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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No. 268/95
R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN. NO. 268 OF 1995

TRANSFER APPLN. NO. OF 1995

CONT. EMT. APPLN. NO. OF 1995 (IN NO.)

REVIEW APPLN. NO. OF 1995 (IN NO.)

MISC. PETITION NO. OF 1995 (IN NO.)

Phonitram Deb Barma APPLICANT(S)

-VS-

h. O. I. G. M. S. RESPONDENT(S)

For the Applicant(s)

... Mr. B. D. D.
Mr. A. Bhattacharyya
Mr. M. Chanda
Mr.

For the Respondent(s)

Mr. S. Ali, Sr. C.A.

OFFICE NOTE

DATE

ORDER

6-12-95

Mr. M. Chanda for the applicant.
Mr. S. Ali, Sr. C.G.S.C. for the respondents.

Issue notice to the respondents to show cause as to why the application be not admitted. Returnable on 17-1-96.

Member

Vice-Chairman

lm

18-1-96

No show cause reply has been filed. The only question is whether by reason of the opening words of the impugned order violation of Article 311 of the Constitution can be implied.

O.A. is admitted. Issue notice to the respondents. 8 weeks for written statement. No interim relief. Liberty to apply after respondents are served.

Member

Vice-Chairman

lm

17-1-96

(contd. to Page No. 2)

Passed over for the day for admission.

B/O.

QA/TA/CP/PA/MP No. 268 of 1995

OFFICE NOTE

DATE

ORDER

Notice issued
vide no-216-18 & 21/96.10.96

Mr M.Chanda for the applicant. Mr
S.Ali, Sr.C.G.S.C for the respondents.
List for hearing on 21.11.96.

Member

1.2.96

pg
W
11/10

W/s submitted
by the Respondent No.
1, 2 and 3.

8.5.97

Counsel for the parties submit that
the case is ready for hearing. List on
23.6.97 for hearing.

Member

Vice-Chairman

Notice issued on
R. no. 2 & 3.

pg

pg
9/15

8.3.96

List for hearing

12.4.96

12.4.96

List for hearing
on 12.5.96.

By order
Case is ready
for hearing.

By
16/5 w/o stated - has been
filed
22/11/96

3

O.A. 268/95

20.6.97

- 1) The case is ready as regards H/S.
- 2) Memo of appearance not yet filed.

20/6

23-6-97

Mr. S. Ali, Sr.C.G.S.C. informs that he has not yet received the records. We feel the records pertaining to the selection. It is necessary for a just decision.

List for hearing on 4-8-97.

Member

Vice-Chairman

lm

23-6-97

On the prayer of counsel for the applicant parties, case is adjourned till 5-8-97.

16-7-97

Memo of appearance filed by Mr. S. Ali, Sr. C.G.S.C.

5.8.97

Division Bench is not sitting.

Let the case be listed on 12.9.97 for hearing.

Member

Vice-Chairman

w/s has been filed.

28/9

trd

By order

12-9-97

Learned counsel Mr.M.Chanda appearing on behalf of the applicant submits that this case relates to Agartala.

Let this case be listed at Tripura when Bench sits at Tripura. The next date will be notified later.

Member

Vice-Chairman

Rejoinder filed on behalf of The applicant against the W/S filed by The Respondents.

28/9

3.6.98

The case is ready for hearing as regard service.

On the prayer of Mr B.Das, learned counsel for the applicant the case is adjourned till 13.7.98 for hearing.

Vice-Chairman


pg


13.7.98

panoram Dr in Jay on in.

14.7.98

Heard in part. List it for further hearing on 16.7.98.


Member


Vice-Chairman

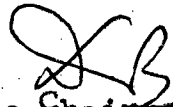
nkm

MS
15/7

16-7-98

Hearing concluded. Mr.S.Ali, learned Sr.C.G.S.C. prays for 10 days time for submission of records. Prayer is allowed. Judgment will be delivered only after receipt of records.


Member

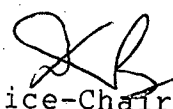

Vice-Chairman

lm

28.10.98

Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.


Member


Vice-Chairman

nkm

17.11.98

Copies of the Judgment have been sent to the D/Sec. for issuing the same to the parties through Repd. Muz Afd.

Mr.

issued vide despatch.

No. 2364 to 3267 of 18-4-98

str
30.3.99

b

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI-5.

O.A.No. 268 of 1995

DATE OF DECISION.....28.10.1998.....

Shri Puniram Deb Barma

(PETITIONER(S))

Mr B. Das, Mr A. Bhattacharjee and
Mr M. Chanda

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

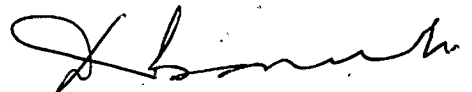
Mr S. Ali, Sr. C.G.S.C.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ? *NO*
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.268 of 1995

Date of decision: This the 28th day of October 1998

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Puniram Deb Barma,
Village- Krishnamoha Kobra Para,
P.O. Lembucherra, P.S. East Agartala,
District- West Tripura.

.....Applicant

By Advocates Mr B. Das, Mr A. Bhattacharjee
and Mr M. Chanda.

- versus -

1. The Union of India, through the
Secretary,
Indian Council of Agricultural Research,
New Delhi.
2. The Director,
Indian Council of Agricultural Research,
ICAR Research Complex for N.E.H. Region,
Barapani, Meghalaya.
3. The Joint Director,
Indian Council of Agricultural Research,
ICAR Research Complex for N.E.H. Region,
Tripura Centre, P.O. Lembucherra,
West Tripura.

.....Respondents

By Advocate Mr S. Ali, Sr. C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

In this application the applicant has challenged the impugned Annexure B order dated 30.8.1995 passed by the Director, Indian Council of Agricultural Research (ICAR for short), Research Complex for N.E.H. Region, Barapani, and prayed for orders for setting aside and/or cancellation of the said order and also for direction to the respondents to reinstate the applicant in the service of temporary employee of ICAR and also for further direction to the respondents to give the applicant all the benefits

B

incidental to his service as temporary employee including the full pay and allowances for the period from 30.8.1995 till date and to treat the period as on duty by the applicant as temporary employee.

2. Facts for the purpose of disposal of this application are:

The applicant joined ICAR Research Complex for N.E.H. Region, Tripura Centre as Casual Labourer in the year 1986. This appointment was given verbally. According to the applicant he and his other colleagues were performing duties of regular and permanent nature. However, they had been treated as casual labourers for several years. Situated thus, the applicant and fiftytwo other similar employees approached the Hon'ble Gauhati High Court by filing a Writ Application (Civil Rule No.1 of 1987) in the Agartala Bench seeking for direction to treat the applicant and the other employees as regular employees and to provide them with work for the entire year with all facilities and benefits. On 24.2.1987 the Hon'ble Gauhati High Court passed an order in the aforesaid Civil Rule directing the respondents to provide the casual labourers with work for the entire year. Thereafter, the applicant and the others were given temporary status by the respondents. By Annexure A order dated 21.3.1995 issued by the 2nd respondent- Director, ICAR, the applicant was given temporary status with effect from 1.9.1993. As per the said Annexure A order the employee given temporary status would be liable to be removed from service of casual labourer by giving a notice of one month in writing.

3. The applicant has further stated that he was implicated in a criminal case for an offence punishable

B2

under Section 394 I.P.C. The said case was pending at the time of filing of this application. According to the applicant he was falsely implicated. During the pendency of the said criminal case the 2nd respondent, by Annexure B order dated 30.8.1995, terminated the service of the applicant with effect from the date of completion of one month from the date of receipt of the order as per the terms and conditions laid down in the Annexure A order dated 21.3.1995 granting him temporary status. As per the impugned Annexure B order dated 30.8.1995 the applicant was terminated from his service on the ground that he had committed a criminal offence punishable under Section 394 I.P.C. and that he was arrested in connection with the aforesaid case.

4. The contention of the applicant is that mere implication in a criminal case is not enough to terminate him from his service. The offence has to be established and proved. The applicant has stated that he was only implicated in the criminal case and the said case was pending at the time of filing of the application. Therefore, the order of termination was contrary to the known and established principles of law. Such termination is not only arbitrary and illegal, but also unreasonable and unfair. The terms and conditions mentioned in Annexure A order, according to the applicant, did not cover the case of the applicant. The termination of service of the applicant is a dismissal from service by way of punishment, but without following the procedure prescribed. The order of termination was contrary to the rules and in utter violence of the principles of natural justice. The applicant, being aggrieved by such illegal termination, submitted Annexure C representation dated 15.9.1995 before the 2nd respondent which has not yet

B

been disposed of. As the termination was only on the ground of implication of the applicant in a criminal case it was bad in law and contrary to the established principles, and therefore, the applicant prayed for an order for setting aside the order of termination and also prayed for consequential benefits.

5. In due course the respondents have entered appearance and filed written statement. In their written statement the respondents have stated that the applicant was granted temporary status with effect from 1.9.1993. In para 6 of the written statement, the respondents have further stated as follows:

".....that the applicant attempted to murder Dr C.R. Maiti, Joint Director, ICAR, Tripura Centre, Agartala and took away his brief case along with a sum of Rs.80,000/- which was later on recovered from nearby field hidden by him vide Joint Director's letter No.ADM-4/pt/91/1156 dated 10.5.95 (Annexure-IV) and his subsequent letter No.F.ADM-4/Pt/91 dated 10.7.95 (Annexure-V) wherein, the Joint Director has recommended to remove Shri Puni Ram Deb Barma from the services of casual labourer, was also arrested on 9.5.95 by the Officer I/c East Agartala Police Station, West Tripura and registered a case against him under section 394 IPC on the charge of criminal offence and looting of Rs.77,200/- vide police report dated 19.5.95 and 19.5.95 (Annexure-VI and VII). Therefore, the competent Authority decided to remove the applicant from the services of casual labourer vide Director's order No.RC(G)38/95 dated 30.8.1995 (Anenxure-VIII) after getting the proper recommendation from the Joint Director, Tripura Centre and police report as referred to above."

In view of that the applicant was terminated from his service of casual labourer with one month notice. Regarding the averment made by the applicant in his application that the respondents did not give any opportunity to the applicant to put up his defence the respondents have stated that in view of the fact that the applicant was removed from the services of casual

labourer.....

5!

labourer as per the spirit of the very terms and conditions of the order No.RC(G)14/95 dated 21.3.95 in which he was granted temporary status in the capacity of casual labourer, the competent authority did not consider to give further opportunity of hearing. The respondents have also stated that the application itself was not maintainable. The grounds taken by the applicant are not tenable and hence, according to the respondents, the application is liable to be dismissed.

6. We have heard Mr B. Das, learned counsel for the applicant and Mr S. Ali, learned Sr. C.G.S.C. appearing on behalf of the respondents. Mr Das submitted before us that by Annexure A order dated 21.3.1995 the applicant was given temporary status and he was entitled to claim further benefits on the basis of the temporary status granted to him. According to Mr Das this was a right acquired by the applicant as per the Scheme. This right cannot be taken contrary to the terms and conditions mentioned in Annexure A order. Besides, in the present case the applicant was removed from service on the ground of misconduct for attempting to murder the said Dr C.R. Maiti, Joint Director, ICAR, Tripura Centre. Mr Das submitted that this removal was a removal with a stigma and in such cases without giving an opportunity of hearing by putting up his defence was impermissible. Mr Das further submitted that the removal was only on the ground that he was implicated in a criminal offence under Section 394 IPC and on the basis of the letter written by the Joint Director. Mr Ali, on the other hand, submitted that there was nothing wrong in the order of termination. The applicant having committed a heinous offence by attempting to murder the said Dr C.R. Maiti deserved such treatment.

R2

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-6-

7. On the rival contention of the learned counsel for the parties, it is now to be seen whether the applicant is entitled to any relief as prayed for. The admitted fact is that the applicant was a casual labourer with temporary status and he was entitled to enjoy the same as per the Scheme. Now, an allegation was made that he attempted to commit murder of one Dr C.R. Maiti, Joint Director, ICAR, and also he had snatched away a bag containing a sum of Rs.80,000/-, which was later on recovered. A criminal case was instituted against him which was pending at the time of removal of the applicant from service. Now the pendency of the criminal case and arrest of the applicant in the criminal case cannot be the ground for dismissal. The commission of offence has to be proved as per law. Therefore, merely because the criminal case was pending was not enough to remove the applicant from service. Moreover, his removal from service was on the basis of his misconduct, i.e. attempting to murder the said Dr C.R. Maiti. This is a stigma attached to the order of removal, which is admitted by the respondents in the written statement. It is also admitted in the written statement that no opportunity had been given.

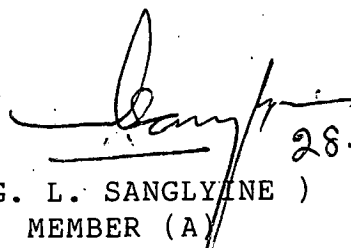
8. The service of a temporary worker may be dispensed with, but if such removal is on the basis of a misconduct then the employee is entitled to a hearing, because such removal is attached with a stigma. In the present case as it is admitted in the written statement that no opportunity was given to the applicant. Removal was on the basis of the two letters written by the Joint Director, ICAR, Tripura Centre, who was the competent authority and because of the pendency of the criminal case. In our opinion, removal of the applicant from his service as a casual labourer is illegal and cannot be

sustained.....

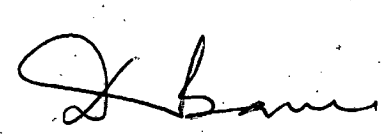
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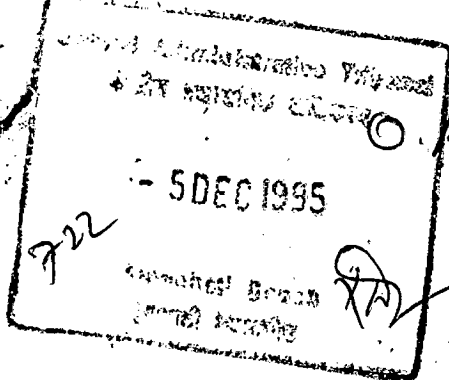
sustained in law. Accordingly we set aside the impugned Annexure B order of removal dated 30.8.1995 and direct the respondents to treat the applicant as on duty and the applicant shall be entitled to all the benefits.

9. The application is accordingly disposed of. Considering the entire facts and circumstances of the case we make no order as to costs.


(G. L. SANGLYINE)
MEMBER (A)

28.10.98


(D. N. BARUAH)
VICE-CHAIRMAN



" FORM - I "
(Sec Rule - 4)

11/11/95
24/11/95
14

<u>S.No.</u>	<u>Annexure</u>	<u>Description of the document relied upon</u>	<u>Page No.</u>
1.	-	Application	3 - 12
2.	A	Appointment of Applicant granted as temporary status.	13- 14
3.	B	Termination of service of the Applicant.	15
4.	C	Representation preferred by Applicant against termination order.	16
5.	D.	W/S Submitted by Applicant 1, 2 and 3.	17-35

Received CPT.
Sd/- S. C. S. C.
27/11/95

Pam. from Des. R. S. S. S.

Signature of Applicant

Pended Ram. Deb Barma

By *[Signature]*
Horse
24.11.95

Date of filing	5.12.95
or	
Date of receipt by post	By hand
Registration No.	OA 268/95
Signature for Registrar	<i>[Signature]</i>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No. 268 of 1995

Sri Puniram Deb Barma, son of Sri Mahim Chandra Deb Barma,
of village- Krishnamohan Kobra Para, P.O. Lembucherra, P.S.
East Agartala, District-West Tripura.

... APPLICANT

VERSUS

Union of India (through)

1. The Secretary, Indian Council of Agricultural Research,
" Krishi Bhavan", Dr. Rajendra Prasad Road, New Delhi-
110 001.
2. The Director, Indian Council of Agricultural Research,
ICAR Research Complex for N.E.H. Region, Umroi Road,
Barapani-793 103, Meghalaya ;
3. The Joint Director, Indian Council of Agricultural
Research, ICAR Research Complex for N.E.H. Region, Tripura
Centre, P.O. Lembucherra-799 210, West Tripura.

... RESPONDENTS

...3.

Peri Am Deb Barua
By
Dipak
Harsh
24-11-95

- 3 -

DETAILS OF APPLICATION :-

1. Particulars of the order against which the application is made.

The order NoRC(G)38/95, Dated the 30th August, 1995 passed by the Indian Council of Agricultural Research (for short ICAR), ICAR Research Complex for N.E.H. Region, Umroi Road, Barpani-793 103, Meghalaya (Annexure-B).

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.

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 :

- i) The Applicant entered into service of the ICAR Research Complex for North Eastern Hill Region, Tripura Centre, Lembucherra as a Casual Labourer in the year 1986. Since no letter of appointment was given to him at any time, the Applicant is unable to append hereto any such copy of order.

Puri Ram Desai
By *[Signature]*
Hon'ble
24.11.95

- 4 -

ii) That even though the Applicant and his other colleagues were performing duties of regular and permanent nature, the Applicant and his colleagues were treated as Casual Labourer for years together and so the Applicant and 52 others filed a Writ Petition in the Hon'ble High Court for a direction to treat them as regular employees and to provide them with work for the entire year with all facilities and benefits as are laid to and enjoyed by other regular employees working in ICAR, which was registered as Civil Rule No.1 of 1987.

iii) That in the said Civil Rule an order was passed by the Hon'ble High Court on 24-2-1987 directing Respondents to provide the Casual workers with work for the entire year.

iv) That subsequently orders were passed by the Respondents allowing temporary status to the Casual Workers including the Applicant herein

v) The Applicant is enclosing hereto a copy of the order No.RC(G)14/95, dated 21-3-1995 passed by the Director, ICAR Research Complex for N.E.H Region, Umroi Road, Barapani, Meghalaya as Annexure-A, whereby the Applicant has been

Puni Ram Singh
By 'S. P. Singh'
21.11.95

- 5 -

• granted temporary status with effect from

• 1-9-1993.

- vi) That as would be seen from Annexure-A, dated (clause-11) Despite conferment of temporary status he/she would be liable to be dispensed/ removed from the service of casual labour by giving a notice of one month in writing.
- vii) That the Applicant unfortunately was implicated with a criminal case falsely for offences punishable under Section 394 I.P.C. The Applicant has been taking steps for his defence in the Criminal case, which is pending for disposal.
- viii) That while such is the circumstances the Director, ICAR Research Complex for N.E.H. Region, Umroi Road, Barapani issued an order communicated under No.RC(G)38/95, dated 30-8-1995 purportedly terminating the services of the Applicant with effect from the date of completion of one month from the date of receipt of the order as per terms and conditions laid down in granting him temporary status vide Annexure-A, dated 21-3-1995. A copy of the afore-said order, dated 30-8-1995 is enclosed herewith as Annexure-B.6.

Annexure-B

peni ram perbani
By 19/11/95
21-11-95

- ix) That as would be seen from the Annexure-B, dated 30-8-1995 the so called germination of the service of the Applicant has been sought to be made on ground that the Applicant has committed a criminal offence punishable under Section 394 I.P.C. and he was arrested in connection with the afore-said case.
- x) That it is submitted that implication in a criminal case can not be a ground for termination of service unless the criminal case is proved against such accused employee and criminal proceedings against such accused person is finally disposed of by the Apex Court of the country. Since, the case against the Applicant is still pending no one is entitled to contend that the Applicant has committed any criminal offence and so the Applicant's service as sought to be terminated based on non-existent ground.
- xi) That it is also submitted that condition stipulated in Clause-11 of Annexure-A, dated 21-3-1995 does not cover a case like this, while the Respondents have sought to remove the Applicant on ground of criminal offence committed by him. Therefore, the so called termination of service
- ...7.

Permitting
20 By [Signature]
C. [Signature]
24.11.95

of the Applicant is not a termination simpliciter but the order impugned casts asperion and stigma in respect of the Applicant's conduct and quality. Therefore, the so called termination by the impugned order is nothing short of removal or dismissal from service, where no opportunity whatsoever had been given to the Applicant to put his defence.

xii) That it follows therefore that the impugned order of termination of the service of the Applicant does not cover by this stipulation contained in Annexure-A, dated 21-3-1995 and the so called termination is a dismissal from service by way of punishment but without following the course of natural principles of reasons and justice, rendering the impugned order ab-initio void, illegal and still-born and making the order liable to be quashed forthwith, straightaway and in limine.

xiii) That it follows, therefore, that the impugned order Annexure-B, dated 30-8-1995 has no legs to stand upon and the same has to be set aside, quashed and/or reversed on a finding that the said order is ab-initio void, still-born, illegal, inoperative and hence without any consequence whatsoever. It further, follows, that the impugned

Peri Ram Duttan
By 21
24-11-95

- 8 -

order of termination is not existent and the Applicant has to be allowed all service benefits during the period from his illegal termination of service from the date of order till to-day and thereafter and he has to be paid full pay and allowances and other benefits incidental to his service treating the period as spent on duty by the Applicant for all purposes and intents ;

- xiv) That the Applicant made a representation to the Director, Indian Council of Agricultural Research, ICAR Research Complex for N.E.H. Region, Umroi Road, Barapani-793 103 (Respondent No.2) on 15-9-1995 and the said representation has not been disposed of as yet. A copy of the said representation is enclosed herewith as Annexure-C.

Annexure-C

- xv) That there is no statutory rule or any other regulation making it imperative for the Applicant to make any appeal or representation from an order that creates grievance and in spite of that the Applicant has made representation to the same which passed the impugned order of termination of service of the Applicant, dated 30-8-1995 ;

22 by Court
Poni R. Anderson
Harris
Dec. 11, 95.

xvi) That in the afore-said circumstances the Applicant's case do not come under purview of Section 20, sub-section 2(b) read with Section 21 of the Administrative Tribunals Act, 1985.

5. Grounds for relief with legal provisions

The grounds for relief are that the impugned order of termination of service of the Applicant has not been made in accordance with the terms of the order, dated 21-3-1995 and hence the impugned termination is illegal. ~~XXXXXX~~ Again, the termination has been sought to be given effect to by way of punishment, which is impermissible. The further ground is that no opportunity was given to the Applicant to defend his case while it was alleged that the Applicant committed criminal offence punishable under certain provision of the Indian Penal Law, which is also not a fact.

6. Details of the remedies exhausted.

As stated in paragraph-4 (xv and xvi) there is no statutory or regulatory remedy and hence there is no question of exhausting any such remedy. Despite the position, the Applicant has made a representation to the authority, which passed the impugned order and

the said representation has not been disposed of. The Applicant is a member of a primitive tribe in the State of Tripura and for illegal termination of his service, the Applicant and his family members are seriously suffering and so he is filing this application bona-fide.

7. Matters not previously filed or pending with any other Court.

The Applicant further declares that he had not previously filed any application, Writ Petition or Suit regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or suit pending before any of them.

8. Reliefs sought :

In view of the facts mentioned in paragraph-4 above the Applicant prays for the following relief(s):-

(a) to pass orders setting aside and/or cancelling and/or reversing the impugned order

No.RC(G) 38/95, dated 30-8-1995 passed by the

Director, ICAR Research Complex for N.E.H.

Region, Umrokl Road, Barapani (Annexure-B)

23
Punjab & Haryana
By [Signature]
[Signature]
24.11.95

24
Pune Ramgopal Rao
By [Signature]
[Signature]
24.11.95

- 11 -

- (b) pass orders directing the Respondents to reinstate the Applicant in service of temporary employee of the ICAR immediately and in no time ;
- (c) pass orders directing the Respondents and each of them to allow the Applicant all benefits incidental to his service as temporary employee of the ICAR including full pay and allowances for the period since 30-8-1995 till to-day and thereafter treating the same as spent on duty by the Applicant as temporary employee of the ICAR ;
- (d) grant such further or other relief or reliefs to which the Applicant is entitled having regard to the facts and circumstances of the matter.

9. Interim order, if any prayed for :

N I L

10. The Applicant desires to have oral hearing at the admission and subsequent stages.
11. Particulars of Bank Draft/Postal Order filed in respect of the application fee.

State Bank of India

Bank Draft No. 026859, dated 24 Nov 1995

Puniram Deb Barma
25

12. List of enclosures :

1. Annexures- A to C (Part of the Application)
2. Bank Draft = 1 No.
3. VAKALATNAMA
4. Self-addressed Envelope = 1 No.
5. File size envelope with addressed of = 3 Nos the Respondents.

VERIFICATION

I, Sri Puniram Deb Barma, son of Sri Mahim Chandra Deb Barma, aged years, by profession- Employed, resident of village ~~xxxxxx~~ - Krishnamohan Kobra Para, P.O. Lombucherra, P.S. East Agartala, District-West Tripura, do hereby verify that the contents of paragraph-1, paragraph-4(i) to paragraph-4(ix) ^{and (xiv)} are true to my knowledge and paragraphs-2, 3, 4(X) to 4(xii) ^{and rest of the petition} are believed to be true on legal advise and that I have not suppressed any material fact.

Puniram Deb Barma

Date:- 21-11-95 1995

Signature of the Applicant

To
The Registrar,
Central Administrative Tribunal,
Guwhati Bench, Rajgarh Road,
Bhangagarh, Guwahati-781 005

Copy to :- The Sr. Central Govt. Standing Counsel, Guwahati.

- 13 -

Annexure A

24

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD : BARAPANI-793 103.

NO.RC(G)14/95

21st
Dated Barapani the th March '95.

ORDER

In pursuance of the Council's Order No. F.No.24(15)/93-Cdn dated 23.9.94 and Govt. of India, Ministry of Personnel(PG) and Pensions, Deptt. of Personnel & Training 's O.M. No. 51016/2/90-Estt(C) dated 10.9.93 Shri/ ~~Srineta~~ Puniram Debbarma, Casual Labour

is hereby granted temporary status with effect from 1.9.93 on the following terms & conditions :

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 4) He/ She will be deployed anywhere within the engagement Unit/Place on the availability of works.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' post including DA, HRA & CCA (as admissible to a Group 'D' post of the place of his/her working only).
- 6) Benefits of increments at the same rate as applicable to a Group 'D' employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for atleast 240 days in the year from the date of conferment of temporary status.
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.
- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational Qualification certificate, Age/date of birth certificate, caste certificate and citizen -ship certificate in original within one month from the date of issue of this order failing which the order shall automatically stands cancelled.

Contd....P/2.....

attested
by
24-11-95

10) The wages of the duty period will be payable only on the basis on which he/she is engaged on work.

11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the service of casual labour by giving a notice of one month in writing.

Sd/-S.Laskar
Director

21st

Memo. No. RC(G)14/95

Dated, Barapani the March, 1995.

Copy to :

1. ~~Shri/Smt.~~ Puniram Debbarma, Casual Labour, ICAR Res. Complex, Tripura Centre.
2. The Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
3. The Joint Director, ICAR Research complex for NEH Region, Tripura Centre, Lembucherra.
4. Incharge KVK, ICAR Research complex for NEH Region,
5. The Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani.
6. The Asstt. Admn. Officer (Estt), ICAR Research complex for NEH Region, Barapani.

checked
21/3/95
21-11-95

(I.K. SHARMA)
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD : BARAPANI-793 103.

28

NO.RC(G)38/95

Dated Barapani, the 30th August '95.

ORDER

Consequent upon the criminal offence committed by Sri. Puniram Deb Barma, Casual Worker (Temporary Status) ICAR Tripura Centre and his arrest under section 394 I.P.C. by Officer-in-charge, East Agartala Police Station vide his report dated 13.5.95 addressed to the Joint Director, ICAR Res. Complex for NEH Region, Tripura Centre, West Tripura, Sri. Puniram Deb Barma, Casual Worker (Temporary Status) is hereby terminated from service with effect from the date of completion of one month from the date of receipt of this order as per terms & conditions laid down in granting him Temporary Status vide this Office order No.RC(G)14/95 dated 21.3.95.

(S. LASKAR)
DIRECTOR

To

~~Sri. Puniram Deb Barma~~

Sri. Puniram Deb Barma,
Casual Worker (Temporary Status)
Through Joint Director, ICAR
Res. Complex, Tripura Centre.

Copy to :- The Joint Director, ICAR Res. Complex for NEH Region, Tripura Centre, West Tripura, alongwith the copy of the termination order in original. He may hand over the order to Sri. Puniram Deb Barma after obtaining proper receipt with date which may please be forwarded to this office for record.

(S. LASKAR)
DIRECTOR

*attested
24-11-95*

Annexure C - 29

To

The Director

Indian Council of Agricultural Research.

ICAR Research Complex for N.E.H. Region.

Umroi Road, Barapani - 793 103.

Ref :- No.Re(G) 38/95 Dated Barapani,
the 30th August, 1995.

Sub :- Representation against termination order Referred
above and Revocation thereof.

Sir,

Most respectfully I beg to state that I have receipt the above mentioned termination letter today i.e. on 15.9.95. But Sir I am constrained to say that aforesaid termination order is totally illegal. I have been falsely implicated in the Criminal Case and I was arrested by the police and detained in the Custody. Till today no trial was held. In such circumstances no one can lose his job merely on ground that one is involved in criminal offence. Therefore I request that kindly revoke my termination order and allow me to work.

Dated : 15.9.95

Copy to :-

The Joint Director
ICAR Res Complex.
Tripura Centre.

Yours faithfully

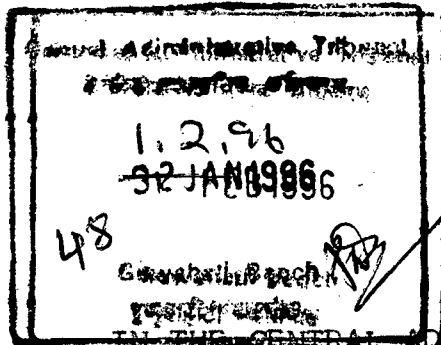
Punirga Deb Barma

(Punirga Deb Barma)

Casual workers
(Temporary Status)
Res Complex.
Tripura Centre.

attested
by
15/9/95

Received at Barapani
on 15/9/95 (afternoon)
15/9/95



Filed by
Chauhan
1/2/96
Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI:

In the matter of :-

O.A. No. 268/95

Shri Puni Ram Deb Barma

-Vs-

The Secretary, ICAR, Krishi Bhavan,
New Delhi and ors.

-And-

In the matter of :-

Written Statements submitted by
the Respondents No. 1,2 & 3.

WRITTEN STATEMENTS::

The humble Respondents submit their
written statements as follows :-

1. That with regard to statements made in paragraphs 1 to 3 of the application, the Respondents have no comments on them.
2. That with regard to statements made in paragraph 4.i of the application, the Respondents beg to state that the applicant was working as Casual Labour on daily wages basis as applicable to other casual workers of the Institute at ICAR Research Complex for NEH Region, Tripura Centre, Agartala.
3. That with regard to statements made in paragraphs 4.ii and 4.iii of the application, the Respondents have no comments on them.

-2-

4. That with regard to statements made in paragraphs 4.iv and 4.v) of the application, the Respondents beg to state that the applicant was granted temporary status w.e.f. 1.9.93 vide this office order No.RC(G)14/95 dated 21st March'95 (Annexure-I) as per Council's order F.NO. 24(15)/93-CDN dated 23.9.94 (Annexure-II) and Govt. of India's Ministry of Personnel (PG) and Pension Deptt. of Personnel and Training's O.M. No.51016/2/90-Esstt.(C) dated 10.9.93 (Annexure-III).

5. That with regard to statements made in paragraph 4.vi of the application, the Respondents beg to state that as per normal terms and conditions as decided by the competent Authority while granting temporary status to the casual workers of the Institute.

6. That with regard to statements made in paragraph 4.vii of the application, the Respondents beg to state // that the applicant attempted to murder Dr.C.R. Maiti, Joint Director, ICAR, Tripura Centre, Agartala and took away his brief case along with a sum of Rs. 80,000/- which was later on recovered from nearby field hidden by him vide Joint Director's letter No. ADM-4/Pt/91/1156 dated 10.5.95 (Annexure-IV) and his subsequent letter No.F.ADM-4/Pt/91 dated 10.7.95 (Annexure-V) wherein, the Joint Director has recommended to remove Shri Puni Ram Deb Barma from the services of casual labourer, was also arrested on 9.5.95 by the Officer I/c. East Agartala Police Station, West Tripura and registered a case against him under section 394 IPC on the charge of criminal offence and looting of Rs. 77,200/- vide police report dated 19.5.95 and 19.5.95 (Annexure-VI and VII). Therefore, the competent Authority decided to

--3 --

remove the applicant from the services of casual labourer vide Director's order No. RC(G)38/95 dated 30.8.95(Annexure-VIII) after getting the proper recommendation from the Joint Director, Tripura Centre and police report as referred to above. //

7. That with regard to statements made in paragraph 4.viii of the application, the Respondents beg to state that the applicant was removed/terminated from services of casual labourer w.e.f. the date of completion of one month from the date of receipt of the said order as per terms and conditions laid down while granting him temporary status as may kindly be seen from Para-11 of the order No.RC(G)14/95 dated 21.3.95 (Annexure-IX) which is definitely in conformity with the terms and conditions of his services as decided by the Director of this Institute. The competent Authority also had decided to remove the applicant from the services of casual labourer after careful consideration and thought that further retention of such casual labourer in service may indulge/encourage other casual labourers to commit such serious offence particularly after receipt of the police report and Joint Director's recommendation as referred to above.

8. That with regard to statements made in paragraph 4.ix of the application, the Respondents beg to state that the same has already mentioned in preceeding paragraphs.

9. That with regard to statements made in paragraphs 4.x of the application, the Respondents beg to state that the applicant was granted temporary status in the capacity

-4-

of a casual labourer only with specific terms and conditions as mentioned in the order No.RC(G)14/95 dated 21.3.95 as per terms and conditions laid down in the Govt. of India's order referred to above. The applicant is not a regular employee of this Institute.

10. That with regard to statements made in paragraph 4(xi) of the application, the Respondents beg to state that No opportunity what-so-ever had been given to the applicant to put his defence is not true to the extent[^] in view of the fact that the applicant was removed from the services of casual labourer as per the spirit of the very terms and conditions of the order No. RC(G)14/95 dated 21.3.95 in which he was granted temporary status in the capacity of casual labourer.[^] Therefore, the question of giving further opportunity as contended by the applicant was not considered by the Competent Authority in the context of the report of the Joint Director, Tripura Centre and Police report as explained in the preceeding paras.

11. That with regard to statements made in paragraphs 4.xii to 4.xvi of the application, the Respondents have no comments on them, the same being matters of record.

12. That with regard to statements made in paragraph 5 of the application, regarding Ground for relief with legal provisions, the Respondents beg to state that none of the grounds is maintainable in law as well as in facts and as such the application is liable to ~~be~~ be dismissed.

13. That with regard to statements made in paragraphs 6 and 7 of the application, the Respondents have no comments on them.

14. That with regard to statements made in paragraph 8, regarding Reliefs sought for the Respondents beg to state that the applicant is not entitled to any of the reliefs sought for and as such the application is liable to be dismissed.

15. That with regard to statements made in paragraphs 9 to 13 of the application, the Respondents have no comments on them.

16. That the Respondents submit that the application has no merit and as such the application is liable to be dismissed.

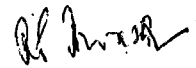
6...Verification....

7 6 -22- 35
VERIFICATION

I, Dr. R. P. Awasthi, son of Late Kishore Awasthi, Director, ICAR Research Complex for N.E.H. Region, Barapani residing at Barapani, Meghalaya, P.S. Uniam, District Ri-Bhoi, do hereby verify that the contents made above are true to the best of my personal knowledge and belief and I have not suppressed any material facts.

Place : Barapani

Date : 5-1-96


Signature
Director,

Dr. R. P. Awasthi/ICAR
Research Complex for N.E.H. Region,
Barapani, Meghalaya, P.S. Uniam, District Ri-Bhoi.
Barapani-781003

21st

Dated Barapani the 21st March '95.

NO.RC(G)14/95

ORDER

In pursuance of the Council's Order No. F.No.24(15)/93-Cdn dated 23.9.94 and Govt. of India, Ministry of Personnel(PG) and Pensions, Deptt. of Personnel & Training's O.M. No. 51016/2/90-Estt(C) dated 10.9.93 Shri/ ~~Srinati~~ Uniram Debbarma, Casual Labourer is hereby granted temporary status with effect from 1.9.93 on the following terms & conditions :

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 4) He/ She will be deployed anywhere within the engagement Unit/Place on the availability of works.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' post including DA, HRA & CCA (as admissible to a Group 'D' post of the place of his/her working only).
- 6) Benefits of increments at the same rate as applicable to a Group 'D' employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for atleast 240 days in the year from the date of conferment of temporary status.
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.
- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational Qualification certificate, Age/date of birth certificate, caste certificate and citizen -ship certificate in original within one month from the date of issue of this order failing which the order shall automatically stands cancelled.

Contd....P/2.....

afforded
C. S. S.
31/1/96

interest
C. S. S.
24.11.95

- 10) The wages of the duty period will be payable only on the basis on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the service of casual labour by giving a notice of one month in writing.

Sd/-S.Laskar
Director

21st

memo. No. RC(G)14/95

Dated, Barapani the March, 1995.

Copy to :

1. ✓ Shri/Smtt. Punizam Debbarma, Casual Labour, ICAR Res. Complex, Tripura Centre.
.....
2. The Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
3. The Joint Director, ICAR Research complex for NEH Region, Tripura Centre, Lembucherrah.
.....
.....
4. Incharge KVK, ICAR Research complex for NEH Region,
.....
5. The Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani.
6. The Asstt. Admn. Officer (Estt), ICAR Research complex for NEH Region, Barapani.

Off and
C. Laskar
21/3/96

(I.K. SHARMA)
ADMINISTRATIVE OFFICER

109

Annexure- II

-25-
38

Indian Council of Agricultural Res.
Krishi Bhavan : New Delhi - 1.

.....

F.No.24(15)/93-Cdn.

23rd September, '94

All Directors of the Institutes/National Research
Centres and Project Directorates.

Sub: Grant of temporary status and regularisation of casual workers-
Formulation of scheme in pursuance of the CAT, Principal Bench,
New Delhi, Judgement dated 16th February, 1990 in the case of
Shri Rajkamal and others V/S Union of India

Sirs,

The Government of India/Department of Personnel & Training have formulated a scheme termed as "casual labourers (grant of temporary status and regularisation) scheme of Govt. of India, 1993. This scheme has been formulated on the basis of the Judgement of the Central Administrative Tribunal, Principal Bench, New Delhi delivered on 16.2.1990 in the writ petition filed by Shri Rajkamal and others v/s Union of India and it has been decided that while the existing guidelines contained in OM dated 7.6.1988 continued to be followed, the grant of temporary status to the casual labourers, who are presently employed and have rendered one year of continuous service in Central Government offices other than the Deptt. of Telecommunications Posts and Railways may be regulated by the said scheme.

J.D (118)
S. 17/94
The said scheme has been examined at the ICAR Hqs. for adoption by the ICAR and its constituents. Presently the scheme has been approved for adoption, in principle for implementation w.e.f. 1.9.1993. However, before formal orders are issued in this regard it is requested that the following conditions as well as the information required may please be made available to us at the earliest possible :-

- (i) The scheme is made applicable to only those casual labourers who were fulfilling all the terms and conditions in accordance with the DOP&I OM dated 7.6.1988.
- (ii) The detailed information is worked out first indicating the total number of casual labourers who were fulfilling all the terms and conditions in accordance with the OM dated 7.6.1988 at the time of its adoption, the number of casual labourers regularised after the date of its adoption and the remaining casual labourers left for grant of temporary status and the total financial involvements on this account.

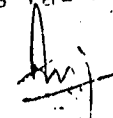
Contd... 2....

afford
C. Lal
21/1/96

A copy of the said scheme of the Government of India is also appended herewith for kind perusal and information.


This may please be given top priority so that the issue can be considered thoroughly and formal orders issued in this regard.

Yours faithfully,


(J. RAVI)
Under Secretary (GAC)

Copy for information to :

1. Dy. Secretary IAB
2. Dy. Secretary IAP
3. All I.A. Sections at ICAR Hqrs.


Under Secretary (GAC)

attested
C. S. Rao
31/1/96

42 H.

Annexure - III

- 27 -

40

(28) a

//COPY//

No. 51016/2/90-Estt(C)
Government of India
Ministry of Personnel, P.C. & Pensions
Department of personnel & Training

New Delhi, the 10th Sept., 1993.

OFFICE MEMORANDUM

Subject: Grant of temporary status and regularisation of Casual Workers - formulation of a scheme in pursuance of the CAT, Principal Bench, New Delhi, judgement dated 16th Feb., 1990 in the case of Shri Raj Kamal & Others vs. UOI.

.....

The guidelines in the matter of recruitment of persons on daily wage basis in Central Government offices were issued vide this Department's O.M.No. 49014/2/86-Estt(C) dated 7.6.88. The policy has further been reviewed in the light of the judgement of the CAT, Principal Bench, New Delhi delivered on 16.2.90 in the writ petition filed by Shri Raj Kamal and others vs Union of India and it has been decided that while the existing guidelines contained in O.M. dated 7.6.88 may continue to be followed, the grant of temporary status to the casual employees, who are presently employed and have rendered one year of continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by the scheme as appended.

2. Ministry of Finance etc. are requested to bring the scheme to the notice of appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines contained in O.M. dated 7.6.88. Cases of negligence should be viewed seriously and brought to the notice of appropriate authorities for taking prompt and suitable action.

Sd/-
(Y.G. PARANDE)
DIRECTOR

Effectuated
C. J. 31/1/96

APPENDIX

Department of Personnel & Training, Casual Labourers (Grant of Temporary Status and Regularisation) Scheme

1. This Scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993".
2. This scheme will come into force w.e.f. 1.9.1993.
3. This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunication and Department of Posts who already have their own schemes.
4. Temporary status
 - i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).
 - ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.
 - iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work.
 - iv) Such casual labourers who acquire temporary status will not however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts.
5. Temporary status would entitle the casual labourers to the following benefits:-
 - i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA and CCA.

contd...2/-

checked
31/1/96

: 2 :

- ii) Benefits of increments at the same rate as applicable to a Group D employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.
- iii) Leave entitlement will be on a pro-rata basis at the rate of one day for every 10 days of work, casual or any other kind of leave, except maternity leave, will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.
- iv) Maternity leave to lady casual labourers as admissible to regular Group D employees will be allowed.
- v) 50% of the service rendered under Temporary Status would be counted for the purpose of retirement benefits after their regularisation.
- vi) After rendering three years' continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group D employees for the purpose of contribution to the General Provident Fund, and would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group D employees, provided they furnish two sureties from permanent Govt. servants of their Department.
- vii) Until they are regularised, they would be entitled to Ad-hoc bonus only at the rates as applicable to casual labourers.

6. No benefits other than those specified above will be admissible to casual labourers with temporary status. However, if any additional benefits are admissible to casual workers working in Industrial establishments in view of provisions of Industrial Dispute Act, they shall continue to be admissible to such casual labourers.

7. Despite conferment of temporary status, the services of a casual labourers may be despersed with by giving a notice of one month in writing. A casual labourer with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.

Contd...3/-

: 3 :

8. Procedure for filling up of Group D posts

- i) Two out of every three vacancies in Group 'D' cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel & Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

9. On regularisation of casual worker with temporary status, no substitute in his place will be appointed as he was not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases for suitable disciplinary action against the officers violating these instructions.

10. In future, the guidelines as contained in this Department's O.M. dated 7.6.88 should be followed strictly in the matter of engagement of casual employees in Central Government Offices.

11. Department of Personnel & Training will have the power to make amendments or relax any of the provisions in the scheme that may be considered necessary from time to time.

Checked
Lab
31/1/96

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research Complex for N.E.H. Region
Tripura Centre, P.O. Lembucherra 799210
West Tripura.

No. Adm-4/Part/91/1156

Dated : 10.05.95.

To

The Director,
ICAR Research Complex for NEH Region,
Umroi Road, Barapani, Meghalaya.

Sub : Attempte to murder of self and dacoity of Rs. 80,000/- by
Shri Puniram Deb Barma, Casual labour Temporary Status -
ICAR, Tripura Centre.

Sir,

I wish to inform you that one of the Temporary Status
Casual labour ~~or~~ Shri Puniram Deb Barma, has attempted to
murder the undersigned and took away Rs. 80,000/- from my brief
case which was the matured amount of NSC etc. The police was
immediately informed and caught the culprit Shri Puniram Deb
Barma who confessed ~~his~~ that he has taken away the amount of
Rs. 80,000/- and was latter on recovered from near ~~my~~ field
hidden by him. The police have arrested the culprits and at
present in their custody.

The undersigned recommends that Shri Puniram Deb Barma,
Temporary status Casual labour be removed from his service by
giving a notice of one month in writing as per rule in force.

Yours faithfully,

(Signature)
(C.R. Maiti)
Joint Director.

*Offered.
See 21/1/96
AO
We may constitute
committee & ask them to
have the relevant evidence
about this & then take
action. 22/6/95*

*Copy to (H)
The matter has been discussed
with Director. He may write a letter
to J.O. to submit a Police
report for further action.
29/5/95*

16 47

Annexure - V

(3)

- 32 -

Confidential

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research Complex for N.E.H. Region
Tripura Centre, P.O. Lembucherra 799210
West Tripura.

Dated : 10.07.95.

No. F.Adm-4/part/91/

To

The Administrative Officer,
ICAR Research Complex for NEH Region,
Umroi Road, Barapani, Meghalaya.

Sub : Attempt to murder of Dr. C.R. Maiti, Joint Director and
dacoity of Rs. 80,000/- by Shri Puniram Deb Barma, Casual
Labour, Temporary status.

Ref : 1) This office letter no. Adm-4/part/91/1156 dtd 10.07.95. — p. 1/c
2) Your letter no. RC(G)38/95 dtd 27.05.95. — p. 2/c

Sir,

With reference to your letter on the above subject, I am
enclosing herewith the following documents (photostate copies)
for further needful.

- 1) Intimation of arrest of Shri Puniram Deb Barma - 1 copy.
- 2) F.I.R. addressed to Officer-Incharge, East Agartala P.S. - 1 copy.
- 3) F.I.R. under section 154 (r.p.c) - 1 copy.

The undersigned recommends that Shri Puniram Deb Barma,
Temporary status Casual labour be removed from the Service of
Casual Labour.

It may be mentioned that that the undersigned has not engaged
Shri Puniram Deb Barma, Casual Labour w.e.f. 09.05.95 after the
above incident.

An early action may please be taken immediately.

Yours faithfully,

C.R. Maiti
(C.R. Maiti)
Joint Director.

Encl : As above - 3 nos.

Offical
Sal
31/1/96

*Urgent**Suppl(A)**Pl. put up.**17/7/95**gmg*

MAH
Entry No. 1725
Date 18.7.95

¹⁰ The Joint-Director, I.C.A.R. - 33.
^{18 17} Annamalai - VI
Tripura Centre, Lembucharga
West Tripura: Govt. of India.

Ref. East Agartala PS. Case
no. 71/95 dated 05-5-95 u/s
394 IPC.

Sub - Intimation of Arrest

Sir,
With reference to the above
noted case I am to inform
you that the below noted person
of I.C.A.R., Tripura Centre, Lem-
bucharga, Govt. of India, wor-
king as casual labour (im-
porary status), has been
arrested in the above
noted case, dated 3-5-95 as
he is entangled in the
case concerned and the
person is forwarded to court.
This is for your
information.
Yours faithfully,
D. S. / A

attn of the person

Sd/- Puni Ram D/Barna
S/O Sd/- Mahin D/Barna
of Vill - Krishnamohan
Kokrapata, (Lembucharga)
West Tripura, PS-East

Attn
D. S. / A

8670 East Agt PS
19/5/95

Attn
31/1/96

Sd/-
12/5/95

First Information Report

(Under Section 154 Cr. P. C.)

Annexure - VII

47

- 19 18 (S-34)
- *Distt... P.S.... Year... 1995 *Fir No... 71/95 Date... 19.5.95
- (i) *Act... Sections... 394
- (ii) *Act... Sections...
- (iii) *Act... Sections...
- (iv) *Other Acts & Sections...
3. (a) General Diary Reference : Entry No... 497 Time... 03:15 AM
- (b) *Occurrence of offence : *Day Tuesday *Date 9.5.95 Time... 06:45 AM
- (c) Information received Date 9.5.95 Time... 09:50 AM D. No...
- at the Police Station :
4. Type of information : *Written/Oral
5. Place of Occurrence : (a) Direction and Distance from P. S... 12 KM North from P.S.
- (b) *Address 1. C.R. Complex, Delhi
- (c) In case outside limit of this Police Station then the name of P. S... District...
6. Complainant/informant :
- (a) Name... D. B. Kishan Malviya (Joint Director)
- (b) Father's/Husband's Name Late. M. K. Kishan Malviya
- (c) Date/Year of Birth... 1925
- (d) Nationality... Indian
- (e) Passport No... Date of issue... Place of issue...
- (f) Occupation... Joint Director
- (g) Address... 1. C.R. Complex, Delhi
7. Details of known/suspected/unknown/accused with full particulars :

- 1) Uday Lal Bawa.
- S/o. Aswini Lal Bawa.
- of Baram chandni lane.

Attested
31/1/96

A. H. A. S.
G. M. A. S.

(Attach separate sheet if necessary)

20 69
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD : BARAPANI-793 103.

REGISTERED A/D. 35-
Annexure-21148

NO.RC(G)38/95

Dated Barapani, the 14th August '95.
30

ORDER

Consequent upon the criminal offence committed by Sri. Puniram Deb Barma, Casual Worker (Temporary Status) ICAR Tripura Centre and his arrest under section 394 I.P.C. by Officer-in-charge, East Agartala Police Station vide his report dated 13.5.95 addressed to the Joint Director, ICAR Res. Complex for NEH Region, Tripura Centre, West Tripura, Sri. Puniram Deb Barma, Casual Worker (Temporary Status) is hereby terminated from service with effect from the date of completion of one month from the date of receipt of this order as per terms & conditions laid down in granting him Temporary Status vide this Office order No.RC(G)14/95 dated 21.3.95.

S. LASKAR)
DIRECTOR

To :

~~Sri. Puniram Deb Barma~~

Sri. Puniram Deb Barma,
Casual Worker (Temporary Status)
Through Joint Director, ICAR
Res. Complex, Tripura Centre.

Copy to :- The Joint Director, ICAR Res. Complex for NEH Region, Tripura Centre, West Tripura, Alongwith the copy of the termination order in original. He may hand over the order to Sri. Puniram Deb Barma after obtaining proper receipt with date which may please be forwarded to this office for record.

S. LASKAR)
DIRECTOR

Officed.
31/1/96

...

75
11/6/98

461
25

Puniram Deb Barma

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Filed by The applicant
through M. Chandra,
Advocate.
1/6/98.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

O.A, No.268 of 1995

Sri Puniram Deb Barma

... Petitioner

Versus

The Secretary, ICAR, Krishi Bhavan, ... Respondents
New Delhi and others.

In the matter of -

A rejoinder by the Petitioner to the
written statement submitted by Respondents
No.1 to 3/better statement.

The humble Petitioner above-named Most
Respectfully submits as follows:-

1. That the Petitioner has gone through the written statement submitted by Respondents No.1 to 3 with the assistance of his learned Counsel and he has understood the same.
2. That the grounds taken by the Respondents to substantiate their action against the Petitioner is in paragraph-6 of the written statement, wherein it has been stated inter-alia that the Petitioner has committed an offence under Section 394 I.P.C. and also that he attempted to murder someone, whereas the Petitioner is not a FIR named and there was no allegation that he attempted to commit murder. In any event it appears that the Respondents took

and in case of Bern-

decision to remove the Petitioner from service ostensibly by way of punishment and that has been done without affording the Petitioner any opportunity whatsoever to defend his case. One month's notice may be sufficient to terminate the service of a person but the termination can not be taken as a camouflage to punish somebody. It is unfortunate that without any enquiry or without any offence proved against the Petitioner, the Respondents have gone to the extent of saying that the Petitioner has committed criminal offence, which is yet to be proved against the Petitioner.

3. That this is more than sufficient to hold that the termination is a removal or dismissal from service without any reasonable opportunity given to him. The Respondents have miserably failed to understand the distinction between the termination simpliciter in accordance with the terms of service (if any at all) and removal from service by way of penalty.

4. That in paragraph-10 the Respondents have averred that they did not consider to hold any enquiry in respect of the allegation against the Petitioner on ground that they got report from the Joint Director and Police. It shows the utter ignorance of the Respondents in regard to matters like one at hand. Ignorance of law is however no excuse, particularly when it is an employee and a public body established under a statute of the Union Legislature. The Respondents must act reasonably, fairly and in accordance with the law. An administrative order can not be arbitrary whereas the present decision to purportedly terminate the service of the Petitioner is

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peni ram deb barma

- 3 -

arbitrary and is also justiciable. It is malicious also and what has been done in the case of the Petitioner is an exercise of power with malice.

5. That the Petitioner is absolutely innocent and the allegation against him is absolutely false, fabricated and concocted.

6. That in view of the above the petition of the Petitioner deserves to be allowed by granting the relief prayed for by the Petitioner in his petition to this Hon'ble Tribunal.

7. That the rest would be submitted orally at the hearing.

VERIFICATION

I, Sri Puniram Deb Barma, son of Sri Mahim Chandra Deb Barma, aged 26 years, by profession- Unemployed, resident of village- Krishnamohan Kobra Para, P.O. Lembucherra, P.S. East Agartala, District- West Tripura, do hereby verify that the contents made above are true to the best of my knowledge and belief and I have not suppressed any material facts.

Date:- March, 1997.

peni ram deb barma

Signature of the Petitioner

To
The Registrar,
Central Administrative Tribunal,
Guwahati Bench, Rajgar Road,
Bhangagarh, Guwahati-781 005.

Copy to :-

1. The Central Govt. Standing Counsel, Central Administrative Tribunal, Gauhati Bench, Gauhati