

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (JUDL.)

23/07/2015

817.2015

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

ORDERSHEET

1. Original Application No: 48/2009

2. Mise Petition No

3. Contempt Petition No

4. Review Application No

Applicant(s) Mr. Tatsum Kr. Das

Respondent(s) U.O.I. Govt

Advocate for the Applicant(s): Krishna Sunar

Mr. I.C. Jha

Advocate for the Respondent(s): Advocate for the ICAR

Notes of the Registry	Date	Order of the Tribunal
Application No. 48/2009 Serial No. 39613670 Dated 16.3.09 Petitioners C.P.'s for issue notices are received with envelopes. Directing given for Service. SIC Report no. C.P. file Received copy for Usha Devi add. Chse. H.M. 27.3.09	25.03.2009	<p>Heard Mr Krishna Sunar, Mr I.C. Jha and Ms Zuchumpeni Ngullie, learned Counsel appearing for the Applicant and Ms U. Das, learned Addl. Standing Counsel for the Union of India.</p> <p>For the reasons recorded separately, the O.A. stands disposed.</p> <p style="text-align: right;">(M.R. Mohanty) Vice-Chairman</p>
	nkm	

8/5/02

Copy of the
order along with
copy of the Application
Send to the Office
for ~~base~~ the same
to the Regd. ad
Copy to the Appellate
or L1 Ad vs on the
parties

slh
8/5/02

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.48 of 2009

Date of Order: This the 25th day of March 2009

The Hon'ble Shri M.R. Mohanty, Vice-Chairman

Shri Tarun Kumar Das,
S/o (L) T.N. Das,
Resident of Madan Laban,
East Khasi Hills District,
Shillong-793002, Meghalaya.Applicant

By Advocates Mr Krishna Sunar, Mr J.C. Jha and
Ms Zuchumpeni Ngullie.

- versus -

1. The Union of India, represented by the
Ministry of Agriculture,
New Delhi-110001.
2. The Director
Indian Council of Agricultural Research
N.E. Region,
Umium, Meghalaya-793103.
3. The Zonal Coordinator
Zone-III, I.C.A.R.,
N.E. Region,
Umium, Meghalaya-793013.

....Respondents

By Advocate Ms U. Das, Addl. C.G.S.C.



O.A.No.48/2009
O R D E R (ORAL)
25.03.2009

M.R. MOHANTY, VICE-CHAIRMAN

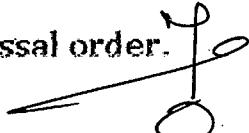
Upon being mentioned by Mr Krishna Sunar, Advocate (made in presence of Ms U. Das, learned Addl. Standing Counsel for the Union of India) this case is taken up.

2. Heard Mr Krishna Sunar, Mr I.C. Jha and Ms Zuchumpeni Ngullie, Advocates appearing for the Applicant, and Ms U. Das, learned Addl. Standing Counsel for the Union of India (on whom a copy of this O.A. has already been served) and perused the materials placed on record.

3. The Applicant, an employee of Indian Council of Agricultural Research (under Zonal Coordinator of Zone-III/N.E. Region at Umium/Meghalaya) faced a Departmental Proceeding (on the allegation of producing a forged HSL Certificate) and at the closure of the Departmental Proceeding, the Applicant has been visited with an order of dismissal from service on 23.01.2009. Instead of preferring an appeal; the Applicant has rushed to this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985.

4. In course of hearing, the Applicant has filed a petition seeking permission to withdraw this case in order to prefer an appeal.

5. In the aforesaid premises, this case is permitted to be withdrawn with grant of liberty (to the Applicant) to prefer an appeal challenging the dismissal order.



6. This case is accordingly disposed of being withdrawn.
7. Send copies of this order to the Applicant and to all the Respondents (alongwith copies of this O.A.) in the addresses given in the O.A. Free copies of this order be also supplied to the learned Counsel for both the parties.

Yobas
25/03/09

(M. R. MOHANTY)
VICE-CHAIRMAN

nkm

25/3/09

Central Administrative Tribunal

b

18 MAR 2009

গুৱাহাটী বিধুৰোচিত
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

**APPLICATION UNDER SECTION – 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT – 1985**

ORIGINAL APPLICATION NO 48 OF 2009

S Y N O P S I S

That the petitioner joined his service in the Indian Council for Agricultural Research, Zonal Coordinating Unit III, North Eastern Region, Umroi, Meghalaya in the year 1981. In the year 1983 the petitioner appeared in the Board Examination held by the Board of Secondary Examination, Assam and after getting through the petitioner submitted the HSLC to the Office authority.

That in the year 1996 a departmental proceeding was ordered against the petitioner for submitting the fake HSLC Certificates and the departmental proceeding was concluded in the year 2003. In between the petitioner had got one promotion also in the year 1997 and during the period of departmental proceeding, the petitioner was never suspended from his service.

In the findings of the **enquiry report** the enquiry officer has opined that the matter should **be handed** over to a qualified and recognized investigating agencies **and the same** was later handed over to the C.B.I.

Received
Usha Das
Additional
25/3/09

(Contd.....P/2)

18 MAY 2009

গুৱাহাটী বাহ্যিক
Guwahati Bench

= 2 =

In the meantime the petitioner receive a letter dated 28th August, 2008, wherein the department has asked explanation from the petitioner and subsequently two more show cause notices dated 19th September, 2008 and 5th December, 2008 were served to the Petitioner, to which the petitioner replied that without a conclusive report on the earlier departmental proceeding how the office can take any action on the basis of the re-verification report and secondly a C.B.I. enquiry in this matter is still going on and without its completion how the department can take any action.

Inspite of all the replies, the office authority issued a dismissal order from the service on 27.01.2009, which was received by the petitioner on 11.02.2009 as the petitioner was on leave.

Hence this petition.

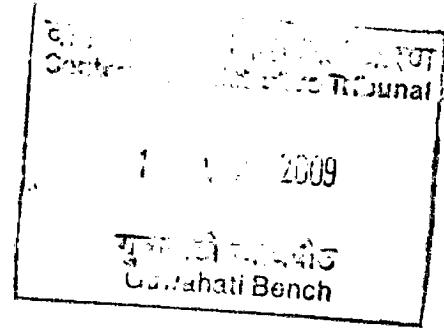


Humble Petitioner

Filed by :-



I.C. Jha, Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

APPLICATION UNDER SECTION – 19 OF THE ADMINISTRATIVE TRIBUNAL ACT – 1985

ORIGINAL APPLICATION NO 48 OF 2009

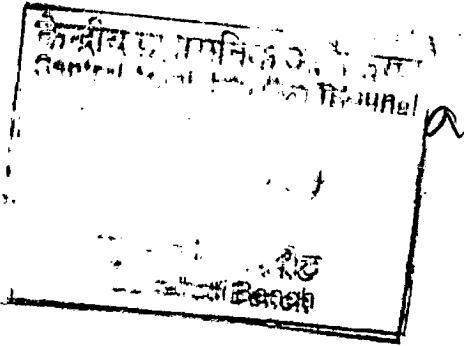
LIST OF DATES & EVENTS

Sl. No.	Date & Year	Particulars of Events
1.	January, 1981	The applicant joined his service in ICAR.
2.	1983	The applicant passed H.S.L.C. Examination.
3.	1996	The Departmental proceeding against the applicant was ordered.
4.	1997	The applicant got second promotion.
5.	31 st December, 2003	Report of the enquiry Officer was published.
6.	28 th August, 2008	An explanation from the applicant was sought for.
7.	5 th September, 2008	The applicant submitted its reply.
8.	19 th September, 2008	A show cause notice to the applicant was issued by the Department.
9.	14 th October, 2008	The applicant submitted reply of the show cause notice dated 19 th September, 2008.
10.	5 th November, 2008	The Department issued second show cause Notice to the applicant.
11.	19 th November, 2008	The applicant submitted reply to the second show cause notice.
12.	27 th January, 2009	Dismissal order from the service of the applicant was issued by the Department.

Filed by :

Dated : Shillong
The 18th March, 2009

I.C. JHA, Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

**APPLICATION UNDER SECTION - 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT - 1985**

ORIGINAL APPLICATION NO 48 OF 2009

Shri. Tarun Kr. Das Petitioner
-VERSUS-
Union of India and others Respondents

I N D E X

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Filed by :

Dated : Shillong
The 18th March, 2009

I.C. JHA, Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

**APPLICATION UNDER SECTION - 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT - 1985**

ORIGINAL APPLICATION NO 48 OF 2009

To,

The Hon'ble Vice President, Central Administrative Tribunal, Guwahati Bench, Guwahati and its Companion Members of the Tribunal.

IN THE MATTER OF :-

An application under Article 226 of the Constitution of India for issuance of a rule or any other appropriate Order/Orders or direction as this Hon'ble Tribunal may deem fit and just in the nature of the case.

- AND -

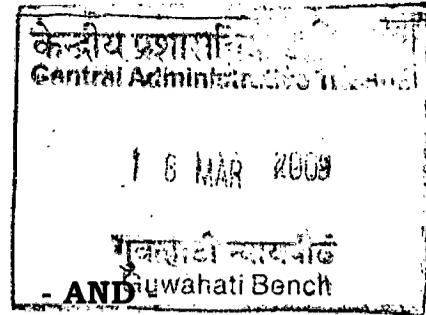
IN THE MATTER OF :-

Violation of Article 311 of the Constitution of India by the Department.

- AND -

IN THE MATTER OF :-

Utter violation of the Principal of Natural Justice and arbitrarily issuing of Order of Dismissal from service.



IN THE MATTER OF :-

A prayer for quashing of the illegal and arbitrary order vide No. ZCU-III/Estt/01/Confid/08-09/1407 dated 27.01.2009 issued by the Zonal Coordinator, Unit III, ICAR, and North East Region, Umiam, Meghalaya.

- AND -

IN THE MATTER OF :-

A direction to the Respondent to allow the petitioner to continue in his service till further order.

- AND -

IN THE MATTER OF :-

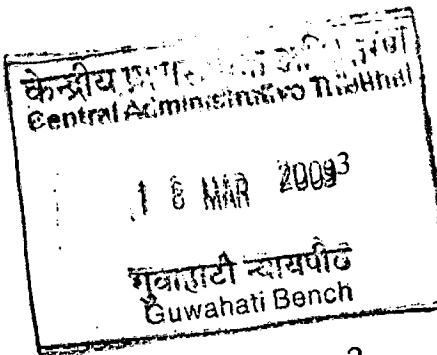
Shri. Tarun Kumar Das
S/o (L) T. N. Das
R/o Madan Laban,
East Khasi Hills District,
Shillong- 793002, Meghalaya

..... **Petitioner**

- VERSUS -

1. The Union of India
Represented by the Secretary,
Ministry of Agriculture,
New Delhi - 110001.
2. The Director,
Indian Council of Agricultural
Research, NE Region
Umiam, Meghalaya - 793103.

Tarun Kumar Das



3. The Zonal Coordinator
Zone - III, I.C.A.R.
NE Region
Umiam, Meghalaya - 793013
..... **Respondents**

DETAILS OF THE APPLICATION

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

This Application is made against the impugned Order dated 27.01.2009 vide its number F.No.ZCU-III/Estt/01/Confid/08-09/1407 (Annexure - VI), dismissing the applicant Shri. Tarun Kumar Das, Senior Clerk from his service, passed by the Journal Coordinator and Disciplinary Authority, Journal Coordinating Unit III, Indian Council of Agricultural Research, ICAR Research Complex for NEH Region, Umiam (Barapani) Meghalaya.

2. JURISDICTION OF THE TRIBUNAL :-

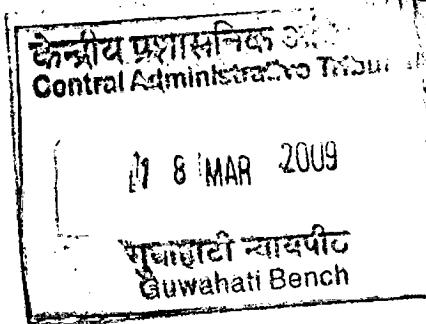
That the humble Applicant is a civil employee of Indian Council for Agricultural Research under Ministry of Agriculture and governed by the Central Civil Services Rule and falls within the jurisdiction of the Central Administrative Tribunal, Guwahati Bench, Guwahati.

3. LIMITATION:-

The application has been filed within the period of limitation as prescribed in Section 21 of the Administrative Tribunal Act, 1985.

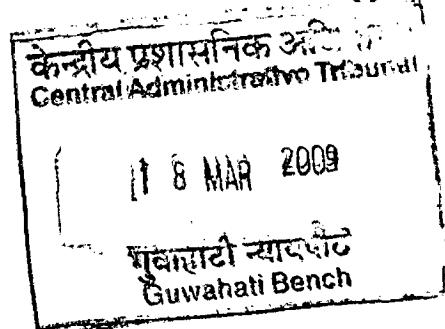
4. FACTS OF THE CASE :-

4.1 That the humble Petitioner is a citizen of India and a Government of India's employee, was serving in the Indian Council for



Agricultural Research, Umroi, Meghalaya and as such he is entitled to all the rights, protection and privileges guaranteed under Constitution of India and other prevailing laws of the country.

- 4.2 That your humble petitioner had joined the service in the department of Indian Council for Agricultural Research, Zonal Coordinating Unit III, ICAR, Umiam, Meghalaya, and since then serving in this department.
- 4.3 That in the year 1983, the humble Petitioner obtained leave from this office and appeared in the Board Examination held under Board of Secondary exam, Assam as a private candidate for Class - X examination from Secondary Examination Board of Assam and after passing the above said examination, the humble Petitioner obtained the Certificate from the authority concerned and submitted the same before its office authority.
- 4.4 That all of a sudden on the basis of some complaint made before the Office authority by some of the people against the Petitioner, the Office authority of your humble Petitioner ordered a departmental proceeding against the Petitioner for procuring and submitting a fake educational Certificate.
- 4.5 That neither your humble Petitioner was suspended nor was served with any notice for initiating the departmental proceeding and the same was ordered in the year 1996. Interestingly the humble Petitioner in the year 1997 got second promotion, which



clearly shows that the charge leveled against the Petitioner was baseless.

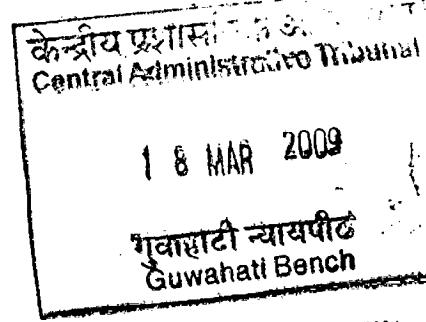
4.6 That the departmental proceeding initiated against the humble petitioner was concluded in the year 2003, after a span of seven years of time and the enquiry officer in its finding, has mentioned that it is difficult to come to come to a conclusion, hence the matter should be handed over to an authorized Investigating Agency to investigate the matter.

(A copy of findings of the departmental proceeding is enclosed herewith and marked as Annexure - I).

4.7 That after completion of the departmental proceeding against your Petitioner in the year 2003 the Office authority did not bother to take any further steps nor the copy of the departmental enquiry was supplied to the Petitioner for which the Petitioner is entitled to and the same was supplied to the petitioner in the last part of 2008.

4.8 That all of a sudden in the month of August, 2008 the humble Petitioner was informed by the Office authority that his Certificate was re-verified from the Board Office, Secondary School Examination Board, Assam and the same was found a fake Certificate. The humble Petitioner here neither was informed to appear before any authority nor was given any opportunity to defend himself at the time of re-verification of the Certificate.

(Copy of the letter dated 28th August, 2008 is enclosed herewith and marked as Annexure - II).



4.9 That in reply to the letter dated 28th August, 2008 when the humble Petitioner asked the department about the copy of the enquiry reports, after that only, he had been served with the same with a letter in regard to the information that the C.B.I. is enquiring in this matter.

4.10 That the C.B.I. has started its enquiry regarding the educational Certificate submitted by the petitioner in the Office, but in the meantime the humble Petitioner was served with the show cause notices issued by the Office authority dated 19th September, 2008.

(Copy of show cause notice dated 19th September, 2008 is enclosed herewith and marked as Annexure - III).

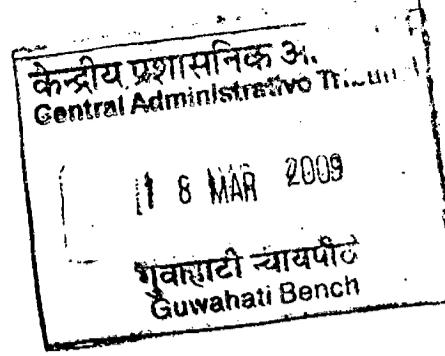
4.11 That at the humble Petitioner in reply to the show cause notice, submitted that the matter is still under investigation and without its conclusion issuing of show cause notice is clear cut violation of the natural justice in its reply dated 14th October, 2008.

(Copy of the reply dated 14th October, 2008 and is enclosed herewith and marked as Annexure - III-A).

4.12 That the office authority then served the second show cause notice to the petitioner to which the humble petitioner replied as reply to the first show cause notice.

(Copy of the show cause dated 5th November, 2008 and its reply dated 19th November, 2008 are enclosed herewith and marked as Annexures - IV & V respectively).

4.13 That the Office of your humble Petitioner has not released the 40% arrear pay and the salary of the petitioner ~~has also~~ been stopped since September, 2008 as recommended by the 6th Central Pay



Commission and has arbitrarily issued an order of dismissal from service under the Rule 14 of CCS (CCA) Rules, 1965 dated 27th January, 2009 which was received by the Petitioner on 11.02.2009 as he was on leave for his and his wife's treatment as they are suffering.

(Copy of dismissal order dated 27th January, 2009 is enclosed herewith and marked as Annexure - VI).

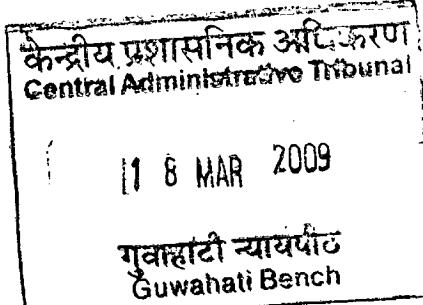
4.14 That the Office authority did not even bother to wait till the conclusion of the C.B.I. enquiry report which was infact recommended by the enquiry officer of the departmental proceeding and issued dismissal order to deprive the petitioner from earning his livelihood by way of his service.

5. **GROUND FOR RELIEF(S) WITH LEGAL PROVISIONS:-**

5.1 For that the impugned Order of dismissal from service is an illegal and arbitrary order passed by the Respondent No. 3 and the same is liable to be declared illegal and accordingly, set aside and quashed.

5.2 For that the basis of the impugned Order dated 27.01.2009 is departmental proceeding against the applicant and re-verification of his H.S.L.C. Certificate while the CBI inquiry in this regard is still going on and not yet concluded, therefore the impugned order is pre-mature and is liable to be set aside and quashed.

5.3 For that the Departmental proceedings against the applicant was concluded on 31st December 2003, wherein the inquiry officer was in doubt about the authenticity/genuinees of the H.S.L.C.



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Certificate of the applicant and had re-commended for its re-verification from the Secondary Examination Board of Assam in the year 2003. But the applicant never got any opportunity to be heard at the time of re-verification of his H.S.L.C. Certificate and all of a sudden received a show cause notice dated 28th August, 2008, which is arbitrary on the part of the Respondent No.3 and liable to be set aside and quashed.

5.4 For that violation of Articles 14,16 and 311 of the Constitution of India by the Respondent No.3 in passing the impugned Order (Annexure – VI) and is liable to be set aside and quashed.

5.5 For that the impugned order of dismissal of the applicant from his service is bad in law and thus liable to be set aside and quashed.

6. **DETAILS OF REMEDY EXHAUSTED :-**

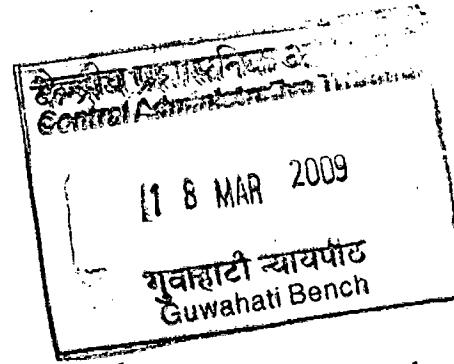
That the applicant declares that he has exhausted all the remedies available and there is no other alternative efficacious remedy and the remedy sought for in this application is just, adequate and complete.

7. **MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :-**

That the humble applicant declares that he has not file any other application for the same relief /reliefs being claimed herein either before the Central Administrative Tribunal or any of the Court of Law.

8. **RELIEF(S) SOUGHT FOR :-**

In the premises aforesaid, it is therefore **prayed** that your Lordship may graciously be pleased to –



- 8.1. admit this petition;
- 8.2. issue a Rule against the Respondents to show cause as to why the impugned Order dated 27th January, 2009 should not be quashed as illegal, arbitrary and malafide and upon cause or causes being shown after hearing the parties be pleased to make the Rule absolute and/or pass any other Order/Orders as this Tribunal may deem fit and proper;
- 8.3. cost of the petition.

9. **INTERIM ORDER PRAYED FOR :-**

During subsistence of the application and pendency of the case the applicant prays for the following relief –

That the Hon'ble Tribunal be pleased to stay /suspend operation of the impugned Order No. F.No.ZCU-III/Estt/01/Confid/08-09/1407 dated 27th January, 2009 (Annexure – VI) issued by the Respondent No.3.

10.

The applicant files this application through Advocate.

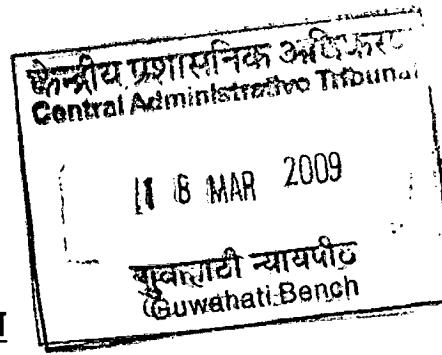
11. **PARTICULAR OF I.P.O.**

- (i) I.P.O. No. : 39 G 403670
- (ii) Date of Issue : 16/03/2009
- (iii) Issued from : G.P.O. Guwahati
- (iv) Payable at : G.P.O. Guwahati

12. **LIST OF ENCLOSURES :-**

As given in the Index.

Jarun Khan



VERIFICATION

I, **Shri. Tarun Kumar Das**, son of (L) T. N. Das, aged about 49 years, residing at Madan Laban, Shillong, East Khasi Hills District, Meghalaya, do hereby solemnly affirm and declare as follows:-

1. That I am the Petitioner in the instant Petition and therefore fully conversant with the facts and circumstances of the case and I am competent to sign this verification.
2. That the statements made in paragraphs 1,2,3,4,5,6,7,8 of this Petition are true to the best of my knowledge, and those in paragraphs 9,10,11 and 12 being matters of record are true to my belief and information derived therefrom and which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal and no material fact of the case has been conciled/suppressed by me.

And I sign this Verification on this 18th day of March, 2009

Tarun K. Das

HUMBLE PETITIONER

FINDINGS ON THE CHARGE(s).

Before noting down the final findings on the charges levied against Sri Tarun Kr.Das, the Inquiry Officer would like to comment on certain points regarding service matters in a government office.

- (a) Before appointing any person to any post of Government Service or for that matter in any other service it is very ^{much} desirable that the appointing authority should thoroughly examine and verify the authenticity of the documents submitted by the candidate. Even during the service career if the employee wants to change his/her bio-data in any form it should again be thoroughly examined and verified before entering it in his/her service book.
- (b) The detail records related to service matter of an employee must be maintained in the office properly and updated if and when necessary.

Before convicting any accused person he/she should be given ample scope so that innocent persons are not convicted.

The findings of the Inquiry Officer on the charges levied against Sri Tarun Kr.Das are detailed below :

The Inquiry Officer is in doubt on the authenticity of the HSLC pass certificate and Marksheets submitted by Sri Tarun Kumar Das as proof of his passing HSLC examination and also the letter No SEBA/TECH/VERI/1/95/247 dated 29.4.2000 issued by the Controller of Examination, Board of Secondary Education, Assam. It is difficult to come to a solid conclusion as to whether Sri T.K.Das actually passed the HSLC examination or not till the authenticity of the letter issued by the Controller of Examination, SEBA on 29.4.2000 and the HSLC certificate and Marksheets and Certificate submitted by Sri T.K.Das is proved. The Inquiry Officer is of the opinion that the Marksheets and

certified to be
true
by
S. J.

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केन्द्रीय प्रशासनिक न्यायपाल
Central Administrative Tribunal

18 MAR 2009

21

सचिव न्यायपाल
Guwahati Branch

certificate submitted by Sri T.K.Das as proof of his passing the HSLC examination, and also the letter No.SEBA/tech/veri/1/95/247 DATED 29.4.2000 issued by the ^{Central} ~~Control~~ ^{न्यायपाल} ~~Guwahati~~ ^{Branch} of examination SEBA needs to be re-verified from the Board of Secondary Education, Assam.

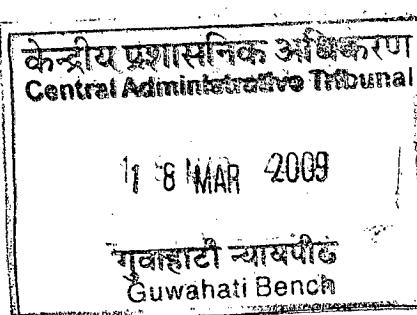
The Inquiry Officer is of the opinion that the case on the charges levied against Sri T.K.Das of submitting false/forged HSLC pass certificate/Marksheet, should be handed over to a qualified and recognised investigating agencies. This will help in proving the authenticity of Marksheets/Certificate submitted by Sri T.K.Das in support of his claim that he has actually passed HSLC examination. This will further help in exposing the nexus, if any, involved in issuing false/forged documents.

1002

certified to be true

— Jha

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ANNEXURE-11

13

CONFIDENTIAL



**ZONAL COORDINATING UNIT, ZONE-III
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
UMIAM (BARAPANI) – 793103, MEGHALAYA**

Phone No: 0364 2570081(ZC), 2570483(Admn.) :: Fax: 2570396, 2570483
E-mail: icar_zcu3@yahoo.co.in, icarzcu3@gmail.com
Website: www.icarzcu3.gov.in

No. ZCU-III/Esstt./01/Confld./08-09/634

Dated the 28th August 2008

OFFICE MEMORANDUM

With reference to the verification of your educational certificate bearing Roll K-5 N0.274, HSLC Examination 1983, this office has received a verification report from the Registrar Board of Secondary Education, Assam, Guwahati, vide letter No. SEBA/TECH/VERI/1/95/740 dtd. 23.7.2008 stating that your certificate is false. Further it is also stated that the name of the candidate against the said Roll No. and year of examination is found as one Mr. Nobul Hussian. Under this circumstances this office is constraint to initiate necessary disciplinary proceeding as deemed fit in the case.

Therefore, you are hereby asked to explain your position and also state that why not disciplinary action is not to be initiated against you. You are hereby directed to furnish your reply positively by 8th Sept. 2008 failing which this office will presume that there is nothing to say from your part and further action will be initiated without any further correspondences with you in this regard.

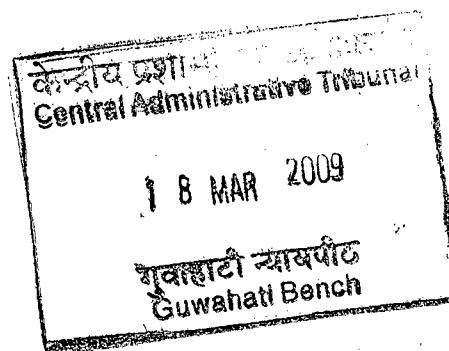
Zonal Coordinator
Zonal Coordinating Unit, Zone-III

Memo.No. ZCU-III/Esstt./01/Confld./08-09/634 Dated the 28th August 2008
Copy to

1. Mr.T.K.Das, Sr. Clerk, Zonal Coordinating Unit, Zone-III, Umroi Road, Umiam Meghalaya
2. Personal File of Mr. T. K. Das, Sr. Clerk Zonal Coordinating Unit, Zone-III
3. Service Book of Mr. T. K. Das, Sr. Clerk Zonal Coordinating Unit, Zone-III

Zonal Coordinator
Zonal Coordinating Unit, Zone-III

certified to be true
— J.W.



Dated 5th Sept 2008

14

CONFIDENTIAL

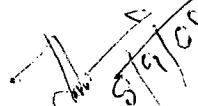
To
The Zonal Co-ordinator
Zonal coordinating Unit, Zone III
TOT Project, Umroi Road, Umiam

Sub: Reply of Office Memorandum No ZCU-II/Establishment/01/Confidential/08-09/634
Dated 28th August 2008

I would like to inform you that long back a disciplinary proceeding was conducted on the same matter by this office but till date no report was given to me nor any correspondence to this effect.

It is surprising to note as to how office propose for a fresh action without any conclusive report on the earlier matter.
Nevertheless, to enable to respond, it is requested to kindly supply the copies of the correspondence referred to the office memorandum under reference.

Yours faithfully,

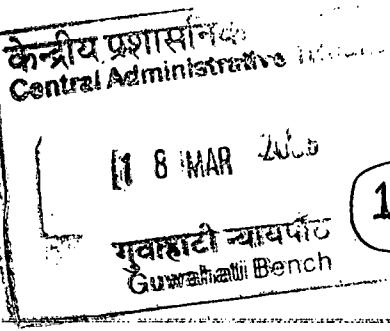


(Tarun Kumar Das)
Sr.Clerck. ZC- Unit
Zone - III, Umiam

Personal Copy.

certified to be true
we


Received
18/08/08
S. Das
12:45



ANNEXURE-111

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CONFIDENTIAL



ZONAL COORDINATING UNIT, ZONE - III
(INDIAN COUNCIL OF AGRICULTURAL RESEARCH)
ICAR RESEARCH COMPLEX FOR NEH REGION
UMIAM (BARAPANI), MEGHALYA - 793103

Phone: 0364-2570081, 2570483 Fax: 0364-2570396 E-mail: icar_zcu3@yahoo.co.in

F.No. ZCU-III/Estt/01/Confid/08-09/ 167

Dated the 19th Sept., 2008

MEMORANDUM

1. Disciplinary proceedings under Rule 14 of CCS (CCA) Rules, 1965 were initiated against Shri Tarun Kumar Das vide Memorandum No.ZC/TOT/99-2000/Confid/54/ dated 09.3.2000. Dr. Ranjit Kumar Bardoloi, Senior Scientist, ZC Unit, Zone-III was appointed as Inquiry Officer to conduct the inquiry vide Office Order No.ZC/TOT/99-2000/Confid/54/117 dated 10.5.2000. The Inquiry Officer has submitted the Inquiry Report dated 31.12.2003, to the Disciplinary Authority.

2. The findings of Inquiry Officer is given as under:

"The Inquiry Officer is in doubt on the authenticity of the HSLC pass certificate and Marksheets submitted by Sri Tarun Kumar Das as proof of his passing HSLC examination and also the letter No. SEBA/TECH/VERI/1/95/247 dated 29.4.2000 issued by the Controller of Examination, Board of Secondary Education, Assam. It is difficult to come to a solid conclusion as to whether Sri T.K. Das actually passed the HSLC examination or not till the authenticity of the letter issued by the Controller of Examination SEBA on 29.4.2000 and the HSLC certificate and Marksheets and Certificate submitted by Sri T.K. Das is proved. The Inquiry Officer is of the opinion that the Marksheets and certificate submitted by Sri T.K. Das as proof of his passing the HSLC examination, and also the letter No. SEBA/tech/veri/1/95/247 DATED 29.4.2000 issued by the Controller of examination SEBA needs to be re-verified from the Board of Secondary Education, Assam.

The Inquiry Officer is of the opinion that the case on the charges levied against Sri T.K. Das of submitting false/forged HSLC pass certificate/Marksheets, should be handed over to a qualified and recognized investigating agencies. This will help in providing the authenticity of Marksheets/Certificates submitted by Sri T.K. Das in support of his claim that he has actually passed HSLC examination. This will further help in exposing the nexus, if any, involved in issuing false/forged documents."

3. In view of above findings of the Inquiry Officer, the undersigned under the provision of Rule 15(1) of CCS (CCA) Rules inquired from the Board of Secondary Education, Assam, Guwahati vide letter No.ZCU-III/Estt/01/Confid/08-09/2078 dt.

certified to be true

10.6.2008 and No.ZCU-III/Estd/01/Confid/08-09/110 dt.14.7.2008 to clarify the following issues given hereunder:

- (i) Verification of HSLC result of Sh. Tarun Kumar Das S/o Sh. Tara Nath Das Roll No.K-5 No.274 Year 1983 Marksheet No.117278 dt. 7.9.1983.
- (ii) Authenticity of the letter No.SEBA/IFC/Veri/1/95/247 dated 29.4.2000 issued by Shri B.C. Goswami, Controller of Examination, Board of Secondary Education of Assam.

4. The Registrar, Board of Secondary Education, Assam, Guwahati vide his letter No.SEBA/TECH/VERI/1/95/740 dated 23.7.2008 has clarified the matter as under:

"The Original office records in respect of Tarun Kumar Das, bearing ROLL K-5 No. 274, of the HSLC Examination, 1983, is Re-verified and found False. No such candidate is found in this office records, under the said Roll No. and Year, as per records of this office. The name of the candidate against the said ROLL No. and Year of the Examination is found as one Mr. Nobul Hussain. The Memo No. SEBA/IFC/VERI/1/95/247 Dt. 29-04-2000 were not issued by this office."

5. In view of above clarification furnished by the Board, the undersigned vide Office Memorandum No. ZCU-III/Estd/01/Confid/08-09/634 dated 28.8.2008, directed Sh. Tarun Kumar Das to make his submission. The submission made by Sh. Tarun Kumar Das vide his letter dated 8.9.2008 has been examined but the same is devoid of merit.

6. Under the provisions of Rule 15(2) of CCS (CCA) Rules, 1965, a copy of the report containing findings of Inquiry Officer (from page 1-14 and other enclosures as Annexure I-VII from page 15-96) is being forwarded to Shri Tarun Kumar Das. Further, Sh. T.K. Das is directed to make his submission on the inquiry report and the facts of the case verified from the Board as mentioned in para 4 above.

7. Shri Tarun Kumar Das is directed to furnish his submission, if any within 15 days from the receipt of this Memorandum. If no reply is received from him within the prescribed time, it will be assumed that he has nothing to say in the matter and final decision in the case will be taken by the undersigned as per provisions of CCS (CCA) Rules, 1965.

V. Venkatasubramanian
19/9/08
(V. Venkatasubramanian)
Zonal Coordinator

To,

Shri Tarun Kumar Das,
Senior Clerk,
Zonal Coordinating Unit, Zone-III,
ICAR Research Complex for NEH Region,
Umroi Road, Barapani (Meghalaya) 793103.

certified to be true
— JBG

To

The Zonal Coordinator,
Zonal Coordinating Unit, Zone-III,
Umroi Road, Umiam.

Sub: Reply to the Office Memorandum No. ZCU- III/Estt/01/Commd/08/09/167 dated
19th Sept. 2008.

Sir,

केन्द्रीय प्रशासनिक अधिकाराण
Central Administrative Tribunal

18 MAR 2009

वाराणी समिति
Guwahati Bench

With reference to the subject cited above, I would like to state as follows :-

1. That it is an admitted fact that a disciplinary proceeding was initiated against me on 09.03.2000 and report of the same was not supplied to me till 18th of September, 2008, while the enquiry report was allegedly submitted to the office on 31.12.2003.
2. That in the findings of the Inquiry Report, the charges leveled against me was not proved, which is also reflected in the paragraph No.2 that, it is difficult to come to a solid conclusion as to whether Shri T.K. Das actually passed the HSLC examination or not.

The Inquiry Officer had also opined that the case may be handed over to a qualified and recognized investigating agency.

3. That the matter was reinvestigated and re-verified or not as stated in paragraph No.3 is not known to me.
4. That in the paragraph No.4, which speaks about the re-verification and says that the certificate submitted by me was found false.

It surprised me that how my certificate has been declared fake, while in the first inquiry report it was opined that it is difficult to say whether my certificate is fake or not. Hence, I totally disagree with this.

5. That my earlier submission in this regard dated 08.09.2008 is very much sustainable, as no copy of inquiry report was supplied to me till that time.
6. That it is admitted by me that a copy of the inquiry report has been supplied to me but, the copy of the report of further inquiry/re-verification was not supplied to me till date.
7. I submit that the findings of the re-verification is baseless and hence I am not liable for any punishment and further request that charges leveled against me may please be dropped and for which I shall ever remain grateful to you,

Yours faithfully,

Dated Umiam the
14th October, 2008

(Tarun Kumar Das)

Senior Clerk,
Zonal Coordinating Unit,
Zone-III, ICAR

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To be Sure

18 MAR 2009

ANNEXURE-IV 29

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CONFIDENTIAL



ICAR

Guwahati Bench
ZONAL COORDINATING UNIT, ZONE - III
(INDIAN COUNCIL OF AGRICULTURAL RESEARCH)
ICAR RESEARCH COMPLEX FOR NEH REGION
UMIAM (BARAPANI), MEGHALYA - 793103

Phone: 0364-2570081, 2570483 Fax: 0364-2570396 E-mail: icar_zcu3@yahoo.co.in

F.No. ZCU-III/Estt/01/Confid/08-09/247

Dated the 05th Nov., 2008

MEMORANDUM

This is with reference to Memorandum No.ZCU-III/Estt/01/Confid/08-09/167 dated 19.9.2008 issued to Shri Tarun Kumar Das, Senior Clerk and his reply dt.14.10.2008.

1. The reply submitted by Shri Tarun Kumar Das vide his letter dated 14.10.2008 is not satisfactory and the same is devoid of any merit.
2. WHEREAS in the Inquiry Report it is nowhere mentioned and agreed by Inquiry Officer that Shri Tarun Kumar Das has passed the HSLC Examination and his HSLC mark sheet and certificates are true. On the basis of re-verification from the Board of Secondary Education, Assam, Guwahati vide letter No.SEBA/TECH/VERI/1/95/740 dated 23.7.2008, it has been proved that the HSLC mark sheet submitted by Sh. Tarun Kumar Das S/o Sh. Tara Nath Das under Roll No.K-5 No.274 Year 1983 Marksheets No.117278 dt. 7.9.1983 is false and not issued by the Board. It is also further clarified by the Board that the name of candidate against the said Roll No. and Year of examination is found as Mr. Nobul Hussain and the letter No.SEBA/IFC/Veri/1/95/247 dated 29.4.2000 issued under signature of Shri B.C. Goswami, Controller of Examination, Board of Secondary Education of Assam was not issued by SEBA, Assam.
3. WHEREAS Shri Tarun Kumar Das in his reply vide point No.3 & 6 denied that the report of further inquiry/re-verification of his certificate from the Board was not supplied to him. As per the official records, he has already gone through the re-verification report received by this officer vide letter No.SEBA/TECH/VERI/1/95/740 dated 23.7.2008 from Registrar, SEBA, Guwahati. However, a copy of letter No. No.SEBA/TECH/VERI/1/95/740 dated 23.7.2008 is forwarded herewith for your reference.
4. WHEREAS a committee has been constituted by this office vide Order No. ZCU-III/Estt/01/Confid/08-09/ dt. 10.6.2008, for verification of authenticity of HSLC Mark Sheet & Certificate of Shri Tarun Kumar Das and authenticity of SEBA letter No. No.SEBA/IFC/Veri/1/95/247 dated 29.4.2000 and No.SEBA/ TECH/VERI/1/ 95/740 dated 23.7.2008. The committee visited the office of Shri H.C. Kalita, Registrar, Board of Secondary Education, Assam, Guwahati on 23.9.2008 to verify the factual position and authenticity of the records and letters issued by Board with reference to

certified to be true
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Signature

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verification of HSLC certificate and mark sheet of Shri Tarun Kumar Das. The Registrar admitted that he has issued the letter No. SEBA/ TECH/VERI/1/ 95/740 dated 23.7.2008 and the information given in the letter is correct. Vide the above letter the Registrar SEBA confirmed that "**The Original office records in respect of Tarun Kumar Das, bearing ROLL K-5 No. 274, of the HSLC Examination, 1983, is Re-verified and found False. No such candidate is found in this office records, under the said Roll No. and Year, as per records of this office. The name of the candidate against the said ROLL No. and Year of the Examination is found as one Mr. Nobul Hussain. The Memo No. SEBA/IFC/VERI/1/95/247 Dt. 29-04-2000 were not issued by this office**". On verifying the HSLC mark sheet and certificate submitted by Shri Tarun Kumar Das, Registrar SEBA informed that the documents are not issued by SEBA and the same are false/forged.

5. In view of the above clarification furnished by the Board and verification report of Committee it is clearly evident that Shri Tarun Kumar Das while serving in Zonal Coordinating Unit, Zone-III, Barapani has submitted a false/forged HSLC passed Mark sheet to support his claim that he actually passed HSLC Examination knowing fully well that his claim was false/forged which is very unworthy and unbecoming for an ICAR employee as per CCS CCA Rules 1965. Therefore, under Rule 14 of the CCS CCA Conduct Rules, 1965, the undersigned is constraint to take disciplinary action imposing provision under major penalty.

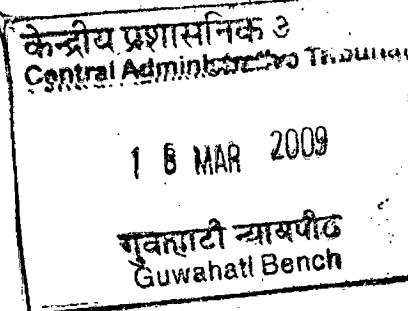
6. Shri Tarun Kumar Das is therefore finally directed to furnish his submission, if any along with concrete documentary proof/evidence in support of his claim, within 15 days from the receipt of this Memorandum and latest by 21.11.2008. If no reply is received from him within the prescribed time, it will be assumed that he has nothing to say in the matter and final decision in the case will be taken by the undersigned as per Rule 14 under the provision of the CCS CCA Conduct Rules, 1965.

V. Venkatasubramanian
(V. Venkatasubramanian)
Zonal Coordinator

To,

Shri Tarun Kumar Das,
Senior Clerk,
Zonal Coordinating Unit, Zone-III,
ICAR Research Complex for NEH Region,
Umroi Road, Barapani (Meghalaya) 793103.

Certified to be true
VM
[Signature]



ANNEXURE-V

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Dated: Shillong,
The 19th Nov. 2008.

To,

The Zonal Co-ordinator,
Zonal Co-ordinating Unit, Zone-III.

(Indian Council of Agricultural Research)
ICAR Research Complex for NEH Region,
UMRRI (Barapani), Meghalaya-793103.

Subject: Reply to your F.NO.ZCU-111/ESH/01/Confid/08-09/
247 dated 5th Nov.2008.

Sir,

With reference to the subject cited above, that my reply dated 14.10.2008 to be treated as reply of the aforementioned memorandum dated 5th Nov.2008, and in continuation of my reply, I would like to add few following lines:

That once again, I submit that, I do not have any knowledge about the re-verification of my documents from the Board of Secondary Education of Assam.

That I further submit that a CBI enquiry has been constituted for the same and the enquiry is still going on and the department already has declared me guilty, which is totally against the principles of natural justice. Moreover, it is not justified to discuss or to make any comment on the matter, as the matter is still under investigation.

It is therefore requested that till the final report from the Investigating team of the CBI comes out no action from the Department shall be taken up against me and for which act of kineness, I shall ever remain grateful to you.

Yours faithfully,

19-11-08
(Shri Tarun Kumar Das)
Senior Clerk
Zonal Co-ordinating Unit,
Zone-III
ICAR Research Complex
for NEH REGION,
UMRRI Road, Barapani
Meghalaya -793103.

Certified to be true



18 MAR 2009
 ZONAL COORDINATING UNIT, ZONE - III
 (INDIAN COUNCIL OF AGRICULTURAL RESEARCH)
 ICAR RESEARCH COMPLEX FOR NEH REGION
 Guwahati
 UNITAM (BARAPANI), MEGHALAYA - 793103

Phone:0364::2570081,2570483 Fax ::0364- 2570396 E-mail icar_zcu3@yahoo.co.in

F.No. ZCU-III/Estt/01/Confid/08-09/ 1407

Dated the 27th Jan., 2009

ORDER

WHEREAS an inquiry under Rule 14 of CCS (CCA) Rules, 1965 as extended to ICAR employees was initiated against Shri Tarun Kumar Das, Senior Clerk, Zonal Coordinating Unit, Zone-III, Barapani vide Memorandum No.ZC/TOT/99-2000/Condfl./54/ dated 09.3.2000 on account of submission of false High School Leaving Certificate Examination Mark Sheet.

WHEREAS, Shri Tarun Kumar Das denied the charge and requested to be heard in person vide his letter dated 05.5.2000. Accordingly, Dr. Ranjit Kumar Bardoloi, Senior Scientist, Zonal Coordinating Unit, Zone-III, Barapani was appointed as Inquiry Officer to inquire into the charges vide Officer Order No.ZC/TOT/99-2000/Condfl./54/117 dated 10.5.2000.

WHEREAS, Shri Tarun Kumar Das participated in the inquiry and was given adequate opportunity by the Inquiry Officer to defend his case.

WHEREAS, Inquiry Officer in his report dated 31.12.2003 held as under:

"The Inquiry Officer is in doubt on the authenticity of the HSLC pass certificate and Marksheets submitted by Sri Tarun Kumar Das as proof of his passing HSLC examination and also the letter No. SEBA/TECH/VERI/1/95/247 dated 29.4.2000 issued by the Controller of Examination, Board of Secondary Education, Assam. It is difficult to come to a solid conclusion as to whether Sri T.K. Das actually passed the HSLC examination or not till the authenticity of the letter issued by the Controller of Examination SEBA on 29.4.2000 and the HSLC certificate and Marksheets and Certificate submitted by Sri T.K. Das is proved. The Inquiry Officer is of the opinion that the Marksheets and certificate submitted by Sri T.K. Das as proof of his passing the HSLC examination, and also the letter No. SEBA/tech/veri/1/95/247 DATED 29.4.2000 issued by the Controller of examination SEBA needs to be re-verified from the Board of Secondary Education, Assam.

The Inquiry Officer is of the opinion that the case on the charges levied against Sri T.K. Das of submitting false/forged HSLC pass Certificate/Marksheets, should be handed over to a qualified and recognized investigating agencies. This will help in proving the authenticity of Marksheets/Certificates submitted by Sri T.K. Das in support of his claim that he has actually passed HSLC examination. This will further help in exposing the nexus, if any, involved in issuing false/forged documents."

WHEREAS, in view of above findings of the Inquiry Officer, the undersigned under the provision of Rule 15(1) of CCS (CCA) Rules inquired from the Board of Secondary Education,

Condt.p-2-

certified to be true

Assam, Guwahati vide letter No.ZCU-III/Estt/01/Confid/08-09/2078 dt. 10.6.2008 and No.ZCU-III/Estt/01/Confid/08-09/110 dt.14.7.2008 to clarify the following issues given hereunder:

- (i) Verification of HSLC result of Sh. Tarun Kumar Das S/o Sh. Tara Nath Das Roll No.K-5 No.274 Year 1983 Marksheets No.117278 dt. 7.9.1983.
- (ii) Authenticity of the letter No.SEBA/IFC/Veri/1/95/247 dated 29.4.2000 issued by Shri B.C. Goswami, Controller of Examination, Board of Secondary Education of Assam.

WHEREAS, the Registrar, Board of Secondary Education, Assam, Guwahati vide his letter No.SEBA/TECH/VERI/1/95/740 dated 23.7.2008 clarified the matter as under:

"The Original office records in respect of Tarun Kumar Das, bearing ROLL K-5 No. 274, of the HSLC Examination, 1983, is Re-verified and found False. No such candidate is found in this office records, under the said Roll No. and Year, as per records of this office. The name of the candidate against the said ROLL No. and Year of the Examination is found as one Mr. Nobul Hussain. The Memo No. SEBA/IFC/VERI/1/95/247 Dt. 29-04-2000 were not issued by this office."

WHEREAS, in view of above clarification furnished by the Board, the undersigned vide Office Memorandum No. ZCU-III/Estt/01/Confid/08-09/634 dated 28.8.2008, directed Sh. Tarun Kumar Das to make his submission.

WHEREAS, in his submissions dated 8.9.2008 Shri Tarun Kumar Das did not make any comment on the re-verification report dated 23.7.2008 received from the Registrar, Board of Secondary Education, Assam, Guwahati.

WHEREAS, under the provision of Rule 15(2) of CCS (CCA) Rules, 1965, a copy of the report containing findings of Inquiry Officer was forwarded to Shri Tarun Kumar Das vide Memorandum No. ZCU-III/Estt/01/Confid/08-09/167 dated 19.9.2008 and he was directed to make his submission on the inquiry report and the facts of the case verified from the Board of Secondary Education of Assam as referred above.

WHEREAS in his reply dated 14.10.2008 Shri Tarun Kumar Das did not make any submissions on the conclusive documentary confirmation furnished by the Registrar, Board of Secondary Education, Assam, Guwahati vide letter No.SEBA/TECH/VERI/1/95/740 dated 23.7.2008

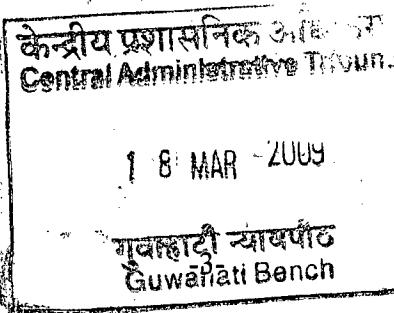
WHEREAS, the undersigned again provided an opportunity to Shri Tarun Kumar Das vide Memorandum No. ZCU-III/Estt/01/Confid/08-09/247 dated 05.11.2008, to furnish his submission along with concrete documentary proof/evidence in support of his case.

WHEREAS, Shri Tarun Kumar Das in his reply dated 20.11.2008 denied to have any knowledge about re-verification of his documents from the Board of Secondary Education of Assam and requested not to take any action pending CBI investigation in the matter.

WHEREAS, as a matter of fact, the undersigned has directed Shri Tarun Kumar Das vide Memorandum No.ZCU-III/Estt/01/Confid/08-09/634 dated 28.8.2008, No.ZCU-III/Estt/01/Confid/08-09/167 dated 19.9.2008 and No.ZCU-III/Estt/01/Confid/08-09/247 dated 05.11.2008, to furnish his comments on the clarification furnished by the Registrar, Board of Secondary Education, Assam, Guwahati in its letter No.SEBA/TECH/VERI/1/95/740 dated 23.7.2008, a copy of the same was

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provided to him vide above mentioned memorandum dt.05.11.2008. Further, there is no bar in continuing disciplinary case pending CBI investigation.

WHEREAS, the undersigned, keeping in view the principles of natural justice, once again provided another opportunity to Shri Tarun Kumar Das vide Memorandum No.ZCU-III/Estd/01/Confid/08-09/1149 dated 19/20th Dec., 2008, to furnish his comments, if any, in the matter.

WHEREAS, the reply dated 19.1.2009 received from Shri Tarun Kumar Das is not satisfactory as he has not submitted any proof/evidence in support of his claim that he has actually passed HSLC Examination under Roll K-5 No.274 of HSLC Examination, 1983.

WHEREAS, in face of clinching documentary evidence vide letter No.SEBA/TECH/VERI/1/95/740 dated 23.7.2008, received from the Registrar, Board of Secondary Education, Assam, Guwahati, from which it is evident that Shri Tarun Kumar Das furnished false Mark Sheet of High School Leaving Certificate Examination (HSLCE). The Registrar has also confirmed that the Memo No. SEBA/IFC/VERI/1/95/247 Dt. 29-04-2000 were not issued by that office.

NOW, THEREFORE, the undersigned being the Disciplinary Authority in this case is of the view that ends of justice would be met by imposing the penalty of 'Dismissal from Service' on Shri Tarun Kumar Das, Senior Clerk for his misconduct of submitting false mark sheet of High School Leaving Certificate Examination (HSLCE).

ACCORDINGLY, the penalty of 'Dismissal from Service' is hereby imposed on Shri Tarun Kumar Das, Senior Clerk with immediate effect.


(V. Venkatasubramanian) 27/01/2009
Zonal Coordinator
&
Disciplinary Authority

To,

✓ Shri Tarun Kumar Das, Zonal Coordinating Unit, Zone-III, ICAR Research Complex for NEH Region, Barapani- 793103 (Meghalaya)
** Shri Tarun Kumar Das, S/o Late Sh. Tara Nath Das, Bhuyanhat Gaon, P.O. Bhuyanhat, Police Station – Teok, District- Sibsagar (Assam)
** Shri Tarun Kumar Das, C/o Mrs. Kharbuli, Maidan Laban, Near Railway Guest House, Kharbuli House, Shillong-4.

certified to be true
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[Signature]