

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (JUDL.)

17.7.2015

17.7.2015

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: 223 /2009

2. Miscellaneous Petition No

3. Contempt Petition No

4. Review Application No

Applicant(S) Lakhyajit Deka

Respondant(S) Union of India & Ors.

Advocate for the Applicant(S): Mr. Adil Ahmed &
Mr. N. Ahmed

Advocate for the Respondant(S): 6
CGSC.

Notes of the Registrar	Date	Order of the Tribunal
<p>The application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. <u>39 G. 43.5859</u> Dated <u>27.10.09</u></p> <p><u>N. Immo</u> 27.10.09 Dy. Registrar</p> <p>Steps taken for issue Notices to the Respondents along with envelopes, copy served.</p> <p><u>27/10/09</u></p>	<p>28.10.09</p>	<p>By this present O.A applicant Sri Lakhyajit Deka, Accounts Officer, Indian Institute of Entrepreneurship has prayed for a direction to the respondents to release salary, reimbursement of telephone bill and medical bills with consequential benefits. We note that the applicant was terminated vide order dated 8.8.2008 which has been challenged in O.A147/2008. During its pendency, vide order dated 17.8.09 said order of termination had been withdrawn. The aforesaid O.A was disposed of on 17.8.09. The claim of the applicant is limited in the present O.A namely, salary as well as other allowances and benefits. It is not in dispute that a representation was made on the aforesaid aspects only on 04.8.09, which</p>

28.10.09

remains unconsidered.

We have heard Mr A.Ahmed, learned counsel for the applicant and Mrs M.Das, learned Sr.C.G.S.C for the respondents and perused the pleadings.

Since the applicant has filed a representation not long ago ^{but} only a ^h months ago, we do not find any justification to issue notice. In the circumstances O.A is disposed of directing the respondents to dispose of the representation by a reasoned order within a period of one month from the date of receipt copy of this order. If he is entitled all necessary benefits may be extended to him.

30/10/09
Copy of order dtd 28/10/09 along with Notice has been prepared and send to the D/section for issuing to the Applicant & Respts by ~~post~~ Regd. post.

Free copies of both side standing counsel by hand.

30.10.09

D/No. - 12385 to 12390
dtd. - 4-11-2009

/pg/

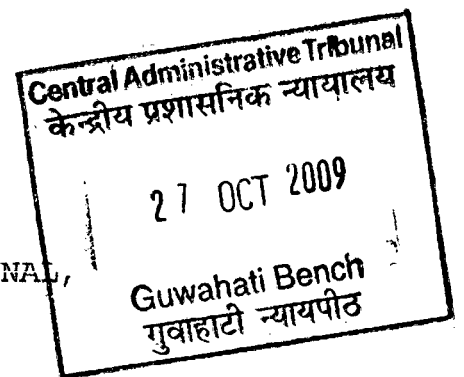
(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

10/10/09

10/10/09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.



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

ORIGINAL APPLICATION NO. 223 OF 2009

Shri Lakhyajit Deka

-Applicant

-Versus-

The union of India & Others

-Respondents

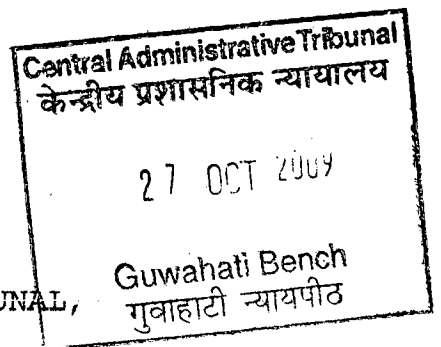
S Y N O P S I S

Applicant has passed B.Com Examination with Honours in Accountancy by securing First Class from D.H.S.K. Commerce College under the Dibrugarh University, Dibrugarh in the year 2001. He had joined as Junior Accountant in the Power Grid Corporation of India Ltd. (A Government of India Enterprises) on 09.11.2005. After completion of required Probationary Period of one year his service was confirmed as Junior Accountant in the Power Grid Corporation of India Ltd. w.e.f. 09.11.2006. The Applicant was selected as an Accounts Officer in the Indian Institute of Entrepreneurship under The Ministry of Micro Small and Medium Enterprise, Government of India vide office Memo. No. IIE/F/(65)/97-98/6993 Dated 20.11.2007. After his resignation from the Power Grid Corporation of India Ltd., he joined as Accounts officer in Indian Institute of Entrepreneurship, Guwahati on 20.12.2007. The Respondent No.3 vide memo dated 14.07.2008 directed the Applicant to explain his failure to report for duty on 11.07.2008. The Applicant submitted his explanation on 14.07.2008 and submitted the relevant medical documents on 15.07.2008 in support of his explanation against the aforesaid Memo. dated 14.07.2008. The Respondent No 3. vide his office order No.F(PF)/57/2007-08/770 dated 15.07.2008 suspended the Applicant with immediate effect. The Respondent No. 3 vide Memo. dated 29.07.2008 issued additional charge against the Applicant. The Applicant submitted an application

27 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

dated 29.07.2008 before the Respondent No.3 for extension of 15 days time to give his explanation. The Respondent No. 3 rejected the application for extension of 15 days time and granted 3 days time i.e. till 07.08.2008 to submit his explanation. The Respondent No. 3 vide the office order dated 08.08.2008 Terminates the service of the Applicant with immediate effect. Being aggrieved with the aforesaid Termination order dated 08.08.2008, the Applicant had approached before this Hon'ble Tribunal by filing an O.A. No. 147 of 2008 for seeking justice into the matter. The Hon'ble Tribunal vide interim order dated 21.08.2008 stayed the Termination order dated 08.08.2008 of the Applicant. The Respondents vide Misc. Petition No. 134 of 2008 in O.A. No. 147 of 2008 prayed for vacation of the aforesaid interim stay order but this Hon'ble Tribunal did not allowed the vacation petition. The Respondent No.3 submitted the written statement in O.A. No. 147 of 2008 and the Applicant also submitted his rejoinder against the written statement. The O.A. No. 147 of 2008 was listed for hearing by this Hon'ble Tribunal. Before hearing of the said matter the Respondent No.3 vide M.P. No. 81 of 2009 informed this Hon'ble Tribunal that the Termination order of the Applicant has been withdrawn vide order dated 17.08.2009. After perusal of the order this Hon'ble Tribunal disposed off the O.A. No. 147 of 2008 having become infructuous. Thereafter, the Applicant verbally requested the Respondent No.3 to release his salary including Telephone and Medical Reimbursement and other consequent benefits during the period of his Suspension and Termination. The Applicant submitted a representation on 04.09.2009 before the Respondent No.3 for early release of his aforesaid benefits during his suspension and termination period. Till date the Respondents have not release the same to the Applicant. Hence, this Original Application for seeking justice into this matter.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 223 OF 2009

Shri Lakhyajit Deka

-Applicant

-Versus-

The union of India & Others

-Respondents

LIST OF DATES

Year 2001 Para : 4.2	Applicant passed B.Com Examination with Honours in Accountancy by securing First Class from D.H.S.K. Commerce College under Dibrugarh University, Dibrugarh.
Year 2004 Para : 4.2	Applicant completed Professional Education Examination II from Institute of Chartered Accountant of India.
09.11.2005. Para : 4.3 Annexure : 1	Applicant had joined as Junior Accountant in the Power Grid Corporation of India Ltd. (A Government of India Enterprises).
09.11.2006 Para: 4. 3	The applicant satisfactorily Completed the Probationary Period of one year on 09.11.2006.
12.03.2007 Para : 4.3 Annexure : 2	The service of the Applicant was confirmed w.e.f.09.11.2006.
20.11.2007 Para: 4.4 Annexure: 3	The Applicant was selected as an Accounts Officer in the Indian Institute of Entrepreneurship vide office Memo. No.IIE/F/(65)/97-98/6993.
19.12.2007 Para: 4.4 Annexure: 4	The Applicant had tendered his resignation from the Power Grid Corporation of India Ltd. and the same was accepted by the Corporation on 19.12.2007
20.12.2007 Para: 4.5	The Applicant joined as Accounts officer in Indian Institute of Entrepreneurship.
14.07.2008 Para: 4.7 Annexure: 5	Applicant was asked for explanation about his failure to report for the duty on 11.07.2008 vide Office Memo. No. F(PF)/57/2007-08/765 issued by the Respondent No. 3.
14.07.2008 Para : 4.8 Annexure: 6	The Applicant submits his explanation with reference to the Memo. Dated 14.07.2008 issued by the Respondent No. 3.
15.07.2008 Para: 4.9 Annexure: 7	The applicant furnished the relevant medical documents in support of his explanation against the Memo. Dated 14.07.2008 issued by the Respondent No.3.
15.07.2008 Para : 4.10 Annexure: 8	The Respondent No 3. vide office order No.F(PF)/57/2007-08/770 suspended the Applicant from service with immediate effect.
29.07.2008 Para:4.11 Annexure-9	The Respondent No. 3 vide Memo. No.F(PF)/57/2007-08/869 issued additional charge sheeted against the Applicant.
29.07.2008	Applicant submitted an application dated

Para: 4.12 Annexure: 10	29.07.2008 before the Respondent No.3 for extension of 15 days time to give his explanation.
04.08.2008 Para: 4.13 Annexure: 11	The Respondent No.3 rejected the prayer of the applicant for extension of 15 days time to give explanation.
08.08.2008 Para: 4.14 Annexure: 12	The Respondent No. 3 vide office order No. F(PF)/57/2007-08/949 Terminates the service of the Applicant with immediate effect.
21.08.2008 Para 4.14 Annexure 13	This Hon'ble Tribunal vide Interim order in O.A. No. 147 of 2008 stayed the operation of the order dated 08.08.2008.
06.10.2008 Para 4.15	The Respondent No.3 filed a M.P. No. 134 of 2008 in O.A. No. 147 of 2008 for vacation of the stay order dated 21.08.2008 passed by this Hon'ble Tribunal.
17.08.2009 Para 4.15	The Respondent No.3 vide order withdrawn the Termination order dated 08.08.2008 of the Applicant.
27.08.2009 Para 4.15 Annexure 14	This Hon'ble Tribunal after perusal of the withdrawal order of Termination dated 17.08.2009 issued by the Respondent No.3 disposed off the O.A. No. 147 of 2008 having become infructuous.
04.09.2009 Para 4.16 Annexure 4.16	The Applicant submitted a representation before the Respondent No.3 for early release of his salary including Telephone and Medical Reimbursement and other consequent benefits during his Suspension and Termination period.

27 OCT 2009

Guwahati Bench
गुवाहाटी न्यायापीठ

THE CENTRAL ADMINISTRATIVE TRIBUNAL,
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(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
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ORIGINAL APPLICATION NO. 223 OF 2009

Shri Lakhyajit Deka

-Applicant

-Versus-

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Date: 27/10/09

Filed by

Nuruddin Ahmad
Advocate

21 OCT 2009
Guwahati Bench
গুৱাহাটী ন্যাযপীঠ

FILED BY

Shri Lakhyajit Deka
Applicant
Through Nuruddin Ahmed
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 223 OF 2009

BETWEEN

Shri Lakhyajit Deka,
Son of Late Bipul Ch. Deka
Accounts Officer, Indian Institute of
Entrepreneurship (in short IIE)
(An Organisation of the Ministry of
Micro, Small and Medium Enterprises,
Government of India)
37 NH By-Pass, Basistha Chariali,
Lalmati, Guwahati 781 029.

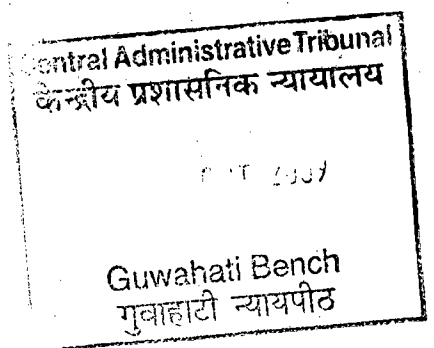
-Applicant

-AND-

- 1] The Union of India, represented by
the Secretary, Ministry of Micro, Small
and Medium Enterprises, Government of
India, Udyog Bhawan, Room No. 122,
New Delhi 110011.
- 2] The President,
Board of Management and Executive
Committee of Indian Institute of
Entrepreneurship,
Minister of Development of North Eastern
Region (DONER), Government of India,
Vighyan Bhawan, Annex,
Moulana Azad Road,
New Delhi 110011.
- 3] The Director
Indian institute of Entrepreneurship
Basistha Chariali, Lalmati,
37 National Highway bypass
Guwahati, Assam, PIN 781029.

-Respondents

Lakhyajit Deka



1] DETAILS OF THE APPLICATION:

PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is not made against any particular order but it is made for seeking a direction from this Hon'ble Tribunal to the Respondents particularly to the Respondent No. 3 to release the full salary including the Telephone and Medical reimbursements and other consequent benefits of the Applicant during the period of his Suspension and Termination of service as the Respondent No. 3 have withdrawn his Termination vide order No. F(PF)/57/2007-08/1347 dated 17.8.2009 in reference to O.A. No. 147 of 2008 (Shri Lakhya jit Deka vs Union of India and others).

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, as such, he is entitled to all the 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 states that he has passed B.Com. Examination with Honours in Accountancy by securing first class from D.H.S.K. Commerce College under Dibrugarh University, Dibrugarh in the year 2001. Thereafter he has completed Professional Education Examination -II from

Lakhya jit Deka

Institute of Chartered Accountant of India (ICAI) in the year 2004. He has also acquired good knowledge in Computer hardware and software.

4.3] That your Applicant begs to state that he was appointed as Junior Accountant (S-1) at Corporate Centre in the Power Grid Corporation of India Ltd., (A Government of India Enterprises) vide appointment Order No.20/2005 in Ref:C/HR/Rectt/464 dated 09.11.2005. After completion of the required probation period of one year his service was confirmed as Junior Accountant in the Power Grid Corporation of India Ltd. w.e.f. 09.11.2006 vide office order No.57/2007 in Ref. NESH/HR/ESTT/PROBN/3825 dated 12.03.2007.

Copy of the office order No. 20/2005 in Ref:C/HR/Rectt/464 dated 09.11.2005 is annexed herewith and marked as Annexure 1.

Copy of the office order 57/2007 in Ref.NESH/HR/ESTT/PROBN/3825 dated 12.03.2007 is annexed herewith and marked as Annexure 2.

4.4] That your Applicant begs to state that he was selected for appointed as Accounts Officer at the pay of Rs. 8000/- per month in the pay scale of Rs. 8000-275-13500/- in the Indian Institute of Entrepreneurship (An organization of the Ministry of Micro, Small and Medium Enterprises, Government of India) at Guwahati, Assam vide office Memorandum No. IIE/F/(65)/97-98/6993 dated 20.11.2007 issued by the Respondent No.3. After the aforesaid selection he tendered his resignation from Power Grid Corporation of India Ltd. (A Government of India Enterprises) as Junior Accountant on personal ground and the same was accepted by the Corporation w.e.f. 19.12.2007 (AN) vide office order No.397/2007 dated 19.12.2007 .

Copy of the office Memo. No. IIE/F/(65)/97-98 /6993 dated 20.11.2007 is annexed herewith and marked as Annexure 3.

Lakshya Jit Deka

Copy of the office order No. 397/2007 dated 19.12.2007 is annexed herewith and marked as Annexure 4.

4.5] That the Applicant joined Indian Institute of Entrepreneurship (in short IIE) Guwahati as Accounts Officer on 20.12.2008. It is to be stated that the IIE was established in the year 1993 by the erstwhile Ministry of Small Scale Industry (Presently Ministry of Micro, Small and Medium Enterprise), Government of India with an aim to undertake training, research and consultancy activities in the Small Scale Industry sector.

4.6] That your Applicant begs to state that on 11.07.08 at about 7.30 A.M. his wife Mrs. Manisha Deka suddenly felt sick and immediately rushed to Dr. Tulika Das Bharali, Consultant Gynecologist, Guwahati. In the meantime, the Applicant informed the Administrative Officer of IIE (at the relevant time Administrative Officer was entrusted to look after establishment matters) over his personal Mobile phone at around 8.30 A.M. about the health condition of his wife and informed him that he will not be able to attend the office on 11.07.2008. The same was confirmed twice throughout the day i.e. on 11.07.08 before the administrative officer.

4.7] That the Respondent No.3 vide Memo No.F(PF)/57/2007-08/765 dated 14.07.08 directed the Applicant to explain his failure to report for duty on 11.07.08. Further, allegation was brought against him that he did not attend the faculty meeting where his presence was required to discuss the provisional accounts made for the year 2007-2008. It is worth to mention here that for the faculty meeting dated 11.07.2008, neither any circular was issued nor any agenda for the meeting has been circulated by the office to all concerned including the Applicant.

Copy of Memo. No.F(PF)/57/2007-08/765 dated 14.07.08 is annexed hereto and marked as Annexure 5.

Lakshya Jit Deka

4.8] That on 14.07.08 the Applicant submitted his explanation before the Respondent No.3. In the said explanation he has stated that on 11th July, 2008 due to his wife sudden illness, he has to look after his wife as there was nobody to look after her. He has also stated that he has informed the Administrative Officer, of IIE over his mobile phone at around 8.30 A.M. and the same was confirmed twice throughout the day. The Respondent No.3 vide his order dated 14.07.2008 written in the body of the said explanation directed the Applicant to corroborated fact that he had taken his wife to a Government Medical Practitioner as per rules and other relevant document.

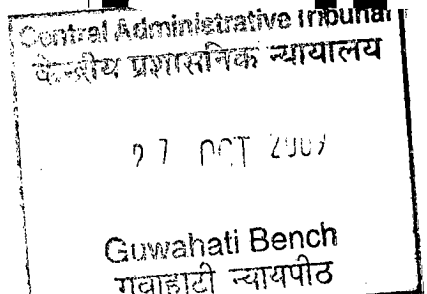
Copy of the Explanation dated 14.07.08 and also order of Respondent No.3 is annexed hereto and marked as Annexure 6.

4.9] That as per direction of the Respondent No.3, the Applicant furnished relevant Medical documents on 15.07.2008 at around 11 A.M. before the Director IIE in support to his explanation submitted against the Memo dated 14.07.2008.

Copies of the Medical documents with forwarding dated 15.07.2008 submitted by the Applicant before the Respondent No.3 is annexed herewith and marked as Annexure 7.

4.10] That the Respondent No. 3 vide Memo No. F(PF)/57/2007-08/770 dated 15.07.08 (i.e. on the same day of submission of Medical documents by the applicant) issued suspension order against the Applicant. In the suspension order it has been stated that "The explanation dated 14th July 2008 furnished by Shri Lakhyajit Deka, Accounts Officer on probation against Memo No. F(PF)/57/2007-08/765 dated 14th July, 2008 for his unauthorised absence from duty on 11th July, 2008 has not been found satisfactory. He was advised to corroborate the grounds of his absence with supporting documents which was noted by him on 14th July, 2008 itself. However he has failed to submit the same to the satisfaction of the undersigned even though he submitted today at 11.30 A.M. the documents from

Lakhyajit Deka



Agile Hospital and a letter. These do not at all show any kind of emergency conditioned encountered by his wife on 11th July, 2008 which warranted his absence for the entire day of 11th July. Being placed at a responsible position in an area like accounts, it was not expected that he would not take instruction seriously. On the advice of the undersigned, the A.O. even told him over phone to at least come and attend the important faculty meeting for even an hour on 11.07.08. Shri Deka did not inform about his inability for his absence to the undersigned. Under the above circumstances, the services of Shri Lakhyajit Deka, Accounts Officer, on probation is hereby placed under suspension pending inquiry with immediate effect. He will not leave the Head Quarter without permission from the undersigned until further orders."

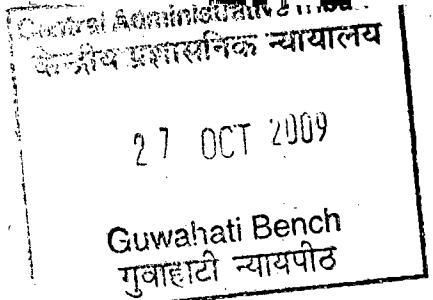
Copy of the office order dated 15.07.08 issued by the Respondent No.3 is annexed herewith and marked as Annexure-8.

4.11] That the Respondent No. 3 vide its Memo No. F(PF)/57/2007-08/869 dated 29.07.08 issued an additional charge sheet against the applicant. For kind perusal of this Hon'ble Tribunal the contention of the Additional Charge sheet are quoted below:

"1. Negligence in discharge of official duties involving moral turpitude in so far as submission and finalization of Annual Account in time is concern inspite of being assistant by his colleague and an External Officer from outside. The Annual Account though submitted on 10.07.08 was found totally incorrect. From time to time Shri Deka use to inform since April end that the account were ready which was not correct and correct set of financial account could not be given by him.

2. He has remained absence without any intimation to the undersigned for different spells since his joining without any permission and also not signed on the attendance register to mark his presence which is highly irregular. Having work earlier in a Central Government

Lakhyajit Deka



Organisation and working here in a responsible position he should have daily signed on the attendance register which is unbecoming of an official under CCS (conduct) Rules.

3. His relationship with his co-workers and colleague were found to be not conducive to a healthy work environment. Report of his misbehavior with his colleague and frequent altercations with many were received by the undersigned which are violative of CCS (conduct) Rules.

Under the above circumstances, Shri Deka is hereby asked to submit his explanation against the above charges within next three days to the undersigned. If no reply is received to the satisfaction of the management within the stipulated period it will be construed that he does not have any reply to be given and he has to explain as to why his services with effect from this date should not be treated as notice of termination as per clause 5 of Appointment Memo No.IIE/F(65)/97-98/6993 dated 20.11.07.issued to Shri Deka and accepted by him."

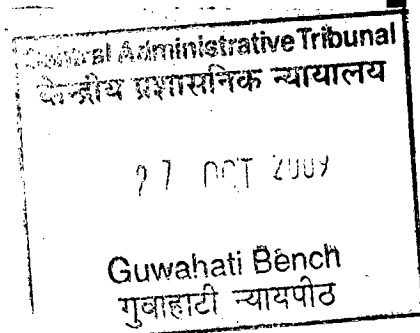
It is to be stated that the additional charge sheet has been issued against the Applicant by the Respondent No. 3 without enclosing any supporting documents or relying on evidences and also any statement of witnesses.

Copy of the Memo No. F(PF)/57/2007-08/869 dated 29.07.08. is annexed hereunto and marked as Annexure 9.

4.12] That your applicant begs to state he submitted an application dated 29.07.2008 before the Respondent No.3 stating therein that his wife is not in a healthy state, therefore he is not in a position to give reply and thereby he prayed for the extension of 15 days time to give explanation of the additional charges.

Copy of the letter dated 29.07.08 is annexed herewith and marked as Annexure-10.

Lakshyajit Deka



4.13] That the Respondent No.3 vide Office Memo No. F(PF)/57/2007-08/898 dated 04.08.2008 rejected the prayer of the Applicant for extension of 15 days time for submitting his reply to the Memo F(PF)/57/2007-08/869 dated 29.07.2008. However, the Respondent No. 3 granted only 3 (three) days time i.e. till 07.08.2008 to give reply to the said memo. The Respondent No. 3 in his rejection memo dated 04.08.2008 has stated that he has carefully examined the reason for extension of time sought by the Applicant, but the reason for extension of time was not supported by any medical certificate or prescription by any authorized government medical practitioner which practice is being followed by an central government organization. Hence, the Respondent No.3 felt not necessary for granting extension of 15 days time to submit reply to the additional charge.

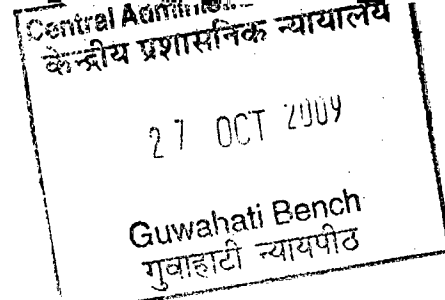
Copy of office Memo No.F(PF)/57/2007-08/898 dated 04.08.08 is annexed herewith and marked as Annexure 11.

4.14] That the Respondent No.3 vide order No. F (PF)/57/2007-08/949 dated 08.08.2008 terminated the service of the Applicant with immediate effect without holding any Disciplinary Proceeding or enquiry against the Applicant. As such, finding no other alternative the instant Applicant had approached this Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati by filing the Original Application No. 147 of 2008 for seeking justice into the matter. The Hon'ble Tribunal vide interim order dated 21.08.2008 passed in O.A. No. 147 of 2008 stayed the Termination Order dated 08.08.2008 and was also pleased to allow the instant Applicant to continue as Accounts Officer of the Indian Institute of Entrepreneurship, Guwahati until further order.

Copy of office order No. F(PF)/57/2007-08/949 Dated 08.08.2008 is annexed herewith and marked as Annexure 12.

Copy of the order dated 21.08.2008 passed in O.A. No. 147 of 2008 by this Hon'ble Tribunal

Lakshmiti Debn



is annexed herewith and marked as Annexure-13.

4.15] That the Respondent No. 3 filed a Misc. Petition No. 134 of 2008 in O.A. No. 147 of 2008 on 06.10.2008 for vacation of Interim Order dated 21.08.2008 passed by this Hon'ble Tribunal in the O.A. No. 147 of 2008. This Hon'ble Tribunal did not vacated the Interim Order dated 21.08.2008 passed in O.A. No. 147 of 2008. The Respondent No. 3 submitted the written statement in O.A. No. 147 of 2008 and the instant Applicant has also filed his rejoinder against the written statement submitted by the Respondent No. 3. The Original Application 147 of 2008 was listed for final hearing before this Hon'ble Tribunal. However, the Respondent No. 3 by filing MP No. 81 of 2009 informed this Hon'ble Tribunal the Respondent No. 3 vide order dated 17.08.2009 withdrawn the Termination Order of the instant Applicant issued under No. F(PF)/57/2007-08/949 dated 08.08.2008. After perusals of the aforesaid Order this Hon'ble Tribunal vide order dated 27.08.2009 disposed off the O.A. No. 147 of 2008 having become infructuous.

Copy of the order dated 27.08.2009 passed in O.A. No. 147 of 2008 by this Hon'ble Tribunal is annexed herewith and marked as Annexure-14.

4.16] That, after withdrawal of the Termination Order of the Applicant on 17.08.2009 by the Respondent No. 3, the Applicant requested the Respondent No. 3 verbally to released his salary and other consequent benefits including Telephone and Medical Reimbursement for the period of Suspension and Termination but the Respondent No. 3 have not taken any step for the early release of the same. The Applicant on 04.09.2009 submitted a representation before the Respondent No. 3 for early release of the aforesaid benefits during his Suspension and Termination period.

Copy of the representation dated 04.09.2009 submitted by the Applicant is annexed herewith and marked as Annexure- 15.

Lakhyajit Deka

4.17] That your Applicant begs to submit that he has a strong prima-facie case in his favour. The action of the Respondent No. 3 in not releasing the aforesaid benefits of the Applicant during his Suspension and Termination period is arbitrary, unjust and violative of the established principles of service jurisprudence.

4.18] That it is respectfully submitted in the premises of aforesaid, it is a fit case wherein your lordship in the interest of justice would be please to interfere by passing a direction to the Respondents particularly Respondent No. 3 to release the Salary of the Applicant during his Suspension and Termination period or otherwise the Applicant will suffer irreparable lose and injury.

4.19] That it is stated the action of the state and it's instrumentalities are to be just, fair and reasonable and such authorities cannot adhere to unfair procedure. Fair procedure is the essence and the legitimate expectation of a citizen cannot be whittled down by adopting an unfair procedure.

4.20] That your Applicant begs to state that the action on the part of the Respondents are illegal, arbitrary, malafide and hence not sustainable before the eye of law as well as in facts.

4.21] That your applicant submits that the respondents have acted arbitrarily, whimsically and without of jurisdiction.

4.22] That your Applicant submits that the actions of the Respondents are in violation of the fundamental as well as other constitutional rights guaranteed under the constitution of India.

4.23] That your Applicant submits that the actions adopted by the Respondents in case of the applicant are improper, mala fide, illegal and without jurisdiction.

Ledhyajit Saha

4.24] That this application is filed bonafide and for the interest of justice.

5] GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1] For that, on the above narrated facts and circumstances, the actions of the Respondents are prima facie illegal, mala fide, arbitrary and without jurisdiction.

5.2] For that, after withdrawal of the Termination Order of the Applicant by the Respondent No. 3 vide Order dated 17.08.2009, the Respondent No. 3 is bound to give the salary and other consequential benefits including Telephone and Medical reimbursement to the Applicant without any further delay. Hence, the action of the Respondents particularly Respondent No. 3 is illegal, whimsical and without any justification.

5.3] For that, being a model employer the Respondents cannot adopt a discriminatory and prejudice attitude toward the Applicant as the Respondent No. 3 himself has withdrawn the Termination Order of the Applicant on 17.08.2009. Therefore the Respondents cannot held up the Salary, Telephone Reimbursement, Medical Reimbursement and other consequential benefits of the Applicant during his period of suspension and Termination without any reason or causes.

5.4] For that, the Applicant and his family are suffering from mental anxiety since 11.07.2008 without their any fault and suffering from financial hardships since than. Now it can be safely presume that the Respondent No. 3 out of his personal gauge which is best known to him is harassing and torturing the Applicant and his entire family without any of their fault.

5.5] For that, the Respondent No. 3 have violated the provisions of Article 14, 16 and 21 of the Fundamental Rights granted under the Constitution Of India.

Ladhyajit Deka

5.6] For that, the Respondent No. 3 have violated the provisions of Article 311 of the Constitution of India.

5.7] For that, in any view of the matter the action of the Respondents are not sustainable in the eye of law.

The Applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of 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 neither filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court or authority, nor any such application, writ petition or suit is pending before any of them.

8] RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the Applicant most respectfully prays 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/or reliefs sought for by the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relief:

8.1. To direct the Respondents particularly the Respondent No. 3 to release the Salary,

Lakshyajit Deka

- 13 -

Guwahati Bench
गुवाहाटी न्यायपीठ

Telephone Reimbursement, Medical Reimbursement and other consequential benefits of the Applicant during his period of suspension and Termination

8.2. To pass any other appropriate relief or relief(s) to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal;

8.3. To pay the cost of the application.

9] INTERIM ORDER PRAYED:

During pendency of this Original Application the Applicant most respectfully prays that your Lordships may be pleased to direct the Respondent No. 3 to take immediate steps for early release of Applicant Salary including Telephone and Medical Reimbursement and other benefits during his suspension and termination period and/or any other interim order as this Hon'ble Tribunal may deem fit and proper.

10] Application is filed through Advocate.

11] Particulars of I.P.O. :-

I.P.O. No.	:- 396485859
Date of Issue	:- 27.10.09
Issued from	:- Guwahati G.P.O.
Payable at	:- Guwahati

12] LIST OF ENCLOSURES:

As stated above.

-Verification

Lakshyajit Saha

27 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

- 14 -

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

I, Shri Lakhya jit Deka aged about 29 years, Son of Late Bipul Chandra Deka, working as Accounts Officer, Indian Institute of Entrepreneurship (in short IIE) (An Organisation of the Ministry of Micro, Small and Medium Enterprises, Government of India) 37 NH By-Pass, Basistha Chariali, Lalmati, Guwahati 781 029 do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, 4.5, 4.6, 4.7 (Partly) 4.8 (Partly), 4.12, 4.16 are true to my knowledge, those made in paragraph nos. 4.3, 4.4, 4.7, 4.9 to 4.11, 4.13 to 4.15 — 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 27th day of October 2009.

Lakhya jit Deka
DECLARANT

-15-

POWER GRID CORPORATION OF INDIA LIMITED
(CORPORATE HR - RECTT. GROUP)

Ref: C/HR/Rectt/464

DATE: 09.11.2005

APPOINTMENT ORDER NO.20/2005

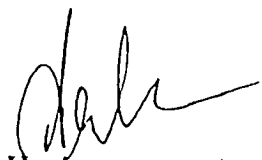
The following 09 persons are hereby appointed as Jr. Accountant (S-1) at Corporate Centre with a basic pay of Rs. 7300/- in the pay scale of Rs. 7300-12660/- with effect from 09.11.2005 (F/N)

SL. NO.	NAME (KUM/S/SH)	EMP.NO.	DATE OF BIRTH
1	SUBHA SANKARAN	01560	10.11.1981
2	B. MUTHUSAMY	01561	27.05.1973
3	SUDHANSHU KUMAR MISHRA	01562	22.12.1975
4	LAKHYAJIT DEKA	01563	11.01.1980
5	ATUL KUMAR	01564	17.08.1982
6	RAJESH	01565	20.07.1979
7	JOBY JOHN	01566	27.12.1978
8	NEELAM RANI	01567	15.02.1979
9	KAVITA VIRMANI	01568	02.06.1981

The above Jr. Accountants will be on probation for the period of one year from the date of their appointment and all the other terms and conditions of their appointment will be in accordance with the offer of appointment issued vide Ref. No. C/HR/Rectt/464 dated 07.10.2005.

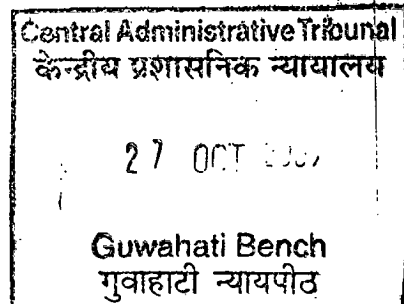
They are advised to report to Chief Manager (HR-Estt.), Corporate Centre for further instructions.

This issues with the approval of the Competent Authority.


(P.K. Harinarayanan)
Manager (HR-Rectt)

Distribution:-

1. Individual concerned
2. ED (Fin)
3. DGM (HRD)
4. CM (HR)-Estt.-alongwith the details of the posting
5. Manager -IE/Time Office/Fin-Estt.
6. Secretary POWERGRID EPF/ EGF/ Pension Trust.
7. Office Order File / Personal File / Subject File/Master File.



ATTESTED


ADVOCATE

16-

ANNEXURE-- 2



POWER GRID CORPORATION OF INDIA LIMITED
NERTS HQ, SHILLONG
(Regional HR Department)

Ref: NESH/HR/ESTT/PROBN/ 3825

Date 12.03.2007

OFFICE ORDER NO: 57/2007

The following employees have satisfactorily completed their probation period and are confirmed to the post w.e.f. the date as mentioned against each:

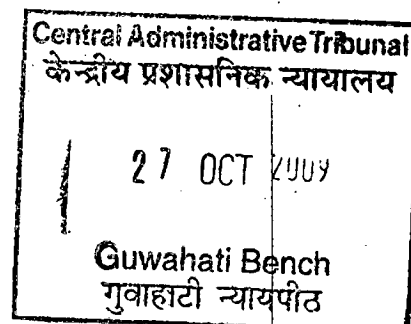
Sl No	Name of Employee	Emp. No.	Designation	Date of Confirmation	Place of Posting
01.	Shri Lakhyajit Deka	01563	Jr.Accountant	09.11.2006	Silchar

This issues with the approval of the Competent Authority.

[Signature]
(Ajit Panda)
Sr. Personnel Officer

Distribution:

1. Person concerned (Thru' Controlling Officer).
2. CM - F&A, Shillong/Badarpur.
3. Dy. Manager (IE), Shillong /F&A Silchar
4. Office Order file/Personal file/concerned file



TO
Sh. L. Deka, Jr. Acctt.,
POWERGRID, Silchar.

ATTESTED

[Signature]
ADVOCATE



इंडियन इंस्टिट्यूट ऑफ एन्ट्रप्रेनियरशिप

सूक्ष्म, लघु और मध्यम मंत्रालय का संस्थान, भारत सरकार

Indian Institute of Entrepreneurship

(An Organisation of the Ministry of Micro, Small and Medium Enterprises, Government of India)
Basistha Chariali, Lalmai, 37 National Highway Bypass, Guwahati-781029, Assam, INDIA

No. IIE/E/(65)/97-98/ (0042)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

MEMORANDUM

Sub : Recruitment to the post of Accounts Officer
Ref : His Interview dt. 20.11.2007

Guwahati Bench
गुवाहाटी न्यायपीठ

The undersigned hereby offers Shri Lakhya Jit Deka, an appointment as Accounts Officer in the Office of the Indian Institute of Entrepreneurship, Guwahati - 781029 on the following terms and conditions:-

1. Pay Rs. 3000/- per month, being the minimum in the scale of Rs. 8000-275-13500.
2. The appointment is purely on temporary basis but is likely to continue for an indefinite period.
3. He will be on probation for a period of one year. The period of probation is liable to be extended or curtailed at the discretion of the appointing authority. After satisfactory completion of the probation period, the services will be regularized.
4. During the period of probation no application will be forwarded to outside organizations. After completion of probation reasonable number of applications will be forwarded at the discretion of the Director.
5. In the event of termination during the period of probation the appointment is terminable at one month's notice on either side.
6. In the event of resignation or termination after confirmation the appointment is terminable at three months notice or on payment of three months salary on either side.
7. In the event of his deputation for training abroad he will have to execute a bond for the amount spent on him and also to serve the Institute for a minimum period of 3 years.
8. He will be liable to serve in any part of India.
9. He will be a full time employee of the Society.
10. Leave will be regulated by the Revised Leave Rules, 1972 and travelling allowance by the Supplementary Rules as issued by the Government of India under the Fundamental Rules made in replacement thereof from time to time by the Government of India till such time as specific rules are framed by the IIE Society on the subject.

टेली-फैक्स : ०३६१-२३००३२५

ई-मेल : iieindia1@bsnl.in

Tele Fax : 0361-2300325

E-Mail : iieindia1@bsnl.in

आइ एस ओ : 9001 : 2000

का संगठन

AN ISO 9001 : 2000

ORGANISATION

☎ : 2302646, 2300994, 2300123, 2300840

आंचलिक कार्यालय - 74/4बी राजपुर रोड, देहरादुन, उत्तराखंड, दूर-भाष : 0135-2741505 (टेलीफैक्स)

REGIONAL OFFICE - 74/4B, RAJPUR ROAD DEHRADUN, UTTARAKHAND. PH. 0135 - 2741505 (Telefax)

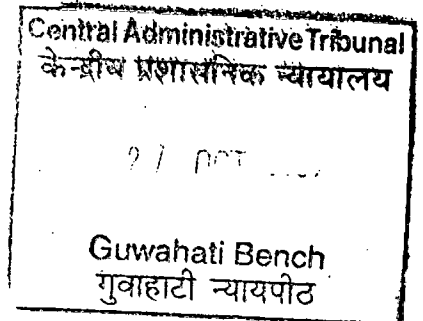
ATTESTED
ADVOCATE

11. He shall be required to contribute to Employees Provident Fund or Contributory Provident Fund as may be prescribed under the relevant rules (A copy of the CPF Rules of the Institute is available in the Library for reference purpose).
12. He will be entitled to draw Dearness, House Rent and other allowances on the same rates as are admissible for Government of India employees of equivalent status under the Rules in force from time to time.
13. In lieu of House Rent Allowance (HRA) he may be provided residential accommodation (2 bed room flat) at the Faculty / Officers Flats of the Institute subject to availability.
14. He will be required to produce the following original Certificates at the time of joining.
 - a. Original Educational Certificates from Matric onward.
 - b. Release letter from last employer.
15. He will be governed by the Central Civil Service (Conduct) Rules 1964 as amended from time to time. (A copy of these Rules are available in the Institute's Library).
16. Pending the framing of Rules and Regulations by the Institutes other conditions of service will be governed by the relevant rules and orders in force issued by Government of India from time to time.
17. No travelling allowance for joining the appointment or on termination thereof will be admissible.
18. If Shri Lakhya Jit Deka accepts the offer on the above terms, he should communicate his acceptance to the undersigned and report for duties on or before 20.12.2007, If no reply is received or the appointee fails to report for the duty on or before the 20th December, 2007, the offer will be treated as cancelled.

✓ To,
Shri Lakhya Jit Deka, Power Grid Corporation of India 400 K.V.,
Bongaigaon Substation,
Salakati, Kokrajhar,
Pin-783 369

- C.C. I) O.O. File
II) Personal file.
III) Accounts Section
IV) Office Copy
V) Master copy

(K. Ahmed)
Director



ATTESTED

ADVOCATE

19 -
पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड
उत्तर पूर्वी क्षेत्र पारेषण प्रणाली
क्षेत्रीय मुख्यालय : शिलांग
(मानव संसाधन विभाग)

ANNEXURE-- 4

संदर्भ : उपूशि/मसिं/स्थापना/ 3221

दिनांक : 19/12/2007

कार्यालय आदेश संख्या : 397/2007

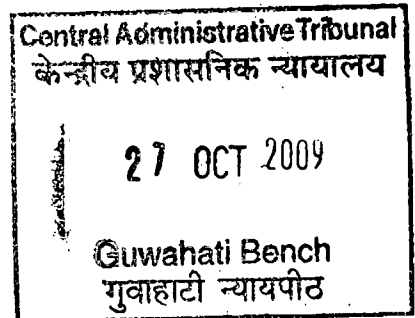
Consequent upon the acceptance of the resignation tendered by Sh. Lakhyajit Deka, Emp.No. 01563, Jr.Accountant, Salakati, and clearance of his outstanding dues with the Company, Sh. Lakhyajit Deka is hereby released from the services of the Company w.e.f. 19.12.2007 (AN).

This issues with the approval of the Competent Authority.

अ. लक्ष्मी
19/12/07
(Anjan Sanyal)
Manager (HR)

Distribution:

01. Individual Concerned
02. Shri Ravi P. Singh, ED (HRM & CC), CC, Gurgaon
03. DGMs : Misa/B'Para/ (DMS/Comm & PE&SM), Shillong
04. Chief Manager: IMF/DMR/BDPR/KHIL/ NRJL/SLKT- BGGN/K'Ghat/RE, Silchar
(F&A/PE&SM/C&M/Engg/Col.Const/OS-CPCC), Shillong / Vig, Kolkata
05. Secretary EPF Trust/Pension trusts : CC, Gurgaon / NERTS
06. MGRs : HFLG/AZL/JBM/Ziro/(Telecom) GHY/(IT), Shillong
07. Dy.Mgrs : (F&A), Silchar/ DMS, Agartala
08. Engr : (Vigilance), Shillong
09. PS to AGMs : O&M, Shillong / Construction, Guwahati
10. PS to GM (NERTS), Shillong
11. PS to ED (NERTS), Shillong
12. Office Order file / Personal file / Concerned file



ATTESTED
④
ADVOCATE



**Indian Institute of Entrepreneurship
Guwahati.**

No: F (PF)/57/2007-08/765

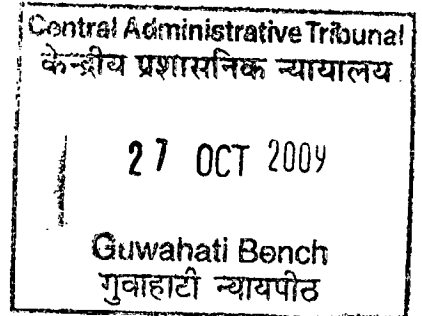
14th July, 2008

MEMO

Shri Lakhyajit Deka, Accounts Officer (under probation) is hereby asked to explain as to why he failed to report for duty on 11th July, 2008 without intimation to Director and inspite of having information about Faculty Meeting where his presence was required to discuss the provisional accounts made for the year 2007-08. If suitable explanation is not given by Mr. Deka after receipt of this memo, disciplinary action as deemed appropriate will be initiated against him as per government rules.

(K. AHMED)
DIRECTOR.

✓ To,
Shri Lakhyajit Deka,
Accounts Officer-on probation,
IIE, Guwahati-29



Copy to:

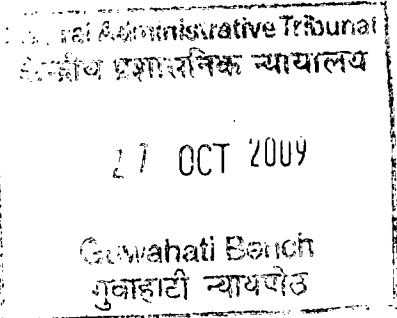
1. Shri B. Sharma, A.O. for information
2. Personal file of Shri Lakhyajit Deka, Accounts Officer

ATTESTED

(M)
ADVOCATE

To,

The Director
Indian Institute of Entrepreneurship
Lalmati, Basistha Charili,
37 N.H., By Pass, Guwahati 781 029.

Dated : 14th Day of July' 2008.

Ref : No. F(PF)/57/2007-08/765.

Sub : Explanation with reference to the Memo as referred above.

Respected Sir,

With due respect and humble submission, I would like to lay the following few lines for your kind consideration and necessary action please.

I have failed to report for duty on 11th day of July, 2008 as because my wife is suffering from health problem and as no person is in my residence to look after her therefore I have to stay back at my residence to look after her, as well to give here medication. This fact has been informed to Administrative Officer over Personal Mobile at around 8.30 A.M. and the fact was confirmed twice through out the day in the Afternoon of the said day. Considering all this fact if in any way I am liable to disciplinary action, I would be grateful to be terminated or tender my resignation as an when this good office deems fit.

Thanking you and oblige.

Yours' Faithfully

[Signature]
14/07/08
Lakhyajit Deka

AO
Shri Deka's contention
should be corroborated by
fact sheet that he had
taken his wife to a Govt.
medical practitioner as per
rules and other relevant
documents.

[Signature]
14/07

[Signature]
14/7/08
Shri K. Deka for nla.

[Signature]
14/07/08
2:30 PM

ATTESTED
[Signature]
ADVOCATE

— 22 —

ANNEXURE-- 7

To,

The Director
Indian Institute of Entrepreneurship
Lalmati, Basistha Charili,
37 N.H., By Pass, Guwahti 781 029.

Dated : 15th Day of July' 2008.

Ref : No. F(PF)/57/2007-08/765.

Sub : Furnishing of Facts / Supporting to Corroborate my
Explanation.

Respected Sir,

With due respect and humble submission, I would like to lay the following few lines for your kind consideration and necessary action please.


As desired by this good office to furnished relevant document to support my explanation given in reply to the above Memo, I am submitting herewith the photocopy of medical documents.

Thanking you and oblige.

Yours' Faithfully


15/07/08
Lakhyajit Deka

ATTESTED


ADVOCATE

Dr. Tulika Das Bharali
M.B.S. / D.G.O.
Consultant Gynaecologist
Regd. No. : 14313



Beltola Tinali
Guwahati-28
98640-43567 (M)

Guwahati Bench
গুৱাহাটী বেঞ্চ Date: 11/7/08

Clinical Note :

Name : Manisha Deka Age : 22y Sex : F
Address : Jambhaguri

R_x

Adm: Attend Agile hospital on next
Sunday at 10 A.M.

11/7/08

ATTESTED

ADVOCATE



AGILE HOSPITALS PVT. LTD.

JAYANAGAR CHARIALI, KHANAPARA, GUWAHATI - 22

DEPTT. OF RADIOLOGY & IMAGING

Phone : 0361-2307611, 2300152

M: 98640 - 70675

E-mail : agilehospital@rediffmail.com

NAME : - Mrs. Manisha Deka.
REFERRED BY: - Dr. Tulika Das. DGO.
DATE : - 13.07.2008

22 Yrs / F
REFE : OPD
NO: - 61

গুৱাহাটী বেন্চ
Guwahati Bench

গুৱাহাটী বেন্চ
Guwahati Bench

USG LOWER ABDOMEN :(Early Pregnancy)

LMP = 04/06/08 G.A. by LMP = 5Weeks 4 Days. EDD by LMP = 11/03/09

UTERUS:

Uterus is bulky and is anteverted in position. Myometrium shows homogenous echotexture. No discrete myoma is noted. Cervix is normal in length (33mm approx.) Internal OS is closed. Single intrauterine fundal gestational sac is seen with surrounding regular trophoblastic rim. Yolk sac is seen within the gestational sac. Embryonic pole is not yet visualized. No evidence of choriodecidual separation is seen.

Embryonic parameters:

GS - 15.6mm corresponds to 5 weeks gestational age.
Yolk sac - 2.4mm..
EDD by scan ---15/03/09

OVARIES:

Both the ovaries are normal in size and morphology. No adnexal mass lesion is noted.
Right ovary measures 35x15 mm.
Left ovary measures 30x21 mm.

Minimal free fluid is seen in POD.

IMPRESSION: - Single early intrauterine pregnancy of about 5 weeks gestational age.

Dr. P. Sarma, M.D.
Radiologist

Dr. R. Baruah, DMRD
Radiologist

Consultant Radiologist

N.B : NOT VALID FOR MEDICOLEGAL PURPOSE

RADIOLOGICAL AND IMAGING DIAGNOSIS ALONE ARE NOT ALWAYS CONFIRMATORY

ATTESTED

ADVOCATE



AGILE HOSPITALS PVT. LTD.

JAYANAGAR CHARIALI, KHANAPARA, GUWAHATI

E-mail : agilehospital@rediffmail.com

27 OCT 2009

Patients Name : Mrs. Manisha Debra

Age : 22 y Sex : F Hosp. No : 1364

Guwahati Bench

গুৱাহাটী বেন্চ

Advice :

Blood : Hb% ¹⁰⁴, RBS ^{1.8}, S/Creatinine ^{NR}, VDRL ^{1.63}, TSH.

Urine : R/E - N

USG of pregnancy - 6.5 - 5W

R_x

① Tab Folicite (5mg) - ③⑦

101 Sig: 1 tab daily once after meal to continue

② Sorbitine Syrup - ①

7/2 Sig: 2 tea spoonfuls twice daily with water before meal

- Revisit with the reports.

Date 13/7/8

(Name of the Doctor)

LABORATORY, ULTRA SONOGRAPHY, X-RAY, ECG, WELL EQUIPPED O.T. WITH CARDIAC MONITOR, PULSE OXYMETER ETC.

Health is Wealth

ATTESTED

ADVOCATE

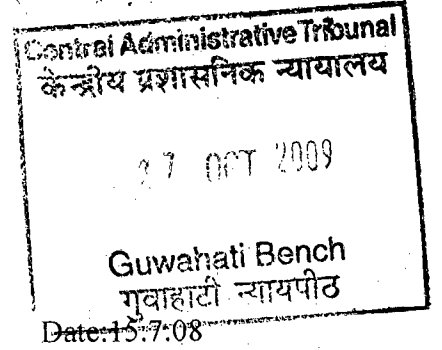
- 26-

ANNEXURE-- 8



Indian Institute of Entrepreneurship
Guwahati-29,

No: F (PF)/57/2007-08/740



MEMO

The explanations dated 14th July, 2008 furnished by Shri Lakhyajit Deka, Accounts Officer on probation against Memo No. F(PF)/57/2007-08/765 dated 14th July, 2008 for his unauthorised absence from duty on 11th July, 2008 has not been found satisfactory. He was advised to corroborate the grounds of his absence with supporting documents which was noted by him on 14th July, 2008 itself. However, he has failed to submit the same to the satisfaction of the undersigned even though he submitted today at 11.30 A.M. the documents from Agile Hospital and a letter. These do not at all show any kind of emergency condition encountered by his patient wife on 11th July, 2008 which warranted his absence for the entire day of 11th July. Being placed at a responsible position in an area like accounts, it was not expected that he would not take instructions seriously. On the advice of the undersigned, the A.O. even told him over phone to at least come and attend the important faculty meeting for even an hour on 11.07.08. Shri Deka also did not inform about his inability for his absence to the undersigned.

Under the above circumstances, the services of Shri Lakhyajit Deka, Accounts Officer, on probation is hereby placed under suspension pending inquiry with immediate effect. He will not leave the Head Quarter without permission from the undersigned until further orders.

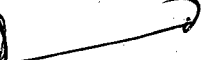
(K. Ahmed)
Director

To,
Shri Lakhyajit Deka, Accounts Officer, on probation,
I.I.E., Guwahati-781029.

C.C. (1) Accts./ pay section for information
(2) Office copy

(K. Ahmed)
Director

ATTESTED

(A) 
ADVOCATE

- 27 -

ANNEXURE-- 9



INDIAN INSTITUTE OF ENTREPRENEURSHIP
37 NH BYPASS, LALMATI,
GUWAHATI: 781 029

F(PF)/57/2007-08/869

Date: 29.07.2008

MEMO

Further to the Memo No. (F(PF)/57/2007-08/770 dated 15.07.08 issued to Shri Lakhya Jit Deka, he is hereby additionally charge sheeted for following misconducts:

1. Negligence in discharge of official duties involving moral turpitude in so far as submission and finalization of annual accounts in time is concerned inspite of being assisted by his colleagues and an external officer from outside. The annual accounts though submitted on 10.07.08 was found totally incorrect. From time to time Shri Deka used to inform since April end that the accounts were ready which was not correct and a correct set of financial accounts could not be given by him.
2. He has remained absent without any intimation to the undersigned for different spells since his joining without any permission and also not signed on the attendance register to mark his presence which is highly irregular. Having worked earlier in a central government organization and working here in a responsible position he should have daily signed on the attendance register which is unbecoming of an official under CCS (CCA) Rules, 1965.
3. His relationship with his co-workers and colleagues were found to be not conducive to a healthy work environment. Reports of his misbehaviour with his colleagues and frequent altercations with many were received by the undersigned which are violative of CCS (conduct) Rules.

Under the above circumstances, Shri Deka is hereby asked to submit his explanations against the above charges within next three days to the under signed. If no reply is received to the satisfaction of the management within the stipulated period it will be construed that he does not have any reply to be given and he has to explain as to why his services with effect from this date should not be treated as notice of termination as per clause 5 of Appointment Memo No. IIE/F(65)/97-98/6993 dated 20.11.07 issued to Shri Deka and accepted by him.

(K. Ahmed)
Director

To,

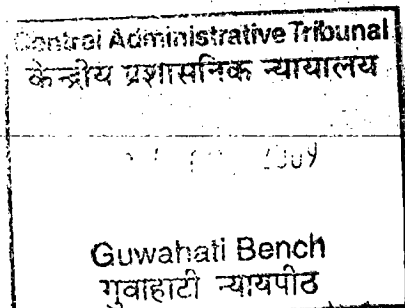
Shri Lakhya Jit Deka, Accounts Officer, (under suspension)
I.I.E., Guwahati-29.

- C.C. (1) Accts./pay saction for information
(2) Office copy

(K. Ahmed)
Director

ATTESTED

ADVOCATE



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ANNEXURE-- 10

(Typed copy)

To,

Dated : 29.07.2008

The Director

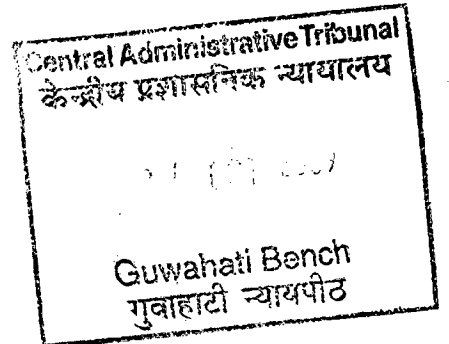
Indian Institute of Entrepreneurship

37 N.H. By Pass, Lalmati,

Guwahati - 781 029

Ref : F(PF)/57/ 2007- 08 / 869 Dated 29.07.2008.

Sub : Time Extention.



Sir,

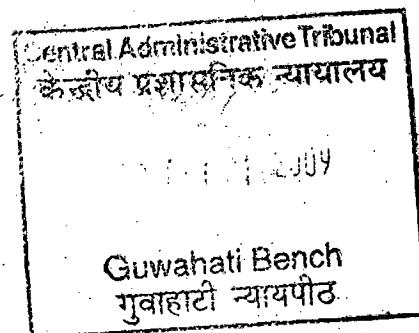
My wife is not in a healthy ^{state} state, therefore I am not in a stable of Mind. Hereby, I would like to pray for an extension of 15 days to explain the charges as referred.

Illegible

Sd/ Lakhyajit Deka

ATTESTED

②
ADVOCATE



The Director

Indian Institute of Entrepreneurship

37 N.H. Bypass, Lakhnath

Guwahati - 781 029

Ref: F(PF)/57/2007-08/869 dt. 27.07.2008

Sub: Time Extension

Sir,

My wife is not in a healthy state, therefore
I am not in a stable state of Mind. Henceby, I
would like to pray for an extension of 15 days to
explain the charges as referred.

[Signature]
Lokhya Jit Deka

ATTESTED

[Signature]
ADVOCATE



INDIAN INSTITUTE OF ENTREPRENEURSHIP
37 NH BYPASS, BASISTHA CHARIALI, LALMATI,
GUWAHATI: 781 029

F(PF)/57/2007-08/895

Date: 04.08.2008

MEMO

In response to the Memo No. (F(PF)/57/2007-08/869 dated 29.07.08 a letter dated 29.07.08 has been received from Shri Lakhya Jit Deka on 03.08.08 who has requested for extension of time for replying to the Memo dated 29.07.08. The letter has been examined carefully and it has been found that the reason for extension of time was shown because his wife was not in a healthy state. But his contention was not supported with any medical certificate or prescription by any authorized government medical practitioner which practice is being followed by a central government organization such as ours. Hence, it is felt that Shri Deka's request for extension of time for 15(fifteen) days to reply to the charges are not tenable. However, to meet the ends of natural justice he has been given time upto 07.08.08 after which there will be no further extension of time which may please be noted.

(K. Ahmed)
Director

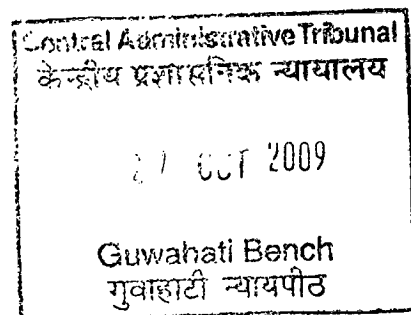
To,

Shri Lakhya Jit Deka, Accounts Officer, (under suspension)
I.I.E., Guwahati-29.

C.C. (1) Accts./pay saction for information
(2) Office copy

(K. Ahmed)
Director

Appointment-BS



ATTESTED

@
ADVOCATE

INDIAN INSTITUTE OF ENTREPRENEURSHIP,
BASISTHA CHARIALI, LALMATI,
37, NATIONAL HIGHWAY BYPASS,
GUWAHATI: 781 029, (ASSAM)

No: F (PF)/57/2007-08/949

Date: 8/8/2008

ORDER

Whereas Shri Lakhyajit Deka, Accounts Officer of this Institute was suspended and charge-sheeted vide Memo Nos. (1) F(PF)/57/2007-08/770 dated 15/7/08 and (2) F(PF)/57/2007-08/869 dated 29/7/08 for unauthorized absence, negligence in discharge of official duties involving moral turpitude, habitual absence from duty, misbehaviours with co-workers/colleagues etc. etc. He was also asked to submit suitable explanations within 1/8/08 against the said charges vide Memo dated 29/7/08 and received on the same date by Shri Deka in reply to which Shri Deka asked for 15 days time vide his letter dated 29/7/08 which was received by this office on 3/8/08. Shri Deka was granted extended time upto 7/8/08 to reply and submit his explanations against the charges. But Shri Deka failed to furnish any reply within the stipulated period. It has therefore, been construed that Shri Deka does not have anything to reply against the charges.

And whereas, having regard to the circumstances of the case and on the basis of material facts including the nature of offence and character of the offender, it has led to the conviction that his retention in service is undesirable and the gravity of the charges are such so as to warrant imposition of the major penalty.

Now, therefore, the undersigned hereby terminates the services of the said Shri Lakhyajit Deka, Accounts Officer (on probation) from service of this organization with immediate effect and directs that he shall be entitled to claim a sum equivalent to the amount of his pay plus allowances in lieu of notice at the same rate at which he was drawing them immediately before the termination of his service, or, as the case may be, for the period by which such notice falls short of one month under clause 5 of his appointment letter.

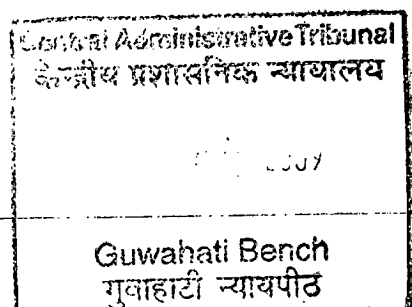
(K. Ahmed)
Director

To,
✓ Shri Lakhyajit Deka, Accounts Officer (Under suspension)
IIE. Guwahat-29.

CC. (1) Acctts/ Pay section for information
(2) Office copy

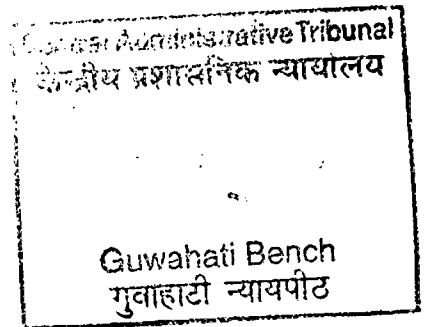
(K. Ahmed)
Director

B.Ingty:Desktop/order

ATTESTED**ADVOCATE**

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 147/108
2. Miscellaneous Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____



Applicant(S) Lakhyajit... Beka... VS Union Of India & Ors

Advocate for the Applicant(S): Adil Ahmed, M. Ahmed

Advocate for the Respondant(S): Care

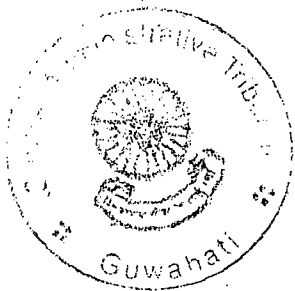
Notes of the Registry	Date	Order of the Tribunal
	21.08.2008	<p>Heard Mr. A. Ahmed, learned counsel appearing for the Applicant and Mr. M. K. Bord, learned Addl. Standing Counsel for the Union of India (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.</p> <p>2. By order under Annexure-XIII dated 08.08.2008 the services of the Applicant, during his probation period, has been asked to be terminated in exercise of the powers under Clause 5 of his Appointment Order. A copy of the appointment order has been filed as Annexure-III dated 20.11.2007. Clause 5 of the said Appointment Order reads as under:-</p>

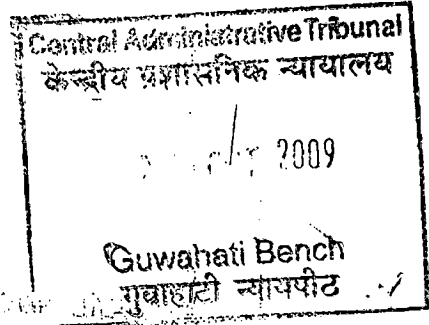
In the event of termination, during the period of probation, the appointment is terminable at one months notice on either side."

Contd/-

ATTESTED

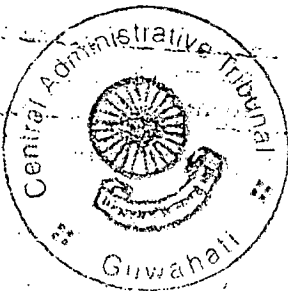
ADVOCATE





O.A. 147/08

Contd/-
21.08.2008



On the face of the aforesaid Clause 5 of the Appointment Order (under Annexure-III dated 20.11.2007), the Applicant services could only have been terminated by giving him one month notice. The impugned termination order under Annexure- XIII dated 08.08.2008, is not a notice of termination by giving one month notice. Thus, prima facie it appears that the impugned order under Annexure-XIII dated 08.08.2008, has been issued in gross disregard to the provision in Clause 5 of the appointment letter. That apart, it appears no material, basing on which the charge-sheet under Annexure-X dated 29.07.2008 was issued, were supplied to the Applicant to put-up his effective reply. Also grant of 3 days time to put-up reply (in a case where extreme penalty has been imposed) was certainly a case of violation of the principles of natural justice.

3. A Prima facie case having been found in favour of the Applicant, this case is admitted.

Notices be issued to the Respondents requiring them to file their reply/written statement by 6th October, 2008.

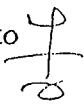
4. In the meantime, the impugned order of termination under Annexure-XIII dated 08.08.2008, shall remain stayed ad-interim and, as consequence thereof, the Applicant should be allowed (by the Respondents) to continue as Accounts Officer of the Indian Institute of Entrepreneurship, Guwahati, until further orders.

While passing this ad-interim order, the liberty is hereby granted to the Respondents to file their objection, if any, to

ATTESTED


ADVOCATE

Contd/



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केन्द्रीय प्रशासनिक न्यायालय
Guwahati Bench
गुवाहाटी न्यायपीठ

O.A. 147 of 08

Contd/

21.08.2008 the interim prayer made in this O.A. and to this ad-interim order, well before the date fixed.

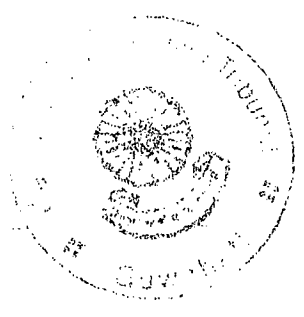
5. Send copies of this order to the Respondents (along with the notices) and a free copy of this order be sent to the Applicant in the address given in the O.A.

6. Free copies of this order be supplied to the Advocates appearing for both the parties.

7. Call this matter on 06.10.2008.

sd -

Hon'ble V.C.
Hon'ble Member (A).



TRUE COPY

25/9/08
Administrative Tribunal
Guwahati Bench

ATTESTED

ADVOCATE

- 35 -

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.147 of 2008

Date of Order: This the 27th day of August 2009

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

The Hon'ble Shri M.K. Chaturvedi, Administrative Member

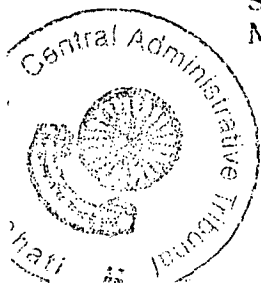
Shri Lakhyajit Deka,
S/o Late Bipul Ch. Deka,
Accounts Officer,
Indian Institute of Entrepreneurship
(An Organization of the Ministry of Micro,
Small and Medium Enterprises,
Government of India),
37 NH By-Pass, Basistha Chariali, Lalmati,
Guwahati 781029.

..... Applicant

By Advocates Mr A. Ahmed and Mr N. Ahmed.

- versus -

1. The Union of India, represented by the
Secretary,
Ministry of Micro, Small and Medium Enterprises,
Government of India,
Udyog Bhawan, Room No.122,
New Delhi-110011.
2. The President
Board of Management and Executive
Committee of Indian Institute of
Entrepreneurship,
Minister of Development of North Eastern
Region (DONER),
Government of India,
Vigyan Bhawan, Annex,
Moulana Azad Road,
New Delhi-110011.
3. The Secretary
North Eastern Council,
Nongrim Hills,
Shillong-793001,
Meghalaya.



ATTESTED

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ADVOCATE

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

4. The Director
Indian Institute of Entrepreneurship,
Basistha Chariali, Lalmati,
37 National Highway bypass,
Guwahati-782029,
Assam.

..... Respondents

By Advocates Mr M.K. Boro, Addl. CGSC and
Ms N. Sharma Thakuria for Respondent No.4.

O.A.No.147/2008

ORDER (ORAL)

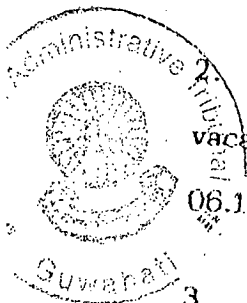
27.08.2009

M.R. MOHANTY, VICE-CHAIRMAN

Applicant, a probationary Accounts Officer of the Respondent Institute, was suspended on 15.07.2008 and chargesheeted on 29.07.2008, on the allegation of unauthorized absence and negligence in discharging official duties etc. He faced the order of termination on 08.08.2008. Challenging the said order of termination, the Applicant approached this Tribunal with the present O.A.No.147 of 2008. He obtained an interim order on 21.08.2008 on the strength of which he is now continuing as Accounts Officer of the Respondent Institute.

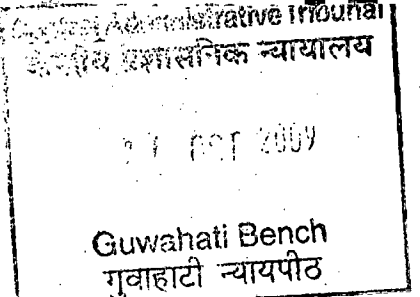
The ad-interim order dated 21.08.2008 was sought to be vacated; for which the Respondents filed M.P.No.134/2008 on 06.10.2008.

Now, by way of filing M.P.No.81/2009, the Respondents placed on record an order dated 17.08.2009 of the Respondent.



ATTESTED

ADVOCATE



Institute; by which the Respondents have withdrawn the termination
order dated 08.08.2008. The text of the said order dated 17.08.2009
of the Respondent Institute reads as under:-

"The order issued under No.F(PF)/57/2007-08/949 dated 08.08.09 is hereby withdrawn without, however, prejudice to initiate Departmental Proceeding for the past and present misconduct against Shri Lakhyajit Deka, Accounts Officer of this Institute for which fresh Charge Sheet may be issued in due course."

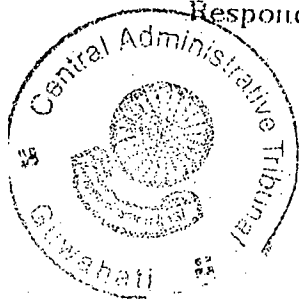
Ms N. Sharma Thakuria, learned Counsel appearing for the Respondent Institute, has pointed out that in the aforesaid order dated 17.08.2009 the date '08.08.2008' has wrongly been typed as '08.08.2009'. She also, at the hearing, produced a copy of a Memo dated 26.08.2009 (of Respondent Institution); wherein the correction has been carried out.

4. Mr N. Ahmed, learned Counsel appearing for the Applicant, states that on receipt of the aforesaid order dated 17.08.2009, the Applicant is continuing to discharge the duties of Accounts Officer of the Institute as before.

5. Since the impugned termination order dated 08.08.2008 has been withdrawn by the Respondents; there remains nothing to be adjudicated in this case and, as such, this case has become infructuous.

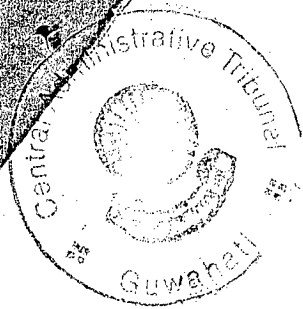
6. This case is, accordingly, disposed of having become infructuous.

7. Send copies of this order to the Applicant and to the Respondents in the addresses given in the O.A. and free copies of this



ATTESTED

ADVOCATE



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


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order be also handed over to the learned Counsel appearing for both parties.

Sd/-
M.R. Mohanty
Vice Chairman
Sd/-
M.K. Chaturvedi
Member (A)

TRUE COPY
प्रतिलिपि
अनुमाने अधिकारी
Section Officer (Judr)
Central Administrative Tribun.
गुवाहाटी न्यायपीठ
Guwahati Bench
गुवाहाटी/Guwahati

ATTESTED

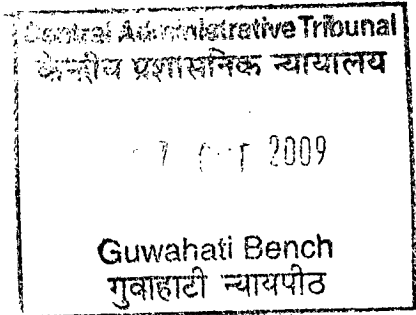

ADVOCATE

- 39 -

To,

The Director,
Indian Institute of Entrepreneurship,
Lalmati, NH 37 Bye Pass, Guwahati - 29

Dated : 04/09/09

Subject: Plea for release of Money Payable.

Respected Sir,

With due respect and humble submission, I would like to lay the following few lines for your kind consideration and necessary action there on.

With reference to the order dated 17.08.09 and the Hon'ble Central Administrative Tribunal Order dated 27.08.09 vide case no O.A. 147 of 2008, the undersign would like to request your good office to release the held up salary for the suspension period and thereafter the termination period up to the joining of the Indian Institute of Entrepreneurship as Accounts Officer vide the ad-interim order dated 21/08/2008 of Hon'ble Central Administrative Tribunal.

Further, the undersign would like to appeal to release the telephone reimbursements since July ' 2008.

Further, the undersign would like to appeal to release the Medical reimbursement as submitted.

Thanking you.

Yours faithfully,

Lakhyajit Deka
Accounts Officer

Indian Institute of Entrepreneurship.

Received
Boran
11/9/09

PK

ATTESTED

ADVOCATE