

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 111/2009 ~~2009~~
R.A./CP/NO.2015
E.P./M.P./NO.2015

1. Order Sheets..... 02pg..... 01to 03 ✓
2. Judgment/ order dtd. 09.10.2009 pg..... 01to 05 ✓
3. Judgment & Order dtd.....received from H.C. /Supreme Court.
4. O.A. 111/2009page..... 01to 44 ✓
5. E.P/M.P.page.....to.....
6. R.A./C.P.....page.....to.....
7. W.S.Page.....to.....
8. Rejoinder.....page.....to.....
9. Replypage.....to.....
10. Any other paperspage.....to.....

20/7/2015
SECTION OFFICER (JUDL.)

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET



1. Original Application No : 111 / 2009
2. Misc. Petition No : ----- in O.A. No.-----
3. Contempt Petition No : ----- in O.A. No.-----
4. Review Application No : ----- in O.A. No.-----
5. Execution Petition No : ----- in O.A. No.-----

Applicant (S) : Shri Bishnu Prasad Guha

Respondent (S) : Union of India & Ors.

Advocate for the : Mr. Adil Ahmed,
{Applicant (S)} Mr. N. Ahmed

Advocate for the : -----
{Respondent (S)} C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C F Rs. 50/- deposited vide IPO/BD No. <u>376/408957</u> Dated <u>29.5.2009</u></p> <p><u>18.6.09</u> Dy. Registrar <u>15/6/09</u></p>	17.06.2009	<p>Mr.N.Ahmed, learned counsel for the Applicant prays for an adjournment till day after tomorrow.</p> <p>Call this matter on 19.06.2009 for admission.</p> <p style="text-align: right;"> (M.R.Mohanty) Vice-Chairman</p>
<p><u>15.6.09</u></p> <p>4 copies of Application with envelopes received for issue notices to the Respondents No. 1 to 4. Copy served.</p> <p><u>15/6/09</u></p> <p><u>22.6.09</u></p> <p>Send copy of this order to the Respondents alongwith copy of this O.A.</p> <p><u>22/6/09</u></p>	19.06.2009	<p>Mr.N.Ahmed, learned counsel for the Applicant is present. A copy of this Original Application has already been supplied to Ms. Usha Das, learned Addl. Standing counsel for Govt. of India, who is directed to obtain instruction in the matter by 30.07.2009.</p> <p>Call this matter on 30.07.2009 for admission.</p> <p><u>Send copies of this order to the Respondents</u> (along with copies of this O.A.)</p> <p style="text-align: right;"> (M.R.Mohanty) Vice-Chairman</p>

/bb/

30.07.2009

None appears for either of the parties.

Call on 11.08.2009.

(M.K. Chaturvedi)
Member (A)

(M.R. Mohanty)
Vice-Chairman

nkm

11.08.2009

On the prayer of Ms. Usha Das, learned Addl. Standing counsel for the Union of India, call this matter on 21.08.2009 for consideration of the case for admission.

(M.K. Chaturvedi)
Member (A)

(M.R. Mohanty)
Vice-Chairman

/bb/

26.08.2009

Ms. U. Das, learned Addl. Standing counsel undertakes to file a written reply in this case in course of the day.

(M.K. Chaturvedi)
Member (A)

(M.R. Mohanty)
Vice-Chairman

/bb/

① Service report
awaited.

29.7.09

No W/s filed.

10.8.09

No W/s filed.

20.8.09

No W/s filed.

25.8.09

No W/s filed.

7.10.09

O.A.111 of 2009

08.10.2009

On request, call this matter tomorrow for admission.



(M.R. Mohanty)
Vice-Chairman

/bb/

09.10.2009

Heard learned counsel for the parties and perused the materials placed on record.

For the reasons recorded separately, this case stands dismissed.



(M.R. Mohanty)
Vice-Chairman

/bb/

13/10/09
Copy of Judgment
order dtd 9/10/09
send to the D/section
for issuing to the
Applicant & Respds.
by Regd post.

Free copies of both
sides standing counsel
by hand.

D/No ^{Don}12239 to 13/10/09
12243
Dtd. 29-10-2009

5

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

(111)
O.A. No. 101 of 2009

DATE OF DECISION: 09.10.2009

Sri Bishnu Prasad Guha

.....Applicant/s.

Mr. A. Ahmed & Mr. N. Ahmed.

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

- Versus -

N.F.Railways & Ors.

.....Respondent/s

Ms. U. Das, Addl. Standing counsel

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR.MANORANJAN MOHANTY, VICE CHAIRMAN.

1. Whether Reporters of local newspapers may be allowed to see the Judgment?
2. Whether to be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?

~~Yes~~/No ✓

~~Yes~~/No ✓

~~Yes~~/No ✓

Judgment delivered by


Hon'ble Vice Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 111 of 2009

Date of Order: This, the 09th of October, 2009

HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

Shri Bishnu Prasad Guha
Son of Late Birendra Chandra Guha
Head Clerk, Assam Central Circle – 1
Central Public Works Department
Guwahati, P.O.- Bamunimaidan
Pin – 781021, Assam.

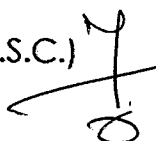
..... Applicant

(By Advocates : Mr. A. Ahmed & Mr. N. Ahmed)

-Versus-

1. The Union of India
Represented by the Secretary to
The Government of India
Ministry of Urban Affairs
Nirman Bhawan, New Delhi,
PIN – 110011.
2. The Director General of Works
Central Public Works Department
118-A, Nirman Bhawan, New Delhi
PIN – 110011.
3. The Superintendent Engineer
Coordination Circle (ER)
2nd MSO Building, Nizam Palace
17th Floor, 234/4 A.J.C. Bose Road
Kolkata, PIN – 700020.
4. The Superintendent Engineer
Assam Central Circle – 1
Central Public Works Department
Guwahati, P.O. – Bamunimaidan
Pin – 781021.

(By Advocate: Ms. Usha Das, Adl. C.G.S.C.)



.....Respondents

ORDER (ORAL)
09.10.2009

MANORANJAN MOHANTY, (V.C.):

By Office Memorandum dated 08.04.2003 of Government of India (in the Directorate General of Works of Central Public Works Department i.e. CPWD in short) duties and responsibilities of Head Clerks of the Circle Offices of CPWD were defined. Relevant portion of the said Office Memorandum under Annexure-1 dated 08.04.2003 is extracted herein below:-

"File No.5/5/2001-EC.IV(C)
Government of India
Directorate General of Works
Central Public Works Department

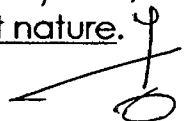
OFFICE MEMORANDUM

Sub: Defining the duties & responsibilities of Head Clerks in Circle & Zonal offices of the CPWD and deciding their Reporting and reviewing authority for ACRs.

Consequent upon first Cadre Review and Ministerial staff conducted in 1997 some posts of Head clerks were created in Zonal and circle offices. The duties and responsibilities as well as reporting and reviewing authorised in respect of Head Clerks working in Zonal Offices and Circle Offices are defined and decided by this Directorate as under:-

3. Circle Offices

- i) Regarding duties and responsibilities of Head Clerks in Circle Offices, they may deal with more important cases like disciplinary matters, promotions, requirements and enlistment and scrutiny of tenders and Budget. Further they may also be assigned work relating to budgetary matters and Parliament Questions. They may thus, be assigned work of important and urgent nature.



- ii) The Reporting Officer for writing ACRs of Head Clerks would be Office Superintendent of AE (HQ). The Reviewing Officer may be EE(A).

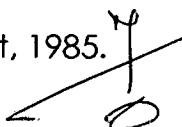
This issues with the approval of ADG(S&P)."
(Emphasis supplied)

2. Applicant having been posted as Head Clerk of Assam Central Circle-I of CPWD was assigned certain duties like (a) extension of time cases, (b) Parliament Questions matters, (c) RTI matters vide O.M. dated 15.09.2008 of Assam Central Circle - I of CPWD. In the said O.M. dated 15.09.2008 the procedure for dealing with extension of time cases were also elaborated. Relevant portion of the said O.M. dated 15.09.2008 under Annexure-4 is extracted below:-

"...it is decided that HC in Assam Central Circle-I will deal with (a) Extension of time cases, (b) Parliament questions and (c) RTI matters. The modus operandi for E.O.T. cases will be as given below:-

1. The paper/files will be marked to HC by EE (Admn) who will keep the record of the dates of handing over the papers/files to the HC.
2. The HC will process the case and return it to the EE(A).
3. The EE(A) will put up the papers/files to the Superintending Engineer, ACC-I.
4. After the decision of the SE, the files will not go to the Head Clerk. EE(A) will dispose through concerned assistant."

3. Not being satisfied with the aforesaid assignment of works, the Applicant represented to the authorities on 07.05.2009 and approached this Tribunal with the present O.A. filed under Section 19 of the Administrative Tribunals Act, 1985.

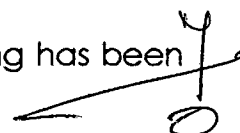


4. By way of filing a written statement, Respondents have pointed out that before assignment of work under O.M. dated 15.09.2008, some other important matters were assigned to the Applicant; but he failed to deliver the result in positive manner. In the written statement, Respondents have also disclosed about certain alleged misconduct of the Applicant and also about the incompetence of the Applicant.

5. Heard Mr. Ahmed, learned counsel for the Applicant and Ms. U.Das, learned Addl. Standing counsel representing the Respondents and perused the materials placed on record.

6. The O.M. dated 08.04.2003, in which duties and responsibilities of Head Clerks in Circle Offices of CPWD were defined, includes Parliament Questions. Thus, assignment of Parliament Question matters to the Applicant in O.M. dated 15.09.2008 is just and proper. In the O.M. dated 08.04.2003 it was defined to assign important and urgent nature of works to the Head Clerks of the Circle Offices of CPWD. The Applicant has been assigned to deal with the files relating to extension of time cases in the Circle office and also RTI matters. Those were certainly very important and urgent nature of works, which have been assigned to the Applicant. Thus, there cannot be any grievance of the Applicant so far assignment of extension of time cases and RTI matters to him as the Head Clerk of the Assam Central Circle-I of CPWD.

7. 'Which work will be assigned to whom' is within the discretionary consideration of the authorities and this Tribunal, not being Appellate Authority, cannot ask the CPWD organization and its officers to assign any other job to the Head Clerks/Applicant. In the premises, nothing has been



found requiring this Tribunal to intervene with the matter and, therefore, this case is dismissed. No costs.

Y. Mohanty
20/09/10/09
(MANORANJAN MOHANTY)
VICE CHAIRMAN

/BB/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 111 OF 2009.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

Shri Bishnu Prasad Guha

... Applicant

-Versus-

The Union of India & Others

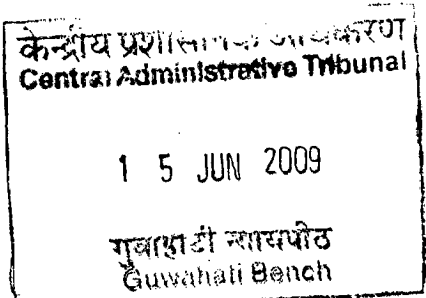
... Respondents

SYNOPSIS:

The Applicant was appointed as Lower Division Clerk (LDC in short) Central Public Works Department (CPWD in short) on 20.06.1980. He was promoted to the post of Upper Division Clerk on 15.04.1988. Thereafter he was promoted to the post of Head Clerk on 01.10.2001 and joined in the office of the Guwahati Electrical Division (GED in short), CPWD. The office of the Respondent No.2 vide its O.M. dated 08.04.2003 define the duties and responsibilities of Head Clerks in Circle & Zonal offices of the CPWD. The Applicant was transferred to the office of the Assam Central Circle-I, CPWD on 21.01.2008. But the Respondent No.4 did not allowed him to perform the general works and duties of Head Clerk as per O.M. dated 28.04.2003. On 14.05.2008 the Applicant submitted a representation before the office of the Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati i.e. the Respondent No.4 through proper channel requesting him to allot the duties and responsibilities to him as Head Clerk as per the O.M. dated 08.04.2003. The Applicant submitted a reminder on 23.06.2008 through proper channel before the Respondent No.4 requesting him to take necessary action of his earlier representation. The Office of the Respondent No.4 vide its Office Memorandum dated 15.09.2008 stated that 'Guidance was sought from higher authorities on the duties of Head Clerk in the Circle office in view of

Received
15.06.09
Secretary

Bishnu Prasad Guha.



anomalies in the office order dated 08.04.2003, in the meantime Applicant was entrusted to deal with extension of time cases, Parliament questions and RTI matters and communicated the same to the Applicant. The Applicant has again submitted a representation on 07.05.2009 through proper channel before the Respondent No.4 requesting him to allot him the proper duties and responsibilities as per DG(Works) Circular Guidance dated 08.04.2003. However, till date the Respondent No.4 have not taken any steps for allotting the proper duties and responsibilities of Head Clerk to the Applicant. The Respondents have neither modified nor issued any corrigendum relating to the duties and responsibilities of Head Clerks in Circle Office as mentioned in the Office Memorandum dated 08.04.2003 issued by the office of the Respondent No.2. The Applicant has been discriminated and deprived by the Respondents in non allotting the proper duties and responsibilities of Head Clerks in Circle Office as defined in the O.M. dated 08.04.2003.

Hence, this Original Application for seeking justice in this matter.

Bishnu Prasad Guba.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
(An Application Under Section 19 of the Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 111 OF 2009.

Shri Bishnu Prasad Guha

... Applicant

-Versus-

The Union of India & Others

... Respondents

LIST OF DATES

20.06.1980 Para 4.2	Applicant was appointed as Lower Division Clerk (LDC) in the Central Public Works Department (CPWD) and posted at Guwahati Central Division, CPWD.
15.04.1988 Para 4.2	Applicant was promoted to the post of Upper Division Clerk (UDC) and posted at Guwahati Central Division, CPWD.
08.08.1990 Para 4.2	Applicant was transferred to Assam Aviation Division, CPWD.
01.10.2001 Para 4.3	Applicant was promoted to the post of Head Clerk and joined in the office of the Guwahati Electrical Division, CPWD.
08.04.2003 Para 4.3 Annexure 1	The office of the Respondent No.2 vide its Office Memorandum define the duties and responsibilities of Head Clerks in Circle & Zonal offices of the CPWD.
21.01.2008 Para 4.4	Applicant transferred to the office of the Assam Central Circle-I, CPWD as Head Clerk and joined there on the same date.
14.05.2008 Para 4.5 Annexure 2	Applicant submitted a representation through proper channel before the Respondent No.4 requesting him to allot him the duties and responsibilities of Head Clerk as mentioned in DG(W)/CPWD office Memo No.5/5/2001-EC.IV(C) dated 08.04.2003.
23.06.2008 Para 4.5 Annexure 3	Applicant submitted a reminder before the Respondent No.4 through proper channel requesting him for taking necessary steps of his earlier representation.
15.09.2008 Para 4.6 Annexure 4	The Respondent No.4 issued an Office Memorandum stating the duties and responsibilities of Head Clerk in the Circle and communicated the same to the Applicant..
07.05.2009 Para 4.7 Annexure 5	Applicant submitted another representation through proper channel before the Respondent No. 4 requesting him to allot the duties and responsibilities of Head Clerk as per the O.M. dated 08.04.2003 issued by the office of the Respondent No.2.

Date- 15.06.2009

Filed by

Nuruddin Ahmad
Advocate

Bishnu Prasad Guha.

15 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
(An Application Under Section 19 of the Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 111 OF 2009.

Shri Bishnu Prasad Guha

.....Applicant

-Vs-

The Union of India & Others

..... Respondents

- I N D E X -

Sl. No.	Particulars	Annexure	Page No.
1	Original Application		1 to 11
2	Verification		12
3	Copy of the Office Memorandum File No. 5/5/2001-EC-IV© dated 08.04.2003.	1	13
4	Copy of the representation dated 14.05.2008 submitted by the Applicant.	2	14
5	Copy of the reminder dated 23.06.2008 submitted by the Applicant.	3	15
6	Copy of the Office Memorandum No. ACC 1/CPWD/Steno/163 dated 15.09.2008.	4	16
8	Copy of the representation submitted by the Applicant on 07.05.2009.	5	17

Date- 15.06.2009

Filed by

Nuruddin Ahmad
Advocate

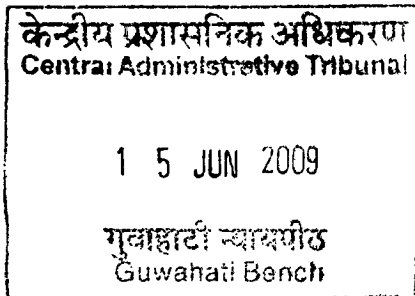
Bishnu Prasad Guha.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. /// OF 2009.

BETWEEN



Shri Bishnu Prasad Guha
Son of Late Birendra Chandra Guha
Head Clerk, Assam Central Circle-I
Central Public Works Department,
Guwahati, P.O.-Bamunimaidan,
PIN-781021.

...Applicant

-And-

1. The Union of India represented by the Secretary to the Government of India, Ministry of Urban Affairs, Nirman Bhawan, New Delhi, PIN-110011.
2. The Director General of Works, Central Public Works Department, 118-A, Nirman Bhawan, New Delhi PIN-110011.
3. The Superintendent Engineer Coordination Circle(ER), 2nd MSO Building, Nizam Palace, 17th Floor, 234/4 A.J.C. Bose Road, Kolkata, PIN-700020.
4. The Superintending Engineer Assam central Circle-I Central Public Works Department, Guwahati, P.O.-Bamunimaidan, PIN-781021.

...Respondents

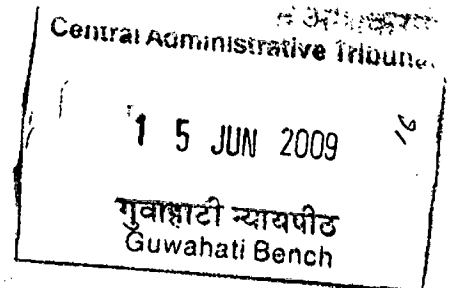
DETAILS OF THE APPLICATION:-

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is made against the impugned office Memorandum No.ACC1/CPWD/Steno/163 dated 15.09.2008 issued by the Respondent No.4 whereby the Respondents have refused to allot the general works and duties of Head Clerk to the

Bishnu Prasad Guha.

FILED BY *✓*
Shri Bishnu Prasad Guha
Assam Bench
Through Mr. Nandulal Sharma
Advocate 15/6/09



Applicant as per Office Memorandum in reference to File No.5/5/2001-EC-IV(C) dated 08.04.2003 issued by the office of the Respondent No.2.

2) JURISDICTION OF THE TRIBUNAL:

The Applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3) LIMITATION:

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

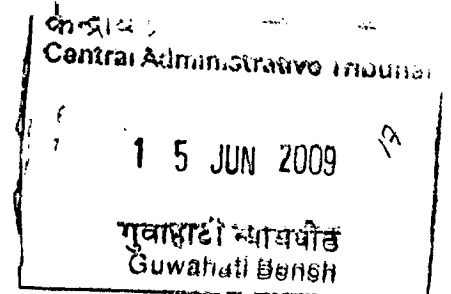
Facts of the case in brief are given below:

4.1) That your Applicant is a citizen of India by birth. As such he is entitled to all rights and privileges guaranteed under the Constitution of India and the laws framed thereunder from time to time.

4.2) That your Applicant begs to state that he was appointed as Lower Division Clerk (LDC in short) in the Central Public Works Department (C.P.W.D. in short) under the Ministry of Urban Affairs, Government of India on 20.06.1980 and posted at Guwahati Central Division (GCD in short), C.P.W.D. He was promoted to the post of Upper Division Clerk (UDC in short) on 15.04.1988. He was transferred from the office of the GCD, CPWD to Assam Aviation Works Division, C.P.W.D. on 08.08.1990. He was again transferred to the office of the Assam Central Circle-I (ACC-I in short) on 12.12.1991 as UDC.

4.3) That your Applicant begs to state that he was promoted to the post of Head Clerk on 01.10.2001 and joined in the office of the Guwahati Electrical Division, C.P.W.D. It is worth to mention here that the office of the Respondent No.2 vide

Bishnu Prasad Goh.



Office Memorandum in reference to File No.5/5/2001-EC-IV(C) dated 08.04.2003 define the duties and responsibilities of Head Clerks in Circle & Zonal offices of the C.P.W.D. The gist of duties and responsibilities of Head Clerks in Zonal office and Circle office of C.P.W.D. as per the aforesaid Memorandum are quoted below for kind perusal of this Hon'ble Tribunal:-

"2. Zonal Offices

(i) In zonal offices the Head Clerk may be attached with Financial Officer (FO) to deal with work relating to Budget, arbitration etc. They may also deal with work relating to registration of contractors and revalidation. Further Head Clerks may perform functions of dealing hand and no supervisory work may be assigned to them.

(ii) The Reporting Officer for writing of ACRs of Head Clerks would be the Financial Officer. The Reviewing Officer may be the Executive Engineer (P) or the Suptdg. Engineer.

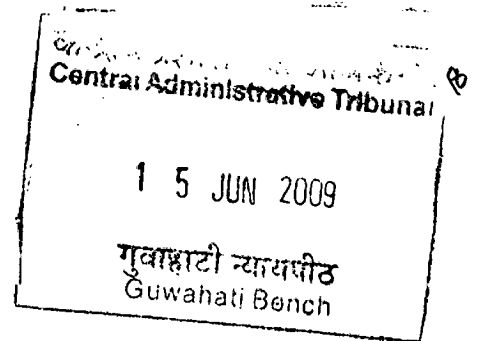
3. Circle Offices

i) Regarding duties and responsibilities of Head Clerks in Circle offices, they may deal with more important cases like disciplinary matters, promotions, recruitments and enlistment and scrutiny of tenders and Budget. Further they may also be assigned Work relating to budgetary matters and Parliament Questions. They may thus, be assigned work of important and urgent nature.

ii) The Reporting Officer for writing of ACRs of Head Clerks would be Office Superintendent or AE(HQ). The Reviewing Officer may be EE(A)."

Copy of the Office Memorandum in reference to File No.5/5/2001-EC-IV(C) dated 08.04.2003 is annexed herewith and marked as Annexure-1.

Bishnu Prasad Gupta.



4.4) That your Applicant begs to state that since his joining as Head Clerk in the office of the Guwahati Electrical Division, C.P.W.D., he was performing the duties as define in the aforesaid office Memorandum in reference to File No.5/5/2001-EC-IV(C) dated 08.04.2003. Thereafter, the Applicant was transferred to the office of the Superintending Engineer ACC-I, C.P.W.D. as Head Clerk and joined on 21.01.2008. However, the Respondent No.4 i.e. the Superintending Engineer debarred him in performing his general duties and responsibilities as Head Clerk in the Circle Office since his joining.

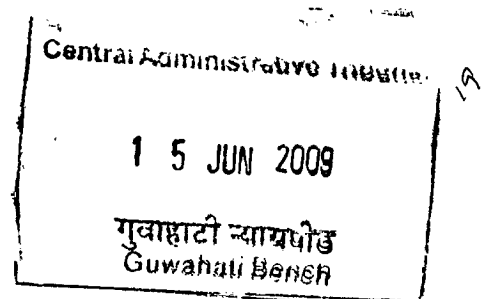
4.5) That your Applicant begs to state that he submitted a representation on 14.05.2008 before the Respondent No.4 through proper channel requesting him to allot him the duties and responsibilities of Head Clerk as mentioned in DG(W)/CPWD office Memo No.5/5/2001-EC.IV(C) dated 08.04.2003. Inspite of the aforesaid representation the Respondent No.4 did not take any steps for allotment of duties and responsibilities to the Applicant as Head Clerk. As such finding no other alternative the Applicant submitted a reminder on 23.06.2008 before the Respondent No.4 through proper channel for taking necessary action in the matter.

Copy of the representation dated 14.05.2008 submitted by the Applicant is annexed herewith and marked as Annexure-2.

Copy of reminder dated 23.06.2008 submitted by the Applicant is annexed herewith and marked as Annexure-3.

4.6) That your Applicant begs to state that the Respondent No.4 issued an Office Memorandum No.ACC 1/CPWD/Steno/163 dated 15.09.2008 stating the duties of the Head Clerk in the Circle and communicated the same to the Applicant. The Respondent No.4 vide aforesaid memorandum has stated that "Guidance was sought from higher authorities on the duties of Head Clerk in

Bishnu Prasad Goh.



the Circle office in view of anomalies in the Office order No.5/5/2001-EC-IV(C) dated 08.04.2003. The matter is still under consideration. In the meantime, it is decided that HC in Assam Central Circle-I will deal with (a) Extension of time cases, (b) Parliament questions and (c) RTI matters. The modus operandi for E.O.T. cases will be as given below:

1. The paper/files will be marked to HC by EE (Admn) who will keep the record of the dates of handing over the papers/files to the HC.
2. The HC will process the case and return it to the EE(A).
3. The EE(A) will put up the papers/files to the Superintending Engineer, ACC-I.
4. After the decision of the SE, the files will not go to the Head Clerk. EE(A) will dispose through concerned assistant".

Copy of the Office Memorandum No.ACC 1/CPWD/Steno/163 dated 15.09.2008 is annexed herewith and marked as Annexure-4.

4.7) That your Applicant begs to state that on 07.05.2009 he submitted another representation before the Respondent No.4 through proper channel requesting him again to allot him proper duties and responsibilities as per Director General (Works) C.P.W.D. Circular Guidance dated 08.04.2003.

Copy of the representation submitted by the Applicant on 07.05.2009 is annexed herewith and marked as Annexure-5.

4.8) That your Applicant begs to state that the Respondents No.4 in the Office Memorandum dated 15.09.2008 has stated that "Guidance was sought from higher authorities on the duties of Head Clerk in the Circle office in view of anomalies in the Office order No.5/5/2001-EC-IV(C) dated 08.04.2003. The matter is still under consideration". It is worth to mention here that the Director General (Works) C.P.W.D. i.e. the Respondent No.2 is the Head of the C.P.W.D. Organization and he is

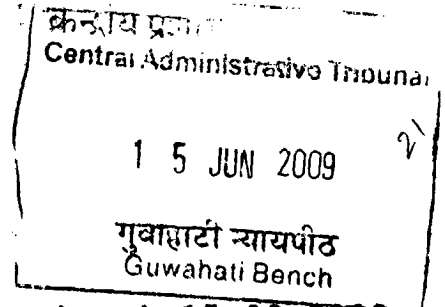
Bishnu Prasad Gupta

Cen. ...
15 JUN 2009
গুৱাহাটী ন্যায়পীঠ Guwahati Bench

responsible for efficient Administration and General Professional control of all activities of the Department. He has full Technical, Financial and Administrative control over Additional Director General and Officers down below. The office of the Director General (Works) CPWD has issued the office Memorandum dated 08.04.2003 defining the duties and responsibilities of Head Clerks in Circle and Zonal offices of the C.P.W.D. Therefore, the office Memorandum dated 08.04.2003 can not be suppress or overlook by a lower rank officer i.e. the Superintending Engineer C.P.W.D. Assam Central Circle-I, Guwahati-21 until and unless the same is modified or corrigendum by the Respondent No.2. In the instant case the Respondent No.4 has stated that guidance was sought from higher authority on the duties of Head Clerk in view of anomalies in office memorandum dated 08.04.2003, the Respondent No.4 has not specifically mentioned about the higher authority whose guidance was sought. Now, about 9 (Nine) months has already been passed in issuing the office Memorandum dated 15.09.2008 but till date no corrigendum or modification order is issued by the Respondent No.2 in connection with office Memorandum dated 08.04.2003. Therefore, the office Memorandum dated 15.09.2008 is vague and not sustainable in the eye of law.

In the office Memorandum dated 15.09.2008 the Respondent No.4 has impute some false and baseless allegation against the Applicant only to deprive him from his usual official duties. The Applicant is steadfast and straightforward in his duties but some vested circle are active in his office, as such their hegemony is disrupted and they become offended and started to making plan to displace the Applicant. As such it is fit case for giving adequate direction by this Hon'ble Tribunal to the Respondents particularly Respondent No.4 for allotment of proper duties and responsibilities to the Applicant as per the O.M. dated 08.04.2003 issued by the office of the Respondent No.2. The Hon'ble Tribunal may also be pleased to set aside

Prishnu Prasad Gohra.



and quashed the impugned office Memorandum dated 15.09.2008 issued by the Respondent No.4.

4.9) That your Applicant submits that he has got reason to believe that the Respondents are resorting the colorable exercise of power by not allotting the proper duties and responsibilities of the Head Clerk to the Applicant.

4.10) That your Applicant submits that the action of the Respondents is mala-fide and with a motive behind.

4.11) That your Applicant submits that the action of the Respondents is highly illegal, improper, whimsical and also against the policy adopted by the Government of India.

4.12) That in view of the facts and circumstances it is a fit case for interference by the Hon'ble Tribunal to protect the interest of the Applicant.

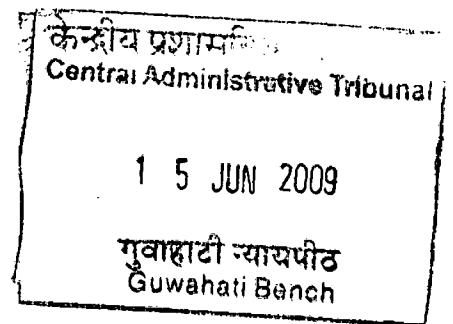
4.13) That this application is filed bona-fide and for the interest of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

In view of the above facts and circumstances narrated above the impugned office Memorandum No.ACC1/CPWD/Steno/163 dated 15.09.2008 issued by the Respondent No.4 is arbitrary, mala-fide, discriminatory, illegal and without jurisdiction on the following amongst other grounds.

5.1) For that, the office of the Respondent No.2 vide their office Memorandum dated 08.04.2003 has fixed the duties and responsibilities of Head Clerks of C.P.W.D. in Zonal and Circle Offices. Therefore, the Respondent No.4 without getting approval from the office of the Respondent No.2 can not re-fixed or overrule the duties and responsibilities of Head Clerks in Circle Office of C.P.W.D. as narrated in office Memorandum dated 08.04.2003. Hence, impugned office Memorandum No.ACC1/CPWD/Steno/163 dated 15.09.2008 issued by the Respondent No.4 is liable to be set aside and quashed.

Bishnu Prasad Goh.



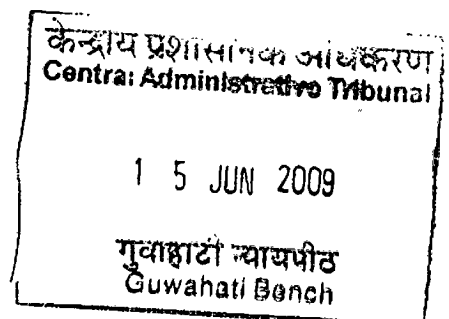
5.2) For that, the Respondent No.4 deliberately has not stated in his office Memorandum dated 15.09.2008 about the designation of Higher Authorities whose guidance was sought for in view of anomalies in the office order dated 08.04.2003 issued by the office of the Respondent No.2. Hence, impugned office Memorandum No.ACC1/CPWD/Steno/163 dated 15.09.2008 issued by the Respondent No.4 is liable to be set aside and quashed.

5.3) For that, the Director General (Works) as Head of the C.P.W.D. is responsible for efficient Administration and General Professional Control of all activities of the department. The Respondent No.4 deliberately and intentionally has not send the copy of the office Memorandum dated 15.09.2008 to the Respondent No.2 i.e. the Director General (Works) of C.P.W.D. for his guidance about the anomalies in the office order No.5/5/2001-EC-IV(C) dated 08.04.2003. Hence, impugned office Memorandum No.ACC1/CPWD/Steno/163 dated 15.09.2008 issued by the Respondent No.4 is liable to be set aside and quashed.

5.4) For that, the Respondents without issuing corrigendum or modification letter can not suppress the office Memorandum date 08.04.2003 which defines the duties and responsibilities of Head Clerks of C.P.W.D. in Circle and Zonal Offices. Hence, impugned office Memorandum No.ACC1/CPWD/Steno/163 dated 15.09.2008 issued by the Respondent No.4 is liable to be set aside and quashed.

5.5) For that, the Respondents particularly Respondent No.4 have violated their own guideline by refusing to allot the proper duties and responsibilities of Head Clerk to the Applicant as per O.M. dated 08.04.2003. Being a model employer the Respondents can not discriminate the Applicant. Hence, impugned office Memorandum No.ACC1/CPWD/Steno/163 dated 15.09.2008 issued by the Respondent No.4 is liable to be set aside and quashed.

Bishnu Prasad Goh.



5.6) For that, the Applicant is suffering from mental anxiety due to the action of the Respondents regarding refusing to allot the proper duties and responsibilities to him.

5.7) For that, the Respondents are resorting the colorable exercise of power by not allotting the proper duties and responsibilities of the Head Clerk to the Applicant.

5.8) For that the action of the Respondents is in violation of Article 14, 16 and 21 of the Constitution of India.

5.9) For that, the action of the Respondents is arbitrary, mala-fide and discriminatory with an ill motive.

5.10) For that, in any view of the matter the action of the Respondents are not sustainable in the eye of law and as well as fact.

The Applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

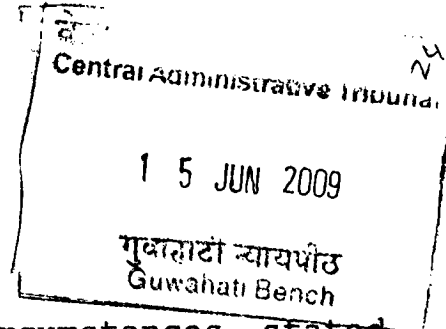
That there is no other alternative and efficacious and remedy available to the Applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicant further declares that he has not filed any application, Writ Petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, Writ Petition of suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Prishnu Prasad Gupta



Under the facts and circumstances stated above the Applicant most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relief(s) sought for by the Applicant may not be granted and after hearing the parties this Hon'ble Tribunal may be pleased to give the following relief (S):-

8.1) That the impugned office Memorandum No.ACC1/CPWD/Steno/163 dated 15.09.2008 issued by the Respondent No.4 may be set aside and quashed.

8.2) The Respondents may be directed to confer the proper duties and responsibilities of Head Clerk to the Applicant as per the Office Memorandum in reference to File No.5/5/2001-EC-IV(C) dated 08.04.2003 issued by the office of Respondent No.2.

8.3) To pass any other relief or reliefs to which the Applicant may be entitled as may be deem fit and proper by this Hon'ble Tribunal.

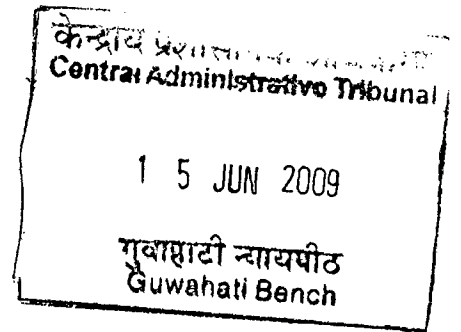
8.4) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

As an interim measure the Applicant most respectfully prayed before Your Lordships that the Hon'ble Tribunal may be pleased to direct the Respondents particularly Respondent No.4 to allot the works and duties of Head Clerk to the Applicant as defined in the O.M. dated 08.04.2003 issued by the office of the Respondent No.2 till disposal of the instant application.

10) Application is filed through Advocate.

Bishnu Prasad Gula.



11) Particulars of I.P.O.:

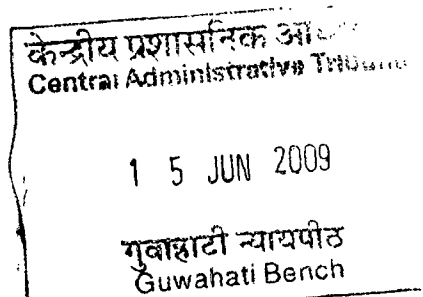
I.P.O. No. : 396 408957
Date of Issue : 23.5.2009
Issued from : Guwahati G.P.O
Payable at : Guwahati

12) LIST OF ENCLOSURES:

As stated above.

..... Verification

Bishun Prasad Goh.



VERIFICATION

I, Shri Bishnu Prasad Guha, aged about 55 years Son of late Birendra Chandra Guha, working as Head Clerk, office of the Superintending Engineer, Assam Central Circle I, Guwahati, Central Public Works Department, P.O.-Bamunimaidan, Guwahati PIN-781021 do hereby solemnly verify that the statements made in paragraph nos...4:1, 4:2, 4:3 (Partly), 4:4, 4:5, 4:7, 4:8 — are true to my knowledge, those made in paragraph nos...4:3 (Partly), 4:6..... are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

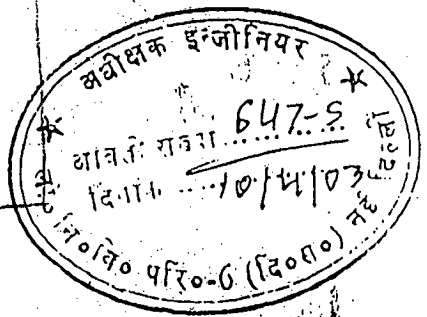
And I sign this verification on this the ..15th... day of ..June...2009 at Guwahati.

Bishnu Prasad Guha.

DECLARANT

15 JUN 2009

Guwahati Bench



File No 5/5/2001-EC. IV(C)
Government of India
Directorate General of Works
Central Public Works Department

Date 8-4-2003

OFFICE MEMORANDUM

Subject: Defining the duties & responsibilities of Head Clerks in Circle & Zonal offices of the CPWD and deciding their Reporting and reviewing authority for ACRs.

Consequent upon first Cadre Review of Ministerial staff conducted in 1997 some posts of Head clerks were created in Zonal and circle offices. The duties and responsibilities as well as reporting and reviewing authorised in respect of Head Clerks working in Zonal Offices and Circle Offices are defined and decided by this Directorate as under:-

2. Zonal Offices

- i) In zonal offices the Head Clerk may be attached with Financial Officer(FO) to deal with work relating to Budget, arbitration etc. They may also deal with work relating to registration of contractors and revalidation. Further Head Clerks may perform functions of dealing hand-and no supervisory work be assigned to them.
- ii) The Reporting Officer for writing of ACRs of Head Clerks would be the Financial Officer. The Reviewing Officer may be the Executive Engineer(P) or the Suptdg. Engineer.

3. Circle Offices

- i) Regarding duties and responsibilities of Head Clerks in Circle Offices, they may deal with more important cases like disciplinary matters, promotions, recruitments and enlistment and scrutiny of tenders and Budget. Further they may also be assigned work relating to budgetary matters and Parliament Questions. They may thus, be assigned work of important and urgent nature.
- ii) The Reporting Officer for writing ACRs of Head Clerks would be Office Superintendent or AE(HQ). The Reviewing Officer may be EE(A).

This issues with the approval of ADG(S&P).

Satyajit Mishra
(SATYAJIT MISHRA)
DY. DIRECTOR(ADMN.)

Copy to:

1. All ADGS.
2. All SE(Coord.)
3. All Supdg. Engineers/DOH/ADOH.
4. All CPWD. Office Staff Association.

PWD CVI

90
लोक निर्माण विभाग परिसर - 6 (द्वि. ३०) लोक निर्माण - ६/२५ दिनांक ५
५.११.१६ तथा २६ कृपया निर्देशानुसार आग
वाचनीय कर ४ एन

ATTESTED
ADVOCATE

To

The Superintending Engineer
Assam Central Circle-I
CPWD, Guwahati-21

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

15 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

(Through proper channel)

Subject :-Regarding non-availability of duties & responsibilities of Head-Clerk in Circle Office.

Sir,

Apropos the subject cited above mentioned, I am to state that since my joining in this circle on 21st January, 2008 till date I have not given the duties & responsibilities of Head-Clerk as mentioned in the DG(W)/CPWD's Office Memo no. 5/5/2001-EC. IV (C) dt 8/4/2003 and whenever I appealed verbally I am told to wait which was not only whimsical avoidance but also unparliamentary. Moreover this also debarred the activities of observations of Head-Clerk as proposed in the CPWD manual. As per your asking on yesterday (13/5/08) the application is written.

Therefore, I request your honour to take up proper and necessary action for doing the needful please.

Thanking you in anticipation

Sincerely yours

B. P. Guha
(B. P. Guha)
Head-Clerk

Copy for information and necessary action to :-

- 1) The Executive Engineer (Admn)/ACC-I/CPWD/Guwahati-21
- 2) The Secretary, All India CPWD Office Staff Association, Bamunimaidan, Guwahati-21 (By hand).
- ✓ 3) Personal Copy.

B. P. Guha
14/5/08

B. P. GUHA

Recd.
14/5

Recd. Admn. CPWD
14/5

ATTESTED
②
ADVOCATE

- 15 -

ANNEXURE-- 3

(First Reminder)

✓ To
The Superintending Engineer
Assam Central Circle-I,
CPWD, Guwahati-21

Dated : 23/6/2008

(Through Proper Channel)

কেন্দ্রীয় প্রশাসনিক
Central Administrative

Subject: Regarding Duties & Responsibilities of Head Clerk in Circle Office.

15 JUN 20

Sir,

গুৱাহাটী ন্যাযপীঠ
Guwahati Bench

In response to my letter dated 14.5.2008 on the above subject still I have not got the proper duties and responsibilities of Head Clerk since my joining in this office w.e.f. 21st Jan/2008 as per DG(W)'s O/Order No.5.5.2001-EC-IX (C) dtd. 08.04.2003. A copy of the said office order is endorsed herewith for your perusal and further necessary action please.

Enclo: As stated.

Sincerely yours,

(Signature)
23/6/08

(B.P.GUHA)
Head Clerk

Copy for information to : (in Advance).

1. The D/D (Admn), O/o the DG(W), CPWD, Nirman Bhawan, New Delhi. (Regd A/D), 110011. (Speed Post)
2. The C.E(NEZ), CPWD, Cleaves Colony, Dhankheti, Shillong-3. (Regd A/D) (Speed Post)
3. The Gen. Secy., All India CPWD Office staff Association (Near Generator Room), Ground Floor, C-Wing, I.P. Bhawan, New Delhi (Regd A/D) (110001) (Speed Post)
- ✓ 4. The Ex. Engr (Admn), ACC-I, CPWD, Ghy-21 (By hand).
5. The Regional President, AICPWDOSA, CPWD, Nizam Palace, Kolkata-21 (Reg A/D) (Speed Post)
- ✓ 6. The Branch Secy, AICPWDOSA, Ghy Branch, Bamunimaidam, Guwahati-21. (By hand)

Recd
24/6/08

(Signature)
23/6/08

(B.P.GUHA)
Head Clerk

(Signature)

ATTESTED

(Signature)
ADVOCATE



केन्द्रीय लोक निर्माण विभाग

असम केन्द्रीय परिमंडल - 1, निर्माण भवन, बामुनिमैदान, गुवाहाटी -21

Assam Central Circle-1, Nirman Bhawan, Bamunimaidan, Guwahati-21

No.ACC1/CPWD/Steno/163

Dated, Guwahati, the 15/09/2008

OFFICE MEMORANDUM

Guidance was sought from higher authorities on the duties of Head Clerk in the Circle office in view of anomalies in the Office order No.5/5/2001-EC-IV(C) dated 08-04-03. The matter is still under consideration.

In the meantime, it is decided that HC in Assam Central Circle-I will deal with (a) Extension of time cases, (b) Parliament questions and (c) RTI matters. The modus operandi for E.O.T cases will be as given below:

1. The paper/files will be marked to HC by EE (Admn) who will keep the record of the dates of handing over the papers/files to the HC.
2. The HC will process the case and return it to the EE (A).
3. The EE(A) will put up the papers/files to the Superintending Engineer, ACC-I
4. After the decision of the SE, the files will not go to the Head Clerk. EE (A) will dispose through concerned assistant.

The role of the Head Clerk will not be supervisory. So no assistant will report to him. HC will report to EE (A) and carry out other jobs as assigned.

It has been often noted that the HC comes to the chamber of Superintending Engineer to discuss something and when the discussion doesn't proceed according to the expectation of the HC, he starts giving vent to his frustration in the language which can be termed nothing but indiscipline. One incident has occurred on 12-09-08 when HC came to the Chamber of SE with request to be shifted to Planning section. While requesting the HC was quite disciplined and humble. The moment SE refused to post him to the Planning section, Head Clerk lost his emotional balance and uttered such sentences as amount to indiscipline. While going out of the Chamber of the SE, the HC banged the door from outside in such a way that the door closed immediately with rattling sound though the door is having mortise lock & door closer. This shows grave indiscipline on the part of the Head Clerk and also proves that he is emotionally unstable. EE (A) should keep a watch on the behaviour of the HC and if he finds that HC is showing problem of emotional instability, he should report the matter to the Medical Board to ascertain the mental fitness of the Head Clerk to serve the Government.

(Er. A.K.Jha)

Superintending Engineer

Copy to:

1. The Chief Engineer (NEZ), CPWD, Cleve's Colony, Dhankheti, Shillong-3.
2. The Executive Engineer (Admn), ACC-I, CPWD, Guwahati -21.
3. The Executive Engineer, Guwahati Central Division, CPWD, Guwahati -21.
4. The Executive Engineer, KCD, CPWD, GC, CRPF Campus, Khatkhathi-782480.
5. The Executive Engineer, TZCD, CPWD, Tezpur - 1.
6. Shri B.P.Guha, HC, ACC-I, CPWD, Guwahati-21.
7. Personal file of Shri B.P.Guha, HC, ACC-I, CPWD, Guwahati-21.

Superintending Engineer

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

15 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

ATTESTED

(M)
ADVOCATE

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

15 JUN 2009

गुवाहाटी न्यायापीठ
Guwahati Bench

(Third Reminder)

Date: 07/05/2009

To
The Superintending Engineer
Assam Central Circle-I,
C P W D, Guwahati-781021.

(Through Proper Channel)

Subject : Regarding Duties & Responsibilities of the Head Clerk in Circle Office.

Sir,

In response to my earlier letters dated 14.5.2008, 23.6.2008 and 19.9.2008 on the above subject, I am to state that I have not yet given the proper duties and responsibilities of Head Clerk since my joining in this office on 21.01.2008 as per the DG(W)'s Circular guidance.

Moreover, I am also to refer your office order No.ACC-I/CPWD/Steno/163 dated 15.9.2008 copy issued to me wherein you sought guidance from Higher authorities regarding duties of Head Clerk in the Circle Office for the anomalies in the Office Memo No.5.5.2001-EC-IV(C) dtd. 08.4.2003 which is the DG(W)'s Circular guidance itself.

I once again request you to issue proper / perfect office order for the duties to be given to me as per the DG(W)'s Circular guidance dtd. 08.04/2003 at the earliest. After 15 (fifteen) days fruitless waitage I will approach to the legal procedure.

This is for your perusal and final information please.

Sincerely Yours

(B.P. GUHA)

Head Clerk

ACC-I/CPWD, Guwahati-21.

Copy in Advance for information :

1. The D.D(Admn), O/o the DG(W), CPWD, New Delhi-110011. (Speed Post)
2. The C.E.(NEZ), CPWD, Cleaves Colony, Dhankheti, Shillong-03. (Speed Post)
3. The Ex. Engineer (Admn.), O/o the S.E, ACC-I, CPWD, Guwahati-21. (By hand)
4. The General Secretary, AICPWD OSA (Near Generator Room), I.P.Bhawan, New Delhi-110001. (Speed Post)
5. The Branch Secretary, AICPWD OSA, Guwahati Branch, Guwahati-21. (By hand)

(B.P. GUHA)

Head Clerk

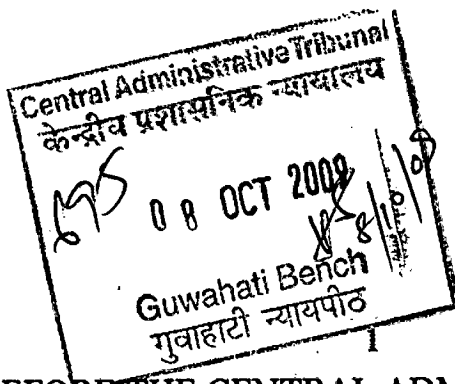
ACC-I/CPWD, Guwahati-21.

Received

07/5/09

ATTESTED

ADVOCATE



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

OA NO. 39/2007 111/2009

Shri Bishu Prasad Guha

.....Applicant

-VERSUS-

UNION OF INDIA & OTHERS

.....Respondents

IN THE MATTER OF :

Written Statement filed by the respondents

Filed by
The respondents through
Jeha Das
Addl CWC
26/8/2009.

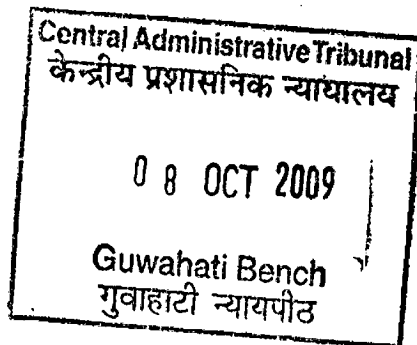
1) That the respondent No. 1 is the Union of India, represented by Secretary to the Govt. of India, Ministry of Urban Development, Nirman Bhawan, New Delhi-110011 and Respondents No. 2, 3 and 4 are the respective officers of Central Public Works Department, Ministry of Urban Development serving under Respondents No. 1.

2) That I, Nand Lal Chouhan, Working as Executive Engineer (Admn) in the office of the Superintending Engineer, Assam Central Circle-I, C. P. W. D., Bamunimaidan, Guwahati-21 being authorized and competent to swear this affidavit on behalf of the respondents and being fully conversant with the facts of the case based on records. I have received copy of the OA; have gone through the same and understood the contentions made thereof. Save and except, the statements, which are specifically admitted herein below rests, may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.

3) That I, have gone through the O.A. under reply and at the outset, I may please submit that Shri B.P. Guha, the applicant, Head Clerk joined this

Nand Lal Chouhan

Received
with all annexes -
N. Chouhan
26/8/09



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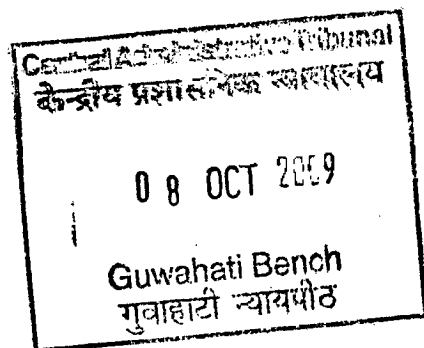
office on 21.1.2008 on his transfer from Guwahati Central Electrical Division No. 1, CPWD, Guwahati-21. The applicant took over charge from his predecessor namely, Smt. Sandhya Sarkar, Head Clerk who was handling matters relating to disciplinary and vigilance cases, confidential files of CR Dossiers of the staff, transfer and posting of AEs/JEs and other misc. matters like implementation of Hindi and records of old C.R. Dossiers etc. Upon joining the applicant as Head Clerk in the Circle office, proper handing over and taking over notes were signed by him in token of his acceptance of performing the aforesaid jobs as Head Clerk. A copy of the handing-over and taking-over notes of the applicant and his predecessor are enclosed herewith and marked as Annexure- 1.

Thereafter, whenever any job was assigned to him, the applicant from the very beginning started avoiding his responsibilities. Instead of properly dealing with the matters, the said applicant started writing negative noting by using derogative language against his superior officers.

A few specific instances of his misconduct, misbehavior and negligence in performance of his duties would be evidently clear from the following documents annexed herewith.

- (A) A pension case of Shri U. N. Bordoloi, Draughtsman Grade-I was marked to the applicant by O.S. Grade-I for scrutiny on 11.2.2008. However, the case was not properly scrutinized by the applicant and instead, the applicant engaged the O.S. Grade-I in negative noting on the matter. Thus, delaying the pension case for several days. A photocopy of the note-sheet (Page 40 to 43) of file No. 9 (14)/EZ/ACCI is annexed herewith which contains the sequence of events of the incidents of disobedience and insubordination indulged in by the applicant with the O.S. Grade-I as Annexure-2.

Nansu Li Chakraborty

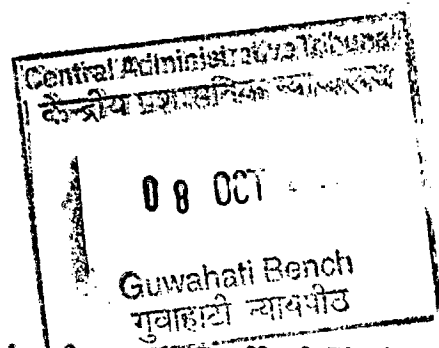


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- (B) A photocopy of the complaint dated 26.6.2008 submitted by Shri B. K. Prasad, the then O.S. grade-I informing the SE, ACC-I regarding his unpunctuality and violent incident indulged in by the applicant, with him on 26.6.2008 is annexed herewith as Annexure-3.
- (C) A photocopy of the note sheet dated 04.8.2008 (page 1 and 2 Part file 7(2)/ACCI/EC) wherein he showed his reluctance to deal with disciplinary matter entrusted to him is annexed herewith and marked as Annexure-4.
- (D) A photocopy of the note sheet dated 12.6.2009 wherein he refused to deal with EOT case with dilatory tactics is annexed herewith as Annexure-5.
- (E) A photocopy of the note sheet dated 14.5.2009 whereby he asked that RTI case in question may be referred to some other officer for reply is annexed herewith as Annexure-6.
- (F) On 15.9.2008, the applicant entered the Chamber of SE, ACC-I and misbehaved with him. Sequence of events are duly recorded in the office memorandum issued by SE/ACC-I in his letter No. ACCI/CPWD/Steno/163 dated 15.9.2008. ^(Annexure-7) Consequently, the SE vide his aforesaid OM dated 15.9.2008 assigned three more duties to him in addition to carrying put other jobs as already assigned to him, while he took over the charge from his predecessor Smt. Sandhya Sarkar on 04.02.2008. These additional duties so assigned by SE, ACCI were accepted by him vide his letter dated 19.9.2008 which was addressed to EE (Admn), ACC-I, CPWD, Guwahati. A copy of the same is annexed herewith and marked as Annexure- 8.

6

Namul Chohan



4

- (G) A photocopy of the complaint from all Staff of Circle office received on 26.6.2009, complaining about misbehavior and misconduct of the applicant is annexed herewith and marked as Annexure-9.

From the perusal of his letter dated 19.9.2008, it is clarified that Smri B. P. Guha, Head Clerk accepted the jobs assigned to him by SE, ACC-I vide his ^{O.M. No 163 dt 15-09-08. The derogative remarks against EE (P) and (X)} others staff of the Circle office are clearly reflected in his aforesaid letter as he referred to the EE (Admn) as "Watchman" and all others staff to be "Crows".

In view of his specific instances of misconduct, misbehavior, inability and reluctant to perform duties assigned to him, it is submitted that there is no laxity on the part of the respondent Department to assigned duties to Shri B. P. Guha, Head Clerk as per the OM dated 08.4.2003 of DGW.

That the present Application is filed is unjust and unsustainable both on facts and law.

The Memorandum issued by the respondent No. 4 vide his letter dated 15.9.2008 is in interest and is in public interest and is in accordance with the guidelines issued by DG (W) vide his OM dated 08.4.2003 defining duties of Head Clerk in the Circle office and therefore, the decisions taken by the respondents No. 4 vide his OM dated 15.9.2008 keeping in view the capability and mental stability of the applicant does not suffer from vice of illegality and is thus just and sustainable.

It is further prayed that in view of the above clarifications and submissions, OA of the applicant may kindly dismissed.

Mansul Chauhan

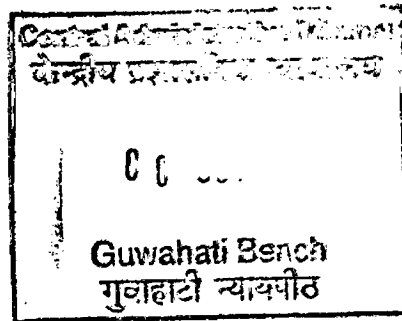
- 4) That with regard to the statement made in paragraph 1 of the OA, the respondents beg to offer no comment.
- 5) That with regard to the statement made in paragraphs 2 and 3 of the OA, the respondents beg to offer no comment.
- 6) That with regard to the statement made in paragraphs 4.1, 4.2, 4.3 and 4.4 of the OA, the respondents beg to offer no comment.
- 6A) That with regard to the statement made in para 4.4 of the OA, the respondents stoutly deny the contentions made therein
- 7) That with regard to the statement made in paragraph 4.5 of the OA, the respondents do not admit anything contrary to the records of the case.
- 8) It is further submitted that the applicant upon joining his duty had been handed over the charge of Head Clerk by his predecessor who was also performing duties of Head clerk in the Circle office.

A copy of handing over and taking over notes of the applicant is annexed herewith and marked as Annxrure-1

- 9) That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to offer no comment.
- 10) That with regard to the statement made in paragraph 4.7 of the OA, the respondents beg to submit that the respondents No. 4 vide his letter No. 21(3)/ ACCI/2009/2382 dated 22.5.2009 had replied to the representation dated 07.5.2009 of the applicant.

A copy of the letter dated 22.5.2009 is annexed herewith and marked as Annexure-10.

Nansul Chauhan



6

The applicant vide respondent's letter dated 22.5.2009 was asked to substantiate specific duties which he wanted to perform but he failed to do so.

11) That with regard to the statement made in paragraph 4.8 of the OA, the respondents do not admit anything contrary to the records of the case.

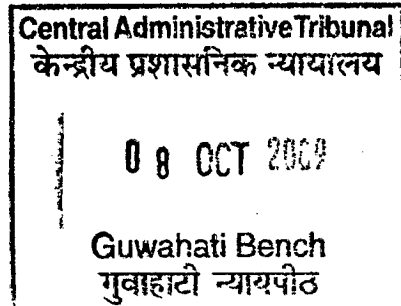
Corrigendum sought from DGW only related to the anomaly concerning the duties specified in the DGW OM dated 08.4.2003 relating to tenders, which is basically the job of EE (P). The DG (W) in his O.M. dated 08.4.2003 has further specified that reporting and reviewing officers of the Head Clerk working in the Circle would be O.S. Gr.I and EE (Admn) which implies that Head Clerk in the Circle office cannot be deputed with EE (P) for performing tenders related duties.

It is further submitted that additional duties assigned by the respondent No. 4 vide his O.M. dated 15.9. 8 are in accordance with the duties as defined by the DG (W) in his O.M. dated 08.4.2003. Therefore, it is prayed that O. M. dated 15.9.2008 issued by respondent No. 4 is not liable to be set aside being just and legal.

12) That with regard to the statement made in paragraph 4.9 of the OA, the respondents beg to submit that the contents of this para are denied being false and concocted. The factual position with regard to allotment of proper duties and responsibilities of Head Clerk to the applicant have reiterated in the various forgoing paras of this written statement.

13) That with regard to the statement made in paragraph 4.10 of the OA, the respondents beg to submit that the contents of this para are denied being false and arbitrary. As a matter of fact, the applicant is a patient of epilepsy and the applicant is unable to perform his duties in a wise and adequate manner. A copy of the relevant medical certificate / prescription of the Doctor in this regard is annexed as annexure-11.

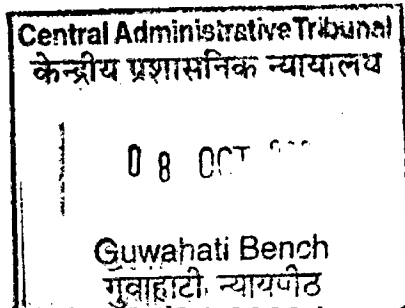
Nand Lal Choudhary



- 14) That with regard to the statement made in paragraph 4.11 of the OA, the respondents beg to submit that the contents of this para are denied being false and arbitrary. As already submitted in various forgoing paras of this written statement, the applicant has been misconducting himself and misbehaving with the staff and officers of respondent Department and despite aforesaid, this office has been sympathetic towards the applicant, otherwise for his misconduct and misbehavior he would have been charge sheeted by this time but respondent department have rather adopted a very humanitarian approach towards him by not initiating panel action against the applicant.
- 15) That with regard to the statement made in paragraphs 4.12 and 4.13 of the OA, the respondents beg to submit that in view of the facts and circumstances and documentary evidence attached with his written statement, it is submitted that the present OA does not call for interference of this Hon'ble Court as the application filed is unjust and unsustainable both on facts and law.
- 16) That with regard to the statement made in paragraph 5.1 of the OA, the respondents beg to submit that the answering respondents do not admit anything, which are beyond records.

It is reiterated that the duties and responsibilities assigned to the Head Clerk vide OM dated 15.9.2008 issued by respondent No. 4 as well as others job already entrusted to him by way of handing over and taking over of charge of Head Clerk from his predecessor by the applicant are in accordance with the duties defined by the DG (W) vide his O.M. dated 08.4.2003 and such duties are not being performed by the applicant properly and adequately.

Nand Lal Chatterjee



In view of the above, it is prayed that the OM dated 15.9.2008 issued by the respondents No. 4 is not liable to be aside or quashed being just and legal.

- 17) That with regard to the statement made in paragraphs 5.2 to 5.3 of the OA, the respondents beg to submit that the contents of these paras of OA are denied being false and arbitrary. As a matter of fact, it is submitted that respondent No.4 wrote a letter to CE (NEZ), Shillong vide his letter No. ACCI/CPWD/Steno/123 dated 21.7.2008 ^(Copy enclosed as annexure 12-) seeking removal of anomaly in the OM dated 8.4.2003, which was forwarded by the CE (NEZ) to DGW vide his letter No. 1/23/2008-Admn dated 20.2.2009. It is therefore, prayed that OM dated 15.9.2008 issued by the respondent No.4 is just and legal and is not liable to be set aside and quashed.

A copy of the letter dated 20.2.2009 is annexed herewith and marked as Annexure- 13

- 18) That with regard to the statement made in paragraph 5.4 of the OA, the respondents beg to submit that it is denied that respondent had ever suppressed the OM dated 08.4.2003 of DG (W).

As a matter of fact, the duties assigned to the applicant are in accordance with the duties as defined in DG (W)'s O.M. dated 08.4.2003 and orders dated 15.9.2008 of respondent No.4 are sustainable being just and legal.

- 19) That with regard to the statement made in paragraph 5.5 of the OA, the respondents beg to submit that the contents of this para of OA are denied being false and arbitrary. It is further that in view of the facts and circumstances as detailed in various foregoing paras duly corroborated by the documentary evidences, it is evidently clear that respondent department has not discriminated the applicant in any manner rather the applicant have

Nansul Chauhan

been indulging in misconduct and misbehavior with the Officers and staff of the Circle office and despite such misbehavior of the applicant, he is being given sympathetic and human treat^{ment} by the respondent department. ✓

20) That with regard to the statement made in paragraphs 5.6 to 5.10 and 6 of the OA, the respondents beg to submit that the contents of these paras of OA are denied being false and arbitrary. It is submitted that the applicant has been suffering from mental anxiety due to his negative actions as he has been creating nuisance in the office by misconducting himself and misbehaving with staff and officers of the Circle office who are rather in a state of mental anxiety and shock due to his mental sickness. The applicant had been assigned proper duties and responsibilities but the same are not be handled by him.

21) That with regard to the statement made in paragraph 7 of the OA, the respondents beg to offer no comment.

22) That with regard to the statement made in paragraphs 8.1 to 8.4 of the OA, the respondents beg to submit that the contents of these paras of OA are denied false and arbitrary.

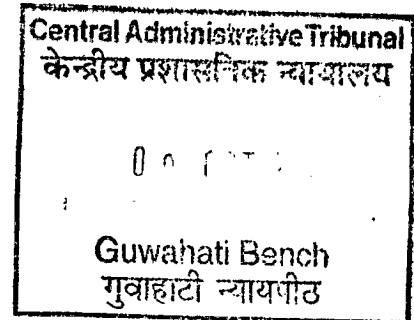
As a matter of fact as corroborated by the documentary evidence in the various foregoing paras of this reply, it is prayed that the orders dated 15.9.2008 of the respondent No.4 are just and sustainable and are not liable to be set aside and quashed.

23) That with regard to the statement made in paragraph 9 of the OA, the respondents beg to submit that the contents of the reply of para 16 above are reasserted by the replying respondents and it is prayed the present OA of the applicant may kindly be dismissed being unjust and unsustainable.

24) That in view of the submissions made above the respondents pray that the Hon'ble Tribunal may be pleased to dismiss the OA with costs.

Namul Chauhan

VERIFICATION



I Nand Lal Chauhan, aged
about 51 years at present working as
..... Executive Engineer (Admn.) O/a S.E. Assam Central Circle-I, CPWD,

Guwahati-21, who is one of the respondents and taking steps in this case, being

duly authorized and competent to sign this verification for all respondents,
do hereby solemnly affirm and state that the statement made in paragraph

1 to 24 are true

to my knowledge and belief, those made in paragraph

1 to 24 being matter of records, are

true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this 26-th day of August, 2009 at Guwahati

Nand Lal Chauhan
DEPONENT
Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021

Sl. No.	File No.	Subject	Annexure-R-1
1.	5(1)/Acci/Conf/CR Vol — IX	Reg. Corresp. of CR of EEs/AEE/AD(Hort.) AD(Hort.)/AEEs & O.S.G.I.	
2.	5(15)/Acci/Conf/CR Vol — XX	Reg. Corresp. of CR of J.Es.	
3.	5(16)/Acci/Conf/CR Vol — XVII	Reg. Corresp. of CR of Ministerial & Drawing staff.	Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय 08 OCT 2009 Guwahati Bench गुवाहाटी न्यायपीठ
4.	5(Misc)/Acci/Conf/CR Vol — I	Reg. Misc. Corresp. of C.R.	
5.	3(24)/Acci/Hindi Vol — IV	Reg. Hindi Correspon- dence.	
6.	3(25)/Acci/Hindi Report Vol — I	Reg. Hindi Report.	

Handed over
S. Sarkar, H/c

Taken Over
B. P. Guha, H/c

Attested
Nand Lal Dabon
Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021

- 12 -
List of old CR Dossier of Staff transferred

1. S.B. Shrivastava, JE(c) 6.1.95 to 31.3.96 1-31
2. J.A. Khan, " 7.7.95 - 31.3.96 1-31
3. Sudhir Kumar, " 24.6.94 - 27.12.94 1-40
4. Jai Prakash Sinha, " 1.4.95 - 6.11.95 1-8
5. V. Mishra, " 1.4.95 - 13.8.95 1
6. K.L. Pandey, " 26.10.95 - 22.8.96 1-2
7. B.N. Sharma Majumdar 3.2.72 - 17.8.72 1-34
8. Nabazun Bhattacharyya,
D/Man 1.4.94 - 31.3.95 1-3
9. P.K. Das, U.D.C. 1.4.95 - 30.5.97 1-10
10. S.L. Gupta, " 12.7.71 - 31.3.90 1-54
11. B. Nongkymik, LDC 1.4.94 - 17.1.95 1-4

Handed over

(S. Sarkar, H/c)

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
11 OCT 2009
Guwahati Bench গুৱাহাটী ন্যায়পীঠ

Taken Over

(B. P. Guha, H/c)

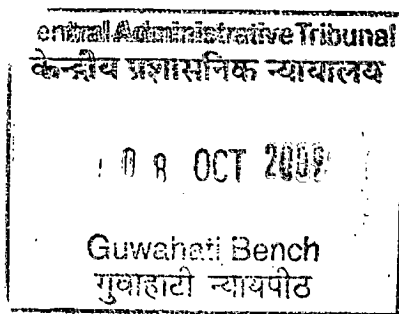
For
 Nand Lal Chandra
 Executive Engineer (Admn.)
 Assam Central Circle No-1
 CPWD, Guwahati-781021

List of Old CR Dossiers of Staff Resigned.

- ① Nand Kishore , JE
- ② V.K. Sinha , "
- ③ Subodh Kumar , "
- ④ D.A. Subrahmanyam , "
- ⑤ P. Singh , "
- ⑥ Gurur Prakash , "
- ⑦ U.S. Ram , "
- ⑧ V.K. Singh , "
- ⑨ A.K. Singh , "
- ⑩ Shailendra Kumar , "
- ⑪ Kumar Niraj , "
- ⑫ Pao Zalat , LDC.

List of Old CR Dossiers of Staff Retired.

- | | |
|--------------------|-------------|
| ① D.N. Biswas , | H/c |
| ② K.N. Kalita , | UDC |
| ③ O.A. Nongrum , | " |
| ④ P. Banishya , | JE |
| ⑤ A.K. Das Gupta , | " |
| ⑥ N.N. Paul , | UDC |
| ⑦ M. Mukherjee , | D/Man |
| ⑧ S. Bordoloi , | UDC |
| ⑨ A.K. Dey , | D/Man |
| ⑩ G.D. Prasad , | JHT |
| ⑪ S.K. Kakati , | D/Man |
| ⑫ D.C. Dey , | Fireprinter |



Attested

Nousad Chandra
Executive Engineer (Admn.)
Assam Central Circle No-1
CPWD, Guwahati-781021

Handed over
Sub 2/108
(S. Sarkar, H/c)

Taken Over
Sub 2/108
(B. P. Gupta, H/c)

LIST OF CLOSED COURT CASE

Sl.No.	File No.	O.A. No.	Subject	Applicant	Respondents	Status of Case	Remarks
1	55(84)/ACC/E-II Vol-I	G.C.No.91/87	Reg.Non-payment of House rent for stay family at Calcutta.	Shri R.S.S.Kanak, Labour Officer.	U.O.I. & others.	Case dismissed vide No.G.C.No.40 of 1988 dated 3.5.1988.	
2	55(85)/ACC/SE-Vol	O.A.206/90	Regarding transfer posting case.	Shre T.D.S.Tulsiani, EE(HQ)	- do -	Case dismissed vide No.RA 16 of 1991 O.A. 206/90	
3	55(86)(1)/ACC/Vol-II	MP 188/91					
4	55(87)/ACC/E-I Vol-I	O.A. 135/1992	Regarding transfer posting case.	Shri B.Sen Gupta, J.E.	- do -	Case dismissed vide M.P.No.106/92 dated 30.11.92.	
5	55(88)(A)/ACC/Vol-I	O.A.4/93	Regarding reversion from A.E. to J.E.	Shri P.Baisya, J.E.	- do -	No further correspondence are available in the file regarding implementation of the judgment. It is seen from the record that implementation of this judgment has already been done.Hence case require to be closed.	
6	55(89)/ACC- Part-I	O.A.163/93	Regarding transfer.	Shri B.M.Khaleek, EE	- do -	The application of the petitioner has been rejected by the Hon'ble CAT, GHY Bench vide his judgment 8.12.93. Hence the case is being closed.	
7	55(90)/ACC/94 Vol-I & II	O.A.253/93	Reg. transfer from Guwahati to Delhi.	Shri Robin Deori, EE	- do -	The application of the petitioner has been dismissed and impuged orders are maintained. The interim order of status quo has been vacated vide CAT judgment dated 24.8.94.	
8	CAT/case/ACCI/95/GS Vol-I & II	O.A.167/96	Reg. allotment of quarter.	Shri P.C.Jain, EE(HQ)(EL)	- do -	The direction of the Hon'ble CAT has been implemented.Hence this required to be closed.	
9	55(91)/ACCI/OS	O.A.316/97	Promotion to the post of AE in CPWD-supersession reg.	Shri N.Das, AE	- do -	It has been seen from the file that the concern case has been defended by D.V.O.,In-come-Tax Department Cal. as applicant was working under them.	
10	55(94)/ACCI/OS	O.A.272/98	Promotion of applicant from JE to AE.	Shri I.A.Mazumdar.	- do -	The application of the petitioner has been dismissed by Hon'ble CAT, GHY Bench vide his judgment dated 30.5.99.	
11	55(92)/ACCI/98	O.A.225/98	Promotion to cadre review.	Shri L.Dutta, JE	- do -	The implementation of the judgment of Hon'ble CAT has since been considered by the competent authority.Hence case required to be closed.	
12	55(95)/ACCI-Vol-I & II	O.A.37/99	Application to appear in the LDCE 1999 for promotion JE to AE.	Shri A.K.Singh, JE	- do -	The implementation of the Hon'ble CAT judgment dated 23.2.01 has since been implemented by the competent authority and hence the case required to be closed.	

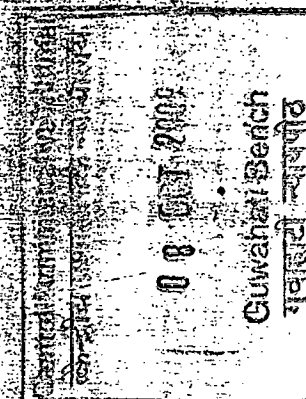
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(S. Sankar, H/c)

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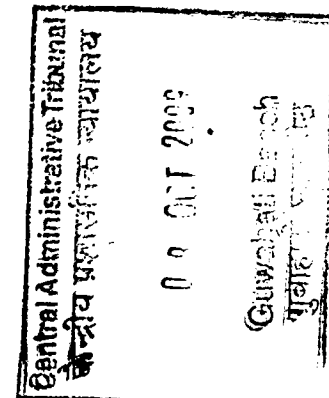
(B. P. Guha, H/c)

Noted
Executive Engineer (Admin.)
Assam Central Circle No-1
CPWD, Guwahati-781021



S.No.	File No.	O.A. No.	Subject	Applicant	Dependants	Status of Case	Remarks
13	Misc./CAT/Vol-III	O.A.377/99	Reg. Promotion.	Shri S.A.Khan, SE.	U.C.A. & others.		The application of the petitioner has been dismissed by Hon'ble CAT GHY Bench vide his judgment dated 25.6.01.
14	CAT/Misc.	CP 28/2000 in O.A. 316/1999	Reg. JAO Examination.	Shri Jagannath Paul and others	- do -		The case has since been defended by CPWD, Cal. Office. Hence this case required to be closed.
15	Misc./CAT/OS	CP No.37/03 in O.A.110/97	Reg. payment of SDA to ineligible staff of CPWD posted in MEZ.	CPWD Mazdoor Union.	- do -		The implementation of Hon'ble CAT order has since been dismissed and the case is required to be closed.
16	Misc./CAT/ACCVOS	O.A.225/2000	Reg. permission for appearing in the Head Clerk Exam. to be held on 6.7.2000 and 7.7.2000 at GHY.	Shri Swapan Chakraborty.	- do -		Implemented of Hon'ble CAT judgment by competent authority. Hence the case is required to be closed.
17	CAT/Misc. Vol-III	O.A.236/2000	Reg. transfer posting case.	Shri Sushil Baruah.	- do -		The case of the applicant has been dismissed by Hon'ble CAT vide his judgment dated 10.11.2000.
18	Misc./CAT/Vol-III Part I & II	O.A.196/2000 WP 1917/2002	Reg. Mis-appropriate of store.	Shri K.K.Singh, AE Retired.	- do -		Case closed, WP dismissed on 22.3.02.
19	Misc./CAT/OS	CP 25/2001 in O.A. 81/99	Reg. payment of SDA recovered from retiral dues.	Shri N.N.Paul.	- do -		The order of CAT has been implemented and case required to be closed.
20	Misc./CAT/OS	O.A.37/2001	Reg. promotion	Shri I.A.Mazumdar.	- do -		The case of the applicant has been implemented and hence required to be closed.
21	Misc./CAT/OS/ACCI	O.A.260/2001	Reg. transfer to choice station posting.	Smt. Dhanli Borah, D/Man. Gd.II	- do -		The case of the applicant has been implemented and hence required to be closed.
22	Misc./CAT/OS	O.A.87/2001	Reg. transfer and posting	Shri B.P.Guha, Head Clerk.	- do -		The order of Hon'ble Tribunal has since been implemented in favour of applicant hence the case is required to be closed.
23	CAT/Misc	O.A.240/2001	Reg. transfer and posting at Guwahati or Kolkata.	Shri K.C.Barua, D/Man, Gd.III	- do -		The order of Hon'ble Tribunal has since been implemented in favour of applicant hence the case is required to be closed.
24	SS/94/ACCV/CAT	O.A.399/2001	Reg. transfer and posting	Shri G.C.Borah Head Clerk.	- do -		Due to joining of substitute applicant has been forced to relieve. As such the case has loose its weightage and abruptly halted Hence the file is required to be closed.
25	Misc./CAT/AKP	O.A.169/2002	Reg. 5 yrs. Rotational transfer A/B to C/B and vice versa.	Shri U.K.Paul, LDC.	- do -		Case disposed with the direction the applicant for submitting a fresh representation and the authority to take appropriate measure for consideration.

Attested
 Nawal Chandra
 Executive Engineer (Admin.)
 Assam Central Circle No-1
 CPWD, Guwahati-781021



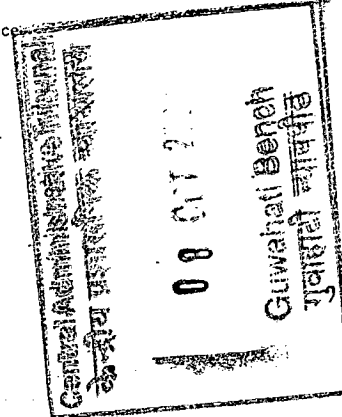
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Sankar
 24/10/08
 (S. Sankar, H/c)

Taken Over

Sankar
 24/10/08
 (B.P. Guha, H/c)

Sl. No.	Case No.	Subject	Officer	Remarks
1.	Reg. transfer and posting	Shri. Jyoti Kumar	U.O. 10/08/08	Case disposed off with the direction to the respondents to implement the transfer order preferably within six weeks.
2.	Reg. transfer and posting case	Shri. C.K. Dutta, U.D.C.	- do -	Case disposed off with the direction the applicant for submitting a fresh representation and the authority to take appropriate measures for consideration.
3.	Reg. appear in the Exm. s.l. LDCE for promotion JE to AE	Shri. Anil Kumar	- do -	The case disposed off with the direction to the respondents to declare result of the applicant for LDCE.
4.	Misc. CAT Case/Anurag	Shri. Anurag, EEC	- do -	Case has since been finalised and hence closed.
5.	Misc. CAT/AM	DA 103/04	Reg. SDA of Aftabuddin Mazumdar, AE	Aftabuddin Mazumdar, AE
6.	Misc. CAT/NC	DA 409/02	Reg. apptt. of compassionate ground	Nagen Choudhury
7.	Misc. CAT/Officials	Reg. Misc cases of officials		
8.	CAT/Misc./Legal/	Correspondance		
9.	Fee/HCC	roy. legal bill		
10.	7 (1) HCC/powr/case/	Reg. return of various CAT/High Court cases of staff.		



Attested
 Nand Lal Choudhary
 Executive Engineer (Admin.)
 Assam Central Circle No-1
 CPWD, Guwahati-781021

Handed over
 Shri. S. Sarlaan, H/C

Taken Over
 Shri. B. P. Gaba, H/C

File No.	Subject	Page No.	Period/Year
21(5)/ACC/E-1 (Part)	Transfer / posting of J.E. of ACC	1 to 52	1983 - 85
21(8)/ACC/E-1 (Part)	Posting of AEs in Assam Central Circle, CPWD, Hq.	1 - 39	1983 - 85
17(8)/81/ACC/W-1 (Part File)	Carriage of 1000 M.T. of imported steel from New Bongaigaon to CPWD store at Guwahati.	1 - 86	1981 - 83
21(44)/ACC/CC/82-83 Vol - II	Carriage of 2620 M.T. Imported steel, rods/bars from New Bongaigaon to CPWD Godowns at Khonapara/Bameuni Maidan/Bonghar Borjhar - Guwahati.	1 - 162	1982 - 84
SE/ACC/AA-Secret/81-84	Assam B. mith during agitation.	1 - 198	1981 - 84
4(5)/SE/ACC/conf/84-85	Confidential matters Reg. EEs, AEs & others. Important matters dealt by SE himself.	1 - 58	1984 - 85
SE/PF/ACC/conf/86	Confidential Correspondance on works/JES' Strike/Misc dealt by SE	4 - 199	1986 - 89

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 08 OCT 2009
 Guwahati Bench
 गुवाहाटी न्यायपीठ

Handed Over

S. Sarkar
 04/10/08

(S. Sarkar, H/c)

Taken Over

Attested

B. P. Guha
 04/10/08

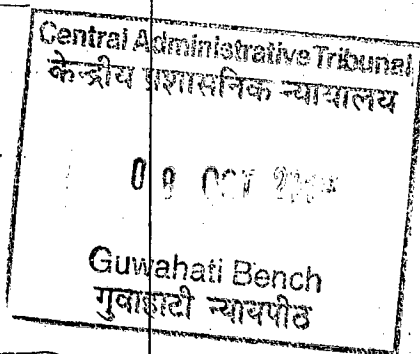
Nandul Chandra
 Executive Engineer (Admn.)
 Assam Central Circle No-1
 CPWD, Guwahati-781021
 (B. P. Guha, H/c)

8	SE/Acc/conf(1) Vol-I	Misc. Conf. Correspondance on Administrative matters	1 - 82	1990 - 91
	Vol-II	do	1 - 59	2002 - 04
	E/Acc/conf(2)	Misc Conf. Correspondance on Contract matters	1 - 81	1990 - 91
	(US)/Acc/SE	Inquiry against Sri T.D.S. Tulsiani, EE(HA).	1 - 76	1990 - 91
	Vety Dir/INA/	Report into collapse of Vety	1 - 104	1985 - 91
	SIS/Acc	Directorate Bldg. at Aizal.		

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
08 OCT 2002
Guwahati Bench
गुवाहाटी न्यायपीठ

Attested
Name Lal Chandra
Executive Engineer (Admn.)
Assam Central Circle No-1
CPWD, Guwahati-781021

16	SS(93)/ACCI/os	C.B.I. Enquiry into Departmental Store at Bemuni Maidan d. Khana para.	1998-01
17	Conf./ACCI (Vol-I)	Conf. Correspondance reg. physical Verification of Store at Bemuni Maidan	1998-02
18	S(16)/ACC/Conf.	Reg. Conf. Correspondance of Ministerial Staff.	1972-73
19	do (Vol-XIV)	do	1974-74
20	do (Vol-XV)	do	1994-01
21	do (Vol-XVI)	do	2000-05
22	S(15)/ACC/Conf (Vol-XVII)	Reg. Conf. Correspondance of J.Es.	1992-74
23	do (Vol-XVIII)	do	1994-01
24	do (Vol-XIX)	do	1998-06



Handed Over
Sankar 2/10/08

(S. Sankar, H/c)

Taken Over

Sankar 04/10/08

Attested (B.P. Chakrabarti, H/c)

Nand Lal Choudhary
Executive Engineer (Admn.)
Assam Central Circle No-1
CPWD, Guwahati-781021

25	S/Misc - Genl. Acc/conf. (Vol - I)	Correspondance reg. Requisition/ supply of C.R. Forms of all Categories of Staff		1984 - 95
26	do (Vol - II)	do		1992 - 01
27	S(5)/Acc/conf.	Correspondance reg. C.R. of EE/SW/SE		1991 - 98
28	S(7)/Acc/AR/ Conf. (Vol - III)	Correspondance reg. Adverse Remarks of all Categories of Staff		1991 - 96
29	4(1)/Acc/conf	Misc. complaints and allegations.	1 - 86	1981 - 92
30	S(1)/EE/ACC (Vol - I)	Conf. reports of Gazetted Staff.	1 - 105	1967 - 73
31	do (Vol - VII)	do	1 - 387	1990 - 99
32	do (Vol - VIII)	do		1998 - 04
33	4(A)/EA/ACC	Genl. Conf. Correspondance	1 - 99	1980 - 86

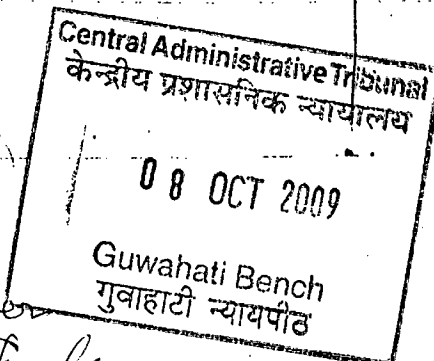
Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायपीठ
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 Guwahati Bench
 गुवाहाटी न्यायपीठ

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 2/12/08
 (S. Sarkar, H/c)

Taken over
 04/12/08
 (B.P. Guha, H/c)

Attested
 Noursul Chatterjee
 Executive Engineer (Admin.)
 Assam CPWD, Guwahati
 No-1
 21

34	4(6)/ACC/conf.	Vigilance Cases against ① En. P.N. Singh, EE. ② En. S.B. Sarkar, AE.	1-54	1982-85
35	5(24)/74/ACC/conf.	Complaints against staff.	1-200	1974-81
36	5(25)/91/ACC/supt.	Departmental Promotion Committee decision.	1-19	1991-93
37	7(34)(A)/ACC/EA	Correspondence on Assam movement and periodical Reports.	1-209	1980-90
38	7(39)/ACC/E-I	Disciplinary action against Smt B. Seta Gupta, JE	1-23	1982-83
39	7(40)/ACC/E-II	Misrepresentation of facts reg. declaration of Caste (of M.K. Sharma, LDC)	1-34	1982-86
40	7(42)/ACC/E-I	Complaints against Smt. R.S.S. Konak, L/O.	1-5	1985
41	4(47)/ACC/E-II	Disciplinary action against Smt B.R. Das, U.D.C.		1990-92



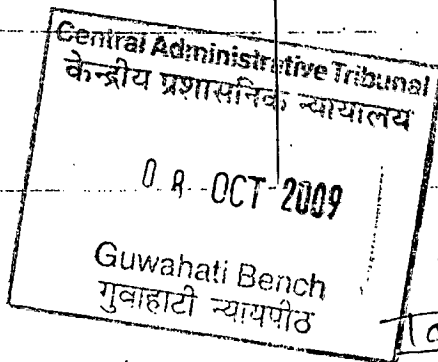
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(S. Sarkar, H/c)

Taken Over

Attested (B.P. Guha, H/c)
Executive Engineer (Adm.)
Assam Central Circle
CPWD, Guwahati-781021

42	F(48)/ACC/E-1 (Vol-I)	Vigilance case of C.G.I. sheets at Shillong-JEAAE	1-83	1990-94
43	— do — (Vol-II)	— do —	1-275	1994-04
44	F(55)/ACC/E-1 (Vol-I)	Departmental Enquiry against Sri Ravi Mahanta, EE.	1-45	1995-01
45	SE/ACC/Comp 1 (Vol-III)	Enquiry on DC/O m/T office, workshop & store at BSF campus, Patgaon. DC/O Magazine bldg. 2 Nos for Bu. HQ of BSF at Patgaon.	1-5	1992-01
46	F(56)/ACC/OS 96 (Vol-I)	Investigation of C.B.I. cases	1-33 1-72	1996-03 1996-03
	F(56)/ACC/OS/96 vol — 1	Investigation of CBI cases	1-72	1996-03
47	F(57)/ACC/96	① P/F Ferro Cement manhole cover in Govt. Boys Sr. Secondary DDA Phase-II Kalkaji. ② P/F Ferro Cement manhole cover in newly construction Quarter G.B. Pant Polytechnic, Okhla, New Delhi.	1-7	1996



Handed over

(S. Sarkar, H/c)

Attester

Talcom Over
(B.P. Guha, H/c)

Navin Kumar
Executive Engineer (Admn.)
Assam Central Circle
CPWD, Guwahati-781021

48	7(58)/ACC/OS (Vol-I)	Genl. Correspondance reg. Vigilance case with Vigilance Unit.	1 - 11	1996
49	7(59)/ACC/97	Misbehaviour/Assault in the Circle office, Guwahati.	1 - 5	1997
50	7(60)/ACC/conf.	Departmental Enquiry against Sri Robin Deka, LE(P), ACC, GHY.	1 - 18	1999-01
51	7(61)/ACC/OS	— do — against Sri Ram Sarda Ram, A A O.	1 - 4	2001
52	55(88)/ACC/ 97/conf.	Reg. Arrest of Sri P.K. Mazumdar, ASW(C) of GCD, GHY-21.	1 - 108	1997-00
53	9(39)/A/ACC/ 80/EA	Conf. Correspondance reg. Medical Re-employment Claims.	1 - 66	1980-88
54	Vig/case/PNS/ ACC	Vigilance case against Sri P.N. Sing, EB(C) & S.B. Sarkar, AE(C)	1 - 78	1986-91

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
08 OCT 2009
Guwahati Bench
गुवाहाटी न्यायापीठ

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(S. Sarkar, H/c)

Taken Over

(B.P. Guha, H/c)

Naresh Lal Choudhary
Executive Engineer (Admin.)
Assam Central C.
CPWD, Guwahati-781021

55	17(8)/81/Acc/w (Part)	I Imported Steel for Bombay to New Bongaigaon.	1-39	1982-83
56	1/93/Acc/Aac/ Policy.	Court case MGED, Reg. E.M. & S.D.	1-13	1993-94
57	5(19)/74-Acc/ Conf (vol-I)	Misc. Correspondance reg. Complaints/Vigilance etc. in connection with officer/staff.	1-222	1974-81
58	do (vol-II)	do	1-120	1982-99
59	do (vol-III)	do	1-324	2000-03
60	do - Vol-IV	do	1-82	2003-04
61	65(7)(2)/Acc/ Acctt. (vol-I)	Physical Verification of Stores.		1994-1998 1994-2002
62	5(20)/Acc/ery Exam.	Reg. Complaints against Sd/- B. Subramanian IAS related Exam. & others.	1-112	2003-06

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

08 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

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4/10/08
(S. Sarkar, H/c)

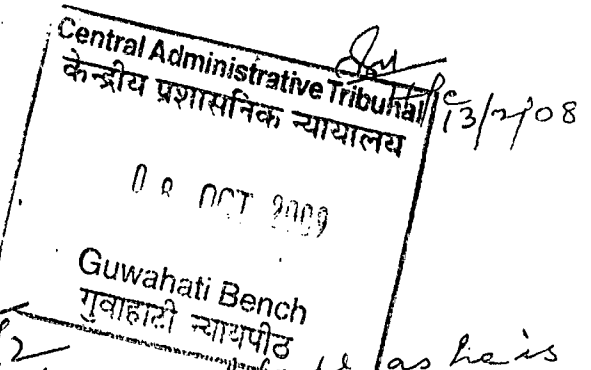
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[Signature]
4/10/08
Atties (B.P. Guha, H/c)

Nand Lal Choudhary
Executive Engineer (Admn.)
Assam Central Circle No 1
CPWD, Guwahati-781021

O/S

O/S to comply the needfull action for perusal as asked/written earlier pages, which he has not done so far. Please do so.

Referred to H/c



Returned to O/S for needfull as he is to certify observation for put up to the SE/ACC-I through EE (Admin).

H/c it appears to be reluctant to perform the duties. First he is to comply the observations. He is today the H/c and deliberately delaying the case. He should note to be lenient towards personal cases of the staff.

He is again directed not to put the file without compliance.

H/c O/S

H/c is doing the duties in proper procedure with delaying the case as he doesn't want such things for the officials under the same shade as you have already verbally tested him for the dealing dated as per Rule/standing. Hence you are again requested to certify observation for further put up job.

H/c O/S H/c O/S H/c O/S

H/c 13/12

Attestes
Nand Lal Chatterjee
Executive Engineer (Admn.)
Assam Central Circle No-1
UPWD, Guwahati-781024

Control on Next page

57

(41) -26-

Item NP-39

Consequent upon transfer vide SE(Coord)ER/Kolkata's Office Order No.08 of 2008/SE(Coord)ER issued under F.No.9(255)/SE(C)/ER/CDNII/2008/59 dated: 18/01/2008 and on being relieved from GED-I on the afternoon of 21/01/2008, Shri B.P.Guha, H/Clerk submitted his joining report to Diary & Dispatch Clerk ACC-I on 21/01/2008 (A/N). Smt. Sandhya Sarkar, the then H/Clerk of ACC-I was relieved on 30/01/2008 and handed over the charge to Shri B.P.Guha, H/Clerk on 04/02/2008. A number of papers marked to H/Clerk were handed to him through Peon Book after diary. Not a single paper has been initiated by the H/Clerk till date. He is sitting idle/ roaming in the corridor and at times disrupts working of others by coercing them not to work.

Shri B.P.Guha, H/Clerk was marked one pension case in r/o Shri U.N.Bordoloi, D/Man Gd.II retiring on superannuation on 31/3/08 for checking and putting up in complete shape. This was handed over to him on 11/2/08.

He returned the file with the following remarks recorded on NP-34 of File No.9(14)/ACC-I/E-II/Vol.-XIII:-

- 1) Sl. No.2 (G) in Form-A of OC the total amount is shown as Rs.1000/-, but in duplicate of PAO it is Rs.2000/-.
- 2) Some pages of Form-7 are not omitted. Otherwise entries done as per calculation sheet.

He was again advised on 12/2/2008 to check the Pension Case pointing out some of the discrepancies noticed by the undersigned (My noting on NP-35 refers). Shri Guha, H/Clerk returned the file unattended the discrepancies as pointed out on NP-35. His remarks are reproduced as under:-

"As you have asked to check the entries for put up the pension case related I have done the same as already mentioned in detailed note on pre-page of the Note Sheet on the same date when that had been received."

Again on 12/2/08 H/Clerk was asked to scrutinize the case in right spirit but of no avail. H/Clerk returned the file with the following remarks:-

"All the entries of calculation sheet and verification of service are done except the total amount of Rs.2000/- in duplicate copies for PAO is not tallied with the amount of Rs.1000/- of the O/C of Form-A at Sl.No.2(g)."

H/Clerk did not attend the discrepancies pointed out, as such the file was sent back to H/Clerk again on 12/2/2008, which he returned with the following remarks:-

"The entries made there are as pointed on the NP-35 mentioned."

As the H/Clerk was not attending the discrepancies pointed-out and was reluctant to go through the noting on NP-35 the file was sent back to H/Clerk with the following advisory:-

"Again H/Clerk is being asked to do the needful. So he must put up the case in complete shape and correctly. If there is any difficulty in doing the same may also be brought in notice instead of sending the file back without going through the contents of noting on pre-page. The case is to be put up to SE/ACC-I for his approval and signature. Therefore he should perform his legitimate duty seriously and without ambiguity."

Attested
Nand Lal Choudhary
Executive Engineer (Admn.)
Assam Central Circle No-1
CPWD, Guwahati-781021

42

08 OCT 2009
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

On this advisory the directives of H/Clerk to O/Ss reproduced as under:-

“ Without checking the defaults mentioned in N/Sheet pages-34/35/36 were not possible. Hence it is put up again to do the needful please”.

As the file was returned by H/Clerk unchecked and his act of non-performing the assigned duties irresponsible behaviour and ambiguous noting on the file he was asked to explain the following lapses on his part recorded on NP-37.

1) Reference to page No. of Service Book in the service verification statement has not been mentioned despite asking him repeatedly to do so. Shri B.P.Guha may explain.

2) Has he checked Form 7 ? If so why requisite information in Sl.No.8 Part-I of Form 7 has not been mentioned and similarly for Sl.No.23 Shri B.P.Guha to explain this.

3) Has he checked Form I A ? If so why requisite details in Part-II have not been filled up. Shri B.P.Guha to explain it.

4) Whether officer's stamp has been affixed wherever it is required to be signed by the competent officer? This may also be explained by Shri B.P.Guha.

5) Why he has not put his dated initial on the pension case in token of his checking. He should explain this aspect also.

He must give reply to the observations point-wise without any ambiguity. His adamancy not to perform Govt. duties amount to misconduct. This he may note.

In reply to the above Shri B.P.Guha, H/Clerk put a name of O.S. Gr.I on the file that too without prefixing “Shri” wrote on the file as follows:-

“ The observational points regarding adjectness of the work done have already written in previous pages of the n/sheets. So it is useless to repeat the same again.”

This speak highhandedness insubordination by Shri B.P.Guha, H/Clerk and amounts to gross mis-conduct, violation of office decorum, office procedure and unbecoming on the part of Govt. Servant.

Despite his arrogant behaviour and callous attitude Shri B.P.Guha, H/Clerk was advised as follows:-

“Shri B.P.Guha, has not replied to the observations on NP 35-36-37/anti. He has, it appears not gone through the contents of the observation and is violating instructions. Please note that while putting a note he is supposed to observe office decorum and courtesy which he has failed miserably from the observations marked “X” above. He is again asked to perform the duties and comply with the observations.”

Instead of complying the observations Shri B.P.Guha, H/Clerk wrote on the file as follows:-

“ Shri B.K.Prasad, O/S has not understood the meaning of the wordings written by the Shri B.P.Guha, H/C. So he is again asked to go through the wordings with proper perusal and calling the dealing hand to indicating the proper pages of the documents e.g. S/B, P/F etc relating the Pension Case as the said office individual is still in position though relieved ! “.

Noted
Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021

59

28
93

On his failure to maintain proper office decorum and procedure he was warned to mend his language while putting the official noting and asked to do the needful. In turn he replied as under at NP-39:-

“ Shri B.K.Prasad, O/S should not forgotten the manners and dealings while he deals to his subordinate for any expectation in the days of democratic formalities. He should be within his hierarchy level with no at decency not with notting roubishnesss of unfair administration. His devoiding perusal of previous note sheets is nothing but whimsical & untoward misconduct. He is requested to do the needful for proper perusal & observation. Put up for the same please”.

This speaks of his arrogance, adamancy, sinister motive, highly insubordination, willful disobedience and unbecoming on the part of Shri B.P.Guha, H/Clerk as Govt. Servant.

Thereafter, 5(five) times the file was sent to Shri B.P.Guha, H/Clerk on 13/2/08, but the same was returned by the H/clerk without attending/complying the discrepancies though already pointed-out. His statement recorded on the file on NP-40 apart from reproduced above is uncalled for as he did not bother to attend Govt. works as his duty and tried to make excuse on one or the other hand. Rather dictating his terms on his superiors, his willful disobedience and conduct inconsistent with the faithful discharge of his duty, lack of devotion to the Govt. work tentamounts to serious misconduct which attracts serious action against Shri B.P.Guha, H/Clerk for smooth and harmonious running of the office.

Submitted for order please

*Bes
15/2*

E.E/A

Head clerk, Sh B.P. Guha appears to be reluctance to perform his job as apparently is clear from the notings in the various foregoing pages of these note-sheets. He is also suffering from epilepsy, so he has a very sluggish brain. O.S. may, under these circumstances should directly deal all the matters and Sh B.P. Guha should be entrusted only light and brief jobs.

OS/grades

10/2/08

Attested

Mandir Choudhary
Executive Engineer (Admin.)
Assam Central Circle No-1
CPWD, Guwahati-781021

The Superintending Engineer
Assam Central Circle No.1
CPWD, Guwahati-21

Subject - Grave act of indiscipline, violence indulged by Shri B.P.Guha, H/Clerk.

Sir,

On 25/6/08 at around 6 PM Shri B.P.Guha, H/Clerk entered my room and took forcibly the attendance register lying on my table. He took the attendance register forcibly outside my room. I asked Sri B.P.Guha, H/Clerk to return the attendance register on my table and advise him to mark his attendance in my presence as he had been found to mark his attendance even for the day he remained absent by tampering with the register. Despite repeated request he did not return the register on my table.

Thereafter I came out of my room and in the hall in front, again I asked Shri B.P.Guha, H/Clerk to give back the attendance register in the presence and at that point of time Shri S.Saha, UDC, Shri S.A.Laskar, UDC and Shri U.K.Paul, LDC respectively were present on their seat performing of their office work. Instead of returning the attendance register, Shri B.P.Guha, H/Clerk told that he will not return it, suddenly he started twisting the attendance register, and when I tried to save the attendance register he attempted to assault me, but I was able to avoid it. Somehow I manage to take the register from his possession as he was trying to tear it off and rushed along with the register towards the chamber of EE(A) to make first hand report of insubordination, grave act of indiscipline and utter violence indulged in by Shri B.P.Guha, H/Clerk without any provocation from my side.

Shri B.P.Guha, H/Clerk came running after me thumping his leg, using slang/abusive language. Seeing that EE(A) is not in his chamber I had no other alternative but to report the matter to SE/ACC-I. As soon as I entered the chamber of SE/ACC-I and put the attendance register before him, Shri B.P.Guha, H/Clerk also jumped in his chamber and tried to take the register from him also.

Thus the above misconduct on the part of Shri B.P.Guha, H/Clerk in creation of violence in office during duty hours has evidently spoiled office decorum and he crossed all limits of indecency and indiscipline making him liable to be charge sheeted. This act of indiscipline on the part of Shri B.P.Guha, H/Clerk it is apprehended that it would further vitiate the Office atmosphere.

It is therefore, requested that necessary disciplinary action may kindly be initiated against the erring H/Clerk, Shri B.P.Guha. All the above mentioned violent episode happened during duty hours at 6 PM in the presence of Shri S.Saha, UDC, Shri S.A.Laskar, UDC and Shri U.K.Paul, LDC, who witnessed whole of the unfortunate episode.

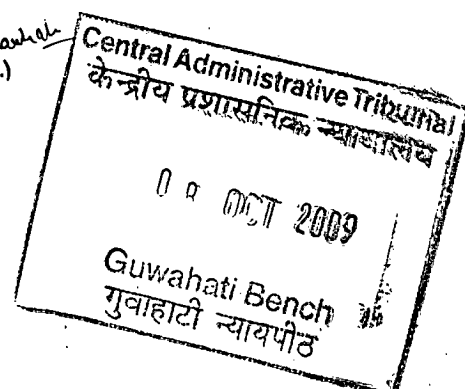
An immediate action is solicited to maintain congenial office atmosphere in the interest of Govt. Works please.

Yours faithfully,

(B.K.PRASAD)

Office Superintendent Gr.I

Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021



Subject: Loss of M.B. No TZCD/350 by Shri Tanveer Ahmad, J.E. on 14.11.2005

Shri Tanveer Ahmed J.E. while remaining posted under Tejpur Central Subdivision No.1 under administrative control of Tejpur Central Division at Tejpur (Assam) had lost his Briefcase containing M.B. No. TZCD/350 on 14.11.2005 while travelling in a Bus from Balipara to Tejpur after performing his duties at his workplace at Cherdhar.

(including one notched file)
Two files containing the following photo stat
relates
Copies of the documents are :-

(A) File No. 7(2)/ACCI/EC

(B) The documents are :-

(i) Letter no. 4(3)/TZCD/2005/1634 dated 23/12/05 (2 pages)
alongwith Appendix -9 (2 pages), Annexure A-1,
A-2 (two pages), A3, A4, A5, A6 (2 pages)

(ii) Letter no. 8(1)/TCSD -1/2005/123 dt. 03.12.2005.
(One page)

(iii) O.M. No. 7(2)/Aces/07/514 dated 26/02/07 (3 pages)

(iv) Letter no. 7(2)/Aces/07/1009 dt. 19/04/07

(v) Letter dated 07-03-2007 alongwith Gpy of F.I.R. (two pages),
(A page)

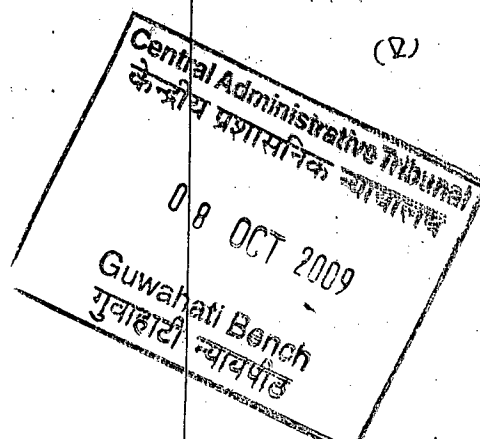
Copy of letter dt. 24/4/05 from Assam Police, two cuttings of the
newspapers, Copy of letter dt. 30.11.2005, Gpy of letter
dt. 16/11/05

These above case files alongwith all the
above documents are hereby marked to Sh. B.P. Guha, Head clerk.

It is requested to prepare a draft charge sheet

Attest

Comprising of Articles of Charge, Statement of
Narsimha Das
Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021

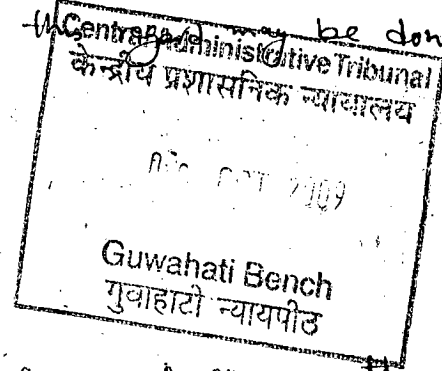


② - 31 -
imputation of charges and draft O.M. for initiation in

Enquiry against the Sh. Tanveer Ahmed, Junior Engineer.

The matter is long pending and as such, the

needful in the Central Administrative Tribunal may be done by 08.08.2008.



Sh B.P. Guha
Head clerk.

N.S.W. 02.08.08
~~02.08.08~~

In response to the matter, it is stated that correspondence pertains to the Establishment concerned file since 2005, & the letters of even file dt. 26/2/07, 19/4/07 Nos. 514 & 1009 are not proper. More-over, the incumbent's letter dt. 07/3/07 not only gives the clearance of his views regarding the root causes of the loss of MB but also his out-station posting on transfer to J/Kashmir.

Hence, it is very untowards the delays for not taking proper action on the prime year in spite of doing needfull precautionary measures, avoiding does.

Therefore, it is ~~needed~~ to take proper disciplinary action under Service Conduct Rule as applicable after appropriate enquiries.

Put up for guidance please.

Ex. Engr. (Admin)

04/8/08
H. Clerk

The preliminary enquiry report of the EE/T200 is amply clear to prove that MBs were lost by the concerned J.E. by his negligent attitude. The whole correspondence I/C reporting to the Police is available on record.

Why Sh. B.P. Guha, H.C. is diverting the issue and not putting up the draft Charge sheet is showing his inability and incompetency to draft the Charge sheet. So, we should not waste our valuable time. Pl. Put up file for dictation.

Steno-II

04/8/08

Attested

Nand Lal Choudhary
Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021

(11)

No 54/185-1/1

Dy. No. 5855 N. 11/6/09

EE/CO's Ltr No. 23(84)/EE/CO/CO/1533 dt. 9/6/2009

Subj: E.O.T Case for the work -- (Comb of Boundary Wall along with Sentry Post and Guard Room for SSRB, Bengaigan, Assam.
Agreement No. 226/CE/EE/CO/OTOP.
Agent: G. N. Rana.

P/c put up along with E.O.T. Post I & II
Photo Copy of Cement Register & origl Copy of Hindia Register for further order please.

H/c

12/6/09

E.O.T. Cases are handled by the Planning Section. Hence the file along with the related documents is herewith forwarding to you for the record file please.

2.2(P)

12/6/09

EOT cases are being handled by H/c
EE(A)

EE(A)

12/6

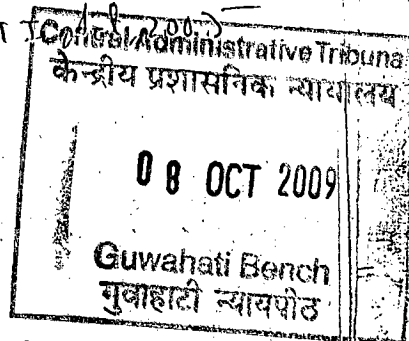
Attstec

Nagesh Chandra
Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
08 OCT 2009
Guwahati Bench গুৱাহাটী ইঞ্চ

CE (NEZ)'s endorsement No. 16/1/2005/Admn. Dt. 15/01

Subject: Seeking information under RTI Act, 2005
by Sri B.K. Kundu - regarding.
DLC put up for perusal, please.



EE(A)

4/5/09

We may seek replies from all EEs
by fax.

0.5/W
4/5/09

4/5/09

In continuation of CE (NEZ)'s endorsement No. 16/1/05/Admn and this Office letter No. RTI/Sec-I/2008/2287 dt. 04/5/09, We have received the information from Divisions under Acc-I, Accordingly, put up of fair letter consolidated from Circle Office for sending the seeking reports to the Applicant. Put up for signature please.

EE(A)

4/5/09

Fair reply sent. maybe used

0.3/W
8/5/09

DDC

Subject:- Regarding seeking information under RTI Act, 2005 by Shri Shyamal vide his letter dated 29-12-2008 CP-1

Diary No. 1573 dated 10.04.09 CP-2

An information sought under RTI act, 2005 is under consideration of this Office. The desired information as called from various Divisions vide letter dated 13/04/09 (CP3)

Attestes

Nam Lal Choudhary
Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021

has been received from the respective Divisions and the same is placed below.

Pl. examine the same and put up a draft reply to Sh. Shyam Lal's letter dated

29.12.08 . Urgent matter.

Sh Guha
Head Clerk

D-3/hr
13/05/08

Shri Shyam Lal was an Wire-man i.e. he was an Electrical Staff (NOC held). Hence this is a case pertaining to the GCEC.

More-over, Consideration of ACP Scheme under RTI Act. need proper examination for any financial up gradation which matters with Senior Authority. Pass on to GCEC please.

Ex Engr. (Admn)

Ab
13/5/09

It appears that Head clerk has not adequately and properly apprised the documents and RTI letter dated 29.12.08. Instead of putting up appropriate ^{draft} reply under RTI act, he has tried to Confuse and be-little/ divert the RTI issue and by this methodology, the answer to the information sought under RTI act would not be conclusive and can not be finally disposed off. It appears to be not within the competency of H/C. Resultantly, the reply to RTI information

has been prepared and signed by me personally. may be issued. H/C may also see it for his information. D-3/hr

Attested
Nand Lal Choudhary

Executive Engineer (Admn.)
Assam Central Circle No-1
CPWD, Guwahati-781021

13/05/09

(e/o)

H/C

Shri

DDC

It appears from the comments of the Ex. Engr. (Admin) that he has not properly adequate with the dealings of the RTI cases is a matter related to the Gazetted Officials meant for the same but not by the Head Clerk & as such I have not tried to confuse or be-little divert the issue. However, helping hand can be provided on verbal request/asking not on assigned writing. For information please.

Ex. Engr. (Admin).

14/5/09

H/C is officially supposed to render assistance to EE (Admin) and He should be careful in future to accomplish the job assigned to him and he should not show reluctance or misbehaviour/subordination to his superior officer by writing such negative and useless notings.

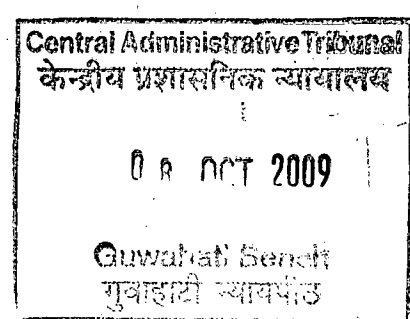
We may communicate to H/C.

Steno

Attested

14/5/09

Nano Lal Choudhary
Executive Engineer (Admin.)
Assam Central Circle No-1
CPWD, Guwahati-781021





केन्द्रीय लोक निर्माण विभाग

असम केन्द्रीय परिमंडल - 1, निर्माण भवन, बामुनिमैदान, गुवाहाटी - 21

Assam Central Circle-1, Nirman Bhawan, Bamunimaidan, Guwahati-21

No.ACC1/CPWD/Steno/163

Dated, Guwahati, the 15/09/2008

OFFICE MEMORANDUM

Guidance was sought from higher authorities on the duties of Head Clerk in the Circle office in view of anomalies in the Office order No.5/5/2001-EC-IV(C) dated 08-04-03. The matter is still under consideration.

In the meantime, it is decided that HC in Assam Central Circle-I will deal with (a) Extension of time cases, (b) Parliament questions and (c) RTI matters. The modus operandi for E.O.T cases will be as given below:

1. The paper/files will be marked to HC by EE (Admn) who will keep the record of the dates of handing over the papers/files to the HC.
2. The HC will process the case and return it to the EE (A).
3. The EE(A) will put up the papers/files to the Superintending Engineer, ACC-I
4. After the decision of the SE, the files will not go to the Head Clerk. EE (A) will dispose through concerned assistant.

The role of the Head Clerk will not be supervisory. So no assistant will report to him. HC will report to EE (A) and carry out other jobs as assigned.

It has been often noted that the HC comes to the chamber of Superintending Engineer to discuss something and when the discussion doesn't proceed according to the expectation of the HC, he starts giving vent to his frustration in the language which can be termed nothing but indiscipline. One incident has occurred on 12-09-08 when HC came to the Chamber of SE with request to be shifted to Planning section. While requesting the HC was quite disciplined and humble. The moment SE refused to post him to the Planning section, Head Clerk lost his emotional balance and uttered such sentences as amount to indiscipline. While going out of the Chamber of the SE, the HC banged the door from outside in such a way that the door closed immediately with rattling sound though the door is having mortise lock & door closer. This shows grave indiscipline on the part of the Head Clerk and also proves that he is emotionally unstable. EE (A) should keep a watch on the behaviour of the HC and if he finds that HC is showing problem of emotional instability, he should report the matter to the Medical Board to ascertain the mental fitness of the Head Clerk to serve the Government.

(Er. A.K.Jha)

Superintending Engineer

Copy to:

1. The Chief Engineer (NEZ), CPWD, Cleve's Colony, Dhankheti, Shillong-3.
2. The Executive Engineer (Admn), ACC-I, CPWD, Guwahati -21.
3. The Executive Engineer, Guwahati Central Division, CPWD, Guwahati -21.
4. The Executive Engineer, KCD, CPWD, GC, CRPF Campus, Khatkhati-782480.
5. The Executive Engineer, TZCD, CPWD, Tezpur - 1.
6. Shri B.P.Guha, HC, ACC-I, CPWD, Guwahati-21.
7. Personal file of Shri B.P.Guha, HC, ACC-I, CPWD, Guwahati-21.

Attestes
Nand Lal Chakrabarti
Executive Engineer (Admn.)
Assam Central Circle No-1
CPWD, Guwahati-781021

Superintending Engineer

15/9/08

Received

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
08 OCT 2009
Guwahati Bench

— 37 —

Annexure - Rg 8

Dated: 19/9/2008.

To
The Executive Engineer (Admn)
Assam Central Circle-I
CPWD, Guwahati-21

Sub.: Guidance of work/dealings for Head Clerk.
Ref.: Office Memo No. ACC-I/CPWD/Steno/163 dated 15.9.08.

Sir,

In receipt of the above office Memo, my acceptance of the works, dealings; bestowed upon me have been made with the following comments to you being the Watch man:

1. The correspondences on E.O.T./R.T.I etc. should be proper and perfect so as not to tangled with for previous references.
2. If supervision of Head Clerk is not rolled then all other staffs be advised to laboriously bunch at needful crows.

Moreover, the guidance has proved the historic tellings that when the genuine claims of an individual could not be deferred with his excellently marked reasoning that he is razed or declared as a psychic patient or mad one.

This is for your perusal and information please

Thanking you in anticipation.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
08 OCT 2009
Guwahati Bench
गुवाहाटी न्यायापीठ

उपस्थिति	2930
DAIRY	19/9/08
नाम	
पद	

Attested
Nand Lal Chauhan
Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021

Sincerely Yours
(B.P. Guha)
Head Clerk
ACC-I, CPWD
19/9/08

08 OCT 2009

38

Amrapur-R9

69

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Guwahati Bench

গুৱাহাটী ব্যাংক

The Superintending Engineer

Assam Central Circle-I,

C.P.W.D., Guwahati-21.

6107

27/6/09

Subject: - Misconduct and misbehavior by Shri B.P.Guha, Head Clerk.

Sir,

We, the following staff members of your office brought to your kind notice that Shri B.P.Guha, Head Clerk is misbehaving almost daily with all the staff members of the Circle without any provocation. To quote a few instances of his misconduct and misbehavior, we may place on record that he obtained only one vote in the recently concluded election for the Post of Branch Secretary of CPWD Office Staff Association, Guwahati on 08-06-2009, next day on reaching office, he went to the seat of each staff member and started quarrelling with them for not giving vote to him and used abusive language.

On 18.06.09, on reaching in the office, Shri B.P.Guha, HC started shouting in the hall and used very derogatory and abusive language to all and asked them why they are working in the office after 6:00 P.M.? He was then brought under control when, EE (Admn) intervened in the matter and asked him to discipline himself or else police shall be called to control him.

On the morning of 19.06.09, Shri B.P.Guha, again picked up quarrel with Shri S.Dutta Choudhury on a very lame excuse relating to the matter of issue of stationary items and also started abusing Shri Sawgat Mondal, Peon.

On 24.06.09, he again started using taunting language against the staff and EE (Admn) and created nuisance in the office for about two hours.

He is using abusive language and quarrelling with the staff members almost in a routine manner and obstructing office functioning for hours together every time. The case of behavior and misconduct of Shri B.P.Guha, HC is being reported to Executive Engineer (Admn) as and when the incident took place but his intervening in the matter is also not disciplining Shri B.P.Guha, HC. Resulting, it has become very difficult to perform our duties under such atmosphere vitiated by Shri B.P.Guha, HC. It is requested that suitable disciplinary action may be taken against Shri B.P.Guha, HC to discipline him so that congenial atmosphere may not be disturbed and normal Government functioning can be restored in the office.

Yours faithfully

1. ...
2. ...
3. Samir ...
4. ...
5. ...
6. ...
7. ...
8. ...

Attended

Nand Lal Chandra
Executive Engineer (Admn.)
Assam Central Circle No-1
CPWD, Guwahati-781021

PC put up
in file

26/6/09

EC

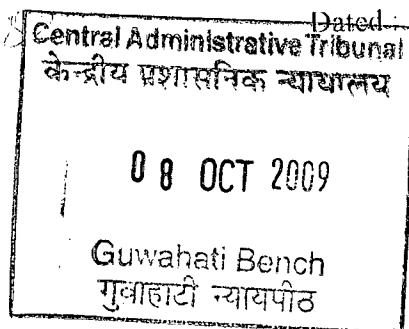
26/6/09

Government of India
Office of the Superintending Engineer
ACC-I, CPWD, Guwahati-21.

No. 21(3)/ACC-I/ 2008/ 1258

Dated: 22/05/2009

To
Shri B.P. Guha
Head Clerk
O/O S.E., ACC-I,
CPWD, Guwahati-21.



Sub.: Regarding Duties and Responsibilities of the Head Clerk in Circle Office.

This has reference to your letter dated 07.05.09 on the subject as mentioned above.

In this context, it is informed that specified duties were assigned to you by the S.E., ACC-I vide his office memorandum No. ACC-I/CPWD/Steno/163 dated 15.9.08 keeping into view your capabilities and abilities which were duly endorsed by you vide your letter dated 19.9.08 addressed to the undersigned. Therefore, your statement that you had not been given proper duties and responsibilities of Head Clerk since your joining is totally falsified.

Ever since assigning of the specified duties to you vide S.E's letter dated 15.9.08, you were duly entrusted with important cases like disciplinary and RTI matters, Pension and EOT cases which have not been dealt with by you in the past conclusively and instead returned the same to the undersigned with your irrelevant and dilatory notings which smack of the derogatory language, insubordination as well as reflecting lack of understanding and competence on your part of the matters so assigned to you..

Further, we are unable to understand till date as to what kind of duties and responsibilities you wanted to shoulder while you have utterly failed to perform assigned duties with regard to the cases like disciplinary and RTI matters, Pension and EOT cases and other matters entrusted to you regarding correspondence of confidential reports of Officers and staff of Circle

Attested
Hans Lal Chaudhary
Executive Engineer (Admn.)
Assam Central Circle No-1
CPWD, Guwahati-781021

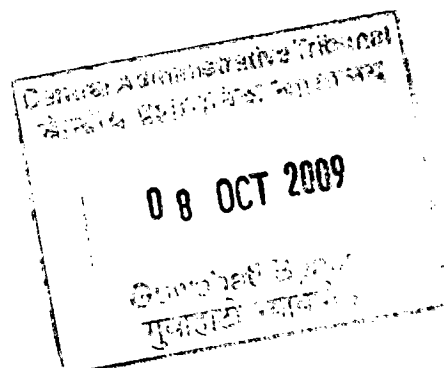
15.9.08

It is further clarified that DG(W)s in his office memorandum dated 8.4.03 has elaborated duties and responsibilities of Head Clerk in Circle Office regarding dealing with **important cases like disciplinary matters, Pensions, recruitment and enlistment and scrutiny of tenders and budgetary matters and parliament questions.** Out of the aforesaid duties listed in DG(W)'s O.M. dated 8.4.03, the following matters cannot be entrusted to you for the reasons mentioned below :

1. **Enlistment of contractors** of Class-V had been put on hold since 2006 due to administrative reasons. So this matter is not being dealt with by this office.
2. **Scrutiny of tenders** cannot be entrusted to you as the same is processed in Planning Branch of the Circle Office under supervision of E.E(P) whereas the Reporting Officer for writing your C.R. is Office Superintendent and the Reviewing Officer is E.E(Admn) as per DG(W)'s O.M. dated 08.04.03 which implies that you cannot be entrusted any job being done by E.E(P).
3. **Budget** is directly distributed by F.O. to C.E(NEZ) to the respective E.Es. and therefore no budgetary matters are dealt with in the Circle Office except compilation of Monthly Expenditure Report which cannot be manned by you, as you do not have any know-how of computer operations.

The duties and responsibilities of Head Clerks under Circle Office as defined by DG(W) Office Memorandum dated 8.4.03 vis-à-vis the duties which have been specifically assigned to you by S.E. vide his letter dated 15.9.08 keeping into view your mental capabilities and abilities are in conformity to each other while you have utterly failed to perform such duties assigned to you. Rather, you have been misbehaving with officers and every staff of the Circle office by using derogatory language, improper and meaningless notings which have already been communicated to you through various office memos as well as through notings of the concerned files.

Attested
Namsel Chandra
Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021



82

— 48 —

You are once again called upon to co-operate with the officers and staff of the Circle Office and do your assigned duties with a sense of responsibilities so that congenial working environment of the circle office can be maintained and Govt. work is not allowed to suffer/obstructed on such un-warranted correspondence being done by you from time to time.

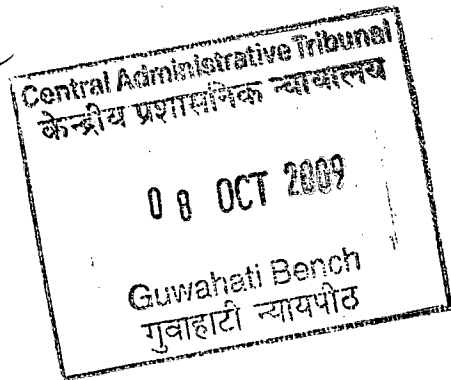
This issues with the approval of S.E., ACC-I.

22/05/09

Executive Engineer (Admn)

Attested

Namdel Chauhan
Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021



Dr. P. D. Das

M.B.B.S (DIP), D.P.M. (Lond), M.D.C. PSYCH (DRC) IIPB
CONSULTANT PSYCHIATRIST
FORMERLY --
PROFESSOR & HEAD
DEPARTMENT OF PSYCHIATRY
GAUHATI MEDICAL COLLEGE
GUWAHATI

Residence-cum-chamber
Hengrabari
Poreh Bazar
(Near Public Health
Engineering College)
Guwahati - 781 036
Phone : 0361 2223717

To whom it may concern

Certified that *Sh. B. P. Garia* has been under my treatment for acute psychomotor disorder. He is released from this treatment on 29.11.08.

Attested

(Nand Lal Choudhary)

Executive Engineer (Admn.)
Assam Central Circle No-1
CPWD, Guwahati-781021

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
09 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

অসম কেন্দ্ৰীয় পৰিষদ - ১, নিৰ্মাণ ভৱন, বামুনিমেদান, গুৱাহাটী-৭৮১০০১

Assam Central Circle-1, Nirman Bhawan, Bamunimaidan, Guwahati-21

Dated, Guwahati, the 21/07/2008

To

Shri K.S. Sheoran,
Chief Engineer (NEZ),
CPWD, Clive's Colony,
Dhankhet, Shillong-03.

Subject: Defining the duties & responsibilities of Head Clerks in Circle & Zonal Offices of the CPWD and deciding their Reporting and reviewing authority for ACRs.

Ref: Letter No. S/5/2001-EC.IV(C) dt. 08-04-2008 (copy attached)

Sir,

The duties of Head Clerk defined for Circle office has some operational problems. The Circular says that Head Clerk may deal more important cases like disciplinary matters, promotions, recruitment, enlistment, scrutiny of tenders and budget. Further he may also be assigned work relating to budgetary matter and Parliament questions. The Reporting Officers writing ACR of Head Clerk would be Office Superintendent of AE (HQ). The Reviewing Officer may be EE (A).

Tenders are done in planning section. Planning section does not come under OS or AE (HQ). So it is suggested that scrutiny of tenders may be withdrawn from the duties of the Head Clerk in the Circle office.

These days volume of reporting has become enormous. It is suggested that matters like Budget, Progress reports of various kinds, Parliament Questions, P.M. matters, Enlistment and evaluation of contractors may be kept under the purview of Head Clerk. It may be further made clear that Head Clerk in the Circle office doesn't have Superintending role. He will perform function of dealing hand.

Executive Engineer (A) may be made the reporting officer of the Head Clerk. This is being suggested because Head Clerk in a division office reports to the Executive Engineer. When on transfer to Circle office he is to report to Office Superintendent, there is emotional problem.

I have written this letter on the basis of experience gained while working as Head Clerk who has been transferred to this Circle office.

Encl: - As above.

Handwritten Signature
Nansel Chandra
Executive Engineer (Admn.)
Assam Central Circle No-1
CPWD, Guwahati-781021

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Superintending Engineer

Central Administrative Tribunal
কেন্দ্ৰীয় প্রশাসনিক न्यायालय

2009

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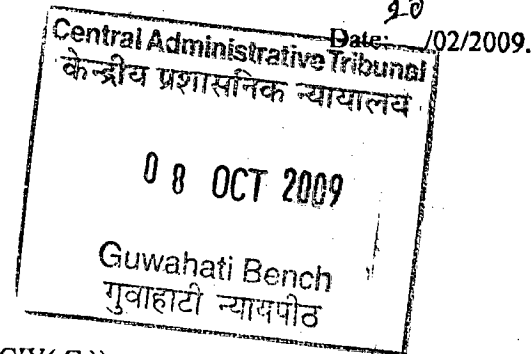
13

SPEED POST

No.1/23/2008-Admn
Government of India
Office of the Chief Engineer(NEZ)
Central Public Works Department
Cleve Colony, Dhankheti
Shillong-793 003.

To,

The Director General(Works)
Central Public Works Department
Nirman Bhawan,
New Delhi-11.



(Kind Attn.Dy. Director of Admn.,ECIV(C))

Subject:- Defining the duties & responsibilities of Head Clerks in Circle & Zonal Offices
of the CPWD and deciding their Reporting and reviewing authority for ACRs.

Sir,

I am directed to enclose herewith a copy of letter No.ACCI/CPWD/Steno/123,
dated 21.07.2008 received from SE/ACC-I, CPWD, Guwahati on the above subject and to
request that the suggestions made by SE/ACC-I therein may kindly be considered and
decision may please be communicated.

This issues with the approval of CE(NEZ).

Encl: As above.

Yours faithfully,



(F.R. Tariang)

SECTION OFFICER(ADMN)

Kind Attn.

Shri. Chauhan, E.E.(I)

Attested
Nansu Chauhan
Executive Engineer (Admn.)
Assam Central Circle No-I
CPWD, Guwahati-781021