

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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PGM 17.1.2015

SECTION OFFICER (JUDL.)

(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. ORIGINAL APPLICATION No : 280 / 2009
2. Transfer Application No : / 2009 in O.A. No.-----
3. Misc. Petition No : / 2009 in O.A. No.-----
4. Contempt Petition No : / 2009 in O.A. No.-----
5. Review Application No : / 2009 in O.A. No.-----
6. Execution Petition No : / 2009 in O.A. No.-----

Applicant (S) : Sri Bakul Datta

Respondent (S) : Chairman of India's Drms.

Advocate for the : Mr. R. Sarma
(Applicant (S)) Ms. K. Devi Sarma

Advocate for the : CGBC
(Respondent (S)) Counsel for the Central Silk Board

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. 396 443726 Dated 23/12/09	12.01.2010 /PB/	Heard both sides. Hearing concluded. Reserved for orders. (Madan Kumar Chaturvedi) (Mukesh Kumar Gupta) Member (A) Member (J)

23/12/09
8 (Eight) copies of
application with envelope
received for issue order
to the Respondent Nos 1 to 8.
Copy served. Extra charge for 15/-
deposited for excess Respondent.
23/12/09

Received by
Birwati Kaman
08/01/10

Received by
Paromita
4/3/10

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application NO.280 of 2009

DATE OF DECISION: 22.1.2010.

Shri Bakul Dutta

APPLICANT(S)

Mr R. Sarma

ADVOCATE(S) FOR THE
APPLICANT(S)

- versus -

Union of India & Ors.

.....RESPONDENT(S)

By Advocates Mr B.C. Pathak for Silk Board

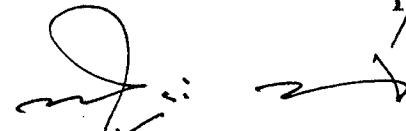
ADVOCATE(S) FOR THE
RESPONDENT(S)

CORAM:

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No


Member (J)/Member (A)

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.280 of 2009

Date of Order: This the 22nd day of January 2010

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

**Shri Bakul Dutta,
S/o Late Maniram Dutta,
Resident of Village- Rupnagar,
P.S.- Borhola, Dist.- Jorhat, Assam,
Pin-785001.**

..... **Applicant**

By Advocate Mr R. Sarma.

- versus -

- 1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Textiles,
New Delhi - 110001.**
- 2. Central Silk Board, represented by the
Chairman,
Central Silk Board,
BTM Layout, Medivala Road,
Bangalore- 560068.**
- 3. The Chairman
Central Silk Board,
BTM Layout, Medivala Road,
Bangalore-560068.**
- 4. The Chief Executive Officer and Member Secretary
Central Silk Board,
BTM Layout Medivala Road,
Bangalore- 560068.**
- 5. The Member Secretary,
Appellate Authority,
Central Silk Board,
BTM, Layout, Medivala Road,
Bangalore- 560068.**
- 6. The Director
Central Muga Eri Research and Training Institute
Lahdoigarh, Jorhat, Assam,
Pin- 785001.**

7. The Scientist (E)
Muga, Silk Worm, Seed Organisation,
Dispur, near Zoo,
Guwahati- 781024.

8. The Disciplinary Authority
Central Muga and Eri Research Institute,
Central Silk Board,
Jorhat, Assam,
Pin- 785001. Respondents

By Advocate Mr B.C. Pathak for Silk Board.

.....

ORDER

MUKESH KUMAR GUPTA, JUDICIAL MEMBER

Sri Bakul Dutta, in this OA filed under Section 19 of the Administrative Tribunals Act, 1985 challenges validity of Orders dated 1.10.2005, 3.10.2005, 2.2.2006, 24/25.2.2006, 24/25.2.2006, 27.3.2006, 10/11.8.2006, 10.4.2007, 11.10.2007 & 27.7.2009, Annexure 2-4, 6,7, B, 10,12,14,15 & 19 respectively. He also seeks restoration of his position & status with all consequences.

2. Based on certain disciplinary proceedings initiated against the applicant, vide Order dated 29.11.2006, penalty of reduction to a lower stage in the time scale of pay under Rule 11 (v) had been imposed upon him for a period of four years. Later on 11.10.2007, corrigendum was issued to state that penalty would be reduction by one stage for 4 years w.e.f. 29.11.2006. Statutory appeal preferred was rejected vide Order dated 27.7.2009, validity of which are challenged in present proceedings.



3. We have heard Learned Counsel at length & perused the pleadings & other material placed on record. Shri Rajeswar Sarma, Learned Counsel, has raised the following contentions:-

1. No criminal proceedings were ever initiated against him. In fact the matter had not been reported to Police. If there had been some justification in allegation leveled against him, the matter ought to have been reported to Police. For want of taking any criminal action, no disciplinary proceedings should have been initiated.
2. He had purchased Dao from the market for his domestic use, and not for any criminal act & the same was kept in toolbox of Scooter. No such incident had taken place. In any case the matter was amicably settled with the concerned person and there was thus no justification to take such proceedings against him.
3. Copy of alleged report/complaint lodged by Shri Ajit Roy ought to have been supplied to him. Even inspection of the same had not been allowed. He was even denied to engage defence assistant of his choice. Further, there was no independent witness to support the charges leveled. No personal hearing was allowed before imposition of impugned penalty. Major penalty was inflicted without any logic with predetermined mind. Thus no reasonable opportunity of defence or hearing had been afforded to him.
4. His wife should have been summoned in the enquiry to confirm the allegation of receipt of telephone call. In absence of following correct & laid down procedure, the entire proceedings has been rendered vulnerable.
5. Even the appellate authority order suffers from infirmity inasmuch as the same did not consider the defence raised by him. Penalty imposed is disproportionate & liable to be judicially interfered.

4. On examination of matter in detail, we noticed facts are that Memorandum dated 2.2.2006 (A-4) was issued under Rule 14 of the CCS (CCA) Rules, 1965 making certain allegations of misconduct. The gravaman of the charge is that he: "entered into gross moral misconduct of fatal attack to Shri Ajit Roy, Assistant Technician, and attempted to murder Shri Narayan Mahanta, Chowkidar, CMER&TI, Lahdoigarh. The said acts of disorderly behaviour committed" by him constitute serious misconduct on his part. Vide statement of Imputation of misconduct it was alleged that on 30.9.2005 at 9.00 a.m. he took out a sharp weapon (Dao) from his scooter and attacked Shri Roy without any provocation from his (Shri Roy's) side while he (Shri Roy) in a bit to try to save himself got injury in his right hand. 12 documents & three witnesses were listed under Annexure III & IV appended to said Charge Memo. Since charges were denied, an enquiry was held. Enquiry Officer vide report dated 5.6.2006 concluded that applicant was "guilty of gross misconduct."

5. Copy of enquiry report was made available to him vide Memo dated 10/11.8.2006, requiring him to submit representation, if any, within the time limit prescribed. He indeed submitted representation dated 29th August, 2006. After examining witnesses depositions, the findings recorded by the enquiry officer, applicant's aforesaid representation, the disciplinary authority concluded that physical assault on Ajit Roy in front of the gate of the Institute on 30.9.2006 at 9.00 am, and possession of a dao has been established through the evidence of witness. Applicant had not disputed the wounds sustained by Shri Ajit Roy and doctor's prescription for the medial treatment received by Ajit Roy and findings of inquiring authority are undoubtedly logical. The inquiry officer exhibited utmost

balance and kept in what was said and done was conscious with the normal principle of human behaviour, specially considering the uniqueness involved in the article of charges that stood framed in this case. He even allowed the accused official to put forth his points regarding the personal issues out of the strenuous relation with Shri Narayana Mahanta and Shri Ajit Roy. Ultimately holding that charges stands proved by cogent and convincing evidence, imposed the penalty of reduction in a lower stage in the time scale of pay as provided under Rule 11 (v) of CCS (CCA) Rules, 1965 by one stage for a period of four years with further direction that he shall not earn his annual increments of pay during said period of reduction and that on the expiry of the said period of reduction, the reduction will not have the effect of postponing his future increment of pay.

6. Later, vide Memorandum dated 11.10.2007, it was conveyed that the aforesaid Memo has been "reviewed and in modification to it, his pay of Rs. 6800- in the scale of Rs. 5000-8000- to be reduced by one stage for 4 (four) years w.e.f. 29.11.2006." Statutory appeal was also preferred on 15.1.2006, and the same remained unattended, he initially WP (C) No 5449 of 2007 before the High Court and on passing Order dated 16.1.2009 holding that it had no jurisdiction, he preferred OA No 64 of 2009, which was disposed of vide Order dated 6.4.2009 directing the appellate authority to dispose of his appeal within time limit. In compliance thereto, the appellate authority passed Order dated 27.7.2009 rejecting his appeal.

7. Short question which arises for consideration is whether the applicant has any *prima facie*-case warranting judicial review requiring issuance of notice.



8. At the outset we may note that scope of judicial review in disciplinary proceeding has been crystallized. As observed by Hon'ble Supreme Court in **B.C. Chaturvedi v. U.O.I. & Ors.**, JT 1995 (8) SC 65, the Courts/Tribunal have limited scope in judicial review of disciplinary proceedings. The relevant observation reads thus:

"Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence."

(emphasis supplied)

Similarly which penalty should be imposed is within the exclusive domain of the disciplinary authority as held by the Apex Court in **Union of India vs. Parma Nanda** 1989 SCC (L&S) 303, whereby vide para 27 it has been held that:

"We must unequivocally state that the jurisdiction of the Tribunal to interfere with the disciplinary matters or punishment cannot be equated with an appellate jurisdiction. The Tribunal cannot interfere with the findings of the Inquiry Officer or competent authority where they are not arbitrary or utterly perverse. It is appropriate to remember that the power to impose penalty on a delinquent officer is conferred on the competent authority either by an Act of legislature or rules made under the proviso to Article 309 of the Constitution. If there has been an enquiry consistent with the rules and in accordance with principles of natural justice what punishment

would meet the ends of justice is a matter exclusively within the jurisdiction of the competent authority."

(emphasis supplied).

9. Aforesaid law & ratio is squarely applicable in the facts & circumstances of the present case. The penalty imposed is not disproportionate. Rather we are of the view that looking into the gravity of allegations which stood proved in the departmental enquiry, the penalty imposed is very moderate. In fact some harsher penalty had been warranted. Merely criminal action had not been initiated against him would not be a ground to conclude that even departmental action taken would be set at naught and not warranted, as projected. We may also note that his contention that certain documents were not supplied is not correct as statement of Ajit Roy was a listed document in support of charge. Disciplinary authority vide Para 2 of penalty order specifically observed that "**The copies of the statement given in evidence by Shri Ajit Roy, Assistant Technician, Shri K.K.Doley, Chowkidar, Shri Mohan Das, Chowkidar, Shri Pulin Hazarika, Time Scale Filed Worker and Shri Narayan Mahanta, Chowkidar was ascertained to have been received by Shri Balkul Dutta, T.A., were allowed to be produced by the presenting officer.**" Further more in his statement dated 13.2.2006 (A-5) vide para 4 had specifically averred that: "**the incident was minor and it had occurred outside the office campus and that was not actually office hours.**" Vide further paras 6-7 he stated that:

"the incident was actually the exchange of harsh words among us.

That in earlier statement I made it clear that Sri Narayan Mohanta and Sri Ajit Roy had tried to bring blemish to my family. As a result of being furious and having lost my temper

under compulsion rushed towards Ajit Roy, actually I had no any bad intention either to slab or murder Ajit Roy with "dao". I kept "dao" purchasing for my domestic used ill my nested premises. I already made it clear that I have been still maintaining a good relationship staying at same rented premises. I have been apologised before Ajit Roy for my misdeeds." (emphasis supplied)

10. He went on to state vide para 11 that: "I have confessed the same to be a minor incident before the Preliminary Inquiry Committee held at the conference hall on 01.10.05. "

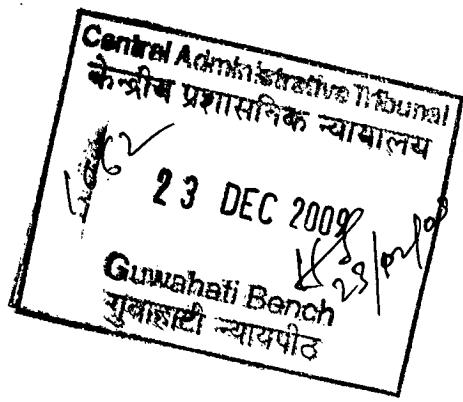
Bare reading of above would establish beyond any iota of doubt that there had been incident in question & therefore its factum just cannot be denied. Test in departmental proceedings is preponderance of probabilities and not of actual proof beyond doubt. We do not find any substance in the contention raised by the applicant that there had been violation of the principles of natural justice, as projected. In our view as revealed from the documents placed on records as well as noticed hereinabove, he had been afforded reasonable opportunity of being heard. Even the appellate order is very detailed, reasonable and assigns the reasons for rejecting his statutory appeal.

11. Without precipitating the matter further, we are of the view that no prima-facie case has been made out by the applicant warranting issuance of notice. Therefore, OA is dismissed under Section 19 (4) of the A.T. Act, 1985.

Qualified
(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER

M.K.G.
(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

DISTRICT : JORHAT



BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL (CAT)
GAUHATI BENCH:::::GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRA-
TIVE TRIBUNAL ACT, 1985)

Original Application No. 280 of 2009

Sri Bakul Dutta Applicant

-Versus-

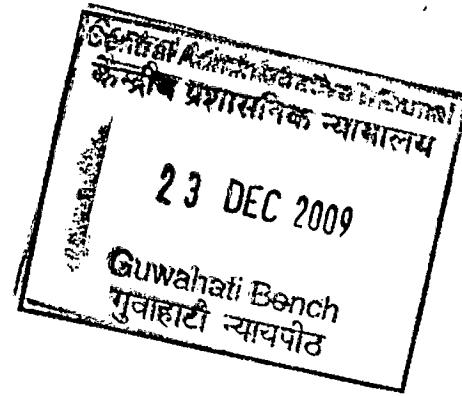
The Union of India and others

.... Respondents

SYNOPSIS OF THE ORIGINAL APPLICATION

The applicant was appointed as Laboratory Assistant on 12.11.1981 and he is discharging his duties and responsibilities on promotion. At present he is a Technical Assistant. Sri Ajit Roy, Assistant Technician took a loan of Rs.6,850/- from the applicant and Sri Ajit Roy refused to refund the same. On demand, of his loan amount, Sri Roy allegedly reported on 30.9.2005 to Higher authority a fanciful, manufactured and colourable incident. No first information Report was lodged with Police. The alleged incident happened at Lahdoigarh, Jorhat, and at present the applicant is at Kaliabari (Boko). He purchased an iron tool(dao) for his domestic use and kept inside the tool box of his scooter for

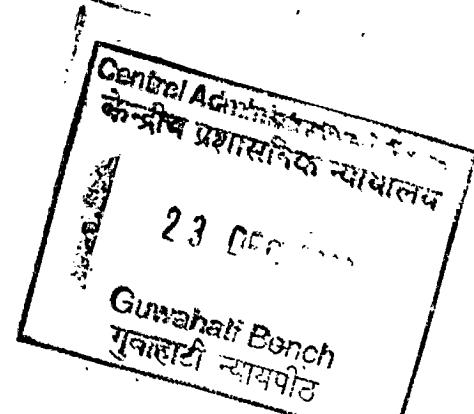
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-2-

carrying home. However he showed to others to know the quality of dao.

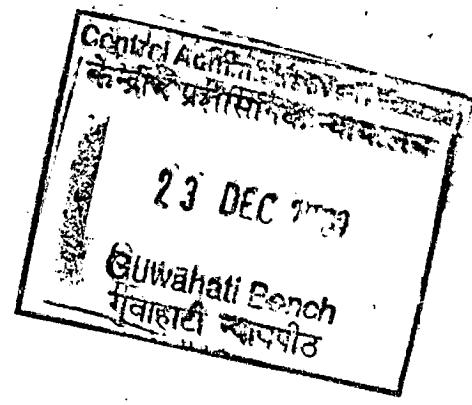
The respondents issued memorandum on 1.10.2005 for proposal to conduct an enquiry of incident dated 30.9.2005. The respondents issued memorandum on 2.2.06 with the substance of imputation of misconduct or misbehaviour and directed the appellant to submit written statement of his defence in 10 days. The applicant furnished the reply on 12.2.2006 requesting the inquiry committee to drop the proceedings as the matter is amicably settled between Ajit Roy and the applicant. The respondents issued another memorandum on 27.3.2006 for the aforementioned charges and directed to submit written statement in 10 days. They also issued another memorandum on 10/11-8-06 and directed to submit the reply in 10 days. The applicant submitted the reply on 29.8.2006 with request to exempt him from charges. The respondent passed an order on 29.11.06 with major penalty of reduction to a lower stage in the time scale of pay by one stage for a period of four years and he shall not earn his annual increments of pay during the said period of reduction and on expiry of the said period of reduction will not affect the effect of his future increment of pay. The applicant preferred an appeal on 15.12.2006 before the Chairman, Central Silk Board, Bangalore, the Appellate Authority and prayed for set aside the order dated 29.11.2006. The said appeal has been disposed of upholding



the major penalty. The respondents issued a memorandum of 11.10.2007 with modification of the pay in the scale of Rs.5000 to 8000 to be reduced by one stage for four years w.e.f. 29.11.2006.

The alleged incident was never reported before the Police Station. Copy of report reported by Sri Ajit Roy regarding contents and context of report not supplied to the delinquent. He was not allowed for inspection of original documents. No assistance of co-employee was afforded. Independent eye witnesses were not examined and the delinquent was not allowed to cross-examine the witnesses nor was allowed to take defence witnesses. No medical certificate produced. Doctor was not examined. The wife of Bakul Dutta was required to be examined but not called for evidence. Narayan Mahanta took Rs.4,000/- as loan and not returned till date. No eye witness contradictory statement of Ajit Roy and Enquiry Report. Penalty inflicted is disproportionate to the alleged incident. The respondents were pre-determined to impose such punishment. During enquiry, Inquiry Officer acted as a Presenting Officer.

The applicant prays for relief for set aside and quash of memorandum/order dated 1.10.2005, 3.10.2005, 2.2.2006 24/25-2-06, 27.3.2006, 10/11-8-06, 29.11.2006, 10.4.2007, 11.10.2007 and 27.7.2009. The applicant further prays for



-4-

service seniority, promotion and back benefits as contemporary employees of similar designation have already been upgraded by promotion and monetary benefits have been provided.

Filed on ..Dec. 2009.

Filed by

Rajeswar Sarma

(Sri Rajeswar Sarma)

Advocate,
Gauhati High Court

DISTRICT : JORHAT

28 DEC 2009

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL (CAT)
GAUHATI BENCH:::::GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRA-
TIVE TRIBUNAL ACT, 1985)

Original Application No. 280 of 2009

Sri Bakul Dutta Applicant

-Versus-

The Union of India and others

..... Respondents

LIST OF DATES

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1.	1	Money receipt dtd. 14.8.03	
2.	2	Memorandum for attack with lethal weapon dtd. 1.10.2005.	
3.	3	Memorandum of enquiry into incident dtd. 3.10. 2005.	
4.	4	Memorandum dated 2.2.06 for proposal to hold enquiry.	
5.	5	Reply of Memorandum dtd. 13.2.06.	
6.	6	Order of Enquiry dated 24/25-2-06	
7.	7	Order dtd. 24/25-2.06 for appointment of Presenting Officer.	

Contd...2

<u>Sl. No.</u>	<u>Annexures</u>	<u>Particulars</u>	<u>Page</u>
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9.	9	Memorandum for report for duty dtd. 30.6.2006.	2
10.	10	Memorandum for appearance before Enquiry Officer dtd. 10/11-8-06	3
11.	11	Reply of Memorandum dtd. 29.8.06	4
12.	12	Order of major punishment dated 29.11.2006.	5
13.	13	Preference of appeal before the Appellate Authority dtd. 15.12.06.	6
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15.	15	Memorandum of Notification dated 11.10.2007	8
16.	16	Notification of Central Silk Board dated 22.4.2008	9
17.	17	Order of Hon'ble Gauhati High Court dated 16.1.2009.	10
18.	18	Order of Hon'ble Tribunal dated 6.4.09.	11
19.	19	Order dtd. 27.7.2009 passed by Appellate Authority.	12

Filed on . Dec. 2009

Filed by
Rajeswar Sarma
(Sri Rajeswar Sarma)
Advocate,
Gauhati High Court.

DISTRICT : JORHAT

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL (CAT)
GAUHATI BENCH::::::::::GUWAHATI

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

Original Application No. 280 of 2009

Sri Bakul Dutta Applicant

-Versus-

The Union of India and others

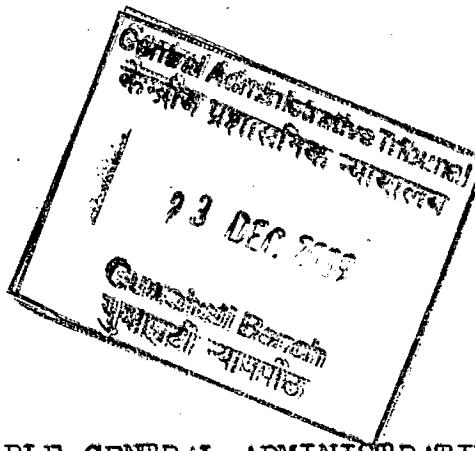
..... Respondents

I N D E X

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21.	ANNEXURE-19	

Filed on

Filed by
Sri Rajeswar Sarma
(Sri Rajeswar Sarma)
Advocate,
Gauhati High Court.



Filed by:-

D. K. Dutta
D. K. Dutta & Associates
Advocate

through:- Ms. Savitree S. Samal
Advocate

23.12.09

DISTRICT : JORHAT

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL (CAT)
GAUHATI BENCH, ::::: GUWAHATI

Original Application No. 280 of 2009

IN THE MATTER OF :-

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

-AND-

IN THE MATTER OF :-

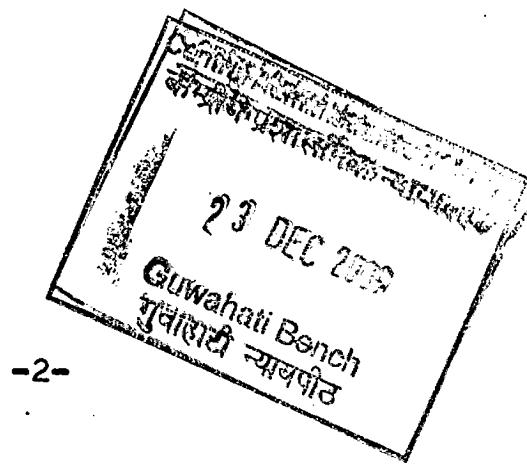
Sri Bakul Dutta,
son of Late Maniram Dutta,
resident of village-Rupnagar,
Police Station-Borhola,
District-Jorhat, Assam,
PIN-785001

..... APPLICANT

-Versus-

- 1) The Union of India,
represented by the Secretary
to the Government of India,
Ministry of Textiles, New Delhi.
PIN-110001.

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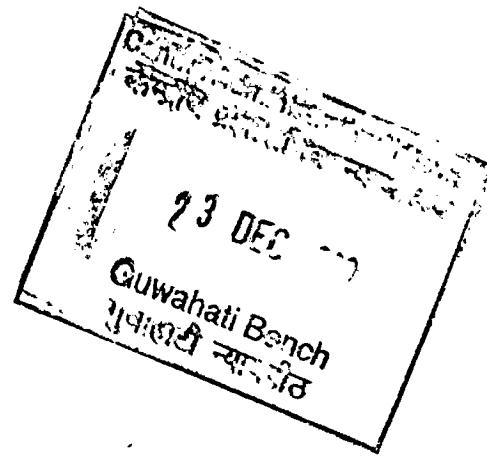
2) Central Silk Board,
represented by the Chairman,
Central Silk Board,
BTM Layout, Medivala Road,
Bangalore,
PIN-560068.

3) The Chairman,
Central Silk Board
BTM Layout, Medivala Road,
Bangalore,
PIN-560068.

4) The Chief Executive Officer
and Member Secretary,
Central Silk Board,
BIM Layout Medivala Road,
Bangalore,
PIN-560068.

5) The Member Secretary
Appellate Authority,
Central Silk Board,
BIM, Layout, Medivala Road,
Bangalore,
PIN-560068.

6) The Director,
Central Muga Eri Research
and Training Institute,



Lahdoigarh, Jorhat, Assam

PIN-785001.

7) The Scientist(E),
Muga, Silk Worm, Seed
Organisation, Dispur,
near Zoo Guwahati,
PIN-781024.

8) The Disciplinary Authority
Central Muga and Eri
Research Institute,
Central Silk Board,
Jorhat, Assam
PIN-785001.

.....RESPONDENTS

DETAILS OF THE APPLICATION

1) Particulars of the Order against which the application is made :

The application is made for issuance of an order in the nature of Mandamus and/or of a certiorari/direction/order to set aside and quash the impugned memorandum dated 02.02.2006, 27.3.2006, 10.8.2006, order under Memo No. CSB/CMER & TI/15(II)/2005/FIR/5511 dated 29.11.2006 passed by the Director/Disciplinary Authority and Order No. CSB-1(3) 2009 VI6 dated 27.7.2009

passed by the Member Secretary, Appellate Authority.

2) Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal under Notification dated 22.4.08 published by Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Government of India.

3) Limitation :

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

4) Facts of the Case :-

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

4.2. That the applicant was qualified to be appointed in the post of Laboratory Assistant and he was appointed on 12.11.1981 and posted at Titabar. The applicant is energetic, dynamic, obedient and loyal to the service and because of all such qualities the applicant was

promoted from time to time since 1981 and discharging his duties and responsibilities as Technical Assistant at Central Muga, Eri Research and Training Institute, Lahdoigarh. The applicant was discharging such capacity since 5.6.2000 at Lahdoigarh and during his stay at Lahdoigarh he came into contact with Sri Ajit Roy, Assistant Technician and both started living together on rent. Sri Ajit Roy during stay together took loan of Rs.6,850/- from the applicant on 14.8.2003 and on receipt of the said amount from the applicant Sri Ajit Roy issued a handnote on revenue stamp, acknowledged having received.

A copy of the acknowledgement dated 14.8.2003 signed and issued by Sri Ajit Roy is annexed hereto and marked as Annexure-1.

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

4.4. That Sri Ajit Roy, Assistant Technician of Central Muga Eri Research and Training Institute, Lahdoigarh allegedly alleged that the applicant attacked Sri Ajit Roy with a sharp weapon(dao) on 30.9.2005 and accordingly



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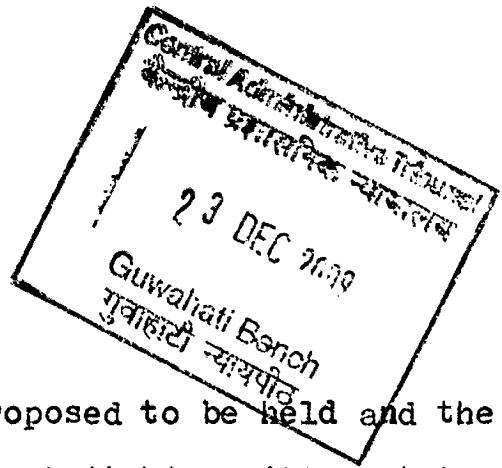
the Director issued a memorandum on 1.10.2005 and proposed to conduct an enquiry of the incident of 30.9.2005 to find out the facts. It needs to mention that no First Information Report was lodged before the Police Station for alleged incident and applicant demanded a copy of complaint submitted by Sri Ajit Roy to the respondent but the same has not been furnished till date. The complaint never exhibited before the disciplinary authority and no statement made that he lodged the complaint.

A copy of memorandum dated 1.10.2005 is annexed hereto and marked as Annexure-2.

4.5. That the Deputy Director of the Central Muga Eri Research & Training Institute, Lahdoigarh issued a memorandum on 3.10.2005 stating inter-alia that the inquiry committee felt necessary for enquiry into the incident that took place near the main gate of the institute on 30.9.2005 between the applicant as well as Sri Ajit Roy and directed the applicant and others to appear before the inquiry committee on 4.10.2005 for inquiry into the case without fail.

A copy of memorandum dated 30.10.2005 is annexed hereto and marked as Annexure-3.

4.6 That the Director issued a memorandum on 2.2.2006 proposed to hold an inquiry against the applicant for imputations of the misconduct or misbehaviour in respect



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

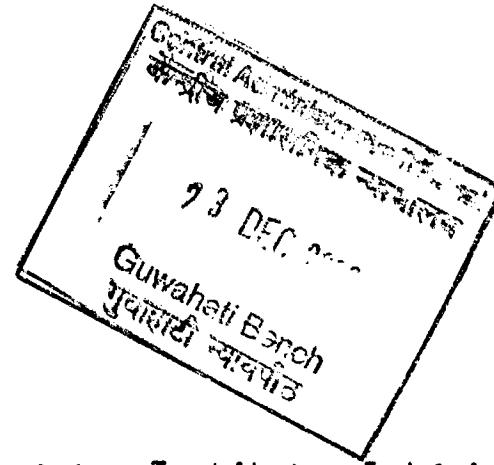
A copy of memorandum dated 2.2.2006 is annexed hereto and marked as Annexure-4.

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

A copy of reply dated 13.2.2006 is annexed hereto and marked as Annexure-5.

4.8.1 That the Director passed an order on 24/25-02-2006 where an inquiry is being held against the applicant to inquire into the charges levelled against him. Accordingly, Dr. P. K. Kakati, Deputy Director, Central Muga, Eri Research and Training Institute, Lahdoigarh, was appointed as the Inquiry authority. The Director passed another order on 24/25-02-2006 where Sri M. R. Das, Assistant Director, Central

Contd...8



-8-

Muga, Eri Research and Training Institute, Lahdoigarh was appointed as the Presenting Officer.

Copies of order dated 24/25-02-06 appointing Dr.P.K.Kakoti and Sri M.R.Das as the Inquiry Authority and the Presenting Officer are annexed hereto and marked as Annexures-6 & 7 respectively.

4.9. That the Director issued a memorandum on 27.3.06 inter alia that the Director proposed to hold an inquiry for imputation of misconduct or misbehaviour in respect of which the inquiry is set out and the applicant was directed to submit the written statement of memorandum in his defence.

A copy of memorandum dated 27.3.2006 is annexed hereto and marked as Annexure-8.

4.10 That the Director of Central Muga, Eri Research and Training Institute in short CMER & TI issued a memorandum dated 30.6.2006 inter-alia that in pursuance to Central Office Memorandum dated 10.4.2006, the applicant stands relieved at Lahdoigarh, Jorhat and advised to report for duty to the Assistant Director, Muga Silk Worm Seed Production Centre, Kaliabari in the district of Kamrup, Assam within the admissible joining time and at present the applicant is discharging his duties and responsibilities at Kaliabari(Boko) in the district of Kamrup, Assam.

A copy of memorandum dated 30.6.2006 issued by the Director is annexed hereto and marked as Annexure-9.

4.11. That Sri P.K.Thakur, Inquiry Officer issued a memorandum on 10.8.2006 stating inter alia that the inquiry officer has examined 5 witnesses but the delinquent was not allowed to cross-examine. Further Dr.P.K.Kakoti was appointed as the Inquiry authority by order dated 24/25-02-06 whereas Sri P.K.Thakur conducted the inquiry officer without any pre-intimation to the delinquent. The inquiry Officer did not allow the delinquent to take assistance from the co-employee. The delinquent was not allowed to take his defence. No documents were supplied to him and not allowed to have inspection of original documents and as such the findings of inquiry officer is perverse and violative in law. The Enquiry Officer did not ask for assistance of co-employee. The dao in question has not been exhibited during cause of enquiry. The prescription of doctor did not reveal date and no certificate to that effect is produced.

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

4.12. That the applicant filed a representation on 29.8.2006 stating inter alia that no such incident happened though the inquiry officer submitted the report

and no enquiry report supplied to the applicant and the delinquent has not committed any misconduct or misbehaviour and fervently requested to free him from charges as the applicant has great financial obligation and burden due to his school going children as service is the earning source of the applicant.

A copy of representation represented on 29.8.06 is annexed hereto and marked as Annexure-11.

4.13. That the Director/Disciplinary authority passed an order on 29.11.2006 inter-alia that the disciplinary authority arrived to the conclusion that the component charges proved against the delinquent in the case are extremely serious in nature and constitute serious misconduct on his part and has failed to maintain absolute integrity, had acted a manner which is unbecoming of Government Servant and inflicted major penalty of reduction in a lower stage in the time scale of pay by one stage for a period of four years and the applicant shall not earn his annual increments of pay during the period of reduction. It may be noted that prior to passing the major penalty the applicant was not afforded the opportunity of personal hearing and as such the order passed on 29.11.2006 is perverse, arbitrary, contrary and defiance of logic and the same is liable to be set aside and quashed.

A copy of order dated 29.11.2006 is annexed hereto and marked as Annexure-12.

4.14. That the applicant preferred an appeal on 15.12.2006 before the appellate authority that is the Chairman, Central Silk Board, Bangalore and the copy of the appeal was also forwarded to the Director/Disciplinary authority stating inter-alia that the inquiry conducted by the inquiry officer were not as per the established procedure of law. During the course of inquiry, the delinquent was not allowed to cross-examine. Further the delinquent should have been given defence to take the assistance of the legal practitioner but that opportunity was not given to the applicant. Further the delinquent was not given opportunity to have inspection or original documents.

A copy of the appeal dated 15.12.2006 is annexed hereto and marked as Annexure-13.

4.15. That the applicant categorically states that no such incident was so-called happened on 30.9.2005 though allegedly alleged against the applicant and the total story is colourable, manufactured and concocted. In his reply on 13.2.2006 that he carried a dao and kept in the tool box in his scooter and the said dao was branded/new purchase from the open market for his domestic use and not for malafide intention for criminal offence. He

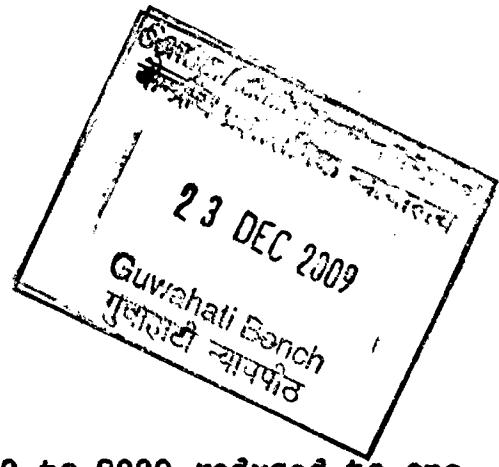
showed to others for the purpose to know the quality of dao being newly purchased.

4.16. That the applicant joined services in 1981 and since then till date he was promoted several times due to his integrity, loyalty and honesty. Besides the applicant was allowed to draw time scale of efficiency bar as and when fell due. Though incident was not happened still the applicant amicably settled the matter with the concern person and the alleged incident was never reported before the police station nor the respondents reported the same and as such the respondents should have not initiated the disciplinary proceedings against the applicant. Ajit Roy never took care after the alleged incident. The doctor was not examined.

4.17. That, the applicant filed an application under Section 19 of the Administrative Tribunal Act, 1985 on 20.6.2007 before this Hon'ble Tribunal being Original Application No.174/2007 and the said original Application was dismissed on 2.8.2007 for want of jurisdiction.

A copy of order dated 2.8.2007 in O.A. No.174/2007 is annexed hereto and marked as Annexure-14.

4.18. That, the Scientist-E of Muga Silk Worm Seed Organisation, Central Silk Board, issued a memorandum on 11.10.2007 informing the applicant that order for his reduction to a lower stage in the time scale of pay has been reviewed and in modification of it his pay of Rs.



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6,800/- in the scale of 5000 to 8000 reduced to one stage for four years w.e.f. 29.11.2006. The applicant is allowed to draw his pay at Rs.6,650/- w.e.f. 29.6.06 and no increment is allowed to be drawn since 29.6.2006.

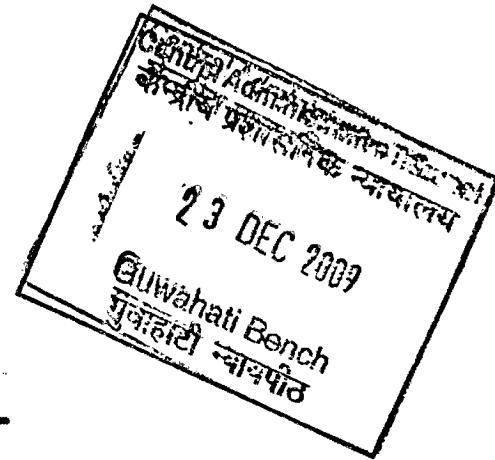
A copy of Memorandum dated 11.10.2007 issued by Scientist E in annexed hereto and marked as Annexure-15.

4.19. That the applicant as a writ petitioner filed a writ petition on 9.10.2007 being W.P.(C) No.5449/2007 under Article 226 of the Constitution of India challenging the legality, validity and propriety of Memorandum dated 2.2.2006, 27.3.2006, 10.8.2006 and 29.11.2006.

4.20. That, the applicant states that during the pendency of the writ petition being W.P.(C) 5449/2007 before the Hon'ble Gauhati High Court, the Government of India published a Notification on 22.4.2008 whereby, the Central Government specifies first day of May, 2008 as the days on and from which the provisions of Sub-Section 3 of Section 14 of the Administrative Tribunals Act, 1985 shall apply to the Organisations including Central Silk Board.

A copy of Notification dated 22.4.2008 published by the Government of India is annexed hereto and marked as Annexure-16.

4.21. That, the applicant states that the writ petition being W.P.(C) No.5449/2007 came up for hearing on 16.1.2009 before the Hon'ble Gauhati High Court and upon hearing the

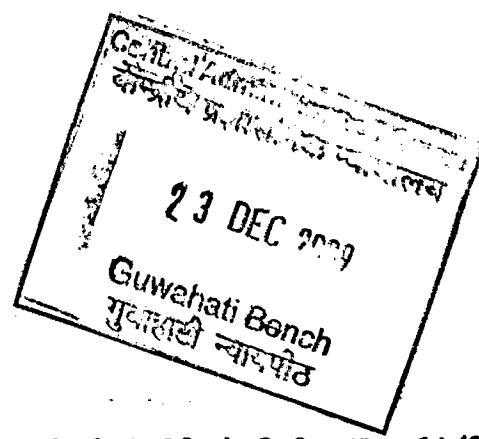


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parties and on bringing the Notification dated 22.4.2008, the writ petition stands disposed with liberty to the petitioner to approach the Hon'ble Central Administrative Tribunal, Gauhati Bench, in respect of his grievances raised in his writ petition. In the event of approaching been made, the Tribunal shall condone the delay, if any, taking into account the fact that the petitioner was pursuing his remedy before the Hon'ble Court and the Notification dated 22.4.2008 was issued during the pendency of the writ petition.

A copy of order dated 16.1.2009 in W.P.(C) No.5449/2007 is annexed hereto and marked as Annexure-17.

4.22. That the applicant filed an original application on 27.3.09 being O.A.No.64/2009 before this Hon'ble Tribunal challenging the legality, validity and propriety of memorandum and orders dated 1.10.2005, 3.10.2005, 2.2.06, 24/25-2-06, 27.3.06, 10/11-8-06, 29.11.06, 10.4.07 and 11.10.07. The applicant also sought for relief of seniority, promotion and back benefits. The Hon'ble Tribunal on admission hearing disposed of with direction on 6.4.09 to the Respondent especially to the Respondent No.2/Chairman of Central Silk Board to consider the appeal of the applicant and pass a reasoned order thereon within 120 days of the receipt of copies of order.



A copy of order dated 6.4.09 in O.A. No. 64/2009
is annexed hereto and marked as Annexure-18.

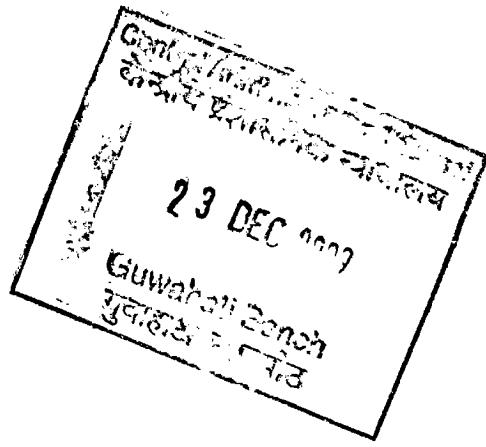
4.2^g. That the Member Secretary/Appellate Authority passed an order on 27.7.09, thereby confirms the said major penalty of "Reduction to a lower stage in the time scale of pay by one stage for a period of four years imposed on the applicant by the Director/Disciplinary Authority vide order dated 29.11.06. The said penalty imposition ordered by the Disciplinary Authority shall stand.

A copy of order dated 27.7.09 passed by Member Secretary/Appellate Authority is annexed hereto and marked as Annexure-19.

4.2^h. That the applicant states that the Respondents have promoted the contemporary employees who joined along with the applicant to the higher scale of pay on the other hand the applicant have not been promoted to the next higher grade, thus, the respondents not only inflicted major punishment by reduction of increment for four years but also illegally withheld his promotion to the next higher grade. The applicant is entitled to promotion and service seniority otherwise, this will not only affect his service career but also his promotion.

5) GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that, the applicant categorically states that no such incident was happened on 30.9.2005 though



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allegedly alleged against the applicant and the total story is colourable, manufactured and concocted. In his reply on 13.2.2006 he carried a iron tool(dao) and kept in the tool box of his scooter and the said dao was branded/new purchased from the open market for his domestic use and not for malafide intention to commit criminal offence. He showed to other for the purpose to know the quality of dao being newly purchased.

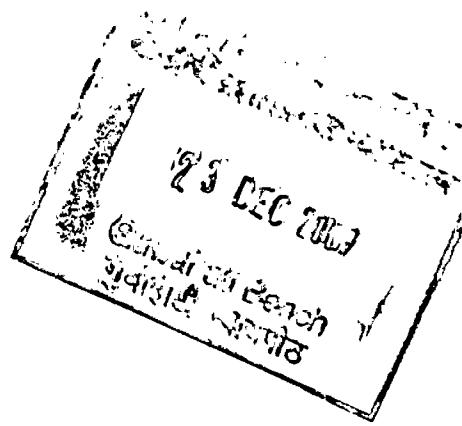
5.2. For that, the applicant joined services in 1981 and since then he was promoted several times due to his integrity, loyalty and honesty. Besides, the applicant was allowed to draw time scale of efficiency bar as and when fell due. No incident happened, still the applicant amicably settled the matter with the concerned person and the victim in the alleged incident never reported the matter before the police station nor the respondents did the same and as such the respondent should have not initiated disciplinary proceeding against the applicant.

5.3. For that, the respondents should have furnished a copy of report reported by Sri Ajit Roy regarding the contents and context of the report but the same had not been supplied and as such the disciplinary authority initiated the proceeding behind his back and such proceeding is not under the established procedure of law. During the course of disciplinary proceedings the respondents were approached by the applicant for inspection

of original documents but not allowed to inspect the same, even the applicant was not furnished with the photocopy of the documents, so that, he could be enabled to take his defence but was refused. During enquiry no dao was exhibited.

5.4. For that, it was the duty of the disciplinary authority to give the assistance of the co-employee so that the delinquent can take proper defence in his case but in the instant case the same was not found. The disciplinary proceeding started with the interested witnesses for the Central Silk Board but no independant eye witnesses were examined because of the fact, no such incident was happened and even the delinquent was not allowed to cross-examine the witnesses. He was not allowed to take defence witnesses.

5.5. For that, before passing the award of major penalty, the respondents should have given an opportunity of personal hearing to the delinquent and that opportunity was not afforded to the applicant. The major penalty inflicted upon the applicant is fully uncalled for, unjust unreasonable and defiance of logic and the penalty is disproportionate to the alleged incident happened. The respondents were pre-determined to inflict the major penalty and subsequent proceedings are of mere formalities, for that the Director while inflicting the major punishment upon the applicant has not applied his own

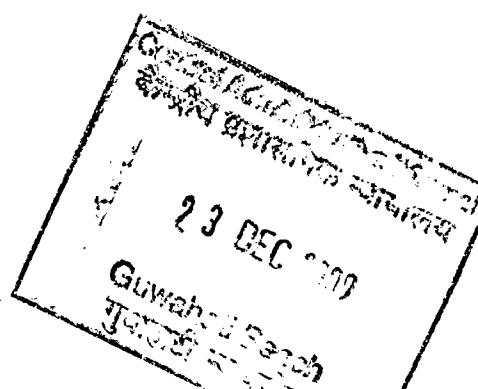


mind and just carried forward the findings of the Enquiry Officer.

5.6 For that, during the course of enquiry proceeding the applicant found that the Enquiry Officer many a times acted as presenting officer which is barred by law. The applicant preferred the appeal on 15.12.06 before the Appellate Authority, i.e., the Chairman, Central Silk Board, Bangalore, which should have been considered favourably. Meanwhile, the respondent issued memorandum on 18.4.2007, reduction to lower stage from pay scale of Rs.5000 to 8000 to lower scale, senior FA scale of Rs.4,500 to 7,000. Subsequently, another memorandum was issued on 11.10.2007 by modification of Memorandum dated 18.4.2007 whereby, the applicant's salary is fixed in the scale of Rs.5000 to Rs.8000.

5.7. For that, the respondents had not considered the adverse effect of the applicant by passing the impugned order to reduction by one stage for four years w.e.f. 29.11.2006. Thus, the orders are illegal and ultra vires and liable to be set aside and quashed.

5.8. For that, Sri Ajit Roy had produced the medical prescription and not certificate. The so called Doctor treated Sri Ajit Roy had not been examined. The wife of Bakul Dutta (instant applicant) should have been called and examined for confirmation of telephone call received



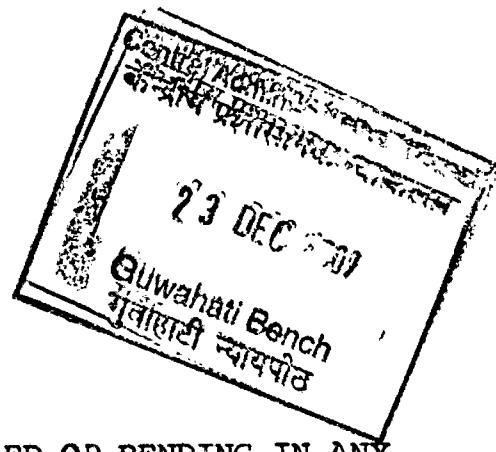
from Narayan Mahanta and not doing so, the entire disciplinary proceedings and orders are liable to be set aside and quashed.

5.9. For that the enquiry report itself revealed that the applicant was not allowed for inspection of original documents and he was not afforded the assistance of Co-employee. There are contradictory statement whereby alleged incident happened at a Tea Stall in one hand and in front of the gate on the other hand. Thereby Enquiry Officer could not be ascertained exact place of alleged incident happened.

5.10. For that Sri Ajit Roy did not make any statement of eye witnesses and no eye witnesses in the entire incident. Though 5/6 persons were present, never uttered their names and they have not been called for fair conduct of trial. Thus the same is perverse and arbitrary.

6) DETAILS OF THE REMEDIES EXHAUSTED

The applicant declares that he has availed of all the remedies available to him by preferring appeal on 15.12.2006 before the appellate authority and the ~~appellate~~ appellate authority passed the order on 27.7.2009 and uphold the major penalty. He has no other efficacious alternative remedy available to him except to file this application.



7) MATTER NOT PREVIOUSLY FILED OR PENDING IN ANY

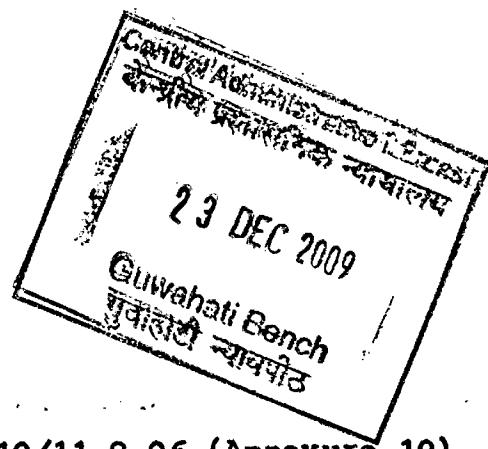
OTHER COURT :

The applicant filed original application No.174/2007 on 20.6.2007 and the said application was dismissed on 2.8.2007 for want of jurisdiction (Annexure-14). Further the applicant filed a writ petition on 9.10.2007 being W.P.(C) No.5449/2007 before the Hon'ble Gauhati High Court and the Hon'ble Court disposed of the writ petition on 16.1.2009 in W.P.(C) No.5449/2007 with liberty to the petitioner to approach the Central Administrative Tribunal, Gauhati Bench in respect of his grievances. He filed original application on 27.3.09 and disposed the same on 6.4.2009. Presently no application is pending in any Hon'ble Court/Tribunal.

8) RELIEFS SOUGHT

In view of the facts mentioned in the application, the applicant prays for the following relief(s) to set aside and quash :-

- 8.1. Memorandum dated 1.10.2005 (Annexure-2)
- 8.2. Memorandum dated 3.10.2005 (Annexure-3)
- 8.3. Memorandum dated 2.2.2006 (Annexure-4).
- 8.4. Order dated 24/25-2-06 (Annexure-6)
- 8.5. Order dated 24/25-2-06 (Annexure-7)
- 8.6. Memorandum dated 27.3.2006 (Annexure-B)



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8.7 Memorandum dated 10/11-8-06 (Annexure-10).

8.8 Order dated 29.11.06 (Annexure-12)

8.9 Memorandum dated 10.4.2007 (Annexure-14)

8.10 Memorandum dated 11.10.2007 (Annexure-15)

8.11 Order dated 27.7.2009 (Annexure-19)

8.12 That the applicant prays for service seniority, promotion and back benefits as contemporary employees of similar designations have already been upgraded with promotion and monetary benefit.

9) INTERIM ORDER, IF ANY, PRAYED FOR

Pending final decision on the application, the applicant seeks the following relief(s) for stay /suspension.

9.1 Memorandum dated 1.10.2005 (Annexure-2)

9.2. Memorandum dated 3.10.2005 (Annexure-3)

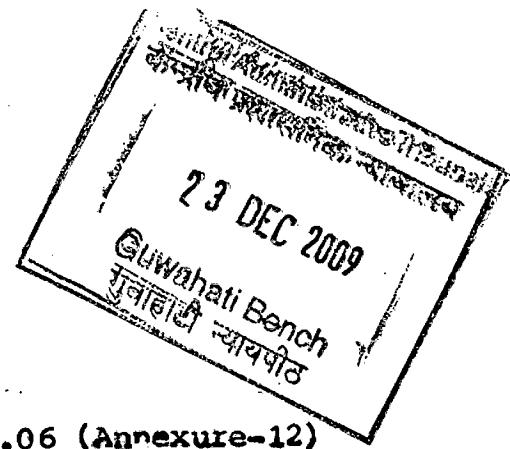
9.3 Memorandum dated 2.2.2006 (Annexure-4)

9.4 Order dated 24/25-2-06 (Annexure-6)

9.5 Order dated 21/25-2-06 (Annexure-7)

9.6 Memorandum dated 27.3.2006 (Annexure-8)

9.7 Memorandum dated 10/11-8-06 (Annexure-10).



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9.8 Order dated 29.11.06 (Annexure-12)

9.9 Memorandum dated 10.4.2007 (Annexure-14)

9.10 Memorandum dated 11.10.2007 (Annexure-15)

9.11 Order dated 27.7.2009 (Annexure-19).

10) This application is filed through advocate.

11) Particulars of Indian Postal Order

(a) I.P.O. No. 399 443736

(b) Date of issue : 24-12-09

(c) Issued from : Gwahat'i

(d) Payable at : Gwahat'i

12) LIST OF ENCLOSURES

(1) Memorandum of application

(2) ANNEXURES

(3) Vakalatnama

(4) Indian Postal Order (I.P.O.)

Contd.....Verification...p/23

-23-



-VERIFICATION-

I, Sri Bakul Dutta, son of Late Maniram Dutta, aged about-49 years, Hindu by religion, by Occupation-Service, resident of village Rupnagar, Post Office-Borhola, District-Jorhat, Assam do hereby verify that the contents of paragraphs... 1.3, 4.1, 4.3, 15, 16 are true to my knowledge and paragraphs 4.2, 4.4, 4.14, 4.17, 4.24 believed to be true on legal advice and that I have not suppressed any material facts.

Date :- 23 Dec 09

Place :- Guwahati

Bakul Dutta

Signature of the Applicant

-26-

23 DEC 2009

Guwahati Bench
গুৱাহাটী বৰ্ষণ

ANNEXURE

Received Rs. 6050/- (Rupees Six thousand
Eight hundred Fifty) only from Shri Bakul Dutt
Sarkar, M.R.T.S. Comm. Society, Dibrugarh
amount for the month of August 2009.

Sd/- Illig

14/8/09

Ms. K. S. Canah
Advocate
23/12/09

18-25-

**CENTRAL MUGA AND ERI RESEARCH
& TRAINING INSTITUTE
CENTRAL SILK BOARD
Ministry Of Textiles
Lahdoigarh - 785 001, Jorhat, Assam**

No. CSB/CMER&TI/1(1)/2005/IR/4556

10.05

MEMORANDUM

Sub: Attack with fatal weapon - regarding.

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

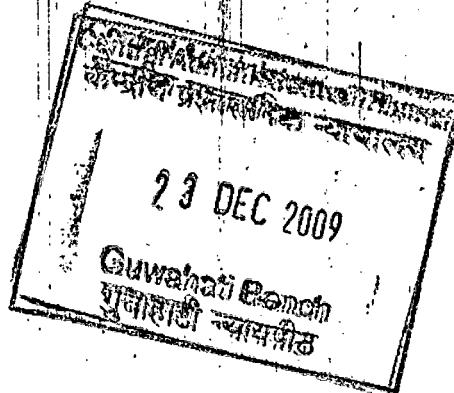
1. Shri K.K. Doley, Chowkidar, CMER&TI, Lahdoigarh
2. Shri Mohan Das, Chowkidar, CMER&TI, Lahdoigarh
3. Shri Pulin Hazarika, TSW, CMER&TI, Lahdoigarh

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

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

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

Ms. K. S. Samah
Advocate
23.12.09



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ANNEXURE 3

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

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

Dated 03.10.2005

MEMORANDUM

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

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

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

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

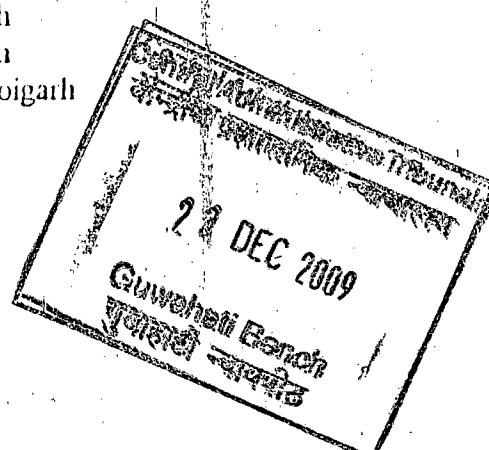

(Dr. P.R. Kakati)

DEPUTY DIRECTOR

To,

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

Ms. K. S. Searah
Advocate
23.12.09



Recd - 2
1/16/06
02.11.09 AM

23 DEC 2006

ANNEXURE A

	CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE CENTRAL SILK BOARD Ministry Of Textiles : Govt. Of India Lahdoigarh-785 700 Jorhat (Assam) Ph. No.2335513, 2335528
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No.CSB/CMER&TI/15(11)/2005/FIR/7108

Dated 02.02.2006

CONFIDENTIAL

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Bakul Dutta, Technical Assistant, Central Muga Eri Research & Training Institute, Lahdoigharh, Jorhat (Assam) under Rule 14 of the Central Civil Services (Classification, Control and Appcal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure- I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

2. Shri Bakul Dutta is directed to submit within 10 (ten) days of the receipt of this Memorandum a written statement of his defense and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
4. Shri Bakul Dutta is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the Inquiring Authority may hold the inquiry against him ex parte.

Ms. R. S. Saigal
Advocate
23.12.09

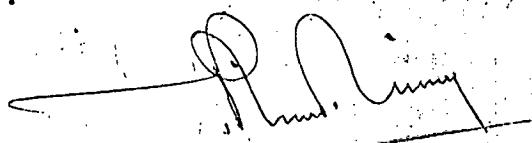
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2/3/2006

5. Attention of Shri Bakul Dutta is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri Bakul Dutta is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules, 1964.

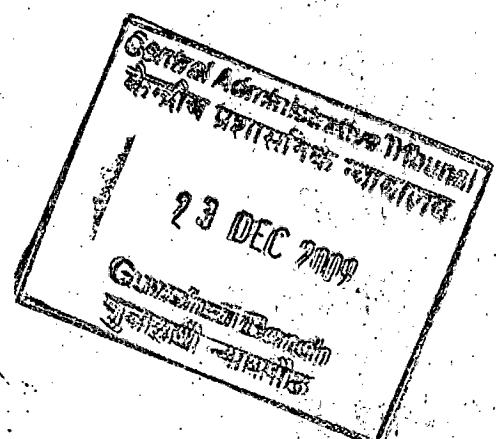
6. The receipt of the Memorandum may be acknowledged

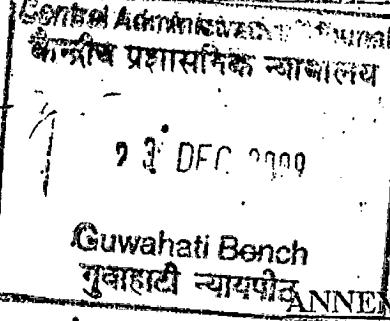
Encl.: As Above



(R. Chakravorty)
DIRECTOR

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

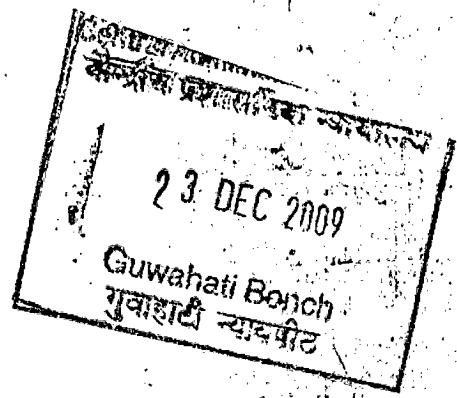




ARTICLES OF CHARGE FRAMED AGAINST SHRI BAKUL DUTTA,
TECHNICAL ASSISTANT, CENTRAL MUGA ERI RESEARCH &
TRAINING INSTITUTE, LAHDOIGARH, JORHAT (ASSAM)

ARTICLE - I

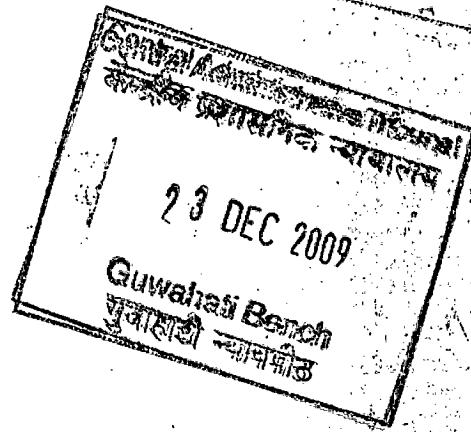
Shri Bakul Dutta, Technical Assistant, Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) has entered into gross moral misconduct of fatal attack to Shri Ajit Roy, Assistant Technician, and attempted to murder Shri Narayan Mahanta, Chowkidar, CMER&TI, Lahdoigarh. The said acts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



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

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

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



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

The case history for the said incidence follows.

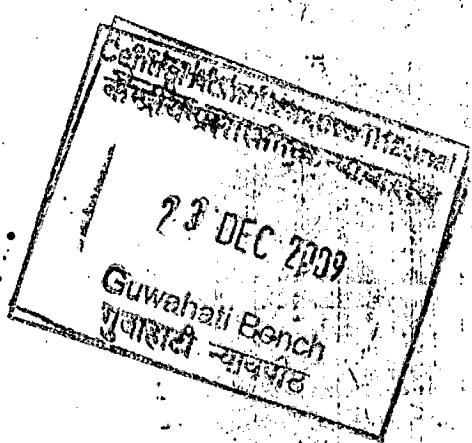
Complaint lodged by Shri Ajit Roy for the said incidence is placed below.

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

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

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



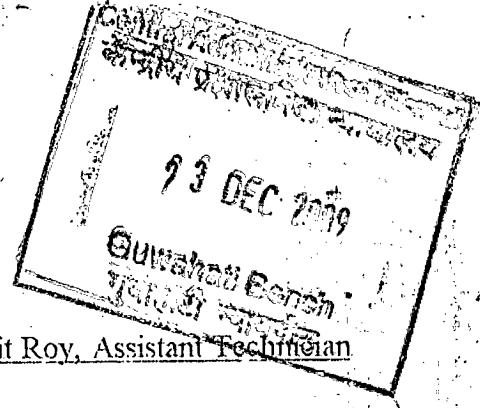
The following Officials/TSFWs were directed to appear before the Inquiry Committee on the basis of the witness as stated by Shri Roy, Assistant Technician on 01.10.2005 at 2.00 P.M. in the conference hall of this Institute vide Memorandum No.CSB/CMER&TI/15(II)/2005/FIR/4556-4560 dated 01.10.2005, they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

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

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

The statements of the respective witness as follows.

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

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

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

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Shri Pulin Hazarika, TSEW took away the said sharped weapon from Shri Dutta.

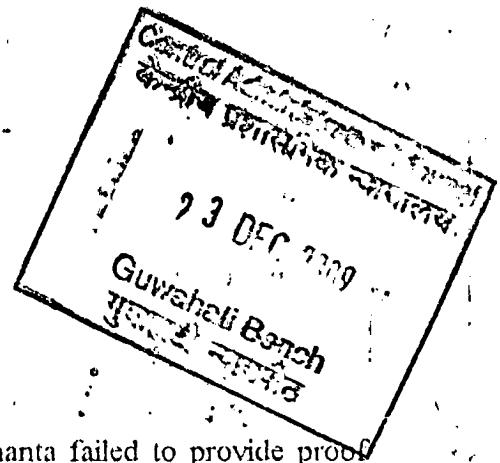
Shri Bakul Dutta ordered Shri Pulin Hazarika to put the said weapon (Dao) in the Tool Box of his Scooter. After that Shri Bakul Dutta entered into the office campus slowly threatening him (Shri Roy) to be careful as one day he (Shri Roy) will be cut into pieces for the said reason of complaining to the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

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

Since 9 (nine) months he (Shri Bakul Dutta) and Shri Narayan Mahanta, Chowkidar were staying in the same rented house at Lalidoiguri Chariati. There was a good relation between them. Suddenly, during the last part of August, there was a theft case in his (Shri Bakul Dutta's) rented house and he (Shri Dutta) doubted Shri Mahanta for that incidence. Even then, they (Shri Dutta and Shri Mahanta) were living together. They decided to live separately w.e.f. 1st October.

On 27th of September Shri Mahanta charged him (Shri Dutta) for having informed his wife regarding his (Shri Mahanta's) drinking habit and Shri Mahanta abused him (Shri Dutta). He (Shri Dutta) told Shri Mahanta to report the matter to the

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

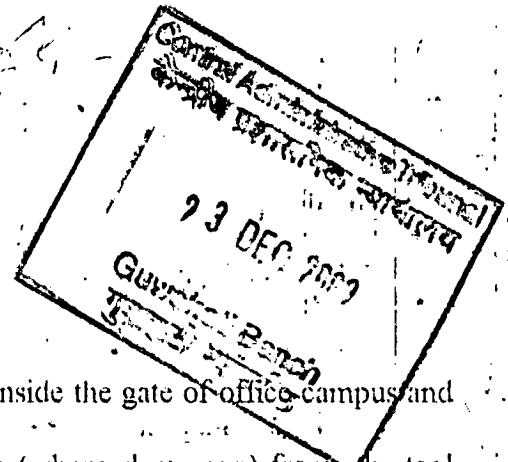
In the morning on 30.09.2005, he (Shri Dutta) arrived office and after keeping his Scooter, he enquired about Shri Mahanta. However, Shri Mahanta was absent. He (Shri Dutta) shouted to Shri Ajit Roy as to why he (Shri Roy) and Shri Mahanta informed to his (Dutta's) wife about his (Shri Dutta's) relation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

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

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

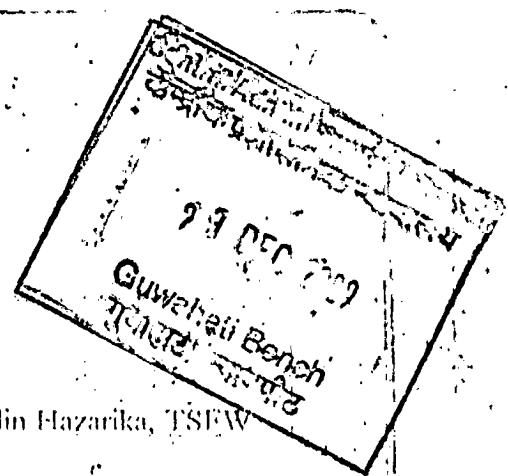
3. Statement dated 01.10.2005 furnished by Shri K. K. Doley, Chowkidar (witness).

On 30.9.2005 he (Shri Doley) was on duty at the gate. While he (Shri Doley) was at the Tea stall in front of office Gate to have a cup of tea, Shri Ajit Roy, Assistant Technician and Shri Mohan Das, Chowkidar came to take tea at the said tea stall. While, they were taking tea, they saw the arrival of Shri Bokul Dutta alongwith (Shri Bhupen Borah, TSFW) (Shri Bokul Dutta's).
Contd. 9



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

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



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

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

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

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

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

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

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

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

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

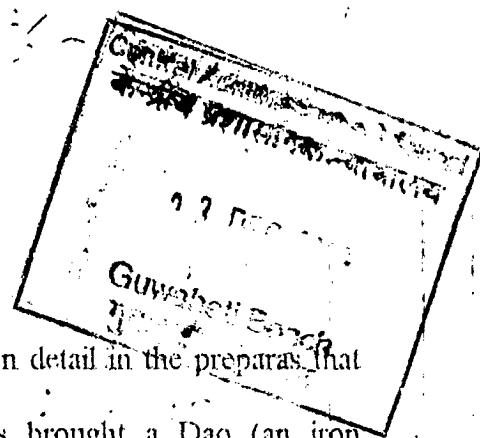
2. Shri Narayan Mahanta, Chowkidar (absent)
3. Statement dated 04.10.2005 furnished by Shri Bhupen Borah, TSFW.

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

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

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

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



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

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

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

ARTICLE -1

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

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

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ANNEXURE - III

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

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

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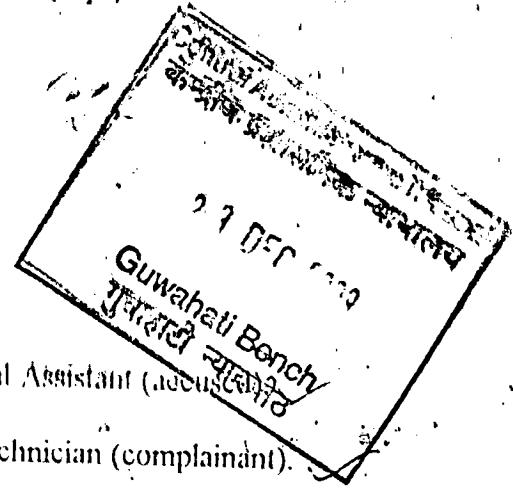
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ANNEXURE - IV

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

1. Shri Ajit Roy, Assistant Technician, Central Muga Eri Research & Training Institute, Lahdoigarth, Jorhat (Assam) (To depose in respect of the documents cited at Sl No. 1 & 2 of Annexure - II i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained).
2. Dr. P.K. Kakati, Deputy Director (Tech.), Central Muga Eri Research & Training Institute, Lahdoigarth, Jorhat (Assam) (To depose in respect of the documents cited at Sl No. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13 of Annexure - III i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained).
3. Shri Narayan Mahanta, Chowkidar, Central Muga Eri Research & Training Institute, Lahdoigarth, Jorhat (Assam) (To depose in respect of the documents cited at Sl No. 14 of Annexure - III i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained).

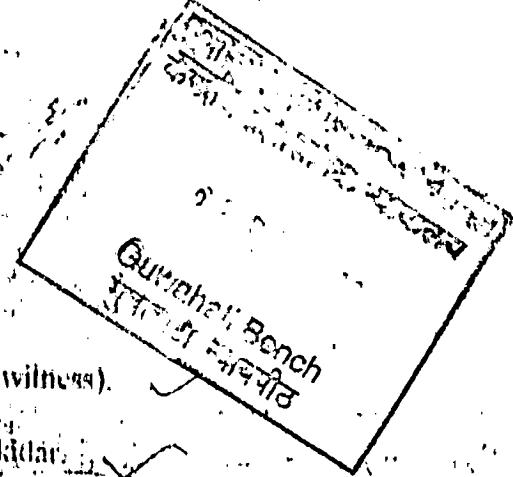
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- 1) Shri Bakul Dutta, Technical Assistant (accused).
- 2) Shri Ajit Roy, Assistant Technician (complainant).
- 3) Shri K.K. Doley, Chowkidar (witness).
- 4) Shri Mohan Das, Chowkidar (witness).
- 5) Written statement dated 01.10.2005 of Shri Ajit Roy, Assistant Technician (complainant).
- 6) Written statement dated 01.10.2005 of Shri Bakul Dutta, Technical Assistant (accused).
- 7) Written statement dated 01.10.2005 of Shri K.K. Doley, Chowkidar (witness).
- 8) Written statement dated 03.10.2005 of Shri Pulin Hazarika, TSFW (witness).
- 9) Memorandum No.CSB/CMER&II/15(II)/2005/FIR/4585-4592, dated 03.10.2005 issued by the Inquiry Committee advising following officials/TSFWs to appear before the Inquiry Committee on 04.10.2005 at 3.00 p.m. in the office for interrogation into the case against complaint lodged by Shri Ajit Roy, Assistant Technician.
 - i) Shri Bakul Dutta, Technical Assistant (accused).
 - ii) Shri Ajit Roy, Assistant Technician (complainant).
 - iii) Shri K. K. Doley, Chowkidar (witness).

Contd...3

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(v) Shri Mohan Das, Chowkidar (witness).

(vi) Shri Narayan Mahanta, Chowkidar.

(vii) Shri Pulin Hazarika, TSFW (witness).

(viii) Shri Bhupen Borah, TSFW. X

(ix) Shri Purnananda Baruah, TSFW. X

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

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

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

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

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

Guwahati Bench
গুৱাহাটী ন্যায়পৌঠ

Date: 13.02.06

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

Sub : Reply of Memorandum for your kind consideration-regarding.
Ref: No. CSB/CMER& TI/15 (11)/2005/FIR/7108 Date. 02.02.2006

Respected Sir,

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

1. That I am as an employee of Central Muga Eri Research & Training Institute, Central Silk Board have been rendering my service with full devotion to the department without any blemish during my service career.
2. That the allegation as sought to be brought against me by Inquiry Authority is not admissible on my part.
3. That the attention of myself is invited under Rule 20 of the Central Civil Service (Conduct) Rules, 1964 under which as Government Servant, I Sri Bakul Dutta have not brought / attempted to bring any political or outside influence to bear upon any superior authority to further his interest in respect of pertaining to my service under the Government.
4. That the allegation of gross moral misconduct of fatal attack to Sri Ajit Roy, Assistant Technician. It does not constitute serious misconduct on my part, the incidence was minor and it had occurred outside the office campus and that was not actually office hours.
5. That I have not failed to maintain absolute integrity and I have been performing my official duties regularly and sincerely. My action was not unbecoming and I have not contravened the rule 3 (1) (i) (ii) and Rule 3C(23) (70) (4) of C.C.S. (Conduct) Rules 1964, so the article of charge could not be farmed against me.

Mr. K. S. Samah
Advocate
23.12.09

Contd.

23 DEC

Guwahati Bench
गुवाहाटी न्यायपीठ

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

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

8. From the statement of K.K. Doley (chowkider) as witness, it is accidentally true that incidents occurred before office hour that had been happened outside the office campus and thereby it was not contravened rule 3.(I) (i) (iii) and rule 3C(23) (10) (4) of C.C.S. (Conduct) Rules 1961. Hence charge against myself could not be framed. I have not constituted serious misconduct on my part.

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

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

23 DEC, 2009

Guwahati Bench
গুৱাহাটী চায়পোঠ

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

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

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

Yours faithfully,


(BAKUL DUTTA)

Technical Assistant
CMER & TI, Lahdoigarh.



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

No.CSB/CMERTI/15(11)/2005/FIR-7628

Date: 24.02.2006

ORDER

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

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

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

Sd/-

DIRECTOR

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

Copy to:

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC.

Guwahati Bench
गुवाहाटी न्यायपीठ

N. K. S. Sainath
Sd/-
23.12.09

DIRECTOR

 <p>CENTRAL MUGA ERI RESEARCH & TRAINING INSTITUTE CENTRAL SILK BOARD Ministry Of Textiles : Govt. Of India Lahdoigarh-785 700 : Jorhat (Assam) Ph.No.0376-2335528(O), 2335513 Fax No.0376-</p>
<p><u>No.CSB/CMERTI/15(11)/2005/FIR 7624</u></p>

Date: 24.02.2006

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ORDER

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

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

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

Sd/-
DIRECTOR

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

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

DIRECTOR

23 DEC

Mr. K.D. Samal

Advocate

23.12.09



CENTRAL MUGA ERI RESEARCH &
TRAINING INSTITUTE

CENTRAL SILK BOARD

Ministry Of Textiles Govt. Of India

Lahdoigharh - 785 700

Jorhat (Assam)

Ph. No. 2335513, 2335528

No. CSB/CMER&TI/15(11)/2005/FIR/8262

Dated 27.03.2006

CONFIDENTIAL

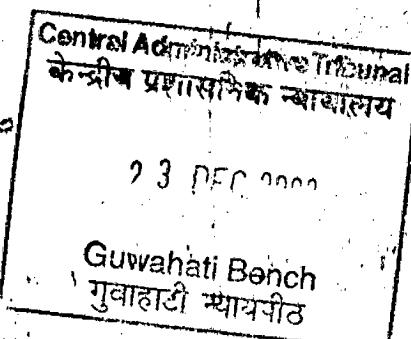
MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Bakul Dutta, Technical Assistant, Central Muga Eri Research & Training Institute, Lahdoigharh, Jorhat (Assam) under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure- I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

2. Shri Bakul Dutta is directed to submit within 10 (ten) days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri Bakul Dutta is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the Inquiring Authority may hold the inquiry against him ex parte.



Mr. K. D. Senapati

Advocate

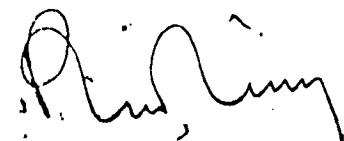
23.12.09

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4. Attention of Shri Bakul Dutta is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri Bakul Dutta is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

Encl. : As Above.



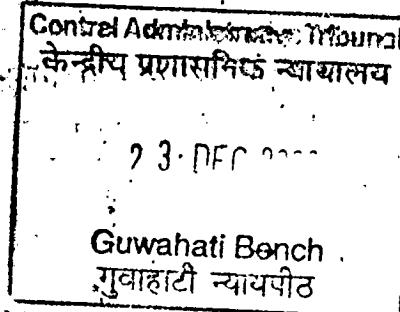
(R. Chakravorty)
DIRECTOR

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

Copy to :

The Member Secretary & C.E.O., Central Silk Board, CSB
Complex, BTM Layout, Madivala, Bangalore-560 063. This has a reference
to Central Office letter No. CSB-1(29)/98/VIG, VOL. II, dated 20.02.2006.

(R. Chakravorty)
DIRECTOR



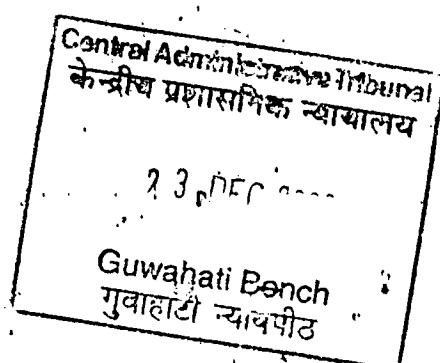
(54)

ANNEXURE-I

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

ARTICLE - I

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



(55)

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

ARTICLE -1

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

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

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

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

The said Shri Bakul Dutta, while, he was working at GEC, Aizawl, Mizoram in the said capacity of Technical Assistant since 21.01.1997, vide Central Office Memorandum No.CSB-4R(19)/97-ESJ dated 15.04.2000 he was transferred from GEC, Aizawl, Mizoram to Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat, Assam. He was relieved at REC, Aizawl on 31.05.2000 (A/N) and reported for duty at Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat, Assam on 05.6.2000 (F/N). The said Shri Bakul Dutta has been working at Central Muga Eri Research & Training Institute, Lahdoigarh in the said capacity of Technical Assistant since 05.06.2000.

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Guruhati Police
NORTH 24 PARGANAS

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

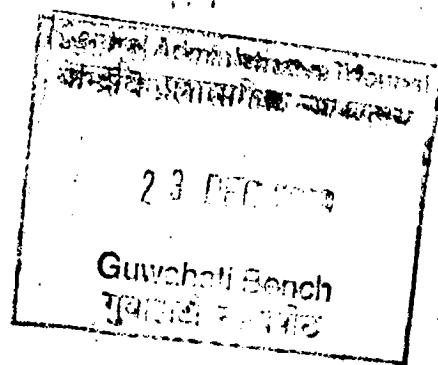
The case history for the said incidence follows.

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

On 30.9.2005 at 9.00 a.m. within the Office complex, Shri Bakul Dutta, Technical Assistant took out a sharp weapon (D-9) from his Scooter and attacked (Shri Roy) without any provocation from his (Shri Roy's) side while he (Shri Roy) in a bid to tried to save himself got injury in his right hand.

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

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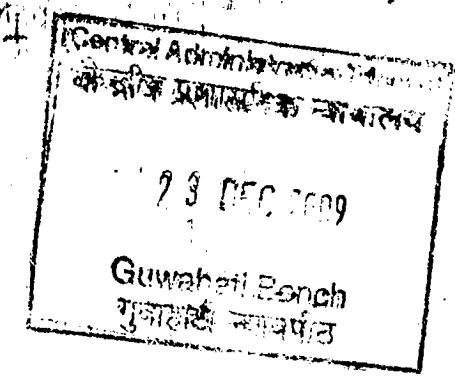
1. Dr. P.K. Kakati, Deputy Director.
2. Dr. K. C. Singh, Deputy Director.
3. Shri D. N. Duarah, Deputy Director.
4. Shri A.K. Dash, Deputy Director (A&A).
5. Shri M.R. Das, Assistant Director(A&A).
6. Shri O.N. Singh, Superintendent.

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

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

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

The statements of the respective witness as follows.



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

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

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

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

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

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

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Central Administration, Assam
केन्द्रीय प्रशासन, असाम

23/PF

Guwahati Bench
2005-09-30

Director with evidence on 27th i.e. Af. But Shri Mahanta failed to provide proof and did not intimate to the Director. On 28th of September, 2005 at 7.45 am, he (Shri Mahanta) made a telephone call to his (Shri Dutta's) wife at home and informed that Shri Dutta is maintaining an illicit relationship with his (Shri Mahanta's) wife. His (Shri Dutta's) wife told Shri Mahanta to prove the same but Shri Mahanta could not prove it. When he (Shri Dutta) reached home after office hours, he (Shri Dutta) came to know that his wife had been crying and right now, she was also having a fit of depression. Shri Roy informed to his (Shri Dutta's) wife by phone that he (Shri Dutta) has some affairs with Shri Mahanta's wife and she should be careful for such relationship. For two days, Dutta's wife did not eat any food. His (Shri Dutta's) wife and Shri Mahanta were mutually very upset. He (Shri Dutta) explained the whole matter to his wife and tried to pacify his wife. His 21 years happy family life got disturbed and he (Shri Dutta) was very furious towards these two persons i.e. Shri Mahanta and Shri Ajit Roy.

In the morning on 30.09.2005, he (Shri Dutta) arrived office and after keeping his Scooter, he enquired about Shri Mahanta. However, Shri Mahanta was absent. He (Shri Dutta) shouted to Shri Ajit Roy as to why he (Shri Roy) and Shri Mahanta informed to his (Dutta's) wife about his (Shri Dutta's) relation with Shri Mahanta's wife. There was exchange of harsh words between them. He (Shri Dutta) hit the computer and kick out the monitor (cabinet and monitor) from table.

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

He (Shri Dutta) stated that he should not have done such intension. He apoligised for such intension. He furthered that he also apoligised Shri Ajit Roy for his intension to maintain peace and harmony within him. He assured that he will not do such type of intension.

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

On 30.9.2005 he (Shri Doley) was on duty at the gate. While he (Shri Doley) was at the Tea stall in front of office main Gate to have a cup of tea, Shri Ajit Roy, Assistant Technician and Shri Mohan Das, Chowkidar came to take tea at the said tea stall. While, they were taking tea, they saw the arrival of Shri Dutta. (Shri Dutta is a constable in the office and he is a relative of Shri Roy)

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

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

Central Admin. केन्द्रीय प्रशासन

Government of Assam

Guwahati
Assam
India

3. Statement of Shri Pulin Hazarika, T.S.F.W. (Wing C) .

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

At the following date/s were called to appear before the Inquiry
Panel on 04.10.2005 at 3.00 p.m. in the conference hall of this Institute (I.I.T.).
Case No. C.R.I.A./Sect/Ex-410(11) 2005/1404555-4592 dated 03.10.2005.

1. Shri Bimal Kumar, Technical Assistant
2. Shri Ajit Roy, Assistant Technicalian
3. Shri K.K. Doley, Chowkidar
4. Shri Mohan Das, Chowkidar
5. Shri Narayan Mahanta, Chowkidar
6. Shri Pulin Hazarika, T.S.F.W
7. Shri Bhupen Bora, T.S.F.W

Given on 04.10.2005

Ch. D. S. S.

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

1. Shri Mohan Das, Chowkidar (witness)
2. Shri Narayan Mahanta, Chowkidar (absent)

1. Shri Mohan Das, Chowkidar (witness)

2. Shri Narayan Mahanta, Chowkidar (absent)

1. Deposition dated 04.10.2005, taken by Sub. Officer Dr. P.K. Kakati, Chowkidar

On 04.10.2005 at about 3.10 p.m. Shri B. D. Doley (Das) alongwith Shri K.K. Doley, Chowkidar and Shri Ajit Roy, Assistant Technician were taking tea at the hotel in front of the main office Gate. Shri Bakul Dutta came from home and kept his Scooter near the office Gate and asked Shri Doley whereabout of Shri N. Mahanta, Chowkidar. Shri Doley informed Shri Bakul Dutta about the absent of Shri Mahanta on the day. Shri Bakul Dutta told, if Shri Mahanta had been there he would have been given a better punishment for passing on some news by phone to his (Shri Dutta's) home which created problems in his (Shri Dutta's) family.

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

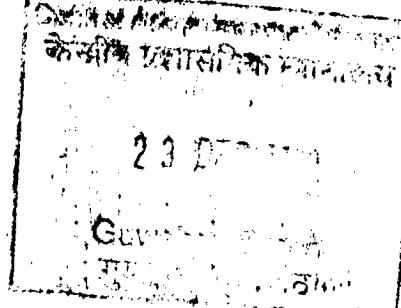
2. Shri Narayan Mahanta, Chowkidar (absent)
3. Statement dated 04.10.2005 furnished by Shri Bhupen Borah, TSFW.

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

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

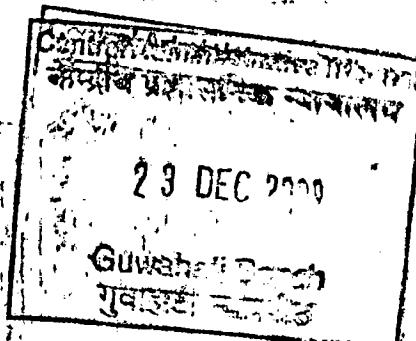
Shri P. Baruah stated that he had not seen the quarreling. After changing his dress he went to duty site. From there he heard the sound of quarreling. Shri Bakul Dutta told him (Shri Purnananda Baruah) that he (Shri B. Dutta) was very furious. Shri Bakul Dutta told him (Shri Baruah) to hide the Dao which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

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



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

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



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

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

Contd. 2

- i) Shri Bakul Dutta, Technical Assistant (accused).
- ii) Shri Ajit Roy, Assistant Technician (complainant).
- iii) Shri K.K. Doley, Chowkidar (witness).
- iv) Shri Mohan Das, Chowkidar (witness).
- v) Shri Pulin Hazarika, TSFW (witness).

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

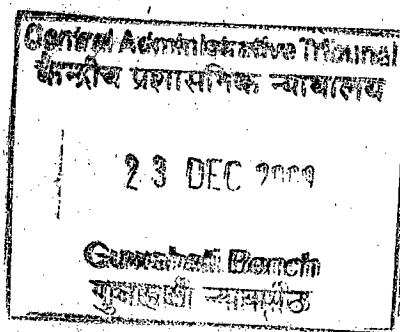
6. Written statement dated 01.10.2005 of Shri Bakul Dutta, Technical Assistant (accused).

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

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

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

- i) Shri Bakul Dutta; Technical Assistant (accused).
- ii) Shri Ajit Roy, Assistant Technician (complainant).
- iii) Shri K. K. Doley, Chowkidar (witness).



Contd...3

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- iv) Shri Mohan Das, Chowkidar (witness).
- v) Shri Narayan Mahanta, Chowkidar.
- vi) Shri Pulin Hazarika, TSFW (witness).
- vii) Shri Bhupen Borah, TSFW.
- viii) Shri Purnananda Baruah, TSFW.

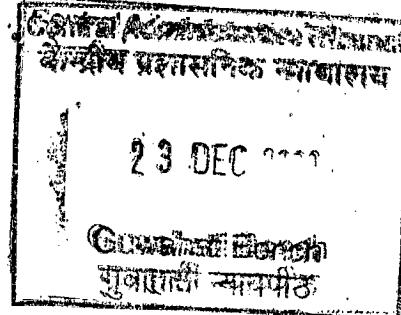
10. Written statement dated 04.10.2005 of Shri Purnananda Baruah, TSFW.

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

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

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

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

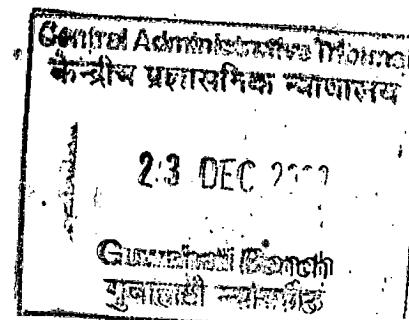


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ANNEXURE - IV

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

1. Shri Ajit Roy, Assistant Technician, Central Muga Eri Research & Training Institute Lahdoigarh, Jorhat (Assam) (To depose in respect of the documents cited at Sl No. 1 & 2 of Annexure - III i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained.
2. Dr. P.K. Kakati, Deputy Director (Tech.), Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) (To depose in respect of the documents cited at Sl No. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13 of Annexure - III i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained.
3. Shri Narayan Mahanta, Chowkidar, Central Muga Eri Research & Training Institute, Lahdoigarh, Jorhat (Assam) (To depose in respect of the documents cited at Sl. No. 14 of Annexure - III i.e. the list of documents by which the Articles of charge framed against the said Shri Bakul Dutta is proposed to be sustained.



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ANNEXURE - 9



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

NO.CSB/CMER&TI/1(3)/6/2006-PE.

Date: 30.6.2006

ज्ञापन MEMORANDUM

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

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

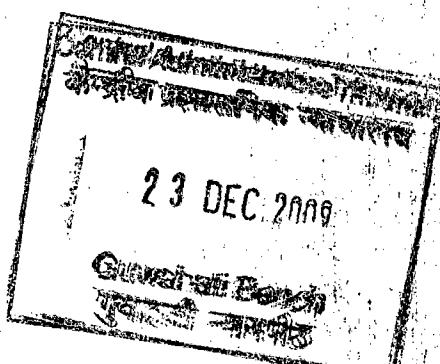
Pursuance to Central Office Memorandum No.CSB-48(3)/2003-ES.I.Vol. III
 dated 10th April 2006 Sri Bakul Dutta, Technical Assistant stands relieved of his duties at
 CMER&TI, Lahdoigarh, Jorhat (Assam) on 30.6.2006 (AN).

उन्हे सलाह दी जाती है कि वह सहायक निदेशक, मूगा रेशमकोट उत्पादन बीज केन्द्र, केन्द्रीय रेशम बोर्ड,
 कालियाबारी, जिला-कामरूप (असम)-781123 के समस्त स्वीकार्य कार्यालय काल के अन्दर उद्यूटी हेतु रिपोर्ट करें। वे
 नियमानुसार कार्यालय काल एवं टीटी.ए. के लाभ के लिए पात्र होंगे।

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

प्रियोक्तव्यम् 30.6.06
 कृते निदेशक DIRECTOR

✓ श्री बकूल दत्त Sri Bakul Dutta,
 तकनीकी सहायक Technical Assistant,
 के पू.ए अ.ब प्र.सं.लाहौगढ़ CMER&TI, Lahdoigarh,
 जोरहाट Jorhat (असम Assam)



9954820810



केन्द्रीय मूगा एरी अनुसंधान एवं प्रशिक्षण संस्थान

Central Muga Eri Research & Training Institute
केन्द्रीय रेशम बोर्ड Central Silk Board

वस्त्र मंत्रालय, भारत सरकार Ministry of Textiles, Govt. of India
लाहोड़ीगढ़ Lahdoigarh 785 700, जोरहाट Jorhat (असाम Assam)
फ़ोन: 2335528, 2335513. फूस: 0376-2335124

Central Muga Eri Research & Training Institute

23 DEC 2009

GUWAHATI
प्रधानमंत्री कार्यालय

No.CSB/CMER&TI/15(11)/2005/FIR/30-10

Dated 16.03.2006

MEMORANDUM

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

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

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

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

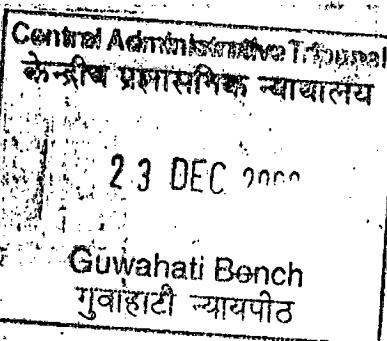
The Inquiry Officer, in the process of inquiry has considered the following points in respect of the charges.

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

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

Mr. K. S. Sanah
Advocate
23.12.09.

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12.

The complaint of Shri Ajit Roy that Shri Bakul Dutta allegedly tried to attack him with a Dao on 30.09.2005 at 9.00 AM was examined by the Inquiry Officer and same was proved beyond doubt while taking into consideration the evidence of witnesses. Shri Bakul Dutta, although persisted in not possessing any Dao with him, he however, never disputed the wounds sustained by Shri Ajit Roy and the Doctor's prescription regarding medical treatment submitted by the complainant. The actual occurrence took place in front of the main gate of the office where he went from inside the office premises after parking his scooter, is established. It has also been established that he prepared himself for such unbecoming incidence from inside the office campus & later in the course of enquiry tried to cover up the same by giving false statement.

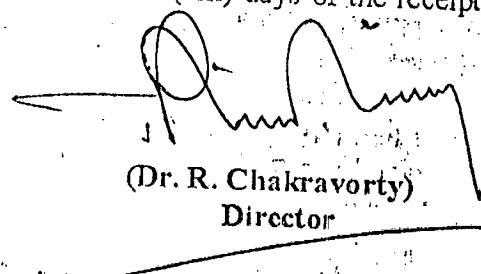
The Inquiry Officer has been able to establish attack on Shri Ajit Roy with a "Dao" with ulterior motives by the delinquent Bakul Dutta and has been concluded as riotous or disorderly behaviour on the part of the Shri Bakul Dutta, which is a gross moral misconduct on the part of the Shri Bakul Dutta.

Therefore, the Inquiry Officer held the Inquiry process on the basis of the cross examination of the charged official Shri Bakul Dutta, complainant and prime witness Shri Ajit Roy and other witnesses & also that of the report of preliminary inquiry committee. Considering merit of the documentary and circumstantial evidences and that of the deposition of the witnesses, the Inquiry Officer came to the conclusion that the articles of charges framed against the delinquent official Shri Bakul Dutta in the case stood proved to the extent as given in the Inquiry Report. A copy of the Inquiry report dated 05.06.2006 submitted by the Inquiry Officer is enclosed herewith.

The said Shri Bakul Dutta is directed to submit within 10(ten) days of the receipt of this memorandum, his representation if any, in this regard.

Encl: As above.

To
Shri Bakul Dutta,
Technical Assistant
Through the In-charge,
Silkworm Seed Production Centre,
Central Silk Board, Kaliabari,
Boko - 781 123, Kamrup (Assam).


(Dr. R. Chakravorty)
Director

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28/3/05

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

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

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

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

Central Administrative Tribunal
सेन्ट्रल प्रशासनिक न्यायालय

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23 DEC 2005

Guwahati Bench
गुवाहाटी न्यायालय

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

2. The article of charge is as follows :-

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

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

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

contd. . . p. . . 3

.. 3 ..

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

Sri Bakul Dutta cross-examines all the witness-
es.

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

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

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Guwahati Bench
गुवाहाटी न्यायपीठ

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5. Now, let me come to the first point viz.

whether the delinquent Sri Bakul Dutta attempted to murder Sri Narayan Mahanta.

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

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

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

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Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

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.. 5 ..

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

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

Rules.

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

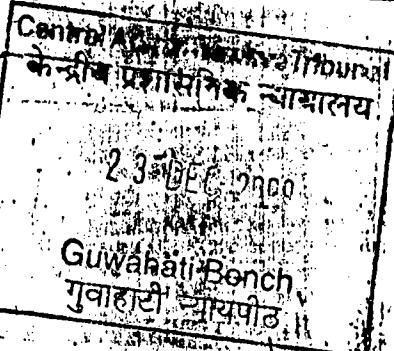
Even though Bakul Dutta denies to have passed a dao in course of the statement given before me, the fact of possession of dao is evident from his statement given before the Preliminary Enquiry Committee.

He has admitted that statement when the same was brought to his notice.

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

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

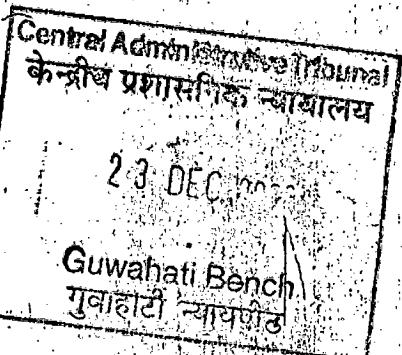
Here, let me first peruse the complaint (Ext I).

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

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

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

Contd. p. 7

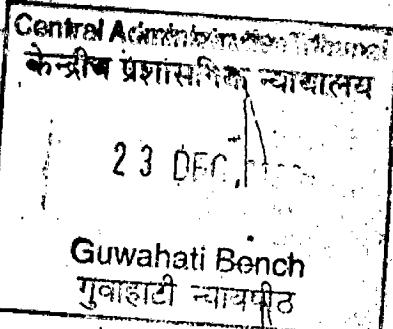


are also accepted for consideration. If is seen from
their evidence that when Bakul Dutta wanted to give
dao blow on Ajit, he caught hold of the hand of
Bakul Dutta and in the pushing and pulling he sus-
tained injury in his right hand.

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

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

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.. 8 ..

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

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

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

P.K. Thakur

(P.K. Thakur)
Enquiry Officer.

Date... 22-6-2006.

(5.6.06)

To,

The Director,

Central Muga Eri Research & Training Institute,

Central Silk Board,

Ministry of Textile,

Govt. of India,

Lahdoigarh, Jorhat, 785700.

Central Administrative Tribunals
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2006

Guwahati Bench
गुवाहाटी न्यायपीठ

Dated the 29th August, 2006.

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

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

Respected Sir,

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

- That Sir, I have been an employee holding the post of Technical Assistant in your office and have been rendering my service for six years.
- That Sir, on 30/09/05 at about 9:00 AM, while coming to my office I saw Krishna Kanta Doley, Chowkidar of the same office on his duty standing before the main gate of the same office, asked him if Narayan Mahanta was there in the campus of the office. On his reply I could come to know that he had no duty on that day.
- That Sir, when I saw Ajit Roy, Assistant Technician taking tea in a tea shop outside the office campus with Mohan Das, Chowkidar of the same office, I rushed to him with one of my tools (small dao), kept in my scooter box to beat him but I did not. It was because of our quarrel occurred time to time during the period of staying together in a rented house which is situated at Lahdoigarh, Chariali, Jorhat.
- That Sir, while rushing to Ajit Roy, Pulin Hazarika who is the Time Scale Worker of the same office came to me and prevented me to do same and I surrendered myself and my tools before him.
- That Sir, that was the beginning and the end of the incident and thereafter we both compromised the matter in dispute although Ajit Roy filed a written complaint before you.
- That Sir, I feel repented and sorry for the fact occurred on that day and

Ms K S Singh
Advocate
23.12.2006

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

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

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

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

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

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Complaint

23 DEC 2006

Guwahati Bench
গুৱাহাটী ন্যায়পাঠ

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

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

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

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

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

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

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

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

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

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

Enclosures:

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

2. A photocopy of receipt of money borrowing from me by Ajit Roy.

Yours faithfully,

(Bakul Dutta)

Technical Assistant
SSPC MUGA, Kalabari,
Boko, Kamrup, Assam

केन्द्रीय मूगा एवं अनुसंधान एवं प्रशिक्षण संस्थान
Central Muga Eri Research & Training Institute

केन्द्रीय रेशम बोर्ड Central Silk Board
वस्त्र मंत्रालय, भारत सरकार Ministry of Textiles, Govt. of India
लाहोइगढ़ Lahdoiguri 785 700, जारहाट Jorhat (असम Assam)
दूरभाष Phone : 2355528, 2335513 फैक्स Fax : 0376- 2335124

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2006

Guwahati Bench
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No.CSB/CMER&TI/15(11)/2005/FIR/5511

Dated 29.11.2006

ORDER

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

WHEREAS the inquiry against Shri Bakul Dutta, Technical Assistant was conducted by Shri P.K. Thakur, Retired Judicial Officer, Tarajan, Jorhat, who was appointed as Inquiry Officer vide order No. CSB/ CMER & TI/ 15(11)/ 2005 /FIR/8285 dated 27.03.2006. The Inquiry Authority submitted his findings vide his report dated 05.06.2006. A copy of the Inquiry Report was also forwarded to Shri Bakul Dutta on 10/11/08.2006 to enable him to submit his representation, if any. He furnished his representation on 29.08.2006.

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

Ms. K. B. Samah
Shivale
23.12.09

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

1. The inquiry proceeding which was to be held on 21.4.06, but the delinquent official failed to turn up without any written justification for his inability to attend the inquiry. Consequently 05.06.06 was fixed for regular hearing. As such, the sequences of events that are contained in the articles/statement of imputations of charge were taken up for deliberations on the same day in course of regular inquiry proceedings.
2. In all 5 (five) listed state (prosecution) documents submitted by witnesses were admitted and examined during the inquiry.
3. 5 (Five) state witness as listed in Annexure III of the charge sheet were advised to appear before the inquiry officer and to adduce their evidence in the case. Accordingly, they were present in response to the summons and made their depositions.
4. The said Shri Bakul Dutta, T.A. the accused, was permitted to inspect the listed documents.
5. Accused Shri Bakul Dutta, T.A. relied on his statement and declined to adduce further evidence.
6. In presence of both the parties the articles of charges along with the imputations of misconduct in support of the article of charges was read out and explained both in English and Assamese to the accused Shri Bakul Dutta, T.A. Shri Dutta T.A. pleaded as innocent and denied the charges, wished not to engage any defence assistance and persisted on defending the charges himself.

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

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

1. The inquiry officer in the process of inquiry has considered the following points in respect of the charges:
 - (a) Whether the delinquent Bakul Dutta attempted to murder Shri Narayan Mahanta as alleged in the article of charge.
 - (b) Whether he attacked Ajit Roy with Dao.
 - (c) Whether Ajit Roy sustained injury in the attack.
 - (d) Whether the said acts committed by the delinquent amounts to gross moral misconduct.

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

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

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

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

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

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

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

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

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

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Guwahati Bench
গুৱাহাটী ন্যায়পুর

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

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

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

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

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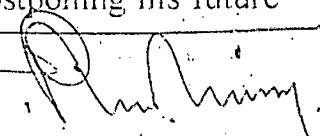
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The undersigned, having had thorough observation and ~~जागहाटी न्यायालय~~ careful scrutiny of the entire documents of the case, while agreeing with the findings of the Inquiry Officer holds that the article of Charges framed against Shri Bakul Dutta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

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


(Dr. R. Chakravorty)
Director /
Disciplinary Authority

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

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- 6/13 -
ANNEXURE 13

Annexure 13

To,

Date: 15.12.09

The Chairman, Central Silk Board, Bangalore.

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

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

Respected Sir,

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

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

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Ms. K. B. Samal
Advocate
23.12.09

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

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

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

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

Sir, the Director/disciplinary authority passed on order under Memo No. CSB/CMER & TI/15 (II)/2005/FIR/5511 dated 29.12.2006, that the component of charges proved against me and the disciplinary authority inflicted the major penalty of reduction to a lower stage in the time scale of pay by one stage for a period of 4 years with further direction that I shall not earn my annual increments of pay during the said period of reduction and on the expire the said period of reduction, the reduction will not have the effect of postponing future increment of pay.

Sir, I respectfully submit that I am nowhere involved in any incidents as stated in the said order and the penalty inflicted upon me is totally disproportionate and as such the order passed on 29.11.06 is arbitrary, capricious, defiance of logic and as such the same is liable to be set aside and quashed.

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

Yours Sincerely

Sri Bakul Dutta
Technical Assistant

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.174 of 2007.

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

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

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

.....Applicant

Shri R.Sarma & A. Khaleque

•Versus -

1. Union of India
represented by the Secretary
to the Government of India,
Ministry of Textiles,
RPM Layout, Mysore, New Delhi
2. The Chairman,
Central Silk Board,
Bangalore.
3. The Director,
Central Muga, Eri, Research & Prin
Lahdighat, Jorhat, Assam.
4. The Joint Director, Muga, Silk Wor
Seed Organisation, Dispur
Near Zoo, Guwahati.

Central Administrative Tribunal
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..... Respondents

By Advocate Mrs. M. Dasi, Addl. Commr.

ORDER (ORAL)

SACHIDANANDA K.V. (V.C.)

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

Ms. B.8 Sarah
Advocate

23 DEC 2006

Guwahati Bench

गुवाहाटी बैच दो

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

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

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

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

Sd/-

Vice-Chairman

TRUE COPY

affd ff

Central Administrative Tribunal
Guwahati Bench
O.A. No. 1000
Date: 23.12.2006
Signature: [Signature]

MS/SPW

ANNEXURE - 15

98 -

495

15-10-07

Muga Silkworm Seed Organization
Central Silk Board

Ministry Of Textiles: Govt. Of India

2203468(O)
Fax 2203469
Email : msdp2004 @sify.com



D.S. Mansion II Floor
R.G. Baruah Road
Guwahati- 781 005.

No.CSB/MSSO/1/1/322/ES/PF-BD/ 450/

Date: 11.10.2007

MEMORANDUM

Sub: Reduction to a lower stage in the time scale of Pay -reg.

Sri B. Dutta, Technical Assistant is hereby informed that order for his reduction to a lower stage in the time of scale of pay scale of pay issued vide this office memo No.CSB/MSSO/1/1/322/ES/PF-BD/543 dated 18.04.2007, has been reviewed and in modification to it, his pay of Rs.6800/- in the scale of Rs. 5000-150-8000/- to be reduced by one stage for 4 (four) years w.e.f. 29.11.2006.

Thus his pay will be drawn at Rs.6,650/- w.e.f. 29.06.2006.

11/10/07

[Signature]

SCIENTIST-'E'

To

Sri Bakul Dutta, T.A.
Through the Scientist-C,
SSPC, Kaliabari (BOKO)

Central Administrative Tribunal
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23:DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Ms. K. D. Sanah
Lokno catu

100 TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY,
PART II, SECTION 3, SUB-SECTION (6)

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

Secretary
The Chairman/Secretary

H. B. Singh (Copy to All Bureaus)

Bar President, P.E.

Minister DRB & DSC (Copy to All Bureaus)

IC 294/08

J.R.

New Delhi dated the April 23, 2008

NOTIFICATION

S.O. (E) - In exercise of the powers conferred by sub-section (2) of section 14 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby specifies the 1st day of May, 2008 as the date on and from which the provisions of sub-section (3) of section 14 of the said Act shall apply to the organisations mentioned below, being the societies and statutory organisations owned or controlled by the Government and makes the following amendments in the notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) number G.S.R. 730(E), dated the 2nd May, 1986, namely:-

In the Schedule to the said notification, after serial number 103 and the entries relating thereto, the following serial numbers and entries shall be added, namely:-

S.No.	Name of the Corporation/Society/ Other Authority	Status
(1)	(2)	(3)
104	Central Council for Research in Ayurveda and Siddha	Autonomous body constituted under Societies Registration Act under the Ministry of Health and Family Welfare
105	Central Council for Research in Homeopathy	Autonomous body under the Ministry of Health and Family Welfare
106	Central Council for Research in Yoga and Naturopathy	Autonomous body under the Ministry of Health and Family Welfare
107	Central Council for Research in Unani Medicine	Autonomous body under the Ministry of Health and Family Welfare
108	Central Council of Indian Medicine	Autonomous body under the Ministry of Health and Family Welfare
109	Central Council of Homeopathy	Statutory body under the Ministry of Health and Family Welfare
110	Rashtriya Ayurved Vidyapeeth	Autonomous body under the Ministry of Health and Family Welfare

111	Morarji Desai National Institute of Yoga, New Delhi	Autonomous body under the Ministry of Welfare
112	National Institute of Naturopathy, Pune	Autonomous body under the Ministry of Welfare
113	National Institute of Ayurveda, Jaipur	Autonomous body under the Ministry of Welfare
114	National Institute of Unani Medicine, Bangalore	Autonomous body under the Ministry of Welfare
115.	National Institute of Homeopathy, Kolkata	Autonomous body under the Ministry of Welfare
116	National Institute of Siddha, Chennai	Autonomous body under the Ministry of Welfare
117.	Indira Gandhi Rashtriya Udaan Academy, Rae Bareli	Autonomous body under the Ministry of Civil Aviation
118	National Institute of Fashion Technology	Autonomous body under the Ministry of Textiles
119.	Central Wool Development Board	Autonomous body under the Ministry of Textiles
120	National Centre for Jute Diversification (NCJD)	Autonomous body under the Ministry of Textiles
121	Central Silk Board	Statutory body under the Ministry of Textiles
122	Office of Commissioner of Payments, New Delhi	Quasi-Judicial body under the Ministry of Textiles
123	Textiles Committee	Autonomous Statutory body under the Ministry of Textiles
124	Jute Manufacturers Development Council	Statutory body under the Ministry of Textiles
125	National Institute of Design, Ahmedabad	Autonomous body under the Ministry of Commerce and Industry
126	National Council for Cement and Building Materials, Ballabhpur	Autonomous body

Central Administrative Tribunals
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128	Indian Rubber Manufacturers Research Association, Thane,	Registered under the Societies Registration Act under the Ministry of Commerce and Industry
129	Central Pulp and Paper Research Institute, Suharanpur	Autonomous Organisation under the Ministry of Commerce and Industry
130	National Productivity Council, New Delhi	Autonomous body under the Ministry of Commerce and Industry
131	Quality Council of India	Autonomous body under the Ministry of Commerce and Industry
132	National Institute of Public Cooperation and Child Development	Autonomous body under the Ministry of Women and Child Development
133	Central Adoption Resource Authority	Autonomous body under the Ministry of Women and Child Development
134	Indian Council for Cultural Relations (ICCR)	Autonomous body under the Ministry of External Affairs
135	Indian Institute of Mass communication	Autonomous body under the Ministry of Information and Broadcasting
136	Press Council of India	Statutory authority under the Ministry of Information and Broadcasting
137	Children's Film Society of India	Autonomous body under the Ministry of Information and Broadcasting
	National Institute of Financial Management	Autonomous body under the Ministry of Information and Broadcasting

(F No.:P-13030/2 /2008-AT)

(Dr. S.K. Sarkar)
Joint Secretary to the Government of India

Note: The Principal notification was published in the Gazette of India vide number GSR 730(E), dated the 2nd May, 1986 and subsequently amended vide the following notifications numbers:-

- (1) G.S.R. 1172(E), dated the 11th October, 1986.
- (2) G.S.R. 84(E), dated the 6th February, 1987.
- (3) G.S.R. 409(E), dated the 20th April, 1987.
- (4) G.S.R. 542(E), dated the 11th July, 1995.
- (5) G.S.R. 1361(E), dated the 1st December, 1995.

Central Administrative Tribunal
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(7) G.S.R. 400(E), dated the 27th August, 2006
 (8) S.O 1228(E), dated the 25th July, 2007
 (9) S.O 1823(E) dated 25th October, 2007

9

To

(Dr. S.K. Sarkar)
Joint Secretary to the Government of India

The Manager,
Government of India Press,
Mayapuri, NEW DELHI.

No. P-13030/2/2008-AT

Copy forwarded to

New Delhi dated the April 22, 2008.

1. All Ministries/Departments of the Government of India
2. President's Secretariat
3. Vice President's Secretariat
4. Prime Minister's Office
5. Cabinet Secretariat
6. Ministry of Health and Family Welfare, Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (Ayush), Red Cross Building, New Delhi.
7. Ministry of Civil Aviation, Rajiv Gandhi Bhavan, Safdarjung Airport, New Delhi.
8. Ministry of Women & Child Development, Shastri Bhavan, N. Delhi.
9. Ministry of External Affairs, South Block, New Delhi.
10. Ministry of Information & Broadcasting, Shastri Bhavan, New Delhi.
11. Ministry of Textiles, Udyog Bhavan, New Delhi.
12. Ministry of Law & Justice, Legislative Department, Shastri Bhavan, New Delhi.
13. The Principal Registrar, Central Administrative Tribunal, 61/35, Copernicus Marg, New Delhi.
14. Registrar, Supreme Court of India, New Delhi.
15. Registrars of all High Courts.
16. Union Public Service Commission, Shahjahan Road, New Delhi.
17. Chief Secretaries to all State Governments/Union Territories.
18. Chief Secretary, Government of National Capital Territory, I.P. Estate, New Delhi.
19. All attached and subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions.
20. All Officers and Sections of the Ministry of Personnel, Public Grievances and Pensions.

514/RC

28/7

(Dr. S.K. Sarkar)
Joint Secretary to the Government of India

Central Administrative Tribunal
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23 DFC

Guwahati Bench
गुवाहाटी न्यायालय

प्रतिलिपि के लिए अपेक्षन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ के लिए आवश्यक राशन भूमिका करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक द्वारा प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
02/02/09	02/02/09	02/02/09	03/02/09	03/02/09

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from
Civil Rule

No. 549 of 2009

Appellant
Petitioner

Shri Bakesh Dulle

Respondent
Opposite PartyAppellant
For
Petitioner
Mr. Rajeswar Saran
Mr. A. K. AhmedRespondent
For
Opposite Party
ACSI, S.G.I.

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय	2	3	4

23 DEC
Guwahati Bench
गुवाहाटी न्यायपीठ

- AND -

IN THE MATTER OF :-

Shri Bakul Dutta
Son of late Moni Ram Dutta
resident of Village - Rupnagar,
P.O. - Borhola, P.S. Borhola
District - Kamrup, Assam.

...Petitioner

- Vs -

1. The Union of India

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

2. The Chairman,

Central Silk Board, Bangalore.

3. The Director,

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

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2011

Guwahati Bench
गुवाहाटी न्यायपीठ

Contd.../

Central Admin. Services
केन्द्रीय प्रशासन सेवा

23/11/1980

Guwahati Branch
गुवाहाटी शाखा

5. The Disciplinary Authority

Central Muda, Eri Research & Training

Institute, Central Silk Board, Jorhat.

.. Respondents

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			WP(C) 5449/07
BEFORE THE HON'BLE MR JUSTICE B. K. SHARMA.			
<u>16.01.2009</u>			
<p>Heard Mr. R Sarma, learned counsel for the petitioner as well as Mr. B. Pathak, learned C.G.S.C.</p> <p>It has been brought to my notice that the Government of India in the department of Personnel & Training in its notification dated 22.4.2008 has brought the Central Silk Board within the purview of the Central Administrative Tribunal. The petitioner is an employee of the Central Silk Board. His grievance is in respect of the departmental proceeding initiated against him.</p> <p>In view of the above, as per the provisions of the Administrative Tribunal Act, 1985 and so also, in terms of the Apex Court decision in <i>L. Chandra Kumar v. Union of India & Ors</i> reported in 1997 (1) GLT 1 (SC), the Central Administrative Tribunal, Guwahati Bench will be the Court of first instance and thereafter, if the parties are aggrieved by the decision of the Tribunal, the writ petition will lie to the Division Bench of this Court.</p> <p>In view of the above, this writ petition stands disposed of with liberty to the petitioner to approach the Central Administrative Tribunal, Guwahati Bench, in respect of his grievance raised in the writ petition. In the event of approach being made, the Tribunal shall condone the delay, if any, taking into account the fact that the petitioner was pursuing his remedy before this Court and the notification dated 22.4.2008 was issued during the pendency of the writ petition.</p>			

Central Administrative Tribunal
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23 DEC.

Guwahati Bench.
गुवाहाटी न्यायालय

sd/ B.K. Sharma
Judge

CERTIFIED TO BE TRUE COPY
Kereng Ram, Lawyer
Date: 31/2/09
Superintendent (Copying Section)
Gauhati High Court
Authorised U/S 70, Act 1, 1872

Sl.no - 111206
dtel 21/2/09

Churni
31/2/09

107-

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A.No. 64 of 2009**

6th day of April 2009

Present: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman

Sri Bakul Dutta,
Son of Late Maniram Dutta,
Resident of Village – Rupnagar,
Police Station – Borhola,
District – Jorhat, Assam, Pin – 785 001

Applicant

By Advocate Mr. R. Sarma

Versus

1. The Union of India,
represented by the
Secretary to the Government
of India, Ministry of
Textiles, New Delhi- 110 001
2. The Chairman,
Central Silk Board,
BIM Layout, Medivala Road,
Bangalore – 560 001.
3. The Chief Executive Officer
and Member Secretary,
Central Silk Board,
BIM Layout Medivala Road,
Bangalore – 560 001

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guwahati Bench
গুৱাহাটী ন্যায়পৌঠ

4. The Director, Central Muga
Eri Research and Training
Institute, Lahdoigarh,
Jorhat, Assam- 785 001



5. The Scientist [E],
Muga, Silk Worm, Seed
Organisation, Dispur,
Near Zoo Guwahati- 781 024

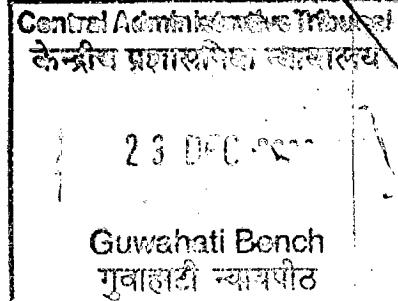
6. The Disciplinary Authority,
Central Muga a and Eri
Research Institute,
Central Silk Board,
Jorhat, Assam- 785 001

Respondents

By Advocates Mr. G.Baishya, Senior C.G.S.C.
Mr. B.C. Pathak Standing Counsel for Central Silk Board

O.A.No.64/2009
ORAL ORDER DATED 06/04/2009

Manoranjan Mohanty, Vice-Chairman:-



Applicant, while continuing as an employee of Central Muga Eri Research & Training Institute under Central Silk Board, faced a punishment on 29.11.2006 and he preferred a Departmental Appeal, on 15.12.2006, addressed to the Chairman of Central Silk Board.

2. Without hearing on his Appeal, the Applicant on 20.06.2007, approached this Tribunal with an O.A. No.174/2007; which was disposed of, on 02.08.2007, for want of jurisdiction of this Tribunal over Central Silk Board.

3. On 11.10.2007, a Memorandum was issued [by an Officer of Respondent Organisation] to the following effect:-

"Sri B. Dutta, Technical Assistant is hereby informed that order of his reduction to a lower stage in the time scale of pay scale of pay issued by this office memo No.CSB/MSSO/1/1/322/ES/PF-BD/543 dated 18.04.2007, has been reviewed and in modification to it, his pay of Rs.6800/- in the scale of Rs.5000-150-8000/- to be reduced by one stage for 4[four] years w.e.f. 29.11.2006. Thus his pay will be drawn at Rs.6,650/- w.e.f.29.06.2006."

4. Applicant also approached the Hon'ble Guwahati High Court with a Writ Application [WP[C] No.5449/2007]; which has been disposed of, on 16.01.2009, with grant of liberty to the Applicant to approach this Tribunal; as by Govt. of India Notification dated 22.04.2008 [during pendency of the writ application in question] Central Silk Board has been made amenable to the adjudicatory jurisdiction of this Tribunal.

5. After disposal of the aforesaid writ application on 16.01.2009, the Applicant has approached this Tribunal with the present Original Application [filed on 02.04.2009 under Section 19 of the Administrative Tribunals Act, 1985] No.64 of 2009.

6. Heard Mr. R. Sarma, learned Counsel appearing for the Applicant, Mr. G. Baishya, learned Senior Standing Counsel for Govt. of India [to whom a copy of the present O.A. has already been supplied] and Mr. B.C. Pathak, learned



Standing Counsel for Central Silk Board [on whom a copy of this O.A. has already been served] and perused the materials placed on record.

7. At the hearing, Mr. R. Sarma, learned Counsel appearing for the Applicant stated [a] that the documents, on which the allegations in the Charge-sheet were based, were not supplied to the Applicant; [b] that the Respondents did not afford opportunity to the Applicant to be defended by a co-employee; [c] that no independent eye-witnesses were examined in support of the allegations made in the Charge-sheet; [d] that the Applicant was not given opportunities to cross-examine any such witness; [e] that the Applicant was not allowed to adduce defence witnesses and [f] that the penalty imposed on the Applicant was disproportionate. He also submitted that the Enquiry Officer acted as a Presenting Officer. Finally he submitted that the Appeal dated 15.12.2006 of the Applicant is still pending.

8. It is stated on behalf of the Respondents that all the points [specified in para 7-above] can be considered by the Appellate Authority and relief, as due and admissible, can be granted by the Appellate Authority and that, therefore, the matter need be remitted to the Respondents; who should consider the Appeal dated 15.12.2006 of the Applicant and pass orders thereon.

It appears from the materials placed on record that after a preliminary enquiry on 01.10.2005 and 04.10.2005 pertaining to an alleged incident dated 30.09.2005, the Applicant was charge-sheeted in a Departmental Proceeding on 02.02.2006 and the Applicant submitted his reply thereto on 13.02.2006; whereafter an Inquiry Officer and a Presenting Officer were appointed on 24/15.02.2006. It appears the Applicant also faced another Charge-sheet on 27.03.2006, to which no reply was submitted by the Applicant. A Retired Judicial Officer was, however, appointed as Inquiry Officer on 27.03.2006. Upon enquiry, a Report was drawn on 05.06.2006 and, an opportunity having been given on 10/11.08.2006, the Applicant represented on 29.08.2006. Final Orders were passed in the Disciplinary Proceeding on 29.11.2006. Thereafter, he filed the Appeal on 15.12.2006.

10. Since it is the positive case, on behalf of the Applicant, that the Appeal [of the Applicant] is still pending and since all the points [now being raised on behalf of the Applicant, as noted in para-7 above] can be effectively considered by the Appellate Authority, this case is hereby disposed of, without any further waste of time, with direction to the Respondents [especially to the Respondent *✓*]

Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক ন্যায়ালয়

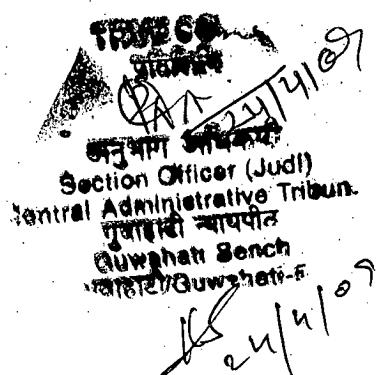
23 DEC

Guwahati Bench
গুৱাহাটী ন্যায়পৌঁত

No.2/Chairman of Central Silk Board] to consider the Appeal of the Applicant and pass a reasoned order thereon within a period of 120 days of the receipt of copies of the order.

11. Send copies of this order to the Applicant and to all the Respondents [along with the copies of the Original Application] and free copies of this order be also supplied to the Advocates appearing for the parties.

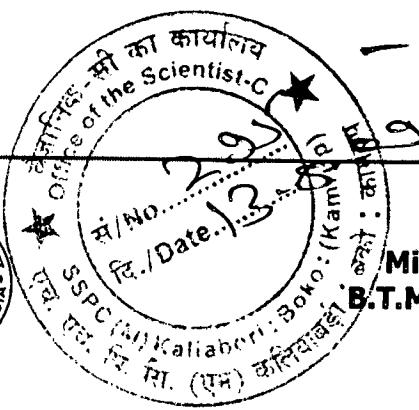
Sd/-
M.R. MOHANTY
VICE CHAIRMAN



Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2007

Guwahati Bench
गुवाहाटी न्यायपीठ



Central Silk Board

Ministry of Textiles, Govt. of India,
B.T.M. Layout, Hosur Road, Madivala,
Bangalore – 560068.

File No: 26282515, 26282517, 26282536.

Fax : 26681511

Telegram : Centrosil

E-Mail – csb@silkboard.org

No.CSB-1(3)/2009-VIG.

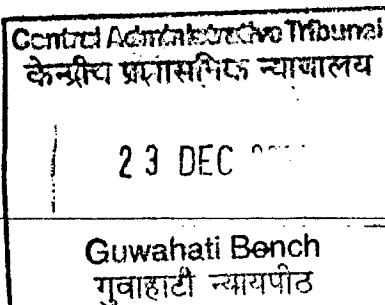
27-07-2009

ORDER

Whereas after holding a departmental inquiry against Shri Bakul Dutta, Technical Assistant, Central Muga Eri Research & Training Institute, CSB, Lahdoigarh (Assam) under Rule 14 of Central Civil Services (Classification, Control & Appeal) Rules, 1965, a major penalty of "Reduction to a lower stage in the time-scale of pay" [which has been prescribed under Rule 11 (v) of CCS (CCA) Rules, 1965] was imposed on him by the Director, CMER&TI, Lahdoigarh / Disciplinary Authority vide Order No. CSB/CMER&TI/15(11)/2005/FIR/5512 dated 29-11-2006 by one stage for a period of four years with the further directions that (a) he shall NOT earn his annual increments of pay during the said period of reduction (b) on expiry of the said period of reduction, the reduction will NOT have the effect of postponing his future annual increments of pay.

Whereas while aggrieved by the penalty imposed on him that has been stated in Para – 1 above, Shri Bakul Dutta, instead of exhausting the remedy available in the CSB in the matter, viz. preferring an appeal (against the penalty imposition) before the Appellate Authority (Member Secretary, CSB) within the prescribed time limit (i.e. within a period of forty five days from the date of receipt of the Penalty Order), filed an O.A. (No.64 of 2009) before the Central Administrative Tribunal (CAT), Guwahati Bench, Guwahati (Assam) praying to quash the Penalty Order. He, in the O.A. filed before the CAT, has stated that he had filed an appeal dated 15-12-2006 before the Appellate Authority in the CSB against the penalty imposition made by the Disciplinary Authority. However, no such appeal has been received at the CSB. Notwithstanding this fact, in view of the orders passed by the CAT (on his O.A.) dated 06-04-2009 to the effect that his said appeal dated 15-12-2006 be admitted by the CSB and be disposed of within a period of 120 days from the date of receipt of the said orders at the CSB (i.e. 18-05-2009), his said appeal dated 15-12-2006 is hereby admitted and taken up for examination.

Whereas the Articles of charge framed against Shri Bakul Dutta in the disciplinary case which culminated in the imposition of the said major penalty was that he, while working as Technical Assistant at CMER&TI, Lahdoigarh during the period from 05-06-2000 till the date of the issue of Charge Sheet i.e. upto 27-03-2006, had failed to maintain devotion to duty and had acted in a manner which is quite unbecoming of a Government servant thereby contravening Rule 3 (1) (ii) & (iii) of Central Civil Services (Conduct) Rules, 1964 in as much as he, on 30-09-2005 (at about 9 a.m.), had resorted to physically assault Shri Ajit Roy, Assistant Technician and had resorted to threaten to murder Shri Narayan Mahanta, Chowkidar of CMER&TI, Lahdoigarh.



Whereas in the appeal dated 15-12-2006 filed by the said Shri Bakul Dutta (the appellant), he has pleaded to set aside the above said penalty imposition on the following grounds :-

- (i) No Police complaint has been lodged against him in the matter involved in the disciplinary case, viz., his act of resorting to assault (on 30-09-2005) his co employees, viz. Shri Ajit Roy, Assistant Technician and Shri Narayan Mahanta, Chowkidar of CMER&TI, Lahdoigarh ; the said charge that has been framed against him in the disciplinary case is false and fabricated ; the penalty imposition is disproportionate and arbitrary and hence is liable to be set aside.
- (ii) The oral inquiry process in the case was not conducted as per the provisions of the CCS (CCA) Rules, 1965 ; the copy of the proceedings was not supplied to him ; he was not allowed to inspect the original documents (listed / State documents) nor copy of the same were provided to him ; he was not allowed to engage the services of a Defence Assistant during the inquiry process ; as such, the entire inquiry process is vitiated.

And whereas the Appellate Authority, after having made a thorough and an independent examination of the issues involved in the disciplinary case as a whole, on having had application of mind on the entire facts and circumstances of the disciplinary case with reference to the relevant documents and on the averments made by the appellant in the appeal – that have been narrated above at sub paragraphs (i) & (ii) -, makes the following observations :-

- (i) It is a fact that no Police complaint has been lodged (either by the CMER&TI, Lahdoigarh or by the aggrieved individual employees) on the assault by the appellant on Shri Ajit Roy, Assistant Technician and on his reported threatening of Shri Narayan Mahanta, Chowkidar - that are the components of the charge framed against him in the disciplinary case under reference. However, the fact remains that the charge of assault by the appellant on Shri Ajit Roy stands proved in the inquiry process held in the disciplinary case ; and hence the averment made by the appellant to the effect that the charge framed in the disciplinary case was false and fabricated is quite unacceptable. Nevertheless, it is seen that the charge framed against him in the disciplinary case that he threatened to murder Shri Narayan Mahanta, Chowkidar has not been proved during the inquiry process. The fact is that Shri Narayana Mahanta was not present in the spot on the date of the occurrence of the incident concerned ; had he been present, the appellant would have resorted to assault him too, as has rightly been observed by the Disciplinary Authority in the Penalty Order dated 29-11-2006. More so, he himself has admitted his guilt in his representation dated 29-08-2006 which he has submitted on the findings of the Inquiry Officer contained in the Inquiry Report and has expressed his repentance over his enraged and violent behaviour on the day of the occurrence of the episode (i.e. on 30-09-2005 at about 9 a.m.). The penalty imposition made on him by the Disciplinary Authority is quite proportionate when compared to his misconducts that have been proved in the disciplinary case. The Penalty Order is self contained and reasoned. It contains the reasons on the basis whereof the decision as regards the quantum of the penalty that has been imposed has been reached.

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(ii)

It is seen that the appellant has signed the proceedings sheet pertaining to the inquiry process (which contained the depositions of the Witnesses) and hence he cannot plead that he was not aware of the happenings that took place in the course of the proceedings that have been recorded by the Inquiry Officer during the inquiry process. He was given ample opportunity by the Inquiry Officer to put forth his defence during the inquiry process and to cross – examine the State Witnesses ; however, during the process, he could not rebut and could not contradict their versions made during the examination – in – chief by the State side. And as regards his averment that he was not permitted to engage the services of a Defence Assistant, there is nothing on records to show that he had put forth a request before the Inquiry Officer for any defence assistance and that his such request was turned down.

Now, therefore, the Appellate Authority, based on the entire records / documents pertaining to the disciplinary case as a whole, arrives at the conclusion that the penalty imposition made on the appellant by the Disciplinary Authority is proportionate and commensurate with the gravity of the misconducts committed by him and that hence there exist no grounds of whatsoever nature warranting interference with the orders passed by the Disciplinary Authority. Therefore, the Appellate Authority, in exercise of the powers conferred on it under Rule 27 (2) (i) of CCS (CCA) Rules, 1965, hereby confirms the said major penalty of "Reduction to a lower stage in the time-scale of pay" by one stage for a period of four years imposed on him by the Director, CMER&TI, Lahdoigarh / Disciplinary Authority vide Order No. CSB/CMER&TI/15(11)/2005/FIR/5512 dated 29-11-2006 with the said further directions (as have been indicated in the Penalty Order) and passes orders that the said penalty imposition ordered by the Disciplinary Authority shall stand.

Sathyavathy
21/12/2006
[M. SATHIYAVATHY]
MEMBER SECRETARY /
APPELLATE AUTHORITY

TO:

✓ Shri Bakul Dutta,
Technical Assistant,
Through the Director,
Central Muga Eri Research &
Training Institute, CSB,
Lahdoigarh (Assam).

