the Chairman Central Silk Board, Banglore and the copy of the Appeal was also forwarded to the Director/Disciplinary authority stating inter-alia that the inquiry conducted by the witnesses were not as per the established procedure of law. During the course of inquiry, the inquiry officer was not allowed to cross examine. Further the inquiry officer being the Judicial officer, the delinquent should have been given defence to take the assistant of the legal practitioner but that opportunity was not given to the appli-

Contd.../-

cant. Further the delinquent was not given opportunity to have inspection of original documents.

5. Grounds for relief with legal provisions -

5.1 For that, the applicant categorically states that no such incident was happened on 30.9.2005 though allegedly -alleged against the applicant and the total story is colourable, manufactured and concocted.

5.2 For that the applicant though stated in his replied on 13.2.2006 that he carried a sharp weapon (dao) and kept in the tool box in his scooter and the said dao was branded/new purchase from the open market for his domestic use and not bad intention for criminal offence.

5.3 For that the applicant joined services in 1981 and since than till date he was promoted several times due to his integrity, loyalty and honesty. Besides the applicant was allowed to draw time scale of efficiency bar as and when fell due.

5.4 For that though incident was not happened still the applicant amicably settled the matter with

Contd.../-

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the concern person and the victim in the alleged incident never reported the matter before the police station nor the respondents reported the same and as such the respondents should have not initiated the disciplinary proceedings against the applicant.

5.5 For that the respondents should have furnished a copy of report reported by Sri Ajit Roy to the applicant regarding the contents and context of the report but the respondents have not supplied the same and as such the disciplinary authority intimate the proceedings keeping the applicant behind his back and as such the said proceeding is not under the established procedure of law.

5.6. For that during the course of disciplinary proceedings the respondents were approached by the applicant for inspection of original documents but was not allowed to inspect the same, even the applicant was not furnished with the photocopy of the documents so that he enable to take his defence but the same was refused.

5.7. For that it was the duty of the disciplinary authority to give the assistant of the co-employee so that the delinquent can take the proper

Contd.../-

defence in his case but in the instant same is not found.

5.8. For that the disciplinary proceeding started with the interested witnesses for the Central Silk Board but there no independent eye witness was examined because of the fact no such incident was happened and even the delinquent was not allowed to cross-examine the witnesses even the applicant was not allowed to take defence witnesses.

5.9. For that before passing the award the respondent should have given a personal hearing to the delinquent and that opportunity was not afforded to the applicant, the major penalty inflicted to the applicant is fully uncalled, unjust, unreasonable and defiance of logic and the penalty is disproportionate to the alleged incident happened.

5.10. For that, the respondents were predetermined to inflict the major penalty and subsequent proceedings are of mere formalities, for that the Director while imposing major punishment upon the applicant, he has not expressed his own application of mind and just carried forward the findings of the Inquiry Officer.

Contd.../-

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5.11. For that during the course of inquiry proceedings the applicant found that the Inquiry Officer many a times acted as presenting officer which is barred by law.

5.12 For that the applicant prefered the appeal on 15.12.2006 before the appellate authority should have been considered favourably but is pending till date .

5.13. For that it is a fit case within the jurisdiction of this Hon'ble Tribunal to interfere the matter that the respondents passed the order on 29.11.2006 which is illegal and ultravirus and is liable to be set aside and quashed.

5.14. For that the respondents have not considered the adverse effect of the applicant by passing the impugned order dated 29.11.2006 by reduction to a lower stage in the time scale of pay by one stage for a period of 4 years.

5.15. For that in any view of the mater the entire disciplinary proceedings including the order dated 29.11.2006 are liable to be set aside and quashed.

Contd.../-

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6. Details of remedy exhausted -=

That the applicant states that he have no other alternative efficacious remedy available to him except to file this application. An appeal was preferred on 15.12.2006 before the Appellate Authority and subsequently approached several times in different occasions for disposal the same but same is pending till date.

7. Matters not previously filed or pending with -

The applicant has not filed any application previously before this tribunal or any other Court.

8. Relief sought -

In view of the facts and circumstances stated in paragraph 4, the applicant prays for the following reliefs:-

(i) That articles of charge framed against the applicant by memorandum dated 2.2.2006 and 7.3.2006 are illegal and ultravirus and the same is liable to be set aside and quashed.

(ii) That report and findings of the inquiry held against the applicant by memorandum dated

Contd.../-

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10.8.2006 are illegal and ultra - vires and the same is liable to be set aside and quashed.

(iii) That order dated 29.11.2006 passed by the Director/Appellate Authority of Central Muga Eri Research and Training Institute Central Silk Board, Ministry of Textiles, Government of India, Lahdoigarh, Jorhat Assam is illegal and ultra vires and the same is liable to be set aside and quashed.

iv. That the applicant is entitled for back benefits and service seniority.

(v) That any other relief or reliefs to which the applicant is entitled to as the Hon'ble Court is deemed fit and proper.

9. Interim order passed -

Pending disposal of this application, direction may please be issued to suspend/stay the order dated 29.11.2006 passed by the Director/Disciplinary authority and the applicant they please be allowed to draw the regularly scale of pay without deduction. The applicant also prays the instant application be disposed of expeditiously.

Contd.../-

10. Particulars of the Indian Postal Order -

(i) Indian Postal Order No. 346 654363

(ii) Date

(iii) Payable amount - (Rs. 50.00)

(iv) At which post office

11. List of encloses -

(i) Index

(ii) Application

(iii) Annexures

(iv) Indian Postal Orders

(v) Vakalatnama.

VERIFICATION

I Sri Bakul Dutta, son of Late Moni Ram Dutta, aged about 47 years, Hindu by Caste, resident of Village Rup Nagar, P.O.- Barhola, P.S. Borhola in the district of Jorhat, Assam do hereby verify that the statement made in paragraph 1 to 4 and 6 to 11 are true to my knowledge and belief and those made in paragraph 5 are true to my legal advise and I have not suppressed any material facts.

An I sign this verification on this 15th day of June, 2007 at Guwahati.

Sri Bakul Dutta

Signature.

Contd.../-

ANNEXURE — 1

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CENTRAL MUGA'AND ERI RESEARCH
& TRAINING INSTITUTE
CENTRAL SILK BOARD
Ministry Of Textiles : Govt. Of India
Lahdoigarh - 785 700 Jorhat (Assam)

NO.CSB/CMER&TI/12(11)/2005/PIR/ 4556 Dated 01.10.2005

MEMORANDUM

Sub: Attack with fatal weapon – regarding.

It is reported by Shri Ajit Roy, Technician of this Institute that Shri Bokul Dutta, Technical Assistant, CMER&TI, Lahdoigarh, Jorhat has attacked Shri Ajit Roy with a sharp weapon (Dao) inside the office complex at 9.00 a.m. on 30.09.2005. Shri Roy met an injury in his right hand while he tried to protect himself. The incident was took place in presence of the following.

1. Shri K.K. Doley, Chowkidar, CMER&TI, Lahdoigarh
2. Shri Mohan Das, Chowkidar, CMER&TI, Lahdoigarh
3. Shri Pulin Hazarika, TSFW, CMER&TI, Lahdoigarh

It is proposed to conduct an Inquiry of the incidence of 30.09.2005 to find out the facts.

Accordingly, following Officials are directed to appear before the Inquiry Committee to day the 01.10.2005 at 2.00 p.m. in the Conference Hall of this Office without fail.

DIRECTOR 01.10.2005

To,

1. Shri Bokul Dutta, Technical Assistant, CMER&TI, Lahdoigarh
2. Shri Ajit Roy, Assistant Technician, CMER&TI, Lahdoigarh
3. Shri K.K. Doley, Chowkidar, CMER&TI, Lahdoigarh
4. Shri Mohan Das, Chowkidar, CMER&TI, Lahdoigarh
5. Shri Pulin Hazarika, TSFW, CMER&TI, Lahdoigarh

-51-19- ANNEXURE – 2.

CENTRAL MUGA AND ERI RESEARCH
& TRAINING INSTITUTE
CENTRAL SILK BOARD
Ministry Of Textiles : Govt. Of India
Lahdoigarh -785 700 Jorhat (Assam)

29

NO.CSB/CMER&TI/15(11)/2005/FIR/ 4585 Dated 03.10.2005

MEMORANDUM

Sub: Inquiry into the Incidence took place near the main gate of the Institute on 30.09.2005 - regarding.

The Inquiry Committee felt necessary to present the following Officials/TSFWs, CMER&TI, Lahdoigarh for inquiry into the incidence that took place near the main gate of the Institute on 30.09.2005 in between Shri Bokul Dutta, Technical Assistant & Shri Ajit Roy, Assistant Technician of this Institute.

1. Shri Bokul Dutta, Technical Assistant, CMER&TI, Lahdoigarh
2. Shri Ajit Roy, Assistant Technician, CMER&TI, Lahdoigarh
3. Shri K.K. Doley, Chowkidar, CMER&TI, Lahdoigarh
4. Shri Mohan Das, Chowkidar, CMER&TI, Lahdoigarh
5. Shri Narayan Mahanta, CMER&TI, Lahdoigarh
6. Shri Pulin Hazarika, TSFW, CMER&TI, Lahdoigarh
7. Shri Bhupen Borah, TSFW, CMER&TI, Lahdoigarh
8. Shri Purnananda Baruah, TSFW, CMER&TI, Lahdoigarh

They are hereby directed to appear before the Inquiry Committee on 04.10.2005 at 3.00 p.m. in the Conference Hall of this Institute for inquiry into the case without fail.

3.10.2

(Dr. P.K. Kakati)
DEPUTY DIRECTOR

To,

01. Shri Bakul Dutta, Technical Assistant, CMER&TI, Lahdoigarh
02. Shri Ajit Roy, Assistant Technician, CMER&TI, Lahdoigarh
03. Shri K.K. Doley, Chowkidar, CMER&TI, Lahdoigarh
04. Shri Mohan Das, Chowkidar, CMER&TI, Lahdoigarh
05. Shri Narayan Mahanta, CMER&TI, Lahdoigarh
06. Shri Pulin Hazarika, TSFW, CMER&TI, Lahdoigarh
07. Shri Bhupen Borah, TSFW, CMER&TI, Lahdoigarh
08. Shri Purnananda Baruah, TSFW, CMER&TI, Lahdoigarh

Received 4/10/05 at 11.00 am

2/10

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ANNEXURE — 3

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CENTRAL MUGA ERI RESEARCH &
TRAINING INSTITUTE
CENTRAL SILK BOARD
Ministry Of Textiles : Govt. Of India
Lahdoigarh -785 700
Ph. No.2335513, 2335528 Jorhat (Assam)

No.CSB/CMER&TI/15(11)/2005/FIR/708 Dated 02.02.2006

CONFIDENTIAL

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Bakul Dutta, Technical Assistant, Central Muga Eri Research & Training Institute, Lahdoigharh, Jorhat (Assam) under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. 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 are proposed to be sustained are also enclosed (Annexure-III & IV).

2. Shri Bakul Dutta is directed to submit within 10 (ten) 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. Shri Bakul Dutta 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.

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5. Attention of Shri Bakul Dutta is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 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 interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri Bakul Dutta 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.

6. The receipt of the Memorandum may be acknowledged.

Encl. : As Above.

(R. Chakravorty)
DIRECTOR

To,
Shri Bakul Dutta
Technical Assistant
Central Muga Eri Research &
Training Institute,
Lahdoigarh, Jorhat (Assam).

ANNEXURE-I

ARTICLES OF CHARGE FRAMED AGAINST SHRI BAKUL DUTTA, TECHNICAL ASSISTANT, CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE, LAHDOIGARH, JORHAT (ASSAM)

ARTICLE – I

Shri Bakul Dutta, Technical Assistant, Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) has entered into gross moral misconduct of fatal attack to Shri Ajit Roy, Assistant Technician, and attempted to murder Shri Narayan Mahanta, Chowkidar,CMER&TI, Lahdoigarh. The said acts of disorderly behaviour committed by the said Shri Bakul Dutta constitute serious misconduct on his part. He has thus fail to maintain absolute integrity and has acted in a manner which is quite unbecoming of a Govt. Servant thereby contravening Rule 3(1) (i) (iii) and Rule 3-C (23) (10) (4) of CCS (Conduct) Rules, 1964. Hence, the charge.

Station, Boko to Technical Service Centre, Nazira, Sivasagar, Assam under National Sericulture Project, Jorhat, Assam.

The said Shri Bakul Dutta, while, he was working as Technical Assistant at Central Silk Board, Technical Service Centre, Nazira, Sivasagar, Assam since 03.09.1990, vide Central Office Memorandum No.CSB-48(1)/86-ES.I Vol.VII dated 21.11.1996 he was transferred from Technical Service Centre, Nazira to Grainage-Cum-Extension Centre, Aizawl, Mizoram under Regional Sericulture Research Station, Jorhat, Assam.

The said Shri Bakul Dutta, while, he was working at GEC, Aizawl, Mizoram in the said capacity of Technical Assistant since 21.01.1997, vide Central Office Memorandum No.CSB-48(19)/97-ES.I dated 15.04.2000 he was transferred from GEC, Aizawl, Mizoram to Central Muga Eri Research & Training Institure, Lahdoigarh, Jorhat, Assam. He was relieved at REC, Aizawl on 31.05.2000 (A/N) and reported for duty at Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat, Assam on 05.6.2000 (F/N). The said Shri Bakul Dutta has been working at Central Muga Eri Research & Training Institute, Lahdoigarh in the said capacity of Technical Assistant since 05.06.2000.

Contd.....3

The said Shri Bakul Dutta, Technical Assistant has entered into gross moral misconduct of fatal attack on Shri Ajit Roy, Technical Assistant and attempted to murder Shri N. Mahanta, Chowkidar, CMER&TI, Lahdoigarh on 30.9.2005 at about 9.00 a.m. near the main Gate of CMER&TI, Lahdoigarh office complex.

The case history for the said incidence follows.

Complaint lodged by Shri Ajit Roy for the said incidence is placed below.

On 30.9.2005 at 9.00 a.m. within the Office complex, Shri Bakul Dutta, Technical Assistant took out a sharp weapon (Dao) from his Scooter and attacked (Shri Roy) without any provocation from his (Shri Roy's) side while he (Shri Roy) in a bit to tried to save himself got injury in his right hand.

Preliminary Enquiry Committee was constituted to enquire into the incidence. The members of the Committee were as follows.

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1. Dr P.K. Kakati, Deputy Director.
2. Dr K. C. Singh, Deputy Director.
3. Shri D. N. Duarah, Deputy Director.
4. Shri A.K. Dash, Deputy Director (A&A).
5. Shri M.R. Das, Assistant Director(A&A).
6. Shri O.N. Singh, Superintendent.

The following Officials/TSFWs were directed to appear before the Inquiry Committee on the basis of the witness as stated by Shri Roy, Assistant Technician on 01.10.2005 at 2.00 P.M. in the conference hall of this Institute vide Memorandum No.CSB/CMER&TI/15(II)/2005/FIR/4556-4560 dated 01.10.2005, they appeared before the Inquiry Committee for their disposition.

1. Shri Ajit Roy, Assistant Technician (complainant)
2. Shri Bakul Dutta, Technical Assistant (accused)
3. Shri K.K. Doley, Chowkidar (witness)
4. Shri Mohan Das, Chowkidar (witness)
5. Shri Pulin Hazarika, TSFW (witness)

The above complainant, accused and witnesses were allowed to depose their statement before the Inquiry Committee. Shri Mohan Das, Chowkidar (witness) did not turned up on that day before the Inquiry Committee. The Inquiry Committee advised all the witness to submit their signed statement to Committee. The statements of the respective witness as follows.

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1. Statement dated 01.10.2005 furnished by Shri Ajit Roy, Assistant Technician (complainant).

On 30.09.2005 (Friday) around 9.00 a.m. to 9.05 a.m., we 5/6 persons were taking tea in the tea shop located in front of office. In the mean time, Shri Bakul Dutta came to office by Scooter and kept his Scooter inside the office gate. Immediately after getting down from the Scooter, he started shouting and enquired where about of Shri Narayan Mahanta, Chowkidar. Then Shri K.K. Doley, who was at the main Gate on the day informed him (Shri Bakul Dutta) that Shri Mahanta was absent and in his place he (Shri K.K. Doley) attending duty.

Then Shri Bakul Dutta shouted (Mahanta with slang words) that if Shri Mahanta had been on duty he would have cut him into pieces. Then, Shri Bakul Dutta with a sharped weapon (Dao) in his hand rushed towards the tea shop shouting with slang words charging Shri Roy about the then complaint to the Director against him (Shri Bokul Dutta) regarding misappropriation of money by him of the 3rd and 4th group employees co-operative society of this Institute. Then he (Shri Bakul Dutta) with a Dao in his hand attempted to murder Shri Roy. To save him (Shri Roy) from the attack, he (Shri Roy) catch hold the hand of Shri Bakul Dutta. The people gathered there came to rescue Shri Roy from Shri Bakul Dutta. During the course of strugle between them, Shri Ajit Roy got cut injury on his right hand from the Dao with which Shri Dutta was trying to attack him.

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Shri Pulin Hazarika, TSFW took away the said sharped weapon from Shri Dutta. Shri Bakul Dutta ordered Shri Pulin Hazarika to put the said weapon (Dao) in the Tool Box of his Scooter. After that Shri Bakul Dutta entered into the office campus slowly threatening him (Shri Roy) to be careful as one day he (Shri Roy) will be cut into pieces for the said reason of complaining to the Director regarding co-operative matter. In the mean time, other office staff gathered in the office premises. He (Shri Ajit Roy) intimated about the incidence and shown his injury to Dr. K.C. Singh, Deputy Director and Shri D.N. Duarah, Deputy Director and as per their advice he (Shri Roy) went to the Doctor for Medical treatment. He submitted Medical Certificate vide his another application dated 01.10.2005.

2. Statement dated 01.10.2005 furnished by Shri Bakul Dutta, Technical Assistant (accused).

Since 9 (nine) months he (Shri Bakul Dutta) and Shri Narayan Mahanta, Chowkidar were staying in the same rented house at Lahdoigarh Chariali. There was a good relation between them. Suddenly, during the last part of August, there was a theft case in his (Shri Bakul Dutta's) rented house and he (Shri Dutta) doubted Shri Mahanta for that incidence. Even then, they (Shri Dutta and Shri Mahanta) were living together. They decided to live separately w.e.f. 1st October. On 27th of September Shri Mahanta charged him (Shri Dutta) for having informed his wife regarding his (Shri Mahanta's) drinking habit and Shri Mahanta abused him (Shri Dutta). He (Shri Dutta) told Shri Mahanta to report the matter to the

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Director with evidence on 27th itself. But Shri Mahanta failed to provide proof and did not intimate to the Director. On 28th of September at 7.45 a.m. he (Shri Mahanta) made a telephone call to his (Shri Dutta's) wife at home and informed that Shri Dutta is maintaining an illicit relationship with his (Shri Mahanta's) wife. His (Shri Dutta's) wife told Shri Mahanta to prove the same but Shri Mahanta could not prove it. When he (Shri Dutta) reached home after office hours, he (Shri Dutta) came to know all these things from his wife. Shri Ajit Roy, A.T. is also involved in this conspiracy. Shri Roy informed to his wife by phone that he (Shri Dutta) has some affairs with Shri Mahanta's wife and she should be careful for such relationship. For two days Dutta's wife did not take any food. His (Shri Dutta's) wife and his childrens were mentally very upset. He (Shri Dutta) explained the whole matter to his wife and tried to spacify his wife. His 21 years happy family life got disturbed and he (Shri Dutta) was very furious towards these two persons i.e. Shri Mahanta and Shri Ajit Roy.

In the morning on 30.09.2005, he (Shri Dutta) arrived office and after keeping his Scooter, he enquired about Shri Mahanta. However, Shri Mahanta was absent. He (Shri Dutta) shouted to Shri Ajit Roy as to why he (Shri Roy) and Shri Mahanta informed to his (Dutta's) wife about his (Shri Dutta's) relation with Shri Mahanta's wife. There was exchange of harsh words between them. He (Shri Dutta) lost his temper and took out a Dao (sharped weapon) from his

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Scooter and rushed towards Shri Roy to kill him. Someone took the said Dao (Sharped weapon) from him (Shri Dutta) and kept in his Scooter. At that time it was 9.00 O'clock. He (Shri Dutta) attended his duty as usual. He (Shri Dutta) did not do any thing inside office campus. There was argument only outside the main gate of the office campus. He (Shri Dutta) had no bad intension either to stab or murder Shri Ajit Roy with the Dao (Sharped weapon) brought by him (Shri Dutta). He (Shri Dutta) brought the Dao for his domestic work in his rented house. Due to excessive anger, he attacked with the Dao otherwise he (Dutta) has very good family relationship with Shri Roy. No official matter was there.

He (Shri Dutta) stated that he should not have done such misdeeds. He apologized for such misdeeds. He informed that he also apologized Shri Ajit Roy and requested him to maintain good relationship with him. He assured that he will not repeat such mistake in future.

3. Statement dated 01.10.2005 furnished by Shri K. K. Doley, Chowkidar (witness).

On 30.9.2005 he (Shri Doley) was on duty at the gate. While he (Shri Doley) was at the Tea stall in front of office Gate to have a cup of tea, Shri Ajit Roy, Assistant Technician and Shri Mohan Das, Chowkidar came to take tea at the said tea stall. While, they were taking tea, they saw the arrival of Shri Bokul Dutta alongwith Shri Bhupen Borah, TSFW by his (Shri Bakul Dutta's)

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Scooter. Shri Bakul Dutta parked his Scooter inside the gate of office campus and immediately after getting down took out a Dao (sharped weapon) from the tool box of his Scooter and with very angry mood said to day he (Shri Bakul Dutta) will cut Shri N. Mahanta, Chowkidar into pieces and rushed to the watchman shed at the gate. When he, (Shri Dutta) did not found Shri Mohanta, he enquired him (Shri Doley) whereabouts of Shri Mahanta. He (Shri Doley) informed Shri Bakul Dutta about the absent of Shri Mahanta on the day. Shri Bakul Dutta said, if Shri Mahanta, had been on duty he would have been cut into pieces. Then, Shri Dutta furiously rushed towards Shri Ajit Roy who was taking tea at the tea stall and said today he (Shri Dutta) will kill him (Shri Ajit Roy). Shri Bakul Dutta asked to Roy whether he will pay the Society money or not. Shri Roy replied that he has nothing to pay. Suddenly Shri Bakul Dutta attacked Shri Roy with the Dao (Sharped weapon). Immediately Shri Roy jumped up from sitting and tried to save himself from the attack by Shri Bakul Dutta with the Dao. Shri Roy catch hold the hand of Shri Dutta to save himself from the attack and both started push and pull and Shri Roy got an injury in his right hand. We all namely Shri K.K. Doley, Chowkidar, Shri Mohan Das, Chowkidar and Shri Pulin Hazarika, TSFW tried to take out the Dao from both of them. Shri Pulin Hazarika took out the Dao from the hand of Shri Bakul Dutta. Then Shri Bakul Dutta went towards the office at the same time other office staff arrived in the office premises.

4. Shri Mohan Das, Chowkidar witness (absent).

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5. Statement dated 03.10.2005 furnished by Shri Pulin Hazarika, TSFW (witness).

Shri Pulin Hazarika stated that while he came back to the main gate of office after signing in the attendance register in between 9.00 a.m to 9.05 a.m. he saw Shri Bakul Dutta and Shri Ajit Roy were in the process of push and pull with a sharped weapon (Dao). Immediately, he snatched the weapon from the hand of Shri Bakul Dutta. Shri Bakul Dutta informed him (Shri Pulin Hazarika) to put the Dao into the tool box of his Scooter. Then he (Shri Pulin Hazarika) put the same in the tool box of his Scooter and locked and hand over the key of the tool box to Shri Bakul Dutta.

Again, the following officials were directed to appear before the Inquiry Committee on 04.10.2005 at 3.00 p.m. in the conference hall of this Institute vide Memorandum No.CSB/CMER&TI/15(11)/2005/FIR/4585-4592 dated 03.10.2005.

1. Shri Bakul Dutta, Technical Assistant
2. Shri Ajit Roy, Assistant Technician
3. Shri K.K. Doley, Chowkidar
4. Shri Mohan Das, Chowkidar
5. Shri Narayan Mahanta, Chowkidar
6. Shri Pulin Hazarika, TSFW
7. Shri Bhupen Borah, TSFW
8. Shri Purnananda Baruah, TSFW

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Since the officials/TSFW mentioned at Sl. No. 1, 2, 3 & 6 have submitted their written statements, only the following Chowkidars and Time Scale Farm Workers were interrogated by the Inquiry Committee at 3.00 p.m. on 04.10.2005 in the Chamber of Dr. P.K. Kakati, Deputy Director of this Institute to find out the facts of the case. They appeared before the Inquiry Committee for their deposition. Hence, they have been allowed to depose their statement before the Inquiry Committee.

1. Shri Mohan Das, Chowkidar (witness)
2. Shri Narayan Mahanta, Chowkidar (absent)
3. Shri Bhupen Borah, TSFW
4. Shri Purnananda Baruah, TSFW

1 Statement dated 04.10.2005 furnished by Shri Mohan Das, Chowkidar (witness).

On 30.9.2005 at about 8.30 a.m. while he (Das) alongwith Shri K.K. Doley, Chowkidar and Shri Ajit Roy, Assistant Technician were taking tea at the hotel in front of the main office Gate, Shri Bakul Dutta came from home and kept his Scooter near the office Gate and asked Shri Doley whereabouts Shri N. Mahanta, Chowkidar. Shri Doley informed Shri Bakul Dutta about the absent of Shri Mahanta on the day. Shri Bakul Dutta told, if Shri Mahanta had been there he would have been given a better punishment for passing on some news by phone to his (Shri Dutta's) home which created problems in his (Shri Dutta's) family.

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On seeing Shri Ajit Roy, he (Shri Dutta) rushed towards Shri Roy charging him (Shri Roy) for making telephone call to his (Shri Dutta's) home then attacked Shri Roy with the Dao. Shri Roy catch hold the hand of Shri Dutta and started push and pull. Shri Pulin Hazarika, TSFW and Shri K.K. Doley, Chowkidar separated them. After that he (Shri Mohan Das) left the spot.

2. Shri Narayan Mahanta, Chowkidar (absent)

3. Statement dated 04.10.2005 furnished by Shri Bhupen Borah, TSFW.

Shri Bhupen Borah stated that he came with Shri Bakul Dutta in his Scooter but he is unaware about their quarreling (Shri Bakul Dutta and Shri Ajit Roy).

4. Statement dated 04.10.2005 furnished by Shri Purnananda Baruah, TSFW.

Shri P. Baruah stated that he had not seen the quarrelling. After changing his dress he went to duty site. From there he heard the sound of quarrelling. Shri Bakul Dutta told him (Shri Purnananda Baruah) that he(Shri B. Dutta) was very furious. Shri Bokul Dutta told him (Shri Baruah) to hide the Dao which kept in the tool box of his Scooter as Shri Ajit Roy may go to Police. Saying this Shri Bakul Dutta left. But he (Shri P. Baruah) did not hide the Dao and also not known whereabouts the Dao.

5. Shri Narayan Mahanta, Chowkidar, CMER&TI, Lahdoigarh who resumed duty on 13.10.2005 after availing leave w.e.f. 29.9.2005 to 10.10.2005 made a complaint on 13.10.2005 against the said Shri Bakul Dutta that he (Shri Mahanta) learnt that Shri Bakul Dutta with a Dao searched to kill him on 30.9.2005 at the Chowkidar's shed.

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Thus, it is evident that as has been narrated in detail in the preparas that the said Shri Bakul Dutta, Technical Assistant has brought a Dao (an iron weapon) in the tool box of his Scooter on 30.9.05 while he came to office with intention to kill Shri Narayan Mahanta, Chowkidar and Shri Ajit Roy, Assistant Technician. He (Shri Balul Dutta) parked the Scooter inside the office campus and then he (Shri Dutta) took out the Dao from the tool box of his Scooter and at first he (Shri Bakul Dutta) attempted to kill Shri Narayan Mahanta, Chowkidar. Since Shri Mahanta was not available in the Chowkidar's shed then rushed towards Shri Ajit Roy, Assistant Technician and attacked him with the Dao and Shri Ajit Roy got injury. The said Shri Bakul Dutta also confessed/admitted for the said crime.

The said Shri Bakul Dutta resorted the said serious misconducts, notwithstanding the responsible and Technical Assistant held by him, ignoring totally basic requirement that a Government Servant should at all times maintain absolute integrity and should never indulge in any act which is unbecoming of a Government servant. It is, therefore, imputed that he has failed to maintain the absolute integrity and has acted in a manner which is quite unbecoming of a Government servant contravening Rule 3(1) (i) (iii) and Rule 3-C (23) (10)(4) of CCS (conduct) Rules, 1964. Hence the charge.

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Annexure - II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SHRI BAKUL DUTTA, TECHNICAL ASSISTANT, CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE, LAHDOIGARH, JORHAT, ASSAM.

ARTICLE –1

Shri Bakul Dutta joined the Board's service as Field-Cum-Laboratory Assistant on 11.12.1981 (A.N.). The said Shri Bakul Dutta, earlier working at Regional Sericulture Research Station, Titabar, Assam in the said capacity since 11.12.1981. Vide order dated 20.01.1982 of the Secretary, Central Silk Board, Bangalore, he was transferred from Regional Sericulture Research Station, Titabar, Assam to Regional Muga Research Station, Boko in the same capacity. He was working as Field-Cum-Laboratory Assistant at Regional Muga Research Station, Boko since 1982.

The said Shri Bakul Dutta while, he was working as Field-Cum-Laboratory Assistant at Regional Muga Research Station, Boko he was promoted as Senior Field-Cum-Laboratory Assistant vide Memorandum No.CSB-6(1)/78-ES Vol-V dated 14.03.1984 w.e.f. 14.03.1984 and posted in the same station. Shri Bakul Dutta, while, he was working at Regional Muga Research Station, Boko in the said capacity of Sr. Field-Cum-Laboratory Assistant since 14.03.1984, vide Memorandum No.CSB-6(2)/78-ES.II (Vol-VII) dated 17.07.1990 he was promoted as Technical Assistant and transferred from Regional Muga Research

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ANNEXURE - III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SHRI BAKUL DUTTA, TECHNICAL ASSISTANT, CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE, LAHDOIGARH, JORHAT (ASSAM) IS PROPOSED TO BE SUSTAINED.

1. Letter dated 30.9.2005 of Shri Ajit Roy, Assistant Technician, CMER&TI, Lahdoigarh complaint against Shri Bakul Dutta, Technical Assistant, CMER&TI, Lahdoigarh about fatal attack to him by Shri Bakul Dutta.
2. Letter dated 01.10.2005 of Shri Ajit Roy, Assistant Technician enclosing therein an OPD prescription issued by the Medical Officer of Kakajan Primary Health Centre, Jorhat District for obtaining his medical treatment.
3. Committee constituted for Preliminary Inquiry vide Note Sheet page No.1 dated 01.10.2005.
4. Memorandum No.CSB/CMER&TI/15(II)/2005/FIR/4556-4560, dated 01.10.2005 issued by the Inquiry Committee advising following officials/TSFWs to appear before the Inquiry committee on 01.10.2005 at 02.00 p.m. in the office for interrogation into the case against the complaint lodged by the said Shri Ajit Roy, Assistant Technician.

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ANNEXURE - IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SHRI BAKUL DUTTA, TECHNICAL ASSISTANT, CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE, LAHDOIGARH, JORHAT (ASSAM) IS PROPOSED TO BE SUSTAINED.

1. Shri Ajit Roy, Assistant Technician, Central Muga Eri Research & Training Institute Lahdoigarh, Jorhat (Assam) (To depose in respect of the documents cited at Sl No. 1 & 2 of Annexure -- III i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained.

2. Dr. P.K. Kakati, Deputy Director (Tech.), Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) (To depose in respect of the documents cited at Sl No. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13 of Annexure – III i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained.

3. Shri Narayan Mahanta, Chowkidar, Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) (To depose in respect of the documents cited at Sl No. 14 of Annexure – III i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained.

i) Shri Bakul Dutta, Technical Assistant (accused).

ii) Shri Ajit Roy, Assistant Technician (complainant).

iii) Shri K.K. Doley, Chowkidar (witness).

iv) Shri Mohan Das, Chowkidar (witness).

v) Shri Pulin Hazarika, TSFW (witness).

5. Written statement dated 01.10.2005 of Shri Ajit Roy, Assistant Technician (complainant).

6. Written statement dated 01.10.2005 of Shri Bakul Dutta, Technical Assistant (accused).

7. Written statement dated 01.10.2005 of Shri K.K. Doley, Chowkidar (witness).

8. Written statement dated 03.10.2005 of Shri Pulin Hazarika, TSFW (witness).

9. Memorandum No.CSB/CMER&TI/15(II)/2005/FIR/4585-4592, dated 03.10.2005 issued by the Inquiry Committee advising following officials/TSFWs to appear before the Inquiry Committee on 04.10.2005 at 3.00 p.m. in the office for interrogation into the case against complaint lodged by Shri Ajit Roy, Assistant Technician.

i) Shri Bakul Dutta, Technical Assistant (accused).

ii) Shri Ajit Roy, Assistant Technician (complainant).

iii) Shri K. K. Doley, Chowkidar (witness).

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iv) Shri Mohan Das, Chowkidar (witness).

v) Shri Narayan Mahanta, Chowkidar.

vi) Shri Pulin Hazarika, TSFW (witness).

vii) Shri Bhupen Borah, TSFW.

viii) Shri Purnananda Baruah, TSFW.

10. Written statement dated 04.10.2005 of Shri Purnananda Baruah, TSFW.

11. Written statement dated 04.10.2005 of Shri Mohan Das, Chowkidar (witness).

12. Written statement dated 04.10.2005 of Shri Bhupen Borah, TSFW.

13. Preliminary Inquiry Report dated 07.10.2005 submitted by the Inquiry Committee.

14. Application dated 13.10.2005 submitted by Shri Narayan Mahanta, Chowkidar complaint against Shri Bakul Dutta, Technical Assistant attempting to murder him by Shri Bakul Dutta, Technical Assistant.

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-40- ANNEXURE — 4

To,

Date: 13.02.06

The Director,
Central Muga Eri Research & Training Institute
Central Silk Board
Ministry of Textiles
Govt. of India, Lahdoigarh -785700

Sub : **Reply of Memorandum for your kind consideration-regarding.**

Ref : No. CSB/CMER& TI/15 (11)/2005/FIR/7108 Date. 02.02.2006

Respected Sir,

Most humbly and respectfully, I beg to state that on the basis of receipt the memorandum dt. 02.02.06 issued by you. I am submitting written statement of defense and further desire to be heard in person.

1. That I am as an employee of Central Muga Eri Research & Training Institute, Central Silk Board have been rendering my service with full devotion to the department without any blemish during my service career.

2. That the allegation as sought to be brought against me by Inquiry Authority is not admissible on my part.

3. That the attention of myself is invited under Rule 20 of the Central Civil Service (Conduct) Rule, 1964 under which as Government Servant, I Sri Bakul Dutta have not brought / attempted to bring any political or outside influence to bear upon any superior authority to further his interest in respect of pertaining to my service under the Government.

4. That the allegation of gross moral misconduct of fatal attack to Sri Ajit Roy, Assistant Technician. It does not constitute serious misconduct on my part, the incidence was minor and it had occurred outside the office campus and that was not actually office hours.

5. That I have not failed to maintain absolute integrity and I have been performing my official duties regularly and sincerely. My action was not unbecoming and I have not contravened the rule 3 (1) (i) (ii) and Rule 3C(23) (70) (4) of CCS. (Conduct) Rules 1964, so the article of charge could not be farmed against me.

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6. That from the statement furnished by Sri Ajit Roy, Assistant Technician (Complainant) it is evidently true to speak that the incident was actually the exchange of harsh words among us.

7. That in earlier statement I made it clear that Sri Narayan Mohanta and Sri Ajit Roy had tried to bring blemish to my family. As a result of being furious and having lost my temper under compulsion rushed towards Ajit Roy, actually I had no any bad intention either to slab or murder Ajit Roy with "dao". I kept "dao" purchasing for my domestic use ill my nested premise. I already made it clear that I have been still maintaining a good relationship staying at same rented premises. I have been apologised before Ajit Roy for my misdeeds.

8. From the statement of K.K. Doley (chowkider) as witness, it is accidentally true that incidents occurred before office hour that had been happened out side the office campus and thereby it was not contravened rule 3 (I) (i) (iii) and rule 3C(23) (10) (4) of C.C.S. (Conduct) Rules/1964. Hence charge against myself could not be framed. I have not constituted serious misconduct on my part.

9. That from the statement furnished by Sri Pulin Hazarika, T.S.F.W. he has deposed his evidence that he had seen Ajit Roy and he in the process of pull and puss with a "Dao" before office hour if I had an intention of killing him I would have kill him at that moment.

10. That on 01.10.2005 at 3:00 P.M. in conference hall of the institute vide memorandum No. CSB/CMER&TI/15(11)/2005 FIR/4585-4592 dt. 01.10.2005. The Time Scale Farm Workers were interrogated by the inquiry committee at 3:00 P.M. on 04.10.05 in the chamber of Deputy Director to find out the facts of the case from the above. It is appeared that whole incident is concocted that cannot be admitted and no charge can be framed regarding the minor incidents occurred among me & Ajit Roy on 30.09.05 out side the office campus.

Contd. .

11. That from all deposition of witness it is evident that through myself resorted serious misconduct. I have confessed the same to be a minor incidents before the Preliminary inquiry committee held at the conference hall on 01.10.05. I also apologised before Ajit Roy, Assistant Technician, he also forgave me for my apologies. By this time Ajit Roy & I have entered to a compromise and we have been maintaining good relationship as earlier.

12. From above all the deposition of witness, it is being cleared that whole of the incident is making, concocted. It is conspiracy amongst chowkider shed; which can not be admissible on my part and the article of charge brought against me cannot be framed.

13. That the misdeeds which has already been done on my part is being apologized before Ajit Roy and the assurance has been given to Ajit Roy that in near future such type of offence shall not be committed on my part. I hereby pray before the superior authority that your honour would be pleased to take any further proceedings regarding my service considering my minor school going children. So that further proceeding of the inquiry committee does not hamper the education of the school going children. Now I further request the Inquiry Committee that a good understanding has been maintained among us and Ajit Roy is also keeping a good relationship with me and I humbly submits that your honour would be pleased to settle the case amicably between Ajit Roy and me so that we may keep our relations good as earlier.

Yours faithfully,

13/2/06

(BAKUL DUTTA)
Technical Assistant
CMER & TI, Lahdoigarh.

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ANNEXURE – 5

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CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE
CENTRAL SILK BOARD
Ministry Of Textiles : Govt. Of India
Lahdoigarh -785 700 : Jorhat (Assam)
Ph.No.0376-2335528(O), Fax No.0376-2335513

No.CSB/CMERTI/15(11)/2005/FIR-7628 Date: 24.02.2006
25

ORDER

WHEREAS an inquiry under Rule 14 of the Central Civil services (Classification, Control and Appeal) Rules, 1965, is being held against Shri Bakul Dutta, Technical Assistant, CMER&TI, Lahdoigarh, Jorhat (Assam).

AND WHEREAS the undersigned considers that an Inquiring Authority should be appointed to inquire into the charges framed against the said Shri Bakul Dutta, Technical Assistant.

NOW, THEREFORE, the undersigned, in exercise of the powers conferred by sub-rule (2) of the said rule, hereby appoints Dr. P.K. Kakati, Deputy Director, CMER&TI, Lahdoigarh as the Inquiring Authority to inquire into the charges framed against the said Shri Bakul Dutta, Technical Assistant.

Sd/-
DIRECTOR

To,
Dr. P.K. Kakati,
Deputy Director,
CMER&TI, Lahdoigarh,
Jorhat (Assam).

Copy to:

1. Sari Bakul Dutta, Technical Assistant, CMER&TI, Lahdoigarh,Jorhat (Assam).
2. Shri M.R. Das, Assistant Director (A&A), CMER&TI, Lahdoigarh, Jorhat (Assam) (Appointed as Presenting Officer).
3. The Member Secretary, Central Silk Board, Bangalore for kind information.

DIRECTOR

28/2

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ANNEXURE-6

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CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE
CENTRAL SILK BOARD
Ministry Of Textiles : Govt. Of India
Lahdoigarh -785 700 : Jorhat (Assam)
Ph.No.0376-2335528(O), Fax No.0376-2335513

No:CSB/CMERTI/15(11)/2005/FIR 7624 Date: 24.02.2006
25

ORDER

WHERE AS an inquiry under Rule 14 of the Central Civil services (Classification, Control and Appeal) Rules, 1965, is being held against Shri Bakul Dutta, Technical Assistant, CMER&TI, Lahdoigarh, Jorhat (Assam).

AND WHEREAS the undersigned considers that a Presenting Officer should be appointed to present on behalf of the undersigned the case in support of the articles of charge.

NOW, THEREFORE, the undersigned, in exercise of the powers conferred by sub-rule (5)(c) of Rule 14 of the said rules, hereby appoints Shri M.R. Das, Assistant Director (A&A), CMER&TI, Lahdoigarh, Jorhat (Assam) as the Presenting Officer.

Sd/-
DIRECTOR

To,
Shri M.R. Das,
Assistant Director (A&A),
CMER&TI, Lahdoigarh,
Jorhat (Assam)

Copy to:

01. Shri Bakul Dutta, Technical Assistant, CMER&TI, Lahdoigarh, Jorhat (Assam).
02. Dr.P.K.Kakati, Deputy Director,CMER&TI,Lahdoigarh Jorhat (Assam). (Appointed as Inquiry Officer).
03. The Member Secretary, Central Silk Board, Bangalore for kind information.

DIRECTOR

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ANNEXURE — 7

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CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE
CENTRAL SILK BOARD
Ministry Of Textiles : Govt. Of India
Lahdoigarh -785 700
Ph. No.2335513, 2335528 Jorhat (Assam)

No.CSB/CMER&TI/15(11)/2005/FIR/8263 Dated 27.03.2006

CONFIDENTIAL

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Bakul Dutta, Technical Assistant, Central Muga Eri Research & Training Institute, Lahdoigharh, Jorhat (Assam) under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. 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 are proposed to be sustained are also enclosed (Annexure-III & IV).

2. Shri Bakul Dutta is directed to submit within 10 (ten) days of the receipt of this Memorandum a written statement of his defence 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. Shri Bakul Dutta 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.

Contd.2

Received
29.3.06

2006

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5. Attention of Shri Bakul Dutta is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 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 interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri Bakul Dutta 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.

6. The receipt of the Memorandum may be acknowledged.

Encl. : As Above.

(R. Chakravorty)
DIRECTOR

To,
Shri Bakul Dutta
Technical Assistant
Central Muga Eri Research &
Training Institute,
Lahdoigarh, Jorhat (Assam).

Copy to :

The Member Secretary & C.E.O., Central Silk Board, CSB Complex, BTM Layout, Madivala, Bangalore–560 068. This has a reference to Central Office letter No.CSB-1(29)/98/VIG. VOL. II, dated 20.02.2006.

(R. Chakravorty)
DIRECTOR

ANNEXURE-I

ARTICLES OF CHARGE FRAMED AGAINST SHRI BAKUL DUTTA, TECHNICAL ASSISTANT, CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE, LAHDOIGARH, JORHAT (ASSAM)

ARTICLE – I

Shri Bakul Dutta, Technical Assistant, Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) has entered into gross moral misconduct of fatal attack to Shri Ajit Roy, Assistant Technician, and attempted to murder Shri Narayan Mahanta, Chowkidar,CMER&TI, Lahdoigarh. The said acts committed by the said Shri Bakul Dutta constitute serious misconducts on his part. He has thus failed to maintain devotion to duty and has acted in a manner which is quite unbecoming of a Govt. Servant thereby contravening Rule 3 (1) (ii) & (iii) of CCS (Conduct) Rules, 1964. Hence, the charge.

Annexure - II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SHRI BAKUL DUTTA, TECHNICAL ASSISTANT, CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE, LAHDOIGARH, JORHAT, ASSAM.

ARTICLE –1

Shri Bakul Dutta joined the Board's service as Field-Cum-Laboratory Assistant on 11.12.1981 (A.N.). The said Shri Bakul Dutta, earlier working at Regional Sericulture Research Station, Titabar, Assam in the same capacity since 11.12.1981. Vide order dated 20.01.1982 of the Secretary, Central Silk Board, Bangalore, he was transferred from Regional Sericulture Research Station, Titabar, Assam to Regional Muga Research Station, Boko in the same capacity. He was working as Field-Cum-Laboratory Assistant at Regional Muga Research Station, Boko since 1982.

The said Shri Bakul Dutta while, he was working as Field-Cum-Laboratory Assistant at Regional Muga Research Station, Boko he was promoted as Senior Field-Cum-Laboratory Assistant vide Memorandum No.CSB-6(1)/78-ES Vol-V dated 14.03.1984 w.e.f. 14.03.1984 and posted in the same station. Shri Bakul Dutta, while, he was working at Regional Muga Research Station, Boko in the said capacity of Sr. Field-Cum-Laboratory Assistant since 14.03.1984, vide Memorandum No.CSB-6(2)/78-ES.II (Vol-VII) dated 17.07.1990 he was promoted as Technical Assistant and transferred from Regional Muga Research

Contd..... 2.

Station, Boko to Technical Service Centre, Nazira, Sivasagar, Assam under National Sericulture Project, Jorhat, Assam.

The said Shri Bakul Dutta, while, he was working as Technical Assistant at Central Silk Board, Technical Service Centre, Nazira, Sivasagar, Assam since 03.09.1990, vide Central Office Memorandum No.CSB-48(1)/86-ES.I Vol.VII dated 21.11.1996 he was transferred from Technical Service Centre, Nazira to Grainage-Cum-Extension Centre, Aizawl, Mizoram under Regional Sericulture Research Station, Jorhat, Assam.

The said Shri Bakul Dutta, while, he was working at GEC, Aizawl, Mizoram in the said capacity of Technical Assistant since 21.01.1997, vide Central Office Memorandum No.CSB-48(19)/97-ES.I dated 15.04.2000 he was transferred from GEC, Aizawl, Mizoram to Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat, Assam. He was relieved at REC, Aizawl on 31.05.2000 (A/N) and reported for duty at Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat, Assam on 05.6.2000 (F/N). The said Shri Bakul Dutta has been working at Central Muga Eri Research & Training Institute, Lahdoigarh in the said capacity of Technical Assistant since 05.06.2000.

Contd.....3

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The said Shri Bakul Dutta, Technical Assistant has entered into gross moral misconduct of fatal attack on Shri Ajit Roy, Technical Assistant and attempted to murder Shri N. Mahanta, Chowkidar, CMER&TI, Lahdoigarh on 30.9.2005 at about 9.00 a.m. near the main Gate of CMER&TI, Lahdoigarh office complex.

The case history for the said incidence follows.

Complaint lodged by Shri Ajit Roy for the said incidence is placed below.

On 30.9.2005 at 9.00 a.m. within the Office complex, Shri Bakul Dutta, Technical Assistant took out a sharp weapon (Dao) from his Scooter and attacked (Shri Roy) without any provocation from his (Shri Roy's) side while he (Shri Roy) in a bid to tried to save himself got injury in his right hand.

Preliminary Enquiry Committee was constituted to enquire into the incidence. The members of the Committee were as follows.

Contd..4

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Scooter and rushed towards Shri Roy to kill him. Someone took the said Dao (Sharped weapon) from him (Shri Dutta) and kept in his Scooter. At that time it was 9.00 O'clock. He (Shri Dutta) attended his duty as usual. He (Shri Dutta) did not do any thing inside office campus. There was argument only outside the main gate of the office campus. He (Shri Dutta) had no bad intension either to stab or murder Shri Ajit Roy with the Dao (Sharped weapon) brought by him (Shri Dutta). He (Shri Dutta) brought the Dao for his domestic work in his rented house. Due to excessive anger, he attacked with the Dao otherwise he (Dutta) has very good family relationship with Shri Roy. No official matter was there.

He (Shri Dutta) stated that he should not have done such misdeeds. He apologized for such misdeeds. He informed that he also apologized Shri Ajit Roy and requested him to maintain good relationship with him. He assured that he will not repeat such mistake in future.

3. Statement dated 01.10.2005 furnished by Shri K. K. Doley, Chowkidar (witness).

On 30.9.2005 he (Shri Doley) was on duty at the gate. While he (Shri Doley) was at the Tea stall in front of office main Gate to have a cup of tea, Shri Ajit Roy, Assistant Technician and Shri Mohan Das, Chowkidar came to take tea at the said tea stall. While, they were taking tea, they saw the arrival of Shri Bokul Dutta alongwith Shri Bhupen Borah, TSFW by his (Shri Bakul Dutta's)

Contd.....9

Scooter. Shri Bakul Dutta parked his Scooter inside the gate of office campus and immediately after getting down took out a Dao (sharped weapon) from the tool box of his Scooter and with very angry mood said to day he (Shri Bakul Dutta) will cut Shri N. Mahanta, Chowkidar into pieces and rushed to the watchman shed at the gate. When he, (Shri Dutta) did not found Shri Mahanta, he enquired him (Shri Doley) whereabout of Shri Mahanta. He (Shri Doley) informed Shri Bakul Dutta about the absent of Shri Mahanta on the day. Shri Bakul Dutta said, if Shri Mahanta, had been on duty he would have been cut into pieces. Then, Shri Dutta furiously rushed towards Shri Ajit Roy who was taking tea at the tea stall and said today he (Shri Dutta) will kill him (Shri Ajit Roy). Shri Bakul Dutta asked to Roy whether he will pay the Society money or not. Shri Roy replied that he has nothing to pay. Suddenly Shri Bakul Dutta attacked Shri Roy with the Dao (Sharped weapon). Immediately Shri Roy jumped up from sitting and tried to save himself from the attack by Shri Bakul Dutta with the Dao. Shri Roy catch hold the hand of Shri Dutta to save himself from the attack and both started push and pull and Shri Roy got an injury in his right hand. We all namely Shri K.K. Doley, Chowkidar, Shri Mohan Das, Chowkidar and Shri Pulin Hazarika, TSFW tried to take out the Dao from both of them. Shri Pulin Hazarika took out the Dao from the hand of Shri Bakul Dutta. Then Shri Bakul Dutta went towards the office at the same time other office staff arrived in the office premises.

4. Shri Mohan Das, Chowkidar witness (absent).

Contd.....10

1. Dr. P.K. Kakati, Deputy Director.
2. Dr. K. C. Singh, Deputy Director.
3. Shri D. N. Duarah, Deputy Director.
4. Shri A.K. Dash, Deputy Director (A&A).
5. Shri M.R. Das, Assistant Director(A&A).
6. Shri O.N. Singh, Superintendent.

The following Officials/TSFWs were directed to appear before the Inquiry Committee on the basis of the witness as stated by Shri Roy, Assistant Technician on 01.10.2005 at 2.00 P.M. in the conference hall of this Institute vide Memorandum No.CSB/CMER&TI/15(II)/2005/FIR/4556-4560 dated 01.10.2005, they appeared before the Inquiry Committee for their disposition.

1. Shri Ajit Roy, Assistant Technician (complainant)
2. Shri Bakul Dutta, Technical Assistant (accused)
3. Shri K.K. Doley, Chowkidar (witness)
4. Shri Mohan Das, Chowkidar (witness)
5. Shri Pulin Hazarika, TSFW (witness)

The above complainant, accused and witnesses were allowed to depose their statement before the Inquiry Committee. Shri Mohan Das, Chowkidar (witness) did not turned up on that day before the Inquiry Committee. The Inquiry Committee advised all the witness to submit their signed statement to Committee.

The statements of the respective witness as follows.

Contd...5

1. Statement dated 01.10.2005 furnished by Shri Ajit Roy, Assistant Technician (complainant).

On 30.09.2005 (Friday) around 9.00 a.m. to 9.05 a.m., we 5/6 persons were taking tea in the tea shop located in front of office. In the mean time, Shri Bakul Dutta came to office by Scooter and kept his Scooter inside the office gate. Immediately after getting down from the Scooter, he started shouting and enquired where about of Shri Narayan Mahanta, Chowkidar. Then Shri K.K. Doley, who was at the main Gate on the day informed him (Shri Bakul Dutta) that Shri Mahanta was absent and in his place he (Shri K.K. Doley) attending duty.

Then Shri Bakul Dutta shouted (Mahanta with slang words) that if Shri Mahanta had been on duty he would have cut him into pieces. Then, Shri Bakul Dutta with a sharp weapon (Dao) in his hand rushed towards the tea shop shouting with slang words charging Shri Roy about the then complaint to the Director against him (Shri Bakul Dutta) regarding misappropriation of money by him for co-operative society. Then he (Shri Bakul Dutta) with a Dao in his hand attempted to murder Shri Roy. To save himself (Shri Roy) from the attack, he (Shri Roy) catch hold the hand of Shri Bakul Dutta. The people gathered there came to rescue Shri Roy from Shri Bakul Dutta. During the course of strugle between them, Shri Ajit Roy got cut injury on his right hand from the Dao with which Shri Dutta was trying to attack him.

Contd.....6

Shri Pulin Hazarika, TSFW took away the said sharp weapon from Shri Dutta. Shri Bakul Dutta ordered Shri Pulin Hazarika to put the said weapon (Dao) in the Tool Box of his Scooter. After that Shri Bakul Dutta entered into the office campus slowly threatening him (Shri Roy) to be careful as one day he (Shri Roy) will be cut into pieces for the said reason of complaining to the Director regarding co-operative matter. In the mean time, other office staff gathered in the office premises. He (Shri Ajit Roy) intimated about the incidence and shown his injury to Dr. K.C. Singh, Deputy Director and Shri D.N. Duarah, Deputy Director and as per their advice he (Shri Roy) went to the Doctor for Medical treatment. He submitted Medical Certificate vide his another application dated 01.10.2005.

2. Statement dated 01.10.2005 furnished by Shri Bakul Dutta, Technical Assistant (accused).

Since 9 (nine) months he (Shri Bakul Dutta) and Shri Narayan Mahanta, Chowkidar were staying in the same rented house at Lahdoigarh Chariali. There was a good relation between them. Suddenly, during the last part of August, there was a theft case in his (Shri Bakul Dutta's) rented house and he (Shri Dutta) doubted Shri Mahanta for that incidence. Even then, they (Shri Dutta and Shri Mahanta) were living together. They decided to live separately w.e.f. 1st October, 05. On 27th of September, 05, Shri Mahanta charged him (Shri Dutta) for having informed his wife regarding his (Shri Mahanta's) drinking habit and Shri Mahanta abused him (Shri Dutta). He (Shri Dutta) told Shri Mahanta to report the matter to the

Contd.....7

Director with evidence on 27th itself. But Shri Mahanta failed to provide proof and did not intimate to the Director. On 28th of September, 2005 at 7.45 a.m. he (Shri Mahanta) made a telephone call to his (Shri Dutta's) wife at home and informed that Shri Dutta is maintaining an illicit relationship with his (Shri Mahanta's) wife. His (Shri Dutta's) wife told Shri Mahanta to prove the same but Shri Mahanta could not prove it. When he (Shri Dutta) reached home after office hours, he (Shri Dutta) came to know all these things from his wife. Shri Ajit Roy, A.T. is also involved in this conspiracy. Shri Roy informed to his (Shri Dutta's) wife by phone that he (Shri Dutta) has some affairs with Shri Mahanta's wife and she should be careful for such relationship. For two days Dutta's wife did not take any food. His (Shri Dutta's) wife and his childrens were mentally very upset. He (Shri Dutta) explained the whole matter to his wife and tried to pacify his wife. His 21 years happy family life got disturbed and he (Shri Dutta) was very furious towards these two persons i.e. Shri Mahanta and Shri Ajit Roy.

In the morning on 30.09.2005, he (Shri Dutta) arrived office and after keeping his Scooter, he enquired about Shri Mahanta. However, Shri Mahanta was absent. He (Shri Dutta) shouted to Shri Ajit Roy as to why he (Shri Roy) and Shri Mahanta informed to his (Dutta's) wife about his (Shri Dutta's) relation with Shri Mahanta's wife. There was exchange of harsh words between them. He (Shri Dutta) lost his temper and took out a Dao (sharped weapon) from his

Contd.....8

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5. Statement dated 03.10.2005 furnished by Shri Pulin Hazarika, TSFW (witness).

Shri Pulin Hazarika stated that while he came back to the main gate of office after signing in the attendance register in between 9.00 a.m to 9.05 a.m. he saw Shri Bakul Dutta and Shri Ajit Roy were in the process of push and pull with a sharped weapon (Dao). Immediately, he snatched the weapon from the hand of Shri Bakul Dutta. Shri Bakul Dutta informed him (Shri Pulin Hazarika) to put the Dao into the tool box of his Scooter. Then he (Shri Pulin Hazarika) put the same in the tool box of his Scooter and locked and hand over the key of the tool box to Shri Bakul Dutta.

Again, the following officials were directed to appear before the Inquiry Committee on 04.10.2005 at 3.00 p.m. in the conference hall of this Institute vide Memorandum No.CSB/CMER&TI/15(11)/2005/FIR/4585-4592 dated 03.10.2005.

1. Shri Bakul Dutta, Technical Assistant
2. Shri Ajit Roy, Assistant Technician
3. Shri K.K. Doley, Chowkidar
4. Shri Mohan Das, Chowkidar
5. Shri Narayan Mahanta, Chowkidar
6. Shri Pulin Hazarika, TSFW
7. Shri Bhupen Borah, TSFW
8. Shri Purnananda Baruah, TSFW

Contd....11

Since the officials/TSFW mentioned at Sl. No. 1, 2, 3 & 6 have submitted their written statements, only the following Chowkidars and Time Scale Farm Workers were interrogated by the Inquiry Committee at 3.00 p.m. on 04.10.2005 in the Chamber of Dr. P.K. Kakati, Deputy Director of this Institute to find out the facts of the case. They appeared before the Inquiry Committee for their deposition. Hence, they have been allowed to depose their statement before the Inquiry Committee.

1. Shri Mohan Das, Chowkidar (witness)
2. Shri Narayan Mahanta, Chowkidar (absent)
3. Shri Bhupen Borah, TSFW
4. Shri Purnananda Baruah, TSFW

1. Statement dated 04.10.2005 furnished by Shri Mohan Das, Chowkidar (witness).

On 30.9.2005 at about 8.30 a.m. while he (Das) alongwith Shri K.K. Doley, Chowkidar and Shri Ajit Roy, Assistant Technician were taking tea at the hotel in front of the main office Gate, Shri Bakul Dutta came from home and kept his Scooter near the office Gate and asked Shri Doley whereabout of Shri N. Mahanta, Chowkidar. Shri Doley informed Shri Bakul Dutta about the absent of Shri Mahanta on the day. Shri Bakul Dutta told, if Shri Mahanta had been there he would have been given a better punishment for passing on some news by phone to his (Shri Dutta's) home which created problems in his (Shri Dutta's) family.

Contd....12

On seeing Shri Ajit Roy, he (Shri Dutta) rushed towards Shri Roy charging him (Shri Roy) for making telephone call to his (Shri Dutta's) home then attacked Shri Roy with the Dao. Shri Roy catch hold the hand of Shri Dutta and started push and pull. Shri Pulin Hazarika, TSFW and Shri K.K. Doley, Chowkidar separated them. After that he (Shri Mohan Das) left the spot.

2. Shri Narayan Mahanta, Chowkidar (absent)

3. Statement dated 04.10.2005 furnished by Shri Bhupen Borah, TSFW.

Shri Bhupen Borah stated that he came with Shri Bakul Dutta in his Scooter but he is unaware about their quarreling (Shri Bakul Dutta and Shri Ajit Roy).

4. Statement dated 04.10.2005 furnished by Shri Purnananda Baruah, TSFW.

Shri P. Baruah stated that he had not seen the quarrelling. After changing his dress he went to duty site. From there he heard the sound of quarrelling. Shri Bakul Dutta told him (Shri Purnananda Baruah) that he(Shri B. Dutta) was very furious. Shri Bokul Dutta told him (Shri Baruah) to hide the Dao which kept in the tool box of his Scooter as Shri Ajit Roy may go to Police. Saying this Shri Bakul Dutta left. But he (Shri P. Baruah) did not hide the Dao and also not known whereabout of the Dao.

5. Shri Narayan Mahanta, Chowkidar, CMER&TI, Lahdoigarh who resumed duty on 13.10.2005 after availing leave w.e.f. 29.9.2005 to 10.10.2005 made a complaint on 13.10.2005 against the said Shri Bakul Dutta that he (Shri Mahanta) learnt that Shri Bakul Dutta with a Dao searched to kill him on 30.9.2005 at the Chowkidar's shed.

Contd....13

Thus, it is evident that as has been narrated in detail in the preparas that the said Shri Bakul Dutta, Technical Assistant has brought a Dao (an iron weapon) in the tool box of his Scooter on 30.9.05 while he came to office with intention to kill Shri Narayan Mahanta, Chowkidar and Shri Ajit Roy, Assistant Technician. He (Shri Balul Dutta) parked the Scooter inside the office campus and then he (Shri Dutta) took out the Dao from the tool box of his Scooter and at first he (Shri Bakul Dutta) attempted to kill Shri Narayan Mahanta, Chowkidar. Since Shri Mahanta was not available in the Chowkidar's shed then rushed towards Shri Ajit Roy, Assistant Technician and attacked him with the Dao and Shri Ajit Roy got injury. The said Shri Bakul Dutta also confessed/admitted for the said crime.

The said Shri Bakul Dutta resorted the said serious misconducts, notwithstanding the responsible and Technical Assistant post held by him, ignoring totally basic requirement that a Government Servant should at all times maintain devotion to duty and should never indulge in any act which is unbecoming of a Government Servant. It is, therefore, imputed that he has failed to maintain devotion to duty and has acted in a manner, which is quite unbecoming of a Government Servant contravening Rule 3 (1) (ii) & (iii) of CCS (Conduct) Rules, 1964. Hence the charge.

*****

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SHRI BAKUL DUTTA, TECHNICAL ASSISTANT, CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE, LAHDOIGARH, JORHAT (ASSAM) IS PROPOSED TO BE SUSTAINED.

1. Letter dated 30.9.2005 of Shri Ajit Roy, Assistant Technician, CMER&TI, Lahdoigarh complaint against Shri Bakul Dutta, Technical Assistant, CMER&TI, Lahdoigarh about fatal attack to him by Shri Bakul Dutta.
2. Letter dated 01.10.2005 of Shri Ajit Roy, Assistant Technician enclosing therein an OPD prescription issued by the Medical Officer of Kakajan Primary Health Centre, Jorhat District for obtaining his medical treatment.
3. Committee constituted for Preliminary Inquiry vide Note Sheet page No.1 dated 01.10.2005.
4. Memorandum No.CSB/CMER&TI/15(II)/2005/FIR/4556-4560, dated 01.10.2005 issued by the Inquiry Committee advising following officials/TSFWs to appear before the Inquiry committee on 01.10.2005 at 02.00 p.m. in the office for interrogation into the case against the complaint lodged by the said Shri Ajit Roy, Assistant Technician.

Contd. 2

i) Shri Bakul Dutta, Technical Assistant (accused).

ii) Shri Ajit Roy, Assistant Technician (complainant).

iii) Shri K.K. Doley, Chowkidar (witness).

iv) Shri Mohan Das, Chowkidar (witness).

v) Shri Pulin Hazarika, TSFW (witness).

5. Written statement dated 01.10.2005 of Shri Ajit Roy, Assistant Technician (complainant).

6. Written statement dated 01.10.2005 of Shri Bakul Dutta, Technical Assistant (accused).

7. Written statement dated 01.10.2005 of Shri K.K. Doley, Chowkidar (witness).

8. Written statement dated 03.10.2005 of Shri Pulin Hazarika, TSFW (witness).

9. Memorandum No.CSB/CMER&TI/15(II)/2005/FIR/4585-4592, dated 03.10.2005 issued by the Inquiry Committee advising following officials/TSFWs to appear before the Inquiry Committee on 04.10.2005 at 3.00 p.m. in the office for interrogation into the case against complaint lodged by Shri Ajit Roy, Assistant Technician.

i) Shri Bakul Dutta, Technical Assistant (accused).

ii) Shri Ajit Roy, Assistant Technician (complainant).

iii) Shri K. K. Doley, Chowkidar (witness).

Contd...3

iv) Shri Mohan Das, Chowkidar (witness).

v) Shri Narayan Mahanta, Chowkidar.

vi) Shri Pulin Hazarika, TSFW (witness).

vii) Shri Bhupen Borah, TSFW.

viii) Shri Purnananda Baruah, TSFW.

10. Written statement dated 04.10.2005 of Shri Purnananda Baruah, TSFW.

11. Written statement dated 04.10.2005 of Shri Mohan Das, Chowkidar (witness).

12. Written statement dated 04.10.2005 of Shri Bhupen Borah, TSFW.

13. Preliminary Inquiry Report dated 07.10.2005 submitted by the Inquiry Committee.

14. Application dated 13.10.2005 submitted by Shri Narayan Mahanta, Chowkidar complaint against Shri Bakul Dutta, Technical Assistant attempting to murder him by Shri Bakul Dutta, Technical Assistant.

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ANNEXURE – IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SHRI BAKUL DUTTA, TECHNICAL ASSISTANT, CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE, LAHDOIGARH, JORHAT (ASSAM) IS PROPOSED TO BE SUSTAINED.

1. Shri Ajit Roy, Assistant Technician, Central Muga Eri Research & Training Institute Lahdoigarh, Jorhat (Assam) (To depose in respect of the documents cited at Sl No. 1 & 2 of Annexure – III i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained.

2. Dr. P.K. Kakati, Deputy Director (Tech.), Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) (To depose in respect of the documents cited at Sl No. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13 of Annexure – III i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained.

3. Shri Narayan Mahanta, Chowkidar, Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) (To depose in respect of the documents cited at Sl. No. 14 of Annexure – III i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained.

ANNEXURE – 8

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केन्द्रीय मूगा एरी अनुसंधान एंव प्रशिक्षण संस्थान
CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE
केन्द्रीय रेशम बोर्ड CENTRAL S ILK BOARD
वस्त्र मंत्रालय : भारत सरका Ministry Of Textiles:Govt.Of India
लाहदैगढ़ Lahdoigarh जोरहाट Jorhat - 785 700 (असम Assam)

NO.CSB/CMER&TI/1(3)6/2006-PF. 2120 Date: 30.6.2006

ज्ञापन MEMORANDUM

विषय Sub: तकनीकी सहायक के स्थानातंरण के संबंध में Transfer of Technical Assistant - Regarding.

केन्द्रीय कार्यालय के दिनांक 10 अप्रैल 2006 का ज्ञापनसं केरेबो- CSB- 48(3)/2003-ES.I.Vol. III के क्रम में, श्री बकूल दत्त, तकनीकी सहायक को केन्द्रीय मूगा एरी अनुसंधान एवं प्रशिक्षण संस्थान, लाहदैगढ़,जोरहाट से दिनांक 30.6.2006 को (अप.) में विरमित किया जाता है।

Pursuance to Central Office Memorandum No.CSB-48(3)/2003-ES.I.Vol. III dated 10th April 2006 Sri Bakul Dutta, Technical Assistant stands relieved of his duties at CMER&TI, Lahdoigarh, Jorhat (Assam) on 30.6.2006 (AN).

उन्हे सलाह दी जाती है कि वह सहायक निदेशक, मूगा रेशमकीट उत्पादन बीज केन्द्र, केन्द्रीय रेशम बोर्ड, कालियाबारी, जिला-कामरूप (असम)-781123 के समक्ष स्वीकार्य कार्यारंभ काल के अन्दर ड्यूटी हेतु रिपोंट करें। वे नियमानसार कार्यारंभ काल एवं टी.टी.ए. के लाभ के लिए पात्र होंगे।

He is advised to report for duty to the Assistant Director, Muga Silkwrm Seed Production Centre, Central Silk Board, Kaliabari -781123 District -Kamrup (Assam) within the admissible joining time. He is entitled to TTA and joining time benefits as per rules.

30.06.06
वृते निदेशक DIRECTOR

श्री बकूल दत्त Sri Bakul Dutta,
तकनीकी सहायक Technical Assistant,
के मू ए अ व प्र स,लाहदैगढ़ CMER&TI, Lahdoigarh,
जोरहाट Jorhat (असम Assam)

9954820810

ANNEXURE — 9

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केन्द्रीय मूगा एरी अनुसंधान एवं प्रशिक्षण संस्थान
Central Muga Eri Research & Training Institute
केन्द्रीय रेशम बोर्ड Central Silk Board
वस्त्र मंत्रालय,भारत सरकार Ministry of Textiles,Govt. of India
लाहदोइगढ़ Lahdoigarh 785 700, जोरहाट Jorhat (Assam)
दूरभाष Phone : 2355526, 2355515 फैक्स Fax : 0376-2355171

No.CSB/CMER&TI/15(11)2005/FIR/3613 Dated 10.05.2006

MEMORANDUM

Shri Bakul Dutta, Ex.T.A. of CMER&TI, Lahdoigarh was called upon to appear before the Inquiry Officer on 21.04.2006 at 10.00 AM in the office of CMER&TI, Lahdoigarh vide Notice issued by the Inquiry Officer to held an inquiry against him under Rule 14 of CCS(CCA) Rules, 1965 on the charges framed against him vide Memorandum No.CSB/CMER&TI/15(11)/2005/FIR/8263, dated 27.03.2006 along with a statement of each of (i) articles of Charge (ii) Imputation of misconduct or misbehaviour in support of the articles of charge (iii) a list of document by which the articles of charge farmed (iv) a list of witness by whom the articles of charge prepared to be sustained were also forwarded to him.

Since, Shri Bakul Dutta, TA failed to attend before Inquiry authority, the inquiry was to be conducted against the said Shri Bakul Dutta on 21.04.2006 was postponed. The Inquiry Officer advised the said Shri Bakul Dutta to appear before the Inquiry Officer thereafter at the same venue and time on 09.05.2006.

The said Shri Bakul Dutta appeared before Inquiry Officer on 09.05.2006. The article of charge alongwith the statement of imputations of misconduct in support of the article of charge was read out and explained both in English and Assamese by the Inquiry Officer.

The Inquiry Officer has examined 5 (five) witnesses. The delinquent Shri Bakul Dutta while giving his statement declined to adduce further evidence and pleaded not guilty before the Inquiry Officer. While Shri Bakul Dutta identified all the written statements given in evidence by S/Shri Ajit Roy, Assistant Technician, K.K. Doley, Chowkidar, Mohan Das, Chowkidar and Pulin Hazarika, Time Scale Farm Worker and their signatures thereunder, the Inquiry Officer allowed Presenting Officer to produce the same during the Inquiry Process. During the process of Inquiry, the Delinquent Officer Shri Bakul Dutta was given ample opportunity to cross examine the above witnesses.

The Inquiry Officer, in the process of inquiry has considered the following points in respect of the charges:

(a) Whether the delinquent Shri Bakul Dutta attempted to murder Shri Narayan Mahanta as alleged in the article of charge.
(b) Whether he attacked Ajit Roy with Dao.
(c) Whether Ajit Roy sustained injury in the attack.
(d) Whether the said acts committed by the delinquent amounts to gross mutal misconduct.

Direct evidence as to the charge that Shri Bakul Dutta attempted to murder Shri Narayan Mahanta who was absent on the day of occurrance of this incidence has not been established. However, his utterances, that had Shri Narayan Mahanta been present at the gate he would have cut him into pieces and possession of Dao has been established in the evidence of witnesses.

Contd ...

Vig.
28/7/06

14/6

Report of the inquiry held against Sri Bakul Dutta, Technical Assistant, Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam).

1. This report is prepared on the conclusion of the enquiry in respect of the charge brought against Sri Bakul Dutta.

The case for the authority of Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) is as follows :-

On 30.9.05 around 9 A.M. ,while the complainant, Sri Ajit Roy, Asstt. Technician in the office of CMER & TI, Lahdoigarh, along with five to six persons were taking tea in the tea shop located in front of the office Bakul Dutta came to the office by scooter and kept his scooter inside the office gate. Immediately after getting down from the scooter, he started shouting and enquired about Narayan Mahanta, Chowkidar. On being told that Narayan Mahanta was absent, he shouted that had Narayan Mahanta been present, he would have cut him into pieces. He then rushed towards the tea shop with a dao in hand and charged Ajit Roy about a complaint of misappropriation made by the said Ajit Roy against him and attempted to murder Ajit Roy with the dao. To save himself from the attack, Ajit Roy caught hold of the hand of Bakul Dutta.

Contd...Pg. 2

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During the ~~scuffle~~ scuffle Ajit Roy sustained cut injury in his right hand.

2. The article of charge is as follows :-

" Sri Bakul Dutta, Technical Assistant, Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) has entered into gross moral misconduct of fatal attack to Sri Ajit Roy, Asstt. Technician and attempted to murder Sri Narayan Mahanta, Chowkidar, CMER & TI Lahdoigarh. The said acts committed by the said Sri Bakul Dutta constitute serious misconducts on his part. He has thus failed to maintain devotion to duty and acted in a manner which is quite unbecoming of a Govt. Servant thereby contravening Rule 3(1) (ii) & (iii) of C.C.S.(Conduct) Rules 1964."

The said charge has been read over both in English and Assamese language and explained to Sri Bakul Dutta who has pleaded not guilty.

3. - The management has examined as many as five witnesses. Delinquent Sri Bakul Dutta gives his own statement and declines to adduce further evidence.

Contd...Pr..3

After ascertaining from the delinquent Bakul Dutta that he has already received the copies of statements given in evidence by Sri Ajit Roy, Krishna Kanta Doley, Mohan Das and Pulin Hazarika before the Preliminary Enquiry Committee, those statements are allowed to be produced by the Presenting Officer before me. The statements and their signatures thereundor have been identified by the said witness.

Sri Bakul Dutta cross-examines all the witnesses.

4. Now, the points that fall for consideration in respect of the charge are as follows:-

(a) Whether the delinquentSri Bakul Dutta attempted to murder Sri Narayan Mahanta as alleged in the article of charge.

(b) Whether he attacked Ajit Roy with dao.

(c) Whether Ajit Roy sustained injury in the attack.

(d) Whether the said acts committed by the delinquent amounts to gross moral misconduct.

Contd...P...4

5. Now, let me come to the first point Viz whether the delinquent Sri Bakul Dutta attempted to murder Sri Narayan Mahanta.

Here, the statement of Narayan Mahanta is to be seen first. There is no direct statement that Bakul Dutta attempted to murder him. He was not present on the date of occurance. But he says that he had reported to the wife of Bakul Dutta over phone that Bakul Dutta had illicit relation with his wife. According to this witness, out of anger over the telephonic talk with his wife about the said illicit relation, Bakul Dutta was targeting him to kill him.

The evidence of Ajit Roy (P.W.I), Krishna Kanta Doley shows that on 30.9.05 at about 9 A.M. Bakul Dutta came to the office, kept the scooter inside the office compound, took out a daw from the tool box and shouted that had Narayan Mahanta been present at the gate, he would have cut him into pieces.

The evidence of P.W. 3, 4 and 5 does not furnish evidence to establish the charge of attempt to murder Narayan Mahanta.

Contd...P/5

The evidence of Ajit Roy and Krishna Kanta Doley also does not furnish materials to establish that Bakul Dutta attempted to murder Narayan Mahanta.

But the utterance during office hours within the office compound that too with a dao in hand-that he would have cut Narayan Mahanta into pieces had Narayan Mahanta been there is unbecoming of Bakul Dutta, the Technical assistant of CMER &TI under Rule 3(1) (iii) of Central Civil Services Conduct Rules.

Sri Bakul Dutta is given a chance to cross examine the witnesses. But he has not been able to break the evidence.

Even though Bakul Dutta denies to have possessed a dao in course of the statement given before me, the fact of possession of dao is evident from his statement given before the Preliminary Enquiry Committee. He has admitted that statement when the same was brought to his notice.

6. I, now, come to the 2nd point. For convenient discussion I am taking up the 3rd point together with the 2nd point.

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The question is whether Bakul Dutta attacked Ajit Roy and whether Ajit Roy sustained injuries in the attack.

Here, let me first peruse the complaint(ExtI). It is alleged in the complainant that on 30.9.05, at 9 A.M. Sri Bakul Dutta took out a dao from the tool box of the schoter which Sri Bakul Dutta kept inside the office compound. Sri Bakul Dutta then gave a dao blow on Ajit Roy. When Ajit Roy was trying to save himself from the blow, he sustained injury on his right hand.

Ajit Roy elaborates this allegation by giving vivid description of the occurance in course of evidence. His written evidence given before the Preliminary Enquiry Committee is accepted for consideration in the instant enquiry. His evidence supports the complainant (Ext 1) given before the authority of C.M.E.R. & TI.

Ajit Roy has been supported by Krishna Kanta Doley, Mohan Das and Pulin Hazarika. Their written evidences given before Preliminary Enquiry Committee

Contd....Page/

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.. * ..

are also accepted for consideration. If is seen from their evidence that when Bakul Dutta wanted to give dao blow on Ajit, he caught hold of the hand of Bakul Dutta and in the pushing and pulling he sustained injury in his right hand.

Sri Bakul Dutta has not been able break the evidence of these witnesses in the course of cross-examination. Bakul Dutta admits the skirmish with Ajt Roy but denies to have used dao. But when the statement given before the Preliminary Enquiry Committee is brought to his notice he admits it and it is marked Ext A. In the said statement he admits that he took the dao to assault Ajit Roy. Somebody snatched away the dao. Ajit Roy produces a prescription of a doctor to show that he had to undertake treatment for the injury sustained. It is, however, not disputed.

Even though the actual occurance took place outside the gate of the office, he went prepared from the office compound itself.

contd...P/9

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(7) In the light of the discussion made above, I am of the of the opinion that the Management has been able to establish the charge of attack on Ajit Roy.

(8) The acts and conduct of Sri Bakul Dutta reflect riotous ~~or~~ disorderly behaviour and it is gross moral misconduct.

In the result, I find Sri Bakul Dutta guilty of gross misconduct.

P.K. Thakur

(P.K. Thakur)
Enquiry Officer.
Date... ~~22-5~~ 5.6.-2006.

(5.6.06.)

..9..

ANNEXURE — 10

To,

The Director,
Central Muga Eri Research & Training Institute,
Central Silk Board,
Ministry of Textile,
Govt of India,
Lahdoigarh, Jorhat, 785700

Dated the 29th August, 2006

Subject : Submission of Representation for kind consideration on "Guilty Plead".

Reference : CSB/CMER&TI/15 (11)/2005 /FIR/3079 dated 11/08/06.

Respected Sir,

With most humble submission, I beg to lay the following few lines with reference to your Memorandum No. CSB/CMER&TI/15 (11)/2005 /FIR/3079 dated 11/08/06 .

1. That Sir, I have been an employee holding the post of Technical Assistant in your office and have been rendering my service for six years .

2. That Sir, on 30/09/05 at about 9:00 AM while coming to my office I saw Krishna Kanta Doley, Chowkidar of the same office on his duty standing before the main gate of the same office. asked him if Narayan Mahanta was there in the campus of the office. On his reply I could come to know that he had no duty on that day.

3. That Sir, when I saw Ajit Roy, Assistant Technician taking tea in a tea shop out side the office campus with Mohan Das, Chowkidar of the same office, I rushed to him with one of my tools (small dao), kept in my scooter box to beat him but I did not . It was because of our quarrel occurred time to time during the period of staying together in a rented house which is situated at Lahdoigarh, Chariali, Jorhat.

4. That Sir, while rushing to Ajit Roy, Pulin Hazarika who is the Time Scale Worker of the same office came to me and prevented me to do same and I surrendered myself and my tools before him .

5. That Sir, that was the beginning and the end of the incident and thereafter we the both compromised the matter in dispute although Ajit Roy filed a written complaint before you.

6. That Sir, I feel repented and shy for the fact occurred on that day and I

Continue ..2

plead my guilty wholeheartedly before you and promised before you not to repeat the same or like in my future life. 86

7. That Sir, for your kind perusal and consideration I have added some other paragraphs which will honestly and clearly bring your kind notice on as to why I became rude and absurd and behaved in that way as soon as I saw Ajit Roy and why I enquired Narayan Mahanta who were the root causes of my anger and the incident occurred .

Since we are the office employees of the same office we decided ourselves to stay together on a rented house and as such we stayed together for more than 8 months in the same rented house situated at Lahdoigarh Chariali. Jorhat till 1/10/ 05 and existed a good relationship between ourselves . In this period of staying together Narayan Mahanta borrowed money from me time to time and I gave him the same on good faith and friendly relationship and as such at last he owed to me Rs. 4000/- (Rupees Four thousands) only in total which is recorded in his dairy book .(A photocopy of the same annexed herewith)

And Ajit Roy took money amounting Rs. 6850/- (Rupees six thousands eight hundred fifty) only from me as loan in the month of August /04 and promised me to repay the same within one month from the date of receipt. (A photocopy of the receipt is annexed herewith) But when I approached him and told him to return me the said amount he replied that he repayed me which is obviously false and used to abuse me in filthy language. In this way, the relationship between ourselves became bad.

That Sir, in this way Narayan Mahanta and Ajit Roy, considered me as their enemy and sought opportunity to harm me and my reputation and this is clearly reflected in the following facts. On 26th August /05 Narayan Mahanta stole Rs. 5000/-(Rupees Five thousands) only from my locked trunk in my room in my absence . Thorough he was detected I took no action against him and reconciled myself with my lot. Thereafter, he started to stay in his own house and I continued to stay in the same rented house. On 27th Sep/ 05 Narayan Mahanta and Ajit Roy telephoned my Mrs. Chitra Prabha Dutta at my PNT Number - 247602 alleging that I wrote a letter to his wife namely Swapna Mahanta which is quite false and making - allegation against me which has no any proof. On 28th /Sep.2005, after my office was over I came to my house and came to know from my wife and children about the allegation made by those two. I became angry for this false allegation against me and on 30th Sep/06 out of this sentiment I behaved in that manner and was ready to beat Ajit Roy with one of my scooter tools. This was why I enquired

Continue

Narayan Mahanta who was absent on that day and finding him not I rushed to Ajit Roy who was available out side the office campus.

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8. That Sir, under this facts and circumstances I did the incident on that day but it was out side the office campus .

9. That Sir, with reference to points (a), (b), (c) and (d) mentioned in the letter Vide No: CSL /CMER&TI/15 (11)/2005 / FIR/3079 dated 11/08/06 the following points are added for your kind perusal.

10. That Sir, I admit my fault but I never attempted to murder Narayan Mahanta as alleged in the article of charge but I admit that I wanted to beat Ajit Roy to characterise my anger and sentiment caused by those two persons who falsely alleged me by the way of telephone on 27th Sep/05 since Narayan Mahanta was absent on that day which he stated himself before honouable Mr. P.C. Thakur, Retd. Judicial Officer and enquiry authority for the matter in dispute who himself stated in his enquiry report at Page No. 4 which was received by the office on 28th /July,2006.

That Sir, though I rushed to beat him tocontrol my anger and sentiment and surrendered my tool and became myself cool . And thus I give my expression in clear languages that I DID NOT ATTACK HIM.

11. That Sir, since I did not attack him , so HE DID NOT SUSTAIN ANY INJURY

12. That Sir, though I took the tool (small dao) to beat him, I neither used it nor I attacked him with it .

13. That Sir, what ever I did, may amount to gross moral misconduct. I admit wholeheartedly.

It is therefore prayed that your Honour would graciously be pleased to admit this petition with reference to Memorandum vide No.CSB/CMER&TI/15 (11)/2005 /FIR/3079 dated 11/08/06. and exempt me from the charge or pass any order as you deem fit and proper considering the future of my school going children and family .

And for this Act of kindness your petitioner shall ever pray.

Yours faithfully,

(Bakul Dutta)
Technical Assistant
SSPC MUGA, Kaliabari
Boko, Kamrup, Assam

Enclosures:

1. A photocopy of Record showing the fact of borrowing money from me by Narayan Mahanta .
2. A photocopy of receipt of money borrowing from me by Ajit Roy.

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ANNEXURE — 11

केन्द्रीय मूगा एरी अनुसंधान एवं प्रशिक्षण संस्थान
Central Muga Eri Research & Training Institute
केन्द्रीय रेशम बोर्ड Central Silk Board
वस्त्र मंत्रालय,भारत सरकार Ministry of Textiles,Govt. of India
लाहदोइगढ़ Lahdoigarh 785 700, जोरहाट Jorhat (असमAssam)
दूरभाष Phone : 2335528, 2335513 फैक्स Fax : 0376- 2335124

No.CSB/CMER&TI/15(11)/2005/FIR/5511 Dated 29.11.2006

ORDER

Whereas Shri Bakul Dutta, Technical Assistant, Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) was informed of the proposal to hold an inquiry against him under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules. 1965vide this office Memorandum No.CSB/CMER&TI/15(11)/2005 /FIR/8263 dated 27.03.2006 enclosing therewith, a statement each of (i) article of charges, (ii) imputations of misconduct or misbehavior in support of the charges and (iii) list of documents by which and witnesses by whom the articles of charges was proposed to be sustained. Shri Bakul Dutta having, in receipt of the Memorandum on 28.03.2006, failed to submit his reply against the charge sheet.

WHEREAS the inquiry against Shri Bakul Dutta, Technical Assistant was conducted by Shri P.K. Thakur, Retired Judicial Officer, Tarajan, Jorhat, who was appointed as Inquiry Officer vide order No. CSB/ CMER & TI/ 15(11)/ 2005 /FIR/8285 dated 27.03.2006. The Inquiry Authority submitted his findings vide his report dated 05.06.2006. A copy of the Inquiry Report was also forwarded to Shri Bakul Dutta on 10/11.08.2006 to enable him to submit his representation, if any. He furnished his representation on 29.08.2006.

WHEREAS the charge leveled against Shri Bakul Dutta is that he, while functioning as Technical Assistant at Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat had failed to maintain official discipline deem to be observed by him and acted in a manner quite unbecoming of a Government Servant causing physical harm by attacking on Shri Ajit Roy, Assistant Technician and disclosing his intention to kill Shri Narayan Mahanta, Chowkidar, CMER & TI, Lahdoigarh.The said acts committed by Shri Bakul Dutta constitute serious misconducts on his part whereby he acted in a manner which is quite unbecoming of a Government servant contravening Rule 3(1)(ii) &(iii)of CCS (Conduct) Rules. 1964.

Contd...2

Whereas the undersigned, on having perused the complete documents and records of the inquiry, makes the following observations:

1. The inquiry proceeding which was to be held on 21.4.06, but the delinquent official failed to turn up without any written justification for his unability to attend the inquiry. Consequently 05.06.06 was fixed for regular hearing. As such, the sequences of events that are contained in the articles/statement of imputations of charge were taken up for deliberations on the same day in course of regular inquiry proceedings.

2. In all 5 (five) listed state (prosecution) documents submitted by witnesses were admitted and examined during the inquiry.

3. 5 (Five) state witness as listed in Annexure III of the charge sheet were advised to appear before the inquiry officer and to adduce their evidence in the case. Accordingly, they were present in response to the summons and made their depositions.

4. The said Shri Bakul Dutta, T.A. the accused, was permitted to inspect the listed documents.

5. Accused Shri Bakul Dutta, T.A. relied on his statement and declined to adduce further evidence.

6. In presence of both the parties the articles of charges along with the imputations of misconduct in support of the article of charges was read out and explained both in English and Assamese to the accused Shri Bakul Dutta, T.A. . Shri Dutta T.A. pleaded as innocent and denied the charges, wished not to engage any defence assistance and persisted on defending the charges himself.

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The case being that on 30.9.05 around 9 a.m., while the complainant Shri Ajit Roy, Assistant Technician was taking tea along with few other staff of Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat in the tea shop located in front of the office, the accused Shri Dutta, T.A. who came to the office on his scooter and after parking the scooter inside the office premises, immediately started to shouting angrily enquired where about of Narayan Mahanta, Chowkidar On being told that Shri Narayan Mahanta, Chowkidar was on leave by Shri K.K. Doley, Chowkidar on duty, he started angrily to shout that had Narayan Mananta, Chowkidar been present, he would have cut him into pieces. He further alleged that Narayan Mahanta along with Ajit Roy had reported to his wife that he had illicit relation with Mahant's wife and he wanted to punish both of them. On not finding Shri Narayan Mahanta, Chowkidar he than, rushed towards the tea shop with a Dao in hand and charged Shri Ajit Roy, Assistant Technician for filing complain of misappropriation of cooperative society fund made by the said Ajit Roy against him. He attempted to assault Shri Ajit Roy with the Dao in hand. Shri Ajit Roy caught hold of the hand of Bakul Dutta, T.A. in the process and could save himself from the fatal attack made on him by Shri Bakul Dutta T.A., CMER & TI, Lahdoigarh. During the scuffle, Ajit Roy sustained cut injury in his right hand. Shri Roy later attended Kakajan Primary Health Centre, Jorhat under O.P.D. Registration No. 13318 dated 30.09.2005 for treatment of his injury, a prescription of which he produced in support of the injury sustained by him (Exhibit A).

Whereas the undersigned, on a careful examination of the entire documents and records of the case, further observes that the following observations made by the Inquiry officer in the inquiry process are correct and acceptable. The article of charges, the undersigned after a through scrutiny of the documents and records observes that:

1. The inquiry officer in the process of inquiry has considered the following points in respect of the charges:

(a) Whether the delinquent Baku. Dutta attempted to murder Shri Narayan Mahanta as alleged in the article of charge.

(b) Whether he attacked Ajit Roy with Dao.

(c) Whether Ajit Roy sustained injury in the attack.

(d) Whether the said acts committed by the delinquent amounts to gross moral misconduct.

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2. The copies of the statements given in evidence by Shri Ajit Roy, Assistant Technician, Shri K.K. Doley, Chowkidar, Shri Mohan Das, Chowkidar, Shri Pulin Hazarika, Time Scale Field Worker and Shri Narayan Mahanta, Chowkidar was ascertained to have been received by Shri Bakul Dutta, T.A. were allowed to be produced by the presenting officer.

3. The statements and their signatures there under were identified by each of the said witnesses. Shri Bakul Dutta, accused Official cross examined the witnesses. Though, the accused Shri Bakul Dutta, T.A. disputed the exhibits and tried hard to prove the fact in the case that he did not possess a Dao, during the process of examination he failed in his effort in refuting the legitimacy of any of the state documents and any of the points contained in the depositions which were made by the witnesses during the course of inquiry.

4. It is established that the charges of intension of Shri Bakul Dutta, T.A. to kill/cause physical harm to Shri Narayan Mahanta, Chowkidar who was incidentally absent on day of the incident has been established. Furthermore, the fact that Shri Bakul Dutta, T.A. physically assaulted Shri Ajit Roy, Assistant Technician in front of the gate of the institute on 30.09.2005 at 9 A.M. and the possession of a dao has been established through the evidence of witness. The evidences of Shri K.K. Doley, Chowkidar Shri Mohan Das, Chowkidar and Shri Pulin Hazarika, TSFW (PW2, PW3 and PW5), who boldly confirmed their written statements during the course of their depositions.

5. Shri Bakul Dutta, T.A., has denied possession of a dao but admitted possession of a scooter tool on the day of the incident in his representation dated 29.08.2006. However, he has not disputed the wounds sustained by Shri Ajit Roy and the doctor's prescription for the medical treatment received by Shri Ajit Roy. The fact is that the incident had actually occurred on 30.09.2005 in front of the main gate of the institute where he after parking his scooter surged towards Shri Ajit Roy A.T. with a dao and caused physical harm to him has been established.

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The Inquiry Officer has been able to establish the attack on Shri Ajit Roy with a Dao with ulterior intention by Shri Bakul Dutta and has concluded as riotous and disorderly behaviour on the part of the Shri Bakul Dutta. Considering merit of the documentary and circumstantial evidences and that of the deposition of the witnesses, the Inquiry Officer came to the conclusion of the charges framed against Shri Bakul Dutta, T.A. is true and proved.

a) The said Shri Bakul Dutta, T.A. during the course of the enquiry process has failed to the arguments raised by him in support of him, the charges leveled against himestablished during the course of deposition made by the state witnesses. Shri Bakul Dutta, T.A. neither during the cross examination of the state witnesses nor by way of written statement could establish his innocence during the course of the inquiry. There is total resemblance between the depositions of PW1 and PW2. Similarly, the depositions of PW3 and PW5 further corroborated to that of PW1 and PW2.

b) Since the exhibited documents produced before the inquiry officer contained signatures of the concerned PW's and have unambiguously vouched for the veracity of the exhibits. The charges of ill intention to cause death/physical harm to Shri Narayan Mahanta, Chowkidar and the physical injuries with a dao inflicted on Shri Ajit Roy, A.T. by Shri Bakul Dutta has been established.

As such, the issues in the said representation of Shri Bakul Dutta, T.A. do not warrant any consideration and scrutiny. Notwithstanding this, the undersigned makes the following observations and comments:

i) It is because of the simple fact remains that in line with the principles of natural justice, the opportunity of cross examination is extended to accused official Shri Bakul Dutta, T.A. during the inquiry process and when the accused official fails to make use of the said opportunity, attracts the attention of the Disciplinary authority and having submitted his representation in support of his defence upon serving the inquiry report to him, the disciplinary authority could not be convinced on his pleas for innocence while arriving at conclusion on the findings of inquiry report.

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ii) Whereas a careful examination of the issue as a whole the undersigned observes that the written representation dated 29.08.2006 of Shri Bakul Dutta is unacceptable in as much as strain/stress related personal problems can in no way induce an official to take recourse to riotous or disorderly behavior during the course of discharging official duty whereas one is always supposed to keep cordial relation with his fellow workers.

iii) The undersigned is of the considered opinion that the question of moral duties, ethical sense, responsibility and social obligation reigns supreme at all costs in any sphere of social / personal life either at home or place of work and more so on the part of a responsible government servant and reflecting such violent behavior and manner the way, the accused official tried to justify is not acceptable.

iv) As such, as far as this disciplinary case is concerned, it is established that Shri Bakul Dutta, T.A., the charged official had made a fatal attack on Shri Ajit Roy, A.T. of CMER & TI, Lahdoigarh causing physical injury on 30.09.2005 is established beyond doubt and subsequent representation of Shri Bakul Dutta, T.A. pleading his innocence warrants no consideration.

The findings, the Inquiring Authority has arrived at are undoubtedly logical. He has borne in mind the principles of natural justice and reasonable opportunity. Having conducted the inquiry process and in having arriving at his findings, he exhibited utmost balance and kept in mind what was said and done was consistence with the normal principle of human behaviour, specially considering the uniqueness involved in the article of charge that stood framed in the case. He even allowed the accused official to put forth his points regarding the personal issues out of the strenuous relation with Shri Narayan Mahanta and Shri Ajit Roy. He has placed his reliance only on the facts which had come into evidence and which the defence side had had the opportunity to examine and refute. His conclusion in the report is reasonable; he has no doubt, clearly indicated in the report the relation between the imputations, evidence and conclusions.

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The undersigned, having had thorough observation and careful scrutiny of the entire documents of the case, while agreeing with the findings of the Inquiry Officer holds that the article of Charges framed against Shri Bakul Dutta in the case stands proved by cogent and convincing evidence and that as such Shri Bakul Dutta, T.A. has acted in a manner which is quite unbecoming of a Govt. servant thereby contravening Sub-Rule (1) (ii) and (iii) of Rule 3 of Central Civil Services (Conduct) Rules, 1964.

Now therefore, the undersigned arrives to the conclusion that the components of charges proved against Shri Bakul Dutta in the case are extremely serious in nature and constitute serious misconduct on his part and has failed to maintain absolute integrity, had acted in a manner which is unbecoming of Govt. Servant., the undersigned, considering the length of service put in by him in the board and his wholehearted admittance in his representation dated 29.08.2006 and also that of his previous unblemished service records considers that a major penalty of " reduction in a lower stage in the time scale of pay "as provided under Rule 11 (V) of CCS (CCA) Rules, 1965 be imposed on him for a period of four years. Accordingly; the said major penalty of "reduction to a lower stage in the time scale of pay by one stage for a period of four years" is hereby imposed on Shri Bakul Dutta with further direction that he shall not earn his annual increments of pay during the said period of reduction and that on the expiry of the said period of reduction, the reduction will not have the effect of postponing his future increment of pay.

(Dr. R. Chakravorty)
Director /
Disciplinary Authority

To
Shri Bakul Dutta,
Technical Assistant,
Through: The Assistant Director,
Silkworm Seed Production Centre, Central Silk Board
Kaliabari, P.O. Boko 781 123, Kamrup (Assam).

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Annexure- 12

To,

The Chairman, Central Silk Board, Banglore.

Sub:- An appeal filed by the appellant praying for set aside the order passed by the Director/Disciplinary Authority, Central Muga, Eri Research and Training Institute, Central Silk Board, Ministry of Textile, Lagdoigarh, Jorhat, Assam.

Reference- Order issued under Memo No. CSB/CMER & II/15 (II)/2005/FIR/5511 dated 29.11.06.

Respected Sir,

With due respect I beg to file this appeal before your Honour praying for setting aside/modification/cancellation/alteration of order under Memo No. as cited above passed by the Direction/Disciplinary Authority of Central Muga, Eri, Research & Training Institute, Central Silk Board, Lahdoigarh, Jorhat, Assam.

Sir, I was qualified to be appointed to the post of field cum Laboratory Assistant and accordingly I was appointed to the said post on 11/12/1981 and I discharged my duties to the best of my abilities and satisfaction to all concerned. Being I am loyal, sincere, diligent and dutiful to my service I was promoted to post of Technical Assistant and presently I am discharging my duties as Technical Assistant under your Board. From the date of appointment till the

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alleged occurrence there is no any absence without leave, no enquiry and no disciplinary proceeding initiated and I acquired my reputation due to hard working and sincerity and obedience to the superior officers.

Sir, On 30.9.05 at about 9.00 a.m. while coming to my office I wanted to know about Ajit Roy who took Rs. 6,850/- from me as loan in the month of August 2004 and not refunded the said amount but no sincere initiative is taken rather he abused me in filthy language. Sri Ajit Roy adversely reported to my superior officer at working station which resulted from bad to worse and the concern authority initiated disciplinary proceedings against me. It needs of mention that no first information report was lodged against me.

Sir, I participated in the disciplinary proceedings but same was not conducted as per the provisions of Central Civil Services Rule. No copy of furnished where as I have right to receive the same. I was not allowed to have inspection of original documents and no copies of document were served upon me. Though I should have been assisted from

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a co-employee during the course of proceedings but same was not allowed to me and as such the entire proceedings are vitiated from the established procedure of law.

Sir, the Director/disciplinary authority passed on order under Memo No. CSB/CMER & TI/15 (II)/2005/FIR/5511 dated 29.121.2006 , that the component of charges proved against me and the disciplinary authority inflicted the major penalty of reduction to a lower stage in the time scale of pay by one stage for a period of 4 years with further direction that I shall not earn my annual increments of pay during the said period of reduction and on the expire the said period of reduction , the reduction will not have the effect of postponing future increment of pay.

Sir, I respectfully submit that I am no where involved in any incidents as stated in the said order and the penalty inflicted upon me is totally disproportionate and as such the order passed on 29.11.06 is arbitrary, capricious, defiance of logic and as such the same is liable to be set aside and quashed.

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under the above facts and circumstances it is most respectfully prayed that Your Honour would be graciously pleased to admit my appeal and be pleased to set aside the order dated 29.11.2006 passed by the Director/Disciplinary Authority with back benefits and service seniority, And for this act of kindness the appellant shall ever pray.

Yours Sincerely

Sri Bakul Dutta
Technical Assistant

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