

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 18/96.....

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SECTION OFFICER (Judl.)

Salit
23.1.98

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO. 10 OF 1995
 TRANSFER APPLN.NO. OF 1995
 CONTEMPT APPLN.NO. OF 1995 (IN NO. 1)
 REVIEW APPLN.NO. OF 1995 (IN NO.)
 MISC.PETITION NO. OF 1995 (IN NO.)

Roman Singh APPLICANT(S)

-VS-

W.O.I. Com. RESPONDENT(S)

For the Applicant(s)

Mr. Dr. N.K. Singh
 Mr. B. Chakravarty

Mr.
 Mr.

For the Respondent(s)

Mr. A.K. Chaudhury,
 Addl. Csg.

OFFICE NOTE

DATE

ORDER

22-2-96

~~Applicant's case~~

Adjourned for Admission on

1-3-96.

Member

Vice-Chairman

This application is in
 form and within time
 C.F. of Rs. 50/-
 deposited vide
 IPO/BD No. 311277
 Dated 8.1.96

1m

Proviso
 30.1.96

14-3-96

Mr.H.A.Sarkar for Dr.N.K.S.

List for on 19-3-96 for consideration
 of Admission, as requested.

1m

Member

1-3-96

Adjourned to
 14.3.96

by order
 Boro

QA/TA/CP/RA/MP No. of 19 O.A.10/96

OFFICE NOTE

DATE

ORDER

19-3-96

Learned counsel Dr.N.K.Singh for the applicant moves this application. Mr.A.K.Choudhury Addl.C.G.S.C. for the respondents.

In the order dated 13-6-95 in O.A.No.197/91 the appellate authority was directed to dispose of the appeal within the period of three months. Dr.N.K.Singh has submitted that the appellate authority has since disposed of the appeal vide his order dated 23-9-95, Annexure A-15, confirming the imposition of penalty. In this application the applicant seeks reliefs against the impugned orders mentioned in paragraph 3 of the application namely, Annexures A/12, A/15 and A/16.

Perused the grievances and reliefs sought for in this application. Application is admitted. Issue notice on the respondents ^{by Registered Post.} to show cause as to why application should not be granted. Written statement on 6-5-96.

Requisites may be filed within 1 week from to-day.

List on 6.5.96 for written statement and further orders.

Member

lm

6.5.96

None is present. Written statement has not been submitted.

List on 18.6.96 for written statement and further orders.

Member

pg

30.5.96

Notice duly served
in respect No. 4

W/statement has not
been filed

1) Survey Reports are still
awaited
2) W/statement has not been
filed

2/5

R-19/3

(3)

O.A. 10/96

QA/TA/CP/RA/MP No. of 19

NOTE

DATE

ORDER

18.6.96

Mr A.K.Choudhury, Addl.C.G.S.C is present and submitted written statement. Copy of the same may be served on the counsel of the opposite party.

List for hearing on 17.7.96.

be
Member

pg

17.7.96

Mr A.K.Choudhury, Addl.C.G.S.C for the respondents.

List for hearing on 14.8.96.

be
Member

pg

14-8-96

Learned Addl.C.G.S.C. Mr. A.K. Choudhury is present. List for hearing on 11-9-96.

be
member

lm

16.9.96.

Mr. A.K.Choudhury, Addl.C.G.S.C. for the respondents.

List for hearing on 11.10.1996.

be
Member

trd

16/9

18-6-96

D/S filed on behalf of R.no. 1, 2, 3 & 4. at pg-63-68.

D Notice duly served on Respondt no. 4.

2) W/statment has been filed.

10/10

(4)

OFFICE NOTE

DATE

ORDER

11.10.96

None present.

List for hearing on 29.11.96.



Member

trd

11.4.97

Let the case be listed on 28.5.97 for further orders.


Member


Vice-Chairman

trd


~~20.8.97~~

~~Dr N.K. Singh, learned counsel for the applicant, prays for a short adjournment on the ground that he has to receive further instructions. Prayer allowed. Adjourned till 6.8.97 for hearing.~~

28.5.97

~~Member~~ Dr N.K. Singh, learned counsel for the applicant, is not keeping too well. Therefore, he prays for an adjournment of this case. Mr A.K. Choudhury, learned Addl. C.G.S.C., has no objection.

List the case on 26.6.97 for hearing.



Member



Vice-Chairman

nkm

26.6.97

Dr. N.K. Singh, learned counsel for the applicant, prays for a short adjournment on the ground that he has to receive further instructions. Prayer allowed. Adjourned till 6.8.97 for hearing.


Member


Vice-Chairman

5

DA 10796

Page No.

QA/TA/CP/RA/MP No. of 19

OFFICE NOTE

DATE

ORDER

30.9.97

Adjourned to 4.12.97

By order

3.12.97

4.12.97

The case is otherwise ready for hearing.

Let the case be listed for hearing on 23.2.1998.

Member

Vice-Chairman

nkm

ns
8/12

23.2.98

Let the case be listed for hearing on 5.6.98.

Member

Vice-Chairman

pg

ns
26/2

5-6-98

Learned counsel Mr.A.thmed on behalf of Dr.N.K.Singh prays for short adjournment. Mr.A.K.Choudhury, learned Addl.C.G.S.C. has no objection.

List it on 2-9-98 for hearing.

Member

Vice-Chairman

lm

ns
8/6

2.9.98

Mr A.K.Choudhury, learned Addl.C.G.S.C is out of station.

List on 8.9.1998 for hearing.

Member

Vice-Chairman

pg

ns
2/9

Case is ready for hearing.

Boon

w/s his sum lsd.

ns
4/6

w/s his sum lsd.

ns
4/9

The case is ready for hearing as regard service.

ns
7.9

QA/TA/CP/RA/MP No. of 19

OFFICE NOTE

DATE

ORDER

8.9.98

On the prayer of Dr N.K. Singh, learned counsel for the applicant, the case is adjourned till 11.9.98.

LM
Member

LB
Vice-Chairman

nkm

11.9.98

On the prayer of Mr N.K.Singh, learned counsel for the applicant the case is adjourned to 27.10.1998.

LM
Member

LB
Vice-Chairman

pg

27-10-98

On the prayer of Mr.N.K. Singh learned counsel for the applicant case is adjourned to 6-11-98.

List on 6-11-98 for hearing.

LM
Member

LB
Vice-Chairman

lm

6.11.98

There is no Division Bench.
Case is adjourned to 30.11.98.

By Order

lm

30.11.98

Present: Hon'ble Mr Justice D.N. Baruah
Vice-Chairman
Hon'ble Mr G.L. Sanglyine,
Administrative Member

On the prayer of Dr N.K. Singh, learned counsel for the applicant the case is adjourned till 2.12.98.

LM
Member

LB
Vice-Chairman

nkm

W/S has been filed

5/11

*The case is ready
for hearing as regards
W/S.*

*AS
22/11*

1-12-98

*Written statement
has been filed.*

5/11/98

04.10/96

(7)

7

Notes of the Registry

Date

Order of the Tribunal

2.12.98

A mention has been made by Mr M.Chan-
da on behalf of Dr.N.K.Singh, learned
counsel for the applicant for short
adjournment. Prayer allowed.

List on 4.12.98 for hearing.


Member


Vice-Chairman

pg

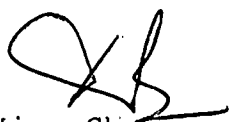
4.12.98

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

Hon'ble Mr G.L. Sanlgvine,
Administrative Member

On the prayer made on behalf of
Dr N.K. Singh, learned counsel for the
applicant the case is adjourned till
8.12.98.


Member


Vice-Chairman

nkm

NS
7/12/98

8.12.98

Passover on the day.

b.

By Mr.
b.

9.12.98

Part heard. Let this case be
listed for further hearing on 14.12.98.


Member


Vice-Chairman

nkm

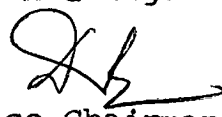
NS
10/12/98

14-12-98

On the prayer of Dr.N.K.Singh,
learned counsel appearing on behalf of
the applicant case is adjourned to
28-12-98 for hearing.

List on 28-12-98 for hearing.


Member


Vice-Chairman

lm

7-12-98

Written statement -
has been filed

NS
7/12/98

10-12-98

Written statement
has been filed

NS
10/12/98

A

(8)

O.A.No.10/96

Notes of the Registry	Date	Order of the Tribunal
<p><u>4-1-99</u> Written statement- has been filed. 4/1/99</p>	28.12.98	<p>On the prayer made on behalf of Dr N.K. Singh, learned counsel for the applicant the case is adjourned till 5.1.1999.</p> <p>Member</p> <p>Vice-Chairman</p>
<p><u>11-1-99</u> Written statement- has been filed. 11/1/99</p>	<p>29/12/98 5.1.99</p>	<p>Leftover. Adj'and to 12-1-99. By order.</p>
	12.1.99	<p>Adj'and to 19-1-99. By order.</p>
	20.1.99	<p>Forwards - By order.</p>
<p><u>22.2.99</u> Copies of the Judgment have been sent to the D/Sec for issuing the same to the parties through Regd. with A.O. H.P.</p> <p>Issued vide despatch No. 643 to 647 dt. 24-2-99 26-3-99</p>	21.1.99	<p>Heard learned counsel for the parties. Hearing concluded. Judgment delivered in the open court, kept in separate sheets. The application is disposed of. No order as to costs.</p> <p>Member</p> <p>Vice-Chairman</p>

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 10 of 1996

Date of decision 21.1.99

Shri Roman Singha

PETITIONER(S)

Dr. N.K.Singh,
Mr. B.Chakraborty,

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. A. Deb. Roy, Sr. C.G.S.C.

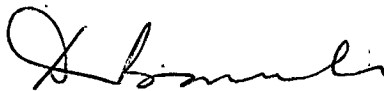
ADVOCATE FOR THE
RESPONDENT(S)

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

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

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Vice-Chairman.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 10 of 1996.

Date of decision : This the 21st day of January, 1999.

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

Hon'ble Shri G.L. Sanglyine, Administrative Member.

Shri Roman Singha,
S/o Late Debohari Singha,
Villate-Rongpur (Part-I)
P.O. Rongpur (Part-II)
District-Cachar (Assam)
Pin-788009

Applicant

By Advocate Dr. N.K. Singh.

-versus-

1. The Union of India,
Represented by the Chairman,
Central Water Commission, R.K. Puram,
New Delhi.
2. The Chief Engineer (P & I),
C.W.C., R.K. Puram,
New Delhi.
3. Superintending Engineer,
North Eastern Investigation Circle,
Central Water Commission,
Shillong, Meghalaya.
4. Executive Engineer,
North Eastern Investigation Circle,
Central Water Commission,
Shilong, Meghalaya.

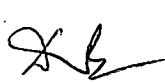
Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R

BARUAH J. (V.C.).

In this application the applicant has challenged the Annexure A/12 Order dated 14th May 1992 by which the applicant was removed from service by the Executive Engineer, respondent No. 4 and Annexure

 Contd...

A/15 order dated 23.9.95 passed by the Superintending Engineer, Central Water Commission, confirming the order passed by the Executive Engineer and also Annexure A/16 order dated 23.9.95 rejecting the claim of the applicant. The facts are :

At the material time the applicant was working as Work Sarkar Grade II and posted at Dhanai-cherra. The Assistant Engineer of that Division under whom the applicant was working, transferred the applicant to work site. However, he did not comply with. He remained absent. The applicant instead approached the Executive Engineer seeking a direction to allow him to work at same place. However, the Executive Engineer did not pass any order in that regard. Besides the applicant refused to perform "Calculation Work" on the ground that it was not part of his duties. He submitted several representations. As nothing was done the applicant approached this Tribunal by filing Original Application No. 197/91. The said Original Application was disposed by an order dated 13.6.95 directing the respondents to consider the grievances of the applicant and dispose of his representation/appeal. A disciplinary proceeding was instituted against him. Certain article of charges with statements of imputation were served on the applicant and he was asked to show cause as to why disciplinary action should not taken against him. The applicant duly submitted

Contd...

submitted his reply. The disciplinary authority not being satisfied with the reply decided to hold enquiry against him and for that purpose the disciplinary authority appointed an Inquiry Officer. On conclusion of the inquiry proceedings the Inquiry Officer submitted his report finding the applicant guilty. The report was forwarded to the disciplinary authority and a copy of the report was also served on the applicant. The disciplinary authority agreeing with the findings of the Inquiry Officer found the applicant guilty and removed him from service by order dated 14.5.92 issued by the Executive Engineer, respondent No.4. Being aggrieved by and dissatisfied with the said order the applicant submitted an appeal before the Superintending Engineer and the said appeal was disposed of confirming the order passed by the Executive Engineer, respondent No.4. Hence the present application.

2. In due course the respondents have entered appearance and filed written statement.

3. We have heard Dr. N.K.Singh, learned counsel appearing on behalf of the applicant and Mr. A.Deb Roy, learned Sr. C.G.S.C.

4. Before us Dr. Singh does not challenge the proceeding. He submits that inquiry proceedings was fairly conducted. However, punishment was too harsh and does not commensurate with his misconducts.

B
Contd....

M

Therefore he submits that the matter should be dealt with leniently. Mr. Deb Roy on the other hand tries to support the action taken by the respondents. He further submits that the applicant was guilty of misconduct in as much as he was guilty of subordination which amounts to misconduct.

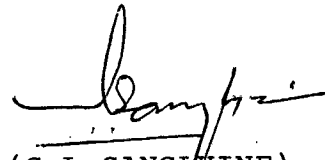
5. On hearing the counsel for the parties and on perusal of the records available before us we find that the applicant was guilty in sub-ordination and thereby committed misconduct. However, we feel penalty of removal from service is too harsh. It does not commensurate with the nature of misconduct. Therefore we set aside Annexure-12 Order dated 14.5.92 and Annexure 15 order dated 23.9.95 confirming the penalty of removal from service by the Superintending Engineer. Instead we feel that lesser punishment would meet the ends of justice.


6. In view of the above we direct the respondents to reinstate the service of the applicant withholding the increments with cumulative effect for next five years. Applicant shall be reinstated as early as possible at any rate within a a period of one month from the date of receipt of this order. However, the applicant shall not be entitled to pay during the period from the date of his removal from service till he resumes his duty.



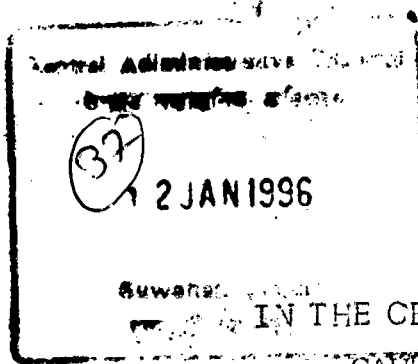
Contd...

7. With the directions made above, the application is disposed of. Considering the facts and circumstances of the case we, however, make no order as to costs.


(G.L.SANGLIANE)
Administrative Member


(D.N.BARUAH)
Vice- Chairman

trd



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH :: GUWAHATI.

O.A. No. 10 /96.

Shri Roman Singh ... Applicant.

-Versus-

Union of India & Ors ..Respondents.

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20. *ADs filed on behalf of A. 1, 2, 3 & 4. 63 - 68*

Filed by :- *B. Chelabarty*

*Received copy.
A.K. Choudhury
Addl. C.J. SC
11/1/96*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH :: GOWAHATI.

O.A. No. 10 /96.

Shri Roman Singha ... Applicant.

-Versus -

Union of India & Ors .. Respondents.

DETAILS OF APPLICATION :

1. Particulars of the Applicant

- i) Name :- Shri Roman Singha.
- ii) Father's Name :- Late Debohari Singha.
- iii) Address :- Village-Rongpur(Part-I),
P.O. Rongpur (Part-II),
District -Cachar(Assam).
Pin- 788009.

2. PARTICULARS OF RESPONDENTS

1. The Union of India

Represented by the Chairman,
Central Water Commission, *R.K. Purem*
New Delhi.

2. The Chief Engineer (P&I)

R.K. Purem
C.W.C., New Delhi.

3. Superintending Engineer,

North Eastern Investigation Circle,
Central Water Commission,
Shillong , Meghalaya.

contd...

Filed by
B. Chelamcherry
At Guwahati, 11.1.96

4. Executive Engineer,
North Eastern Investigation Circle,
Central Water Commission,
Shillong, Meghalaya.

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

- i) Order No.NEID/1/PF-114/92/3740 dt.14.5.92
(Annexure A/12).
- ii) Order No.NEIC/2013/94-95 /Vol-II /1937 dt.23.9.95
(Annexure A/15).
- iii) Order No.NEIC/2013/94- 95 /vol-II /1935-36
dt.23.9.95(Annexure-A/16).

4. JURISDICTION OF TRIBUNAL:

The applicant declares that the subject matter of this case is within the Jurisdiction of the Tribunal.

5. LIMITATION:

The applicant further declares that this application is within the limitation period prescribed in section-21 of the Administrative Trubunals Act.

6. FACTS OF THE CASE:

- 1. That , the applicant is a citizen of India having his permanent place of residence in Cachar district of Assam.
- 2. That, the applicant joined in service in 1981 as Khalasi in the office of the Executive Engineer, Central Water Commission Rongpur and was promoted as Work Sarkar,

contd...

3.

grade-III and then promoted to Work Sarkar grade-II in 1986 and posted under Asstt. Engineer, NEISD-V gang and Discharge (G & D) site at Pathicherra. The applicant was posted to different G & D site under different Sub-Division.

3. That the Executive Engineer, C.W.C., NEID-I, Rangpur-I, Silchar-9, by office order dated 21.10.87 modified the work site on the basis of the report of the Superintending Engineer, NEIC, Shillong and accordingly arrangement and reposting of the staffs were made. By the same order the applicant was posted and transferred from Chailengtacherra to below confluence Chailengtacherra & Lalcherra under the chargeable head running and maintenance (r & m) of gang and discharge (g & d) site. The petitioner accordingly joined the site.

4. That due to some domestic problems the applicant submitted application to the Executive Engineer, NEIF-I, Rangpur-I, Silchar - 9, through proper channel for grant of C/L for five days from 13.8.89 to 20-8.89 (13.8.89 and 20.8.89 being Sunday, 18.8.89 gazetted holiday) and for permission to leave worksite. The Executive Engineer vide letter No. NEID-I, Estt. 12/5825-29 dtd. 2.9.89 granted the applicant's prayer. However, due to transport problem the applicant could not report for duty on the day of joining before forenoon but could report on the same day at the noon. The applicant found absent mark in the Attendance Register against his name. Accordingly the applicant re-submitted revised C/L application took the Executive Engineer in charge of the work site who refused to forward the same

contd...

4.

application to the Executive Engineer. The applicant's pay salary for the month of August, 1989 was not sanctioned. Thereafter the applicant submitted a representation to the Executive Engineer for necessary action in that regard by a registered letter No.861 dated 20.4.90. It may be stated in this connection that the applicant was on duty before his leave period, i.e. till 12.8.89 and he continued to discharge his duty after he joined on 21.8.89. But the authority withheld his pay/salary for the entire month of August/1989.

Annexure A/1 is the copy of the representation dated 18.12.90.

5. That, the applicant states that, as Work Sarkar, Grade-II, his duty was to report day to day water discharge in a prescribed manner. Surprisingly, on 16.11.89, the Junior Engineer instructed the applicant to carry out Date Collection Work of which the applicant was not acquainted to and since that was no part of his duty, the applicant humbly expressed his inability to do the same. Then the Junior Engineer, by letter dt. 17.11.89, inform the matter to the Asstt. Engineer, and though the applicant discharged his normal duties in a regular manner, he was marked absent from 17.11.89 to 13.12.89 and the salary for the period was withheld. Regarding this the applicant filed a Representation to the Respondent No.4 on 21.4.90 and also filed a reminder on 15.7.90.

Annexure A/2 is the copy of the above letter dt.17.11.89.

Annexure A/3 is the copy of the Representation dt.21.4.90.

contd...

6. That, the Respondent No.4 , vide order dt.28.5.90, transferred and posted the applicant to the Dhanaicherra under NEISO-I, Ambassa, Tripura and the applicant joined the site accordingly. On 13.11.90, the Junior Engineer declared that the gauge and Discharge site at Dhanaicherra would be closed w.e.f. 15.11.90 and the applicant was informed that his duty petitioner had been arranged at a different site i.e. at Dhanaicherra reserveir survey.

7. That, the applicant states that he was posted to Dhonaicherra G & D site by the Executive Engineer who was the authority competant to charge the posting and since the applicant did not receive any such posting order from the Executive Engineer , he could not leave the site and waited for a formal order from the Executive Engineer. By the end of November, 1990, Shri Mukul Nath, a Khalasi, informed the applicant that the Junior Engineer had asked the applicant to see the Asstt.Engineer, The applicant met the Asstt. Engineer , who asked the applicant to accept his salary only for 15 days for the month of November , 1990. The applicant felt shocked at this and he refused to accept the same in as much as he was at the Work site the entire month and since there was no formal order from the competant authority regarding change of posting , as a matter of discipline , he did not change his place of posting . As such , the applicant, on 18.12.90, filed a representation before the Executive Engineer in the matter stating the entire facts and praying for release of his full salary for

contd..

the month . But, on that he received no replies.

Annexure A/4 is the copy of the transfer order dt.28.5.90.

Annexure A/5 is the copy of the representation dt.18.12.90.

8. That , the Assistant Engineer, Ambassa issued a letter dtd.17.1.91 to the applicant stating that he has been informed by the Junior Engineer that the applicant was still absent from duty with effect from 16.11.90. In the same letter the applicant was advised to attend duty immediately, otherwise disciplinary action will be taken against the applicant* from the department . It was also mentioned that the whole period was treated as unauthorised absent . That after receipt of the above letter dtd.17.1.91 the applicant left the gang and discharge (G & D) site, Dhonaicherra and reported to the office of the Executive Engineer, NEID-I, Rangpur-I Silchar- 9 and enquired about the place of his duty/ Work site . But unfortunately the Executive Engineer refused to state any specific place for the applicant's work. The applicant approached the office of the said Executive Engineer on several times to assign him duty and indicate the place of his posting/work site . Since then the applicant was simply roaming about in the office without getting any assignment/work and his pay/ salary since Nov,90 was not sanctioned.

9. That, the applicant states that earlier also he applied for an earned leave with effect from 12.5.89 to

contd...

27
7.

30.5.89, suffixing 31.5.89 on the ground of his sister's marriage . The earned leave application , along with departure and joining report, were forwarded by the Assistant Engineer to the Executive Engineer, NEID-I.C.W.C., Rangpur-I, Silchar -9, for favour of sanction. But the applicant's pay for the period of 20 days was not sanctioned . The applicant further states that during the period of 43 days, i.e. from 30.3.89 to 11.5.89, the applicant discharged his duty at the rate of nearly 19 hours per day including Sundays and holidays. During this period the Junior Engineer and one casual labourer were on leave from the work site . The applicant alongwith other two Khalasis performed the (g& d) gang and discharge duty . Accordingly the applicant was entitled to and he claimed over-time allowances for the said days, but the same was not sanctioned. The applicant made representation to the Asstt. Engineer, C.W.C., NEID-III in the matter but nothing was done on that.

Annexure-A/6 is the copy of the representation.

10. That the applicant states that he has made representation by a registered letter dt.8.3.91 to the Chief Engineer,(P&I) CWC, New Delhi, stating that he has been subjected to a great financial and physical harassment and also praying for justice in the matter. Thereafter the applicant sent a reminder on 20.4.91, but there was no response on that.

Annexure A/7 is the representation dated 6.3.91.

Annexure A/8 is the reminder dated 20.4.91.

contd...

11. That, since nothing was done in the matter the applicant filed the O.A.No.197/91 before the Hon'ble Tribunal seeking relief in the above matters. The respondents also submitted their written statement. But during the pendency of the above O.A. No.197/91 the applicant was served with charges of Memorandum dated 19.11.91 and also the order dated 14.5.92 issued by the Respondent No.3 removing the applicant from his services. The applicant thereafter filed application for amendment of the O.A. No. 197/91. The Hon'ble Tribunal was pleased to pass the order allowing the amendment petitions and further order that the applicant shall a composite petition.

12. That, the applicant was served with the charges of Memorandum dated 19.11.91. The articles of charges are that 1) the applicant while functioning as U/s Gr-II during the period from 1.9.86 till date, frequently and abruptly absented himself from his duties on several days without submitting leave application and without obtaining permission to leave the Head Quarter (ii) during the aforesaid the applicant refused to carry out instruction of the Superior officers to undertake calculation in November- December, 1989 and refused to move to survey works in November, 1990 which amounts to insubordination and habitual negligences and lack of devotion to official duties. The applicant mentions that the charges related to the period long back.

Annexure A/9 is the copy of the above

Memorandum dated 19.11.91.

contd...

13. That, the applicant duly submitted his reply to the Memorandum of charge is on 29.11.91 denying specifically the allegation and narrating the circumstances. The applicant stated in his reply that he was never absent from his duties unlawfully.

Annexure A/10 is the copy of the above reply dated 29.11.91.

14. That Shri Neeseed Iqbal Alvi, Assistant Engineer, North Eastern Circle, Inv. Sub. Division No. IV, C.W.C., Dharmanagar was appointed as enquiry authority. The applicant was asked to appear before the enquiry authority for hearing on 7.12.91. The applicant participated in the hearing. He was, however, not allowed to be assisted by any defence assistance throughout the enquiry proceeding. The purfunctorily completed the enquiry and submitted his report on 30.4.92.

Annexure A/11 is the copy of the above report dated 30.4.92.

15. That it is stated that the enquiry into the alleged "Memorandum of charges" had not been conducted in conformity with the principles of law and there has also been denial of the principles of natural justice and the applicant was denied adequate opportunity to defend himself and the enquiry conducted was in the nature of a summary trial. The applicant states that it is the accepted principle of law that the charged officer is to be assisted by defence assistance. In the alleged enquiry proceeding the applicant was not assisted by any defence assistant throughout the enquiry proceeding.

16. That thereafter on 14.5.92 the applicant was served with the order No.NEID/1/pr-114/92/3740 issued by the Executive Engineer whereby the applicant was removed from service w.e.f. the date of the issue of the order . The applicant states that, as was incumbent upon the Disciplinary Authority to allow the applicant to show cause on the Enquiry Report before the imposition of penalty of removal, the same was not afforded and the applicant was given no second show cause notice.

Annexure A/12 is the copy of the order dated 14.5.92.

17. That , after receipt of the order of removal dt.14.5.92, the applicant filed representation/appeal before the Superintending Engineer on 17.7.92 .

Annexure A/13 is the copy of the above appeal dt.17.7.92 .

18. That, the O.A.No.197/91 filed by the petitioner came-up for hearing and this Hon'ble Tribunal , by Judgement dated 13.6.95 disposed of the matter with a direction to the Superintending Engineer (Respondent No.3) to hear and disposed off on merits the appeal dt.17.7.92(Annexure A/13) filed by the applicant on and also directed to consider on merits, the grievances of the applicant conlined in the clauses -I to V of para 7 of the amended O.A. This was directed to be done within a period of 3 months .

Annexure A/14 is the copy of the above Judgement dt.13.6.95.

19. That, thereafter in view of the above judgement, on 26.8.95 the applicant was called for a hearing in the office complex of NEID-I, CWC IV and the Executive Engineer was deputed by the Superintending Engineer for the purpose in the hearing the applicant explained the circumstances in the due manner against the charges.

20. That, thereafter the applicant received the order No. NEIC/2013/94-95/Vol.-II/1937 dt. 23.9.95 issued by the Superintending Engineer thereby dismissing the appeal filed by the applicant and endorsing the action of the Executive Engineer in removing the applicant w.e.f 14.5.92.

Annexure A/15 is the copy of the above order dt. 23.9.95.

21. That, the applicant also received the order No. NEIC/2013/94-95/Vol.-II/1935-36 dt. 23.9.95, issued by the Superintending Engineer, by which the applicant was informed that the Superintending Engineer considered the grievances of the applicant as contained the clauses No. I to V of para 7. of the ammended O.A. No. 197/91 and was pleased to turn down the contentions of the applicant and holding that the claims of the applicant was not maintainable.

Annexure A/16 is the copy of the above order dt. 23.9.95.

22. That, the applicant thereafter received the Order No. NEID-1/ESTD 18/95/6703-06 dt. 25.9.95, thereby intimating the applicant that he was granted a revised casual leave for the month of August, 1989 and accordingly the held up salary of the applicant for the month of August, 89

Contd...

was directed to be released and remitted to applicant.

Annexure A/17 is the copy of the above order dt. 25.9.95.

7. GROUNDS

i) That as the applicant's earned leave application for the period from 12.5.89 to 30.5.89 having been applied through proper channel and same being forwarded by the controlling authority and the same not being rejected by the authority the applicant is entitled to enjoy earned leave and as such he is entitled to pay/salary for the same period. The action of the authority to declare the period as "dies-non" is bad in law.

ii) That as the applicant had discharged his duties during the period from 30.3.89 to 11.5.89 ever the duty time he is entitled to overtime allowance for the same period and the action of the authority in rejecting the same is bad in law and liable to be set aside.

iii) That as the applicant attended his duties the respondents had no authority to withheld his pay/salary from 17.11.89 to 13.12.89 merely on the ground that he had refused to carry out duties which as not part of his duties.

iv) That, as the applicant had not been transferred from Dhanaicherra by the competent authority, he could not move out to any other place and as such he is entitled to be treated as on duty till he was formally transferred and posted and as such the order dt.23.9.95 declaring the period as absent from duty is bad in law.

v) That the applicant submits that he being transferred and posted to Dhonaicherra under NEISD-I, Ambassa, Tripura, by the order of the Executive Engineer dt.28.5.90. and the Executive Engineer being the competent authority to transfer and post the applicant, he could not legally report for duty to any other place on the instruction/order of the officers subordinate to the Executive Engineer. The applicant submits that the Executive Engineer is duty bound to pass the order to transfer the applicant to any other work site if gang and discharge (g & d) site at Dhonaicherra were closed and the applicant's position regarding the place of his posting cannot be kept in abeyance so as to deprive his pay and salary. The applicant submits that the authority deliberately caused the applicant a great hardship in violation of the Service Rule.

vi) That, the applicant submits that since from November, 1990, he was not given any posting order by the authorities, he is entitled to his salaries from November, 1990 to the date on which his dismissed order was passed and ex-facie the authority has committed an illegality in denying him the salary for the said period.

vii) That, the applicant submits that the proceedings commissioned by the authorities against the applicant was in no conformity to the CCS (CCA) Rules and without affording the applicant the minimum procedural safe guards and as such the proceeding was bad in law and the impugned order are liable to be set aside.

Contd...

viii) That, under the Rules, during the conduct of proceedings, the applicant was entitled to be accompanied by a Defence witness of his choice and that being not done, the proceeding was vilioted by grows illegalily and the impugned orders of termination is liable to be set aside.

ix) That, the applicant submits that the contemplation of proceeding by the authority, based on allegation relating to periods long back, is bad in law and is liable to be set aside. on that ground alone .

x) That, the applicant submits that the authorities committed a grave illegality in completing the proceeding in a summary way by calling the applicant only for one day i.e. on 7.12.91 and as such the proceeding was bad in law and the impugned orders are liable to be set aside.

xi) That, the authorities committed a grave illegalily in completing of the proceeding in hot haste even without affording the applicant the second show cause after serving the Enquiry report and as such the same is bad in law.

xii) That, while passing the impugned order of removal , the Executive Engineer did not at all apply his mind to the enquiry rpport and the ampugned order dt.14.5.92 was passed machanically without giving any reasons for his concurrence to the finding and as such the impugned order of removal is bad in law and liable to be set aside.

RELIEF SOUGHT FOR

The applicant seeks reliefs to the effect that the impugned orders under challange as mentioned in paragraph No. 3 be set aside and quashed and the applicant be re-insteted

Contd...

15.

in service with all consequential benefits and the authorities be directed to pay the applicant all his unpaid salaries over-time allowances.

11. Interim order :- No such prayer.

12. PARTICULAR OF I.P.O.

I.P.O. NO. 09.311.276 Dated .. 8.1.96

issued by Post office at Guwahati.

contd..

16.

VERIFICATION

I, Shri Romon Singha , son of late Debohari Singha, resident of Rongpur (Part-I), P.O. Rongpur (Part-II) ,District - Cachar , do hereby verify that the contents of paragraphs 1 to 23 are true my personal knowledge and grounds I to XII are believed to be true on legal advice and that I have not suppressed any material fact.

*Romon Singha*Signature of Applicant.

...

(17)

ANNEXURE A/1

To,

The Executive Engineer,
NEID-I, C.W.C.,
Rongpur-I, Silchar-9.

Sub:- Regarding my duty salary of August '89 with
5 days C/L along with revise C/L for the
month of August '89.

Sir,

I am intimated that above referred subject
describably as under few lines. I proceeded on C/L including
prefixed, suffixed & Holiday w.e.f. 13.8.89 to 20.8.89.
As per my C/L sanctioned by E.E. vide letter No. NEID/1/
Estt-12/5826-29 dtd 2nd Sep.89 I couldnot attend the office
in time when I came to see at attendance Register, JE
marked absent on 21.8.89 and when A.E. visited for
payment at site office on 6.9.89 J.E. refused C/L
application infront of A.E. in this connection A.E. checked
my duty period including leave period salary only (one) 1
days lately attend from the leave with reference to
A.E. letter No. NEISD-III/89/E-2/642-44 dtd. 18.9.89 blamed
me that I avoided office decorum. Justified please, who was
avoided office decorum I submitted times & again revise C/L
including C.M. for 1 day late although J.E. refused my
application i.e. not accepted. Again I submit revise C/L
includ C/L along this application.

This is for favour of your further necessary
action with enable to draw my full month salary of
August '89.

Encls:- Revise C/L
application.

Yours faithfully,
sd/-Ramon Singha,
W/S II.

3
Attended
By Ramon Singha
sd/-Ramon Singha

ANNEXURE A/2

No. Lalcherria/C& D/W 1/157-158 Dt. 17.11.89

To,

The Assistant Engineer,
NEISD-III, C.W.C.,
Mainghat N. Tripura.

Sub.:- Disobey the instruction by Shri Ramon Singha w/s II.

Sir,

On 16.11.89 I instructed to Shri Ramon Singh w/s II to do the data calculations work which he has kept pending, but he refused to do the data calculation work. So I marked him absent from duty from 17.11.89 onward till he will not start data calculation work. This is for your kind information and further n/a from your end please.

Yours faithfully,

sq/-

HARSHAJAN SINGH
J.E.

G & D site Lalcherria.

Copy to Shri Ramon Singh w/s II for information.

sq/-

HARSHAJAN SINGH
J.E.

*Attended
C. K. Chakraborty
Adv.*

ANNEXURE A/3

To,

The Executive Engineer,
NEID-I, C.W.C.,
Rongpur-I, Silchar-9.

Sub.:- Regarding my 27 days Salary for the period
from 17.11.89 to 13-12-89.

Sir,

With refer to J.E. letter No. Lalcharra/G&D/ 157-158/17-11-89 I hereby bring your kind notice as under given few lines for further necessary action please.

That Sir, J.E. had not been taking "G&D" River Velocity observation from joined at Lalcharra "G&D" site when he came from leave issued me above referred letter and he began to take River Velocity discharge observation with kept attendance Register in his control. He marked absent at attendance on my column period from 17.11.89 onward upto 13.12.89 total 27 days. These 27 days salary checked by A.E. I have received respectively these two month dated on 6.12.89 & 6.1.90 Rs.828 & Rs.781. During above 27 days I had been attended in time at office and togetherly went to "G&D" discharge observation site except weekly rest day above period he never allotted duty to me except pending calculation. These 27 days I sought attendance Register and asked to J.E. Instead of well replied he showed me terrible moreover spoke high volume along with turn out from the office.

In shortly I was presence at office & "G&D" site although E.E. kept attendance Register and marked absent on my column along checked within 2 month 27 days my salary of November & December'89.

..P/2

*Submitted
B. S. Sanyal
Adm.*

Annexure A/3 conti ued.

Therefore request you specially look
into this matter and further necessary action
please along enable me to draw my balance
period salary of November & December, '89.

Yours faithfully,

sd/-

Ramon Singha

w/s II.

Bachy

ANNEXURE A/4

Gram :: 'Northeast'

Phone :: 21187

No. NEID/1/Estt-20/3440-49

Government of India

Central Water Commission

North Eastern Inv. Division No. I.

Rongpur part-I : Silchar-9

Dated. 28 MAY 1990

OFFICE ORDER

In partial modification to this office order No. NEID/1/Estt-20/3310-97 dtd. 26-5-90 the following transfers are hereby order with immediate effect in public interest.

<u>Sl. No.</u>	<u>Name and Designation</u>	<u>From</u>	<u>To</u>
1.	Sh. Ronon Singh, W/S Gr. II	Lalcherria under NEISD-III	Dhonaicherria under NEISD-I Ambassa.
2.	Sh. Damodhar Singh, W/S-III	Prateyloroy Cherra under NEISD-IV	Lalcherria under NEISD-I III, Manu.

sd/-
(P.K. Alagh)
Executive Engineer.

Copy to :-

1. The A.E.E., NEISD No. IV, CWC, Dharmanagar for information and necessary action. Shri Damodhar Singha, W/S Gr. III may be directed to report for duty at Lalcherria site under NEISD-III in place of Dhonaicherria. He may be relieved immediately.
2. The A.E.E., NEISD-III, CWC, Manu for information. Shri Ronon Singh, W/S-II may be relieved immediately with the instruction to report his new place of posting at Dhonaicherria under NEISD No. I, Ambassa.
3. The A.E., NEISD No. I, CWC, Ambassa for information.
4. The Accounts Branch (Divisional Office).
5. Drawing Branch (-do-)
6. Personal file- 2 copies.
7. Person concerned- 3 copies.
8. Estt. 26.

sd/- P.K. Alagh
Executive Engineer.

Handwritten signature:
Munish
Bachcharya
sd/-

ANNEXURE A/5

(True Copy)

To,

The Executive Engineer,
NEID-1, C.W.C.,
Rongpur-1, Silchar-9.

Sub:- Regarding the salary of Nov/90.

Sir,

I have the honour to bring your kind attention that as per your letter No. NEID-1, Estt-20/3404-49 dated 28th May 1990 I have joined at Dhanaicherra 'C&D' site. During transfer journey time I entered in sub-Division office and took proper advice from A.E. NEID-1, Ambassa, regarding my joining place. As per direction, I joined at Dhanaicherra 'C&D' site. Although your order has no mentioned proper section. After a few months J.E. issued me a letter No. 'C&D' M.K.J./F-3/90/350-59 and closed the 'C&D' site on 15th Nov/90, along J.E. sent Monikunjacherra work Assist and staff for shifting every 'C&D' site materials and shifted all the officials register with materials including attendance register at Monikunjacherra 'C&D' site. And every staff left the head quarter except me. I have no signed at attendance register due to shift. I am strange staying at Dhanaicherra for your further order. One day suddenly a Khalasi came on 4.12.90 to bring the verbal order from J.E. As per his verbal order I went at Champagnagar on hire bicycle at Rs.10.00 and met J.E. along A.E. They have checked my 15 days salary of Nov/90. Why and how receive 15 days salary I am in present station and demanded the full month salary! They were no listened my demand. In this way I have no received my full month salary Nov/90.

So, I therefore request in connection for your further necessary action please along an early enable me to draw my full month salary of Nov/90;

Yours faithfully,

sd/-

Romon Singha.

W/ S II.

Furnish above.

referred 2 Nos letter.

Recd. in same.

sd/- Illigible,

18.12.90.

Handwritten signature:
Bachchan
18.12.90

ANNEXURE A/6

(True Copy)

To,

The Assistant Executive Engineer,
C.W.C., NEID-III
Manu chat, N. Tripura.

(Through proper channel).

Sub :-

Regarding leave period of 12.5.89 to 31.5.89 (20 days) and 19.2.90 to 22.3.90, (32 days) against these leave showing only 43 days over duty period of 30.3.89 to 11.5.896

Sir,

With refer to above cited subject described as under for your further necessary action along sanction please;

That, I had been performing duty on 30.3.89 to 11.5.89 i.e. 43 days not less than 19 hours per day including sundays and holidays. During these period J.E. and one casual labour both were out of station. Myself and two Khalasi perform the 'G&D' duty from 30.3.89 to 18.4.89. On 19.4.89 to 4.5.89 self and a Khalasi performed the 'C&D' site duty. They were out of head quarter upto 4.5.89. So, engaged myself for covering the every 'G&D' duty with pending office work of previous two 'G&D' site. Moreover, watch duty of office because rented office house were leakage and damaged condition bamboo mat wall. There was no alternative way to cover every 'G&D' duty out of self engage not less than 19 hours. Within this 43 days performed over duty including sundays and holidays 521 hours as equal to 65 days, leave period is 52 days including the Sundays and holidays.

Therefore, request you to kindly convert over duty to compensatory leave along an early sanction please.

Yours faithfully,

sd/-

(Ramon Singh)

W/S II.

Handed
Balakrishna
sd/-

(True Copy)

ANNEXURE A/7

To,

The Chief Engineer,
(P&I), C.W.C.,
R.K.Puram,
New Delhi.

Sub:- Reg. salary kept pending several times
along with transfer/posting & over times
convert to leave.

Sir,

I have the honour to bring your kind notice that I submitted several times difference Rends of letter in connection regarding the above cited subject (through proper channel) addressed to A.E., A.F.E., F.E., NEID-I, C.W.C., Rongpur-I, Silchar-9. Although so far not taken any action nor released my salary. So, I am facing very suffer from financial because they are checked times and again my salary. Those application were submitted by me furnish true copies with Registered receipts Xerox copies along this application and presently, I have no got my salary from Nov.90 to Feb'91. Such kinds of injustice kept pending. So, I request that kindly an early further necessary action along with enable me to draw my checked salary.

Yours faithfully,

Furnished (Enclo:) 5 Nos previous sd/-ROMON SINGHA.
application three copies W/S II.
with their necessary.

Date:- 6.3.91.

Copy for information & necessary action please :

1. Ministry of Water resource, Govt. of India, New Delhi.
2. Ministry of Irrigation, Govt. of India, New Delhi.
3. Ministry of Home (State) Govt. of India, New Delhi.
4. The Chairman, C.E.C.R.K.Puram, New Delhi.
5. The Secretary, C.W.C.R.K.Puram, New Delhi.
6. The Superintending Engineer, NEI Circle, Shillong.
7. The Executive Engineer, NEID-I, C.W.C., Rongpur-I, Silchar-9
8. The Assistant Labour Commissioner, Govt. of India, Soni tola, College Road, Silchar.
9. The General Secretary, All India, W/C, Employee's Association.
10. Shri J.P.Tewari, ex.M.L.A., Udharpand Constituency.

sd/- 6.3.91
(ROMON SINGHA)
W/S II

Handwritten:
Hushel
Bukhary
sd/-

ANNEXURE-A/8

"From"

Shri Romon Singha
Village: Rongpur-I, Opp.C.M.C.Rongpur-I
P.O. Silchar-9.
Branch P.O. Rongpur-II
Dist: Cachar (Assam)
Pin No.788009

To,
The Chief Engineer,
(P&I), C.W.C.,
R.K. Puram,
New Delhi.

Sub:- Reminder of Reg. salary kept pending several times along with transfer/posting & over times convert to Leave.

Sir,
With reference to my previous application letter No. Nil dtd.6yh March'91 and Registered on 6th March'91, I have no seen till to day further action from your side. I hope your would know from above referred register letter. I am facing injustice order for which financial & physical harssment by concern authority. So, I am requested you kindly to take justable action in these subject matter. So that they will be discouraged from injustice financial & pysical harassment. As ~~cost~~ enable me to draw my kept salary of previous letter mention along with may employ peacefully. Receipt of this letter may kindly be acknowledged please.

Yours faithfully,

Enclose:-1(one application three copy of above referred letter out of enclosure co.ies. sd/-Romon Singh W/S II.

Date:-20.4.91.

Copy to for information & necessary action please.

1. Ministry of Water Resource, Govt. of India, New Delhi.
2. Ministry of Irrigation, Govt. of India, New Delhi.
3. Ministry of Home (State) Govt. of India, New Delhi.
4. The Chairman, Central Water Commission, R.K. Puram, New Del;
5. The Secretary, C.W.C., R.K. Puram, New Delhi.
6. The Superintending Engineer, N.E.I. Circle, Rongpur-I.
7. The Executive Engineer, NEID-I, CWC, Rongpur-I, Silchar-9.
8. The Assistant Labour Commissioner, Govt. of India, Sani T;
9. The General Secretary, All India, W/C Employees associati
10. Shri J.P. Tewari, Ex.M.L.A., Udharbond Constituency.

sd/- Romon Singh

W/S II.

Handwritten:
Ankur
Ankur
11-4-1

CONFIDENTIAL

GRAM:NORTHEAST:SILCHAR

PHONE : 21187

No.NEID/Conf-1/91/35 9-60
Govt. of India
Central Water Commission
North Eastern Inv.Division No.1
Rongpur Part-I:Silchar-788009
Dist.Cachar:Assam:

Dated. 19/11/91

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Raman Singh; W/S-II under Rule applicable. 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 and IV).

2. Shri Raman Singh, W/S-II is directed to submit within 10 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 Raman Singh, W/S-II 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 inquiring authority may hold the inquiry against him exparte.

5. Attention of Shri Raman Singh, W/S-II is invited to Rule, 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 Raman Singh, W/S-II 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 the above Rule.

6. The receipt of the Memorandum may be acknowledged.

To
Shri Raman Singh, W/S-II
C/O Late Debhori Singh,
Vill. Rongpur Part-I, P.O.Rongpur Part-II
Silchar-788009(Assam)

(R. C. JHA)
EXECUTIVE ENGINEER

~~contd-2/-~~

27-2

ANNEXURE I

Statement of articles of charge framed against Shri Raman Singh, W/S Gr.II.

Article I

That the said Shri Raman Singh while functioning as W/S Gr.II during the period 1.9.86 till date, frequently and abruptly absented himself from his duties on dates mentioned below without submitting proper leave application(s) and without obtaining permission to leave the head quarter :

1. 22.1.89 to 31.1.89 for 10 days.

2. 1.3.89 to 21.3.89 for 21 days.

Further he applied for leave w.e.f. 12.5.89 to 30.5.89 but overstayed on 31.5.89 and applied leave w.e.f. 12.2.90 to 3.3.90 but overstayed upto 31.3.90.

Since 16.11.90 he is not attending office, for which no leave applicatin or any intimation has been received. He has not resumed his duties in spite of several reminders. He habitually absents himself from duty & overstays leave.

Article II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri Raman Singh, W/S Gr.II refused to carry-out the instructions of the superior officers to undertake calculations in November-December, '1989 and refused to move to survey work in November, '1990, which amounts to insubordination and habitual negligence & lack of devotion to official duties.

N. C. JHA
18/11/91
(R. C. JHA)
EXECUTIVE ENGINEER

Gulchay

28

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A

ANNEXURE II

Statement of imputation of misconduct or misbehaviour in support of the articles of charges framed against Shri Raman Singh W/S Gr.II.

Article I

- i) Absented himself from duty for 10 days w.e.f. 22.1.89.
- ii) Abruptly absented himself for 21 days w.e.f. 1.3.89.
- iii) Applied for leave for 19 days w.e.f. 12.5.89 but overstayed till 31.5.89 misquoting 31.5.89 as closed holiday.
- iv) Applied for Casual Leave w.e.f. 13.8.89 to 20.8.89 but was found absent on 21.8.89.
- v) Applied for E.L from 19.2.90 to 3.3.90 but remained absent till 31.3.90.
- vi) At present absent from duty w.e.f. 16.11.90.

Applications for the above periods have not yet been submitted except for the Casual Leave mentioned at (iv) above.

Article II

- i) Refused to perform duties such as discharge calculations as allotted by the Junior Engineer during Nov.-Dec. '89.
- ii) Repeatedly disobeyed the JE's instructions for joining Survey work during Nov.'90.

R. C. JHA
18.11.91
(R. C. JHA)
EXECUTIVE ENGINEER

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ANNEXURE III

List of documents by which the articles of charge framed against Shri Raman Singh, W/S Gr.II are proposed to be sustained.

Article I

Habitual absence without permission and overstaying leave

- i) No.NEID-I/PF/114/89/4247 dt. 15.6.89.
- ii) No.NEISD-I/PF-102/91/57-59 dt. 17.1.91.
- iii) No.NEISD-III/89/E-2/642-44 dt. 18.9.89.
- iv) No.NEID-I/PF-114/91/3160-64 dt. 7.5.91
- v) No.NEIC/2001/Vol.V/4234 dt. 12.9.91
- vi) No.NEID-I/PF-114/91/7359-62 dt. 23.10.91

Article II

Insubordination and habitual negligence & lack of devotion to official duties

- i) No.NEISD-III/Estt-2/89/607-08/ dt. 10.9.89
- ii) No.Lalcherra/G&D/W-1/157-58 dt. 17.11.89
- iii) No.NEISD-III/90/E-2/226 dt. 17.5.90
- iv) No.NEISD-I/PF-102/90/1051-53 dt. 3.10.90
- v) No.NEISD-I/PF-102/90/1306 dt. 23.11.90
- vi) No.NEISD-I/PF-102/91/54-56 dt. 17.1.91

(R. C. JHA)
EXECUTIVE ENGINEER

18.11.91

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ANNEXURE IV

List of witnesses by whom the articles of charge framed against Shri Raman Singh, W/S Gr.II are proposed to be sustained.

1. Shri Harbhajan Singh, JE
2. Shri S.R.Sribastava, JE

R. C. Jha
13.11.91
(R. C. JHA)
EXECUTIVE ENGINEER

Subhakar

To
The Executive Engineer,
NEID -I, C.W.C.,
Rongpur-I, Silchar-9.

Sub:- Explain Memorandum of my case.

Sir,

Referring to your letter No.NEID-I/1/PF-114/7359-62 dated 23.10.90 and NEID/Conf-1/91/359-60 dated 19.11.91 ~~xxx~~ I have the honour to invite to your kind attention under Explain.

Note column No-3, IIInd paragraph (58 days abruptly abseal).

I was submitted casual leave application to the service -B Dam site office. When there was not J.E and A.E, Another side my healthy conditions made me bound to proceed on leave. As I was proceeding leave on medical ground. During the treatment period at home, I informed verbally and written application of transfer at Rongpur-I for availing treatment facility along with opportunity of continue service.

Note column No-3, IIIrd paragraph -

I was coming for submission of attendance Roll from Deepchandbari, South Tripura to Rongpur-I, Cachar (Assam) on Tour as per norms and specially requested to A.E. for adjust me a few days at Rongpur.Sub-Division office because my wife was delivery condition along my health condition were no more good (i.e.worse) and continue treatment. The A.E. had no given me tour of attendance Roll

Contd...

*Submitted
Sub-Division
20-11-91*

submission. As I submitted E/L on medical ground.

Note column No-6 1st paragraph

I was present at site though I did not sign at attendance on 22.1.89 to 31.1.89 . When J.E. was visited at site on 31.1.89 and marked absent on my column , while I was Chailengta marked for purchasing Rice and vegetable etc. They had full month payment me. During this period S.N. Gowe and me both were present on "Gauge and discharge" site Chailengta charra (i.e. known as Lalcharra), because casual labour were terminated before 6.1.89 and H.B. Gurung Kh., was on leave . Due to short of staff we the two were taking Lum-Sum River velocity discharge observation and maintaining office and Field work. Another way justify please . A single Khalasi, How was possible to take River velocity discharge observation, continue office and Field so, J.E. was out of justified he was taking opportunity to fill at attendance " A" mark in my column insted of provide staff.

I was present 1.3.89 to 21.3.89 and 30.3.89 to 31.3.89 in this month I was proceeding C/L with C/H w.e.f. 22.3.89 to 29.3.89, 8 days. I received my salary of this month which was present period (i.e. 1.3.89 to 21.3.89 and 30.3.89 to 31.3.89) Rupees 879.00 and leave period salary of 8 days were received after 4 month on 13.8.89 . Rupees 419.00 from A.E. NEISD-III.

Note column No-6 IInd para and column No.8:-

Above note column and para against this I was applied over time convert to leave as a C/H several times to A.E. , E.E , S.E though my salary is not releasing I

Contd...

Balchandra

do refer again my application which was submitted by me and here is quoted subject below :-

Subject to letter :-

" Regarding leave period of 12.5.89 to 31.5.89, 20 days and 19.2.90 to 22.3.90, 32 days, against these leave showing only 43 days over duty period of 30.3.89 to 11.5.89."

More over 9 days duty period of this month on 23.3.90 to 31.3.90 were help up till to day.

Note column No-7.

I submitted time and again application through proper channel to A.E., E.E., S/E, which the subject in mentioned below.

Subject of letter :-

" Regarding my duty period salary of 27 days from 17.11.89 to 30.12.89".

Note column No-9:-

JE was marked absent on my sign 21.5.90 to 23.5.90 ^{kept} alongwith/attendance and denied to sign at attendance out of allotted duty. He himself took River velocity discharge observation up to relieve me. As I was not able to sign at attendance. I was present everyday.

I joined on 14.6.90. F.N. at Dhanicharra "G and D" site. In this site I was founded only 3 Khalasi. The name of the Khalasi were i) Kajal Adhikari, ii) N.K. Rajak, iii) Kar J.E. was staying out of Dhanaicharra at other site. He was visited site with in a month two or three times. We the four staff continued the " Gand D " site each and every work of hourly gauge reading hourly rain gauge including site cleaning office paper work Road maintenance we were

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Anchuling

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working in 24 hours not less then 16 hours. Though we were no getting overtimes allowance. There was no latrine and urine at Dhanaicharra " G and D " site. In these respect I requested to the J.E. , A.E. , for making urine and latrine including site cleaning Road maintenance and provide itself . The J.E. and A.E. didi not intend my request nor they were never used against above site work their imprest money.

I was submitted applications and reminder to A.E., E.E., S.E. Regarding the incident of 16.11.90 . I do state subject of letter as under .

Subject of letter :-

"Regarding salary of Nov. 90 "

Note Column No.10:-

I have no received any letter of my transfer from Dhanaicharra, except J.E. improper letter . So, where do I join ? I submitted applications. About relation this matter . The subject of the letter is giving under.

Subject of letter :-

" Regarding salary of Nov. 90" I do state subject serially which letter was submitted by me.

Subject of letter :-

1. Request for transfer near home town Rongpur-I, Silchar -9.
- ii) Regarding my duty salary of August 89 with 5 days revise C/L , C/H. for the month of August, 89.

contd..

Subm...

ii) Regarding my 27 days salary for the period from 17.11.89 to 30.12.89.

iv) Leave period of 12.5.89 to 31.5.89, 20 days and 19.2.90 to 22.3.90, 32 days . Against this leave showing only 43 days over duty period of 30.3.89 to 11.5.89.

v) Regarding salary of Nov.90-

Above 1st to 5th letter was submitted time and again through proper channel to A.E., E.E., S.E., C.E., Asstt. labour Commissioner and copy to information in relation ministry . So far I have no seen any action in relation matter, now I am not intended to further write because I have no seen any proper justification till to-day. In substitute of just, blame me and go punishment from them so far.

I do here by state shortly regarding my non-sanction L.T.C. Bill T.A. Bill.

i) 4 years block L.T.C. Bill(1986-89) for self and 3 members of family chailenta to Kannyakumary for the month of Dec. 88.

ii) T.A. Bill for the month of Sept. 90 from Rhanaicharra to Ambassa sub-division office.

I request you kindly take necessary action and inquiry above giving following fact along with immediately release all my due please.

Yours faithfully,

Sd/-Romon Singha),

29.11.91.

W/s- II.

...

Belkhu

Gram :: 'Northeast'

Registered

Phone :: 21187

No. HEID/1/PF-114/92/ 3119-50

Govt. of India
Central Water Commission
North Eastern Inv. Divn. No. I

Rongpur part-I
Silchar-9

Dated : 30/1/92

M E M O R A N D U M

A copy of the Departmental Enquiry report in respect of the charges against Shri Roman Singh, W/S-gr. II, received from the Inquiry officer, is hereby endorsed to him for information.

To,
Shri Roman Singh, W/S-gr-II
O/O Late Dubhori Singh,
Vill: Rongpur part-I
PO, Rongpur part-II,
Silchar, 788009 (Assam)

(R.C. JIA)
EXECUTIVE ENGINEER
30/1

Copy forwarded for information to the Superintending Engineer, North Eastern Inv. Circle, C.W.C., Silchar.

(R.C. JIA)
EXECUTIVE ENGINEER
30/1

Handed
Over
30/1

The Executive Engineer
NEID-J C.W.C.
SILCHAR

Re: Final Report of Sh. Romon Singh W/S-45

Sir,

Please find enclosed herewith final report in respect
of Sh. Romon Singh W/S-45 in Triplicate for your kind
information and further necessary action please.

Yours faithfully

Nashid S. P. D.
(N.I. ALVI)
A.E.
NEISD LE

Only Above
Pl. Study &
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Sh. B. Chandra

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The Departmental Enquiry held against Sh. Roman Singh,
Jail Officer, Central Jail, Calcutta.

Submitted by *Naresh D.*
Inquiry officer *NEID I/CAN/01*
Vide letter No. *dt. 23/11/91*

List of Exhibited documents:

1. Personal file of Sh. Roman Singh, J/S Gr. II
2. Attendance Register of Lalchera GSD Site (NEISD-III)
3. Gauge & Discharge data of Lalchera GSD site, C.N.C.

List of witnesses:

1. Sh. S.R. Srivastava, JE
2. Sh. Harbhajan Singh, JE.

Inquiry Report

In the case against Sh. Roman Singh, J/S Gr. II, C.N.C.

1. Under applicable rules I was appointed by Executive Engineer, NEID-I, Silchar as Inquiring authority to Inquire into charges framed against Sh. Roman Singh vide memo No. NEID/I/FF-114/CN/91/806-63 dt. 23.11.91 I have since completed the Inquiry and on the basis of oral & documentary evidences adduced before me I prepared my Inquiry report as under.
2. Participation by the charged officer in the Inquiry and defence assistance available to him;

The case was presented by presenting officer Sh. K.R. Deb I/c A.E. NEISD-I, Ambassa. The charged officer participated in the Inquiry on 7.12.91. He was not assisted by any defence assistant throughout the Inquiry proceeding.

3. Article of charge & substance of Imputation of misconduct:

Two articles of charges have been framed against Sh. Roman Singh as mentioned below:

Bachan

ARTICLE-I

Statement of articles of charges framed against
Sh. Roman Singh, /S Gr. II.

Articles-I

That the said Sh. Roman Singh while functioning as
W/S Gr. II during the period 1.9.86 till date, frequently
and abruptly absented himself from his duties on dates
mentioned below without submitting proper leave application
(5) and without obtaining permission to leave the head
quarter:

1. 22.1.89 to 31.1.89 for 10 days.
2. 1.3.89 to 21.3.89 for 21 days.

Further he applied for leave i.e. 12.5.89 to 30.5.89
but overstayed on 31.5.89 and applied leave i.e. 12.2.90
to 3.3.90 but overstayed upto 31.3.90.

Since 16.11.90 he is ^{not} attending office, for which no
leave application or any intimation has been received. He has
not resumed his duties in spite of several reminders. He habit-
ually absents himself from duty and overstay leave.

Article-II

That during the aforesaid period and while functioning
in the aforesaid office, the said Sh. Roman Singh, /S Gr. II
refused to carry out the instructions of the superior officers
to undertake calculations work in November - December, 1989
and refused to move for survey work in November, 1990, which
amounts to insubordination and habitual negligence and lack of
devotion to official duties.

Sd/-

(R. C. JHA)
EXECUTIVE ENGINEER

Salhury

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According to the statement of imputation of misconduct Sh. Roman Singh, A/S Gr. II habitually absented himself from duty, overstayed without submitting proper application, habitually neglects duties and lacks devotion to official duties.

4. Case of Disciplinary Authority:

Article-I

- I) Mr. Roman Singh absented himself from duty for 10 days w.e.f 22.1.89 as verified from the attendance register of Lalchera G&D site. The remark of concerned JE in this above attendance register indicates that Sh. Roman Singh absented himself without any intimation or information. So later on when he was asked to submit leave application for the above period by the Asstt. Executive Engineer vide his letter No. NEISD/III/89/E-2/797-98 dt. 13.12.89 by, and letter No. NEISD-III/90/E-2/1041-43 dt. 25.1.90, Sh. Roman Singh did not submit any leave application for the said period.
- II) Abruptly absented himself for 21 days w.e.f 1.3.89.
- III) Applied for leave for 19 days w.e.f 12.5.89 to 30.5.89 suffixing 31.5.89 as holiday. When his application was returned on 15.6.89 by the Executive Engineer vide letter No. NEID/I/PF-114/89-4247 dt. 15.6.89 with the remark that 31.5.89 was not closed holiday & so he (Sh. Roman Singh) must submit revised application, he did not submit the same even after several reminder vide letter No. NEISD/II/90/E-2/1044 dt. 25.1.90, NEID/I/PF-114/90/5812-14 dt. 29.8.90.
- IV) Sh. Roman Singh applied for casual leave w.e.f 13.8.89 to 20.8.89 but was also found absent on 21.8.89 as could be verified from the attendance Register of Lalchera. This was verified from the personal file that Sh. Roman Singh finally submitted the revised C/L application on 16.7.90 after several persuasion & reminders. vide No. NEISD-III/89/E-2/642-44 dt. 18.9.89 & NEISD-III/E-2/783-84 dt. 11.12.89.
- V) Applied for E/L from 19.2.90 to 3.3.90 but remained absent till 31.3.90, due to which he was asked to give revised application vide letter No. NEID/I/PF-114/90/5812-14 dt. 29.8.90 but from the records it could be seen that the same has not been submitted so far.
- VI) At present he is remaining absent from duty w.e.f 16.11.90 when he was asked to report to attend balance survey work of Dhonaicherra after closure of G&D site. But he failed to join. A telegram was sent by the concerned Asstt. Engineer, NEISD-I, for joining duties which was also confirmed by post vide letter No. NEISD-I/PF-102/91/57-59 dt. 17.1.91. Similar instructions were also issued by the Executive Engineer, NEID-I vide memorandum No. NEID-I/PF-114/91/7359-62 dt. 23.10.91, but the same has not been complied.

Sub Chaudhary

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Article-II

- 1) Sh. Roman Singh, W/S Gr.II refused to perform duties allotted to him such as discharge calculation during Nov - Dec.89

Sh. Harbhajan Singh, Junior Engineer reported the matter to the concerned Asstt. Engineer vide his letter No. Lalchera/G&D/W-I/151-158 dt. 17.11.89 in response of which Sh. Shiv Charan Asstt. Engineer, issued a letter to Sh. Roman Singh where in he was asked to submit his explanation for not complying Junior Engineer instructions, but Sh. Roman Singh did not submit his explanation, similar incidence was also reported by Sh. P.C. Saha, Asstt. Engineer, North Eastern Inv. Sub-Divn. No. I to Executive Engineer, North Eastern Inv. Division No. I, vide his letter No. NEISD-I/PF-102/90/1306 dt. 23.11.90.

- ii) Repeatedly disobeyed the Junior Engineer's instructions for joining the survey work of Dhonaicherra in Nov. '90 inspite of various letter and Telegram given to him by the Asstt. Engineer and the Asstt. Executive Engineer. A few of documents are named below.

- i) Junior Engineer office Memorandum No. G&D/HKJ/E-3/90/350-59 dt. 13.11.90.
- ii) A Telegram of Sh. P.C. Saha, (Asstt. Engineer) dt. 17.1.91
- iii) Letter No. NEID-I/PF-114/91/5282-87 dt. 2.8.91 of the Executive Engineer.
- iv) Letter No. NEID-I/PF-114/91/7359-62 dt. 23.10.91 of the Executive Engineer.

Article-I:

- 1) Sh. Roman Singh was charged of absenting himself from duty at Lalchera G&D site w.e.f 22.1.89 to 31.1.89 without any intimation. In his defence Sh. Roman Singh said that he could not sign the attendance register although he was present at site. He said that he took the G&D observation in this period. In his reply to the Memorandum issued to him by Executive Engineer, North Eastern Inv. Division No. I he has stated that the concerned Junior Engineer visited the site on 31.1.89 and marked him absent while he was in Lalchera Market for purchase of some article. However he could not show any documentary evidence in support of his statement.

cont-2/-

Belling

ii) Regarding his absence from duty w.e.f 1.3.89 for 21 days Sh. Roman Singh, said that he was present on site from 1.3.89 to 21.3.89 and proceeded on leave w.e.f 22.3.89 (reply to memorandum).

iii) Regarding Earned Leave from 12.5.89 to 30.5.89 and his overstay on 31.5.89, Sh. Roman Singh has mentioned in his written statement at Ambassa that he wants these 20 days Earned Leave in lieu of overtime he did between 30.3.89 to 11.5.89. He wrote in his reply that he performed duty for 19 hrs. daily in the above mentioned period, as Junior Engineer's and other Khalasi were out of station and he was alone to look after the site work. He also said that in this period he even performed the duties of Chowkidar. He could not however substantiate his statement with any documentary evidence. In attendance Register too there was not mention of overtime.

iv) Regarding casual leave from 13.8.89 to 20.8.89 but overstay on 21.8.89, as per the written statement he wants compensatory holiday for 21.8.89 in lieu of overtime he did from 30.3.89 to 11.5.89. He however could not produce any documentary evidence in support of his statement.

v) Regarding Earned Leave from 19.2.90 to 3.3.90 but overstay on 31.3.90, Sh. Roman Singh said that this period of 32 days should be adjusted against the overtime which he did from 30.3.89 to 11.5.89. However he failed to submit any evidence of his overtime duty.

vi) He is remaining absent from duty w.e.f 16.11.90 when he was instructed to attend the survey work of Dhonai chera site by the Junior Engineer after closure of GAD site at Haleherra. Regarding this he mentioned in his statement at Ambassa on 7.12.91 that he was not supposed to comply the orders and instructions from Junior Engineer until such instructions were not given by Executive Engineer.

Article-II: / charge

ii) Regarding/ of refusing the calculation work given by the Junior Engineer, he said that as he is a non technical worker and these calculation, involves technical know how, so such he was not bound to do that work.

Bellevue

111) He was charged of disobeying the Junior Engineer's instruction for joining the survey work. Regarding this charge he said that when he got transferred from ~~Malabar~~ under North Western Inv. Sub. Divn. No. 111 to Dhoni Cherra under North Eastern Inv. Sub. Divn. No. 1, Assam he joined Dhoni Cherra GSD site after taking instruction from Asstt. Engineer and not from Junior Engineer. So later on when he is being asked to join Dhoni Cherra survey work that order must have come from Asstt. Engineer's office. In this written statement he further stated that he will not comply Junior Engineer's/Asstt. Engineer's order of transfer. In his opinion that order should be issued to him by Executive Engineer.

Analysis

- i) The attendance register was examined in which concerned. Junior Engineer had mentioned that Shri Roman Singh was absent from 22.1.89 to 31.1.89 and also Shri Roman Singh could not produce any evidence to support his statement of being present at site.
- ii) Regarding that charge II of Article-I is mentioned that he remained absent from duty w.e.f 1.3.89 to 21.3.89 but on seeing register it was seen that he actually remained absent from 22-3-89 to 29-3-89. Further it was also verified that payment was made to him from 1.3.89 to 21.3.89. Mistake in mentioning the exact data may please be noted. Further from the attendance register it was noted that Sh. Roman Singh not only absented himself from the duty but also committed a blunder of signing the register in advance on 21-3-89 as mentioned in the remark column of attendance register by concerned Junior Engineer and above period of his absence was also verified from F.C.R. In his reply to the memorandum Roman Singh, admitted, that he (Roman Singh) was on Casual leave w.e.f 22.3.89 to 29.3.89 but when register was inspected it was seen that on these dates the sign of Roman Singh was there. This is enough to judge that Sh. Roman Singh committed the blunder of signing the register in advance, from the records available it is also clear that he did not apply for Casual leave w.e.f 22.3.89 to 29.3.89.

Contd..4/-

Pradip Singh

iii) Regarding the charge III, IV & V of Article-I, Sh. Roman Singh (1) applied for two days Casual Leave on 12.5.89 but remained absent upto 31.5.89 without intimation and subsequently applied for Earned Leave from 12.5.89 to 30.5.89 only. (ii) applied for casual leave from 15.8.89 to 20.8.89 and overstayed on 21.8.89. He however submitted revised Casual Leave from 15.8.89 to 21.8.89 after several reminders. (iii) Earned Leave from 19.2.90 to 3.3.90 but overstayed up to 31.3.90 for the above period in which he overstayed he wants compensatory holiday in lieu of overtime work which he claims he has performed from 30.3.89 to 11.5.89 but there was no such record available which can support this claim. Further Junior Engineer concerned has written on 22.3.89, on attendance register that no compensatory holiday will be allowed to any staff and they should take weekly rest only. After issue of such instruction any claim for compensatory holiday without prior approval looks unreasonable.

On inspection of attendance register it was also noted that Roman Singh was signing the register continuously without any weekly rest, while other staff like S. H. Gaur & H. B. Gaurang were taking rest on Monday and Wednesday. This he was doing deliberately in spite of clear instruction from the concerned Junior Engineer.

As far as overtime is concerned about which he mentioned in his letter, there was no such prior approval from competent authority neither there was any indication in the register which could establish his claim of overtime.

It is further to be noted that the matter of his overtime was also not in the notice of Asstt. Engineer, North Eastern Inv. Sub. Divn. III as indicated in his letter addressed to Executive Engineer vide letter No. NEISD-III/91/E-2/605 dt. 15.11.90.

iv) Regarding point (vi) of article-I he is remaining absent from duty w.e.f 16.11.90 when he was instructed vide letter No. G&D/HEJ/E-3/90/350-59 dt. 13.11.90 to join survey work of Dhoni Ghaura after closer of G&D site but he did not join on that site. He has said in his statement he will not comply Junior Engineer's or Asstt. Engineer's order. It is unjustified to say as Roman Singh mentioned in his statement that Junior Engineer order was improper. That instruction were issued only after discussion with Asstt. Engineer.

Bal Subramanyam

North Eastern Inv. Sub. Div. I as mentioned by Sh. S. R. Srivastava, Junior Engineer in his statement. This seems true because telegram and letter were issued to Sh. Roman Singh by Asstt. Engineer, North Eastern Inv. Sub. Div. I, Executive Engineer, North Eastern Inv. Div. No. I for joining duty when he fails to join after issue of such instruction. The above facts shows that he is not interested to join duty at all.

He also did not attend on the day marked for his attendance and he also used to disobey the instructions given to him on the day.

Article-II

Sh. Roman Singh is a very old and experienced worker. He is not a new worker. He is in the grade of Work-Sarker gr. II after being promoted from Khalasi comes in unskilled categories. A Work Sarker gr. II comes in Semi Skilled category. The Khalasi is also promoted only after acquiring sufficient experience of routine work and as the GAD calculation comes in routine work. So it is baseless to refuse the work on the plea of being non technical person. Further the record available shows that he was doing calculation work earlier also.

ii) Sh. Roman Singh did not join the survey of Dhonai cherra although he was asked by Asstt. Engineer Mr. P. C. Saha on the complaints of Sh. S. R. Srivastava to join immediately. In spite of it he disobeyed the orders and did not join survey work. This tendency shows that he was not interested to do his duty faithfully. Thus the charges that Sh. Roman Singh habitually absented from duty overstayed when on leave, habitually neglected his duties and his refusal as well as disobedience amounting to insubordination are ~~xxx~~ established on the basis of record examined by undersigned.

Enclosure

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Statement of Shri Harbhajan Singh (J.E)

Shri Harbhajan Singh was at Ambasa on 7.12.91. He recorded his statement as given below.

Mr Roman Singh refused calculation work given by me as mentioned in my letter No C&D/W-1/151-1581 dt.17.11.89. He was in habit of absenting himself from the site without any information.

Once when I marked him absent on Register after physical checking he put his attendance on the cross mark later on. He also used to disobey the instructions given to him on the site.

Shri Roman Singh is very adamant & hot headed worker. He is not amenable. As such it is very difficult to get any work out of such officials. He not only created problem but spoils working environment.

Harbhajan Singh
J.E

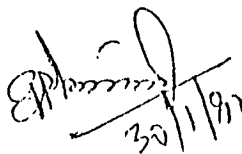
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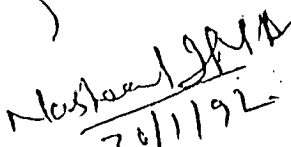
207 (47)

STATEMENT OF Sh. S.R. SHRIVASTAVA, J.E., WITNESS IN THE
CASE OF Sh. RAMON SINGHA, WS-II

In response to the letter issued to Sh. S.R. Shrivastava
Sr. Engineer by the undersigned vide letter NO.-NEISD-II/92/07-09
dt. 15.1.92, Sh. Shrivastava presented himself in silchoz on
dt. 30.1.92.

Sh. Ramon singha joined Dhonai cherra site in
the month of June-90, where Mr. Shrivastava was J.E. As per
the statement of Mr. Shrivastava, after closing of GAD site,
where Sh. Ramon singha was working as w/s grade-II, the
staff of Dhonai cherra including Sh. Ramon singha was
instructed to proceed for attending balance survey work of
Dhonai cherra vide order NO. GAD/NIJT/A-3/90/350-59 dt. 13.11.90.
This instruction was issued after the discussion with the AE,
NEISD.I, encl. Ambassador (Sh. P.C. SAHA), the copy of that order
was also sent to the AE, NEISD.I, Ambassador. The receipt of above
order by the person concerned was also obtained by Mr. Shrivastava.
All concerned staff like Sh. L.B. Chelhi w/A, Sh. A. K. (Kh.),
Sh. N.K. Rajak (Kh.), Sh. I. Indul Nath (Kh.), Sh. J. Uddin (Kh.),
Sh. A.H. Laskar (Kh.), Sh. K. Adhikari (Kh.) and Sh. L. Thakur (Kh.)
obeyed the instruction and accordingly joined the balance
survey work of Dhonai cherra reservoir survey except Sh. Ramon
singha WS-II, who did not comply the order and did not join
the survey work. This matter was reported to Sh. P.C. Saha, AE,
by Mr. Shrivastava vide letter NO. GAD/NIJT/A-1/90/390 dt. 21.11.90.
in which the AE was further requested to give warning to
Sh. Ramon singha, WS-II. After that Mr. Shrivastava was
transferred and relieved on 14.01.91 from NEISD.I, Ambassador.


30/1/92
(S.R. SHRIVASTAVA)
J.E.


30/1/92
(N.I. ALVI)
Asstt. Engr.

Rehearsing

(28)

A/12

Registered with A/D

Gram :: 'Northeast' Phone :: 21187

No. NEID/1/PF-114/92/ 3740

Government of India
Central Water Commission
North Eastern Inv. Division No. I
Rongpur part-I, Silchar-9

Dated : 14th May '92

OFFICE ORDER

Shri Roman Singh, W/S-gr-II joined as khalasi w.e.f 11-3-82(F.W) and was promoted first to the grade of W/S-gr.III on 6-10-82 and then to the grade of W/S-gr-II on 1-9-86 F.W. Shri Roman Singh is not attending office from 16-11-90. In spite of several instructions to join has failed to report for duty.

WHEREAS Shri Roman Singh, W/S-gr-II was finally requested to join his duties vide Memorandum No. NEID/1/PF-114/91/77459-62 dated 23-10-91 of the Executive Engineer, NEIDivn. No. I, failing which disciplinary actions was to be taken against him. He did not comply the instructions and hence the following charges were framed against him.

Article-I

That the said Shri Roman Singh, while functioning as W/S-gr-II during the period 1-9-86 till date, frequently and abruptly absented himself from his duties on dates mentioned below without submitting proper leave application(s) and without obtaining permission to leave the head quarter :

1. 22-1-89 to 31-1-89 for 10 days
2. 1-3-89 to 21-3-89 for 21 days.

Further he applied for leave w.e.f 12-5-89 to 30-5-89 but overstayed on 31-5-89 and applied leave w.e.f 12-2-90 to 3-3-90 but overstayed upto 31-3-90.

Since 16-11-90 he is not attending office, for which no leave application or any intimation has been received. He has not resumed his duties in spite of several reminders. He habitually absents himself from duty & overstays leave.

Article-II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri Roman Singh, W/s-gr. II refused to carry-out the instructions of the superior officers to undertake calculations in November-December, '1989 and refused to move to survey work in November, 1990 which amounts to insubordination and habitual negligence & lack of devotion to official duties.

Contd..2/-

*Shankar
B. S. S.
Shankar*

AND WHEREAS the Department Enquiry was started, which was conducted by Shri Naseed Iqbal Alvi, Assistant Engineer, North Eastern Inv. Sub. Divn. No. IV, CWC, Dharmanagar, who was appointed as the Inquiring Authority, Shri K. R. Deb, I/O Assistant Engineer, CWC, North Eastern Inv. Sub. Divn. No. I, CWC, Ambassa was appointed as the presenting officer, Shri Roman Singh, W/S-gr-II was called to appear before the inquiring authority for the hearing on 7-12-91. Accordingly Shri Roman Singh, W/S-gr-II participated in the hearing. He was not assisted by any defence assistant throughout the inquiry proceedings. The Inquiring Authority has submitted his final report on the basis of oral and documentary evidences and held the articles of charges framed against Sh. Roman Singh, W/S-II. The Inquiry report (enclosed) has already been communicated to Sh. Roman Singh, W/S-gr-II. The Inquiring Authority has concluded that :-

- (1) Shri Roman Singh, W/S-gr-II frequently and abruptly absented himself from his duties during the period 1-9-86 till date. Further more, not attend office since 16-11-90 for which no leave application or any intimation has been received. He has not resumed his duties in spite of several reminders. He habitually absents himself from duty and overstays leave.
- (II) During the aforesaid period Sh. Roman Singh, W/S-gr-II refused to carry out the instructions of the Superior Officers to undertake calculations work and refused to move for survey work, which amounts to insubordination, habitual negligence and lack of devotion to official duties.

AND WHEREAS it is considered that the conduct of the said Sh. Roman Singh, W/S-gr-II is such as to render his further retention in the public service undesirable.

AND WHEREAS Sh. Roman Singh, W/S-gr-II was given an opportunity of personal hearing and offer his written explanation, in which he admitted the facts that he did not comply Junior Engineer/Assistant Engineer's order of 13-11-90 and also admitted that he refused to do calculation work, which is expected from a skilled worker in the grade of W/S-gr-II.

Now, THEREFORE, the undersigned hereby removes the said Sh. Roman Singh, W/S-gr-II from service with effect from the date of issue of this office order.

Station :

Date :

To,

(R.C. JHA)
EXECUTIVE ENGINEER (Disciplinary Authority)

Sh. Roman Singh, W/S-II
O/O Late Dakhori Singh,
Vill-Rongpur part-I, P. O. Rongpur part-DI
Silchar-788009 (Assam)

Enclure

Annexure A/13

To

The Superintending Engineer,
North Eastern Investigation Division-I,
Central Water Commission,
Shillong.

Prayer :- For cancellation of the order No. NEID/1/PF-114/92/3740 dated 14.5.92 issued by the Executive Engineer, NEID-I C.W.C. Rangpur, Silchar-9.

Sir,

I beg to state the following facts for your kind consideration and favourable order.

1. That I joined this service in the year 1981 "Khalasi" in the office of the Executive Engineer OEID-I, CWC, Rangpur, Silchar-9. Thereafter on 25.8.86 I was given promotion to the post of "Work-Sarkar", Gr-II, I was posted to various places in the North-Eastern Zone.
2. That subsequently the Executive Engineer NEID-I, CWC Rangpur, Silchar-9, by order dated 21.10.87, transferred and posted me from Chailengtachrra to Belsue confluence Chailenglachrra and Lalcherra.
3. That during the month of August, 1989, I applied for C/L. for 5 days from 13.8.89 to 20.8.89 (13.8.89 and 20.8.89 sundays, 18.8.89 gazetted holiday) and permission to leave worksite. The Executive Engineer granted my prayer by order dated 2.9.89. However, due to transport problem I could not report for duty before noon on the day of joining. I applied for revised C/L, however my salary for the month of August, 1989 has been held up.
4. That on 16.11.89 the Junior Engineer instructed me to carry out data collaction work. Since it was not a

Contd...

*Submitted
Prashant
B. Shrivastava*

✓

part of my duty I expressed by inability to do the same work. The Junior Engineer marked in my Attendance Register as absent from duty from 17.11.89 onwards, through I was present at the work site and discharging my normal duties. As a result my pay for 27 days from 17.11.89 to 13.12.89 was withheld.

5. That on 28.5.90, I was transferred, by the order of the Executive Engineer, to Dhanaicherra under NEISE-I, Ambassa, Tripura. As per the order I joined Gauge and Discharge site at Dhanaicherra. The Junior Engineer informed me on 15.11.90 that Gauge and Discharge site at Dhanaicherra and that my duty had been arranged for reservoir survey. Since I was posted by the order of the Executive Engineer, I could not report for duty at the survey site and I waited for an order from the Executive Engineer as he was the competent authority to assign me the place of work. The Junior Engineer marked me absent for 15 days in the month of November, 1990 and my salary was withheld.

6. That the Asstt. Engineer, Ambassa by a letter dated informed me that I was absent w.e.f. 16.11.90. I was directed by the same letter to attend duties immediately otherwise disciplinary action would be taken against me. After receipt of the letter, I left Gauge and Discharge site, Dhanaicherra and reported to the office of Executive Engineer, NEIOD-I, Rongpur-I, Silchar-9. I enquired the Executive Engineer about the place of my duty. But unfortunately the Executive Engineer refused to indicate the place of my work. I approached the Executive Engineer on several occasions to assign me duty and to

Contd...

B. K. Chakrabarty

indicate the place of positing, Since then I have been attending the office of the Executive Engineer without any work assignment.

7. That being disbarred and having found no alternative I filed an appeal before the Hon'ble Central Administrative Tribunal for granting relief in the matter. The application, being numbered as O.A. 197/91, is pending for disposal. In the application, I also claimed for conversion of 43 days (30.3.89 to 11.5.89) over time duty as compensatory duty period. I further prayed for 43 days salary for the period of 12.5.89 to 31.5.89 and 19.2.90 to 22.3.90, showing as overtime duty period.

8. That after the filing of the above appeal I was served with a copy of charges of Memorandum dated 19.11.91. The charges are -

- i. During the period from 1.9.86 onwards I have frequently and abruptly absented myself from my duties without submitting leave application and without obtaining permission to leave H.Q.
- ii. During the period I refused to carry out the order of the Superior Officer to undertake calculation work.

9. That I submitted my reply to the above charges on 29.11.91 denying the allegation, I have stated that I availed leave for the days I remained absent from my duties and I carried out my normal duty.

10. That, thereafter I was informed to appear before the enquiry officer on 7.12.91. Accordingly I participated on the hearing.

Contd..

Substantive

11. That the enquiry was not conducted as per the provisions of law and I have not been given the opportunity of being assisted by the defence assistance. The enquiry was conducted in the manner of a summary trial. The enquiry officer also came to the conclusion as if he was the disciplinary authority.

12. That on 14.5.92 I was served with an order issued by the Executive Engineer removing me from my service w.e.f. the date of issue of the order.

13. That the Executive Engineer, merely the conclusions of the enquiry officer and passed the order dated 14.5.92.

14. That I submit that the entire proceeding is a vindictive one. The alleged charges dates back to the year 1986; so far I was not informed of any commissions of my part.

15. That I submit that the order of removing me from my service is too severe, compared to the alleged omission.

It is therefore prayed that your Honour may graciously be pleased to consider my case sympathetically and to pass an order, setting aside the removing me from my service.

Yours faithfully,

Chakraborty

(54)

Annexure A/14

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 197 of 1991.

Date of decision : This the 13th day of June, 1995.

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman.

The Hon'ble Shri G.L. Sanglyine, Member (Administrative).

Shri Romon Singha
Son of Late Debohari Singha
Work Sarkar, Grade II
Central Water Commission,
North Eastern Investigation,
Division I, Rangpur I
Silchar-9

..... Applicant

By Advocate Dr. N.K. Singh

-versus-

1. The Union of India
represented by the Chairman,
Central Water Commission,
New Delhi
2. The Chief Engineer,
(P & I), C.W.C.,
New Delhi
3. Executive Engineer,
NEID-I,
Central Water Commission,
Rangpur-I
Silchar-9

..... Respondents

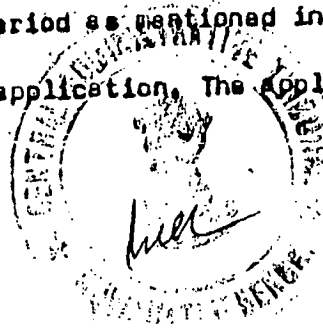
By Advocate Sri S. Ali, Sr. C.G.S.C.

O R D E R

CHAUDHARI J (V.C.).

The reliefs initially sought in the O.A. which was filed on 12.11.91 related to salary/pay for various periods and over time allowance for the period as mentioned in clauses (i) to (v) of paragraph 7 of the application. The Applicant prayed by clause (vi)

*Submitted
on 13.6.95
for consideration*



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44 55
that he may be allowed to join the duty forthwith.

2. Subsequently as a result of a disciplinary enquiry held against him for his unauthorised absence he was removed from service by the order passed by the Executive Engineer, Central Water Commission, North Eastern Investigation Division No. 1 Rongpur, Part I, Silchar-9 bearing No. NEID/1/PF-114/92/3740 dated 14.5.92 in his capacity as the disciplinary authority.

3. The applicant thereafter filed an amended petition on 30.3.93 in which apart from the reliefs that were already sought originally he has prayed for setting aside the aforesaid order dated 14.5.92 as well as the enquiry report dated 30.4.92 and the Memorandum of Charges dated 19.11.91.

4. The respondents had filed a written statement in answer to the application as originally filed. However they have not filed any further written statement to the amended application.

5. Dr. Singh the learned counsel for the applicant states that the applicant had filed an appeal to the Superintending Engineer, Central Water Commission at Shillong aggrieved by the order dated 14.5.92 on 17.7.92 but that has not been decided and the applicant has not been informed about the result of the said appeal and the applicant will be satisfied at this stage if the appellate authority is directed to dispose of the appeal on merit expeditiously. He further submits that as the reliefs originally sought in respect of salary and over time allowance are related matters this also may be directed to be considered by the appellate authority or such other authority of the respondents as he may direct. We think that the submission of the learned counsel is quite reasonable.

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Shankar
Bachchan
10/7

6. As the respondent^{have} had not filed any written statement we have no reason to assume that the appeal was not filed by the applicant as stated. Even if the respondents may not have the ^{memo} copy of the appeal with them the copy annexed as Annexure A 13 to the instant O.A. (as amended) shall be treated as the said appeal.

7. Mr. Ali, the Sr. C.G.S.C. submits that the request made by the learned counsel for the applicant is fair.

In the result we direct the Superintending Engineer, North Eastern Investigation Division-I, Central Water Commission, Shillong to hear and dispose of the applicant's appeal copy of which is at Annexure A 13 to the O.A. on merits and intimate the result thereof to the applicant in due course.

We further direct the said appellate authority to consider the grievance of the applicant contained in clauses (i) to (v) of para 7 of the amended O.A. on merits and if he so desires he may direct any other officer to go into that question and ^{thereafter} pass orders in respect thereof and communicate the same to the applicant.

The appellate authority is directed to dispose of the appeal within a period of 3 months from the date of receipt of the copy of this order and to communicate his decision on all the points to the applicant forthwith thereafter.

The applicant will be at liberty to adopt such remedies as he advised in accordance with law if he is aggrieved by the decision of the appellate authority. Since the application is not decided on merits the rights and contentions of the parties are left open.

In the result, the O.A. is disposed of in terms of the aforesaid order. No order as to costs.

TRUE COPY

प्रतिलिपि

Section Officer (J)

आनुमान अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMIN)



Subhash

22/6/95

(57)

भारत सरकार
कार्यालय अधीक्षण अभियन्ता
उत्तर पूर्व अन्वेषण परिमंडल, केन्द्रीय जल आयोग
जमीर मेन्सन, नोंगशिल्लियांग, शिलांग-७६३०१४
GOVERNMENT OF INDIA

ANNEXURE - A/15

Office of the Superintending Engineer
NORTH EASTERN INVESTIGATION CIRCLE, CENTRAL WATER COMMISSION
JAMIR MANSION, NONGSHILLIANG, SHILLONG-793014

No. NEIC/2013/94-95/Vol.II/1937

Date 23-9-95

To

✓ Shri Romon Singh,
Vill. Rongpur Part-I,
P.O. Rongpur-II,
Distt. Cachar(Assam)-788009

Sub: Shri Romon Singh's prayer dated 17.7.92 regarding cancellation of order No.NEID-1/PF-114/92/3740-42 dated 14.5.92 issued by the Executive Engineer, North Eastern Inv.Divn.No.I,CWC, Silchar

The above prayer of Shri Romon Singh, Ex-Work Sarkar Gr.II has been considered and a personal hearing was conducted by the Executive Engineer, North Eastern Inv.Divn.No.III,CWC,Itanagar on behalf of the Superintending Engineer, North Eastern Inv.Circle, CWC, Shillong on 26.8.95 wherein a patient hearing was given to Shri Romon Singh. Accordingly, the parawise disposal of the said prayer is given below:

1. Shri Romon Singh joined as Khalasi on 11-3-82(not in the year 1981 as stated in his application) and was promoted first to the grade of W/S Gr.III on 6.10.82 and then to the grade of W/S Gr.II on 1.9.86.
2. Shri Romon Singh reported for duty on 30.10.87(FN) at site office below confluence of Chailengtha Cherra and Lalcherra vide Executive Engineer,North Eastern Inv.Divn.No.I,CWC, Silchar's Office Order No.NEID-1/Estt-5/87/7089-99, dated 21.10.87.
3. Shri Romon Singh proceeded on Casual leave from 13.8.89 to 20.8.89 but was found absent on 21.8.89 also. Shri Romon Singh applied for Casual leave for the said period after a lapse of one year of availing that leave after several reminders. However, Executive Engineer, North Eastern Inv.Divn.No.I,CWC,Silchar has been directed to pay the salary for the month of August, 1989 by granting him leave from 13.8.89 to 21.8.89 as a special case.

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4. Shri Romon Singh, in his prayer, has himself admitted his inability to carry out the work assigned by the concerned Jr.Engineer, his immediate officer, who is vested with the powers of assigning duties to the staff at site as site in-charge. As per rules, Govt. officers enjoy powers to get the work done from the staff attached to them. Mere presence at place of work does not entitle any Government official to receive the pay for the said period as per CCS/CCA Rule No.11(7)(iii) which states that " No payment has to be made in case the official does not work". Accordingly the action of the Executive Engineer, North Eastern Inv.Divn.No.I,CWC, Silchar is endorsed.

5&6. As per his prayer, Shri Romon Singh was transferred to Ambassa, Tripura by the Executive Engineer, North Eastern Inv.Divn.No.I,CWC, Silchar on 28.5.90 and joined the G&D site at Dhonaicherra. As per his own statement, he refused to carry out the instructions of his immediate officer to report for duty at the Survey Site and waited for another order from the Executive Engineer, North Eastern Inv.Divn.No.I, CWC, Silchar without performing his duty. Asstt.Engineer, Ambassa had, in fact, issued letter stating that he was absent from duty with effect from 16.11.90 and was warned that he should attend to his duty immediately otherwise disciplinary action would be taken against him. As per his own statement he defied the orders of the Asstt.Engineer and he proceeded on to the office of the Executive Engineer, North Eastern Inv.Divn.No.I,CWC, Silchar and remained absent without permission. Further, Executive Engineer, North Eastern Inv.Divn.No.I,CWC, Silchar took disciplinary action against Shri Romon Singh and had to chargesheet him by setting up a Departmental Inquiry Committee. Shri Romon Singh did not carry out the instructions of the officer in-charge and continued to absent himself from duty. His plea that he will obey the orders of Executive Engineer only and not that of the officer in-charge, is not valid in Governmental working. Therefore the actions of the concerned officers of North Eastern Inv.Divn.No.I,CWC, Silchar are endorsed.

10 7. No officer can perform overtime duties at his own will without any direction from the competent authority. In fact prior permission of the competent authority is required for performing overtime duties. In this case, the concerned Jr.Engineer had clearly instructed on the Attendance Register itself that all the staff should avail their weekly off and no claim for overtime would be entertained. The claim of Shri Romon Singh cannot, therefore, be accepted.

(59)

- 8 & 17 The chargesheet was issued to Shri Romon Singh vide Memo No.NEID-I/Conf-1/91/359-60 dated 19.11.91. A Departmental Inquiry was conducted against Shri Romon Singh as per provisions contained in the CCS/CCA Rules by the Asstt.Engineer, NEISD-IV,CWC,Dharamanagar. Option was given to Shri Romon Singh to intimate the name of the Defence Assistant who can help him during the Inquiry proceedings but he did not opt for the same. The inquiry was conducted as per norms and his written statement was also recorded. The summary of the Inquiry proceedings was also signed by Shri Romon Singh. As per this summary, Shri Romon Singh admitted his refusal to do the official work assigned to him and also agreed that he did not comply with the orders of his superiors. The report of the Inquiry was also communicated to Shri Romon Singh by the Disciplinary Authority. The Inquiry Authority i.e. Asstt.Engineer, NEISD-IV,CWC,Dharmanagar has not acted as Disciplinary Authority on any count. The disciplinary action was actually taken by the Executive Engineer, North Eastern Inv. Divn.No.I,CWC, Silchar, the Disciplinary Authority.
- 12 & 13 Since the Inquiry established the charges against Shri Romon Singh, W/S Gr.II, he was removed from service by the Executive Engineer, North Eastern Inv.Divn.No.I, CWC, Silchar vide Office Order No.NEID-I/PF-114/92/3740-42 dated 14.5.92. The decision is endorsed.
14. The Departmental Inquiry was conducted as per existing CCS/CCA Rule etc. and without any bias, capricious and vindictive attitude. In fact Shri Romon Singh was given all the opportunities to join his duty before a chargesheet was issued to him.
15. Shri Romon Singh is not amenable to discipline and is an unwilling worker as has already been explained in the foregoing paras. Hence the action of the Executive Engineer, North Eastern Inv.Divn.No.I,CWC, Silchar is endorsed.

Rajesh Dham
(Rajesh Dham) 22.09.95
Superintending Engineer

Rajesh Dham

भारत सरकार
कार्यालय अधीक्षण अभियन्ता
उत्तर पूर्व अन्वेषण परिमंडल, केन्द्रीय जल आयोग
जमीर मेन्सन, नोंगशिलियांग, शिलांग-७६३०१४
GOVERNMENT OF INDIA

Office of the Superintending Engineer

NORTH EASTERN INVESTIGATION CIRCLE, CENTRAL WATER COMMISSION
JAMIR MANSION, NONGSHILLIANG, SHILLONG-793014

ANNEXURE 1A/16

No. NEIC/2013/94-95/Vol.II/1935-36

Date 23.9-95

To

Shri Romon Singh,
Vill. Rongpur Part-I,
P.O. Rongpur-II,
Distt. Cachar (Assam)-788009

- Ref: 1. O.A.No.197/91 by Shri Romon Singh, Vs. Union of India, before Hon'ble CAT Guwahati Bench.
2. Decision of Hon'ble CAT on O.A.No.197/91 dt.13.6.95.
3. This office letter No.NEIC/2013/94-95/Vol.II/C-78 dated 12.8.95 and subsequent hearing by the Executive Engineer, North Eastern Inv.Divn.No.III, CWC, Itanagar on 26.8.95:

The Hon'ble CAT, Guwahati Bench vide their decision at Reference No.2 have directed Superintending Engineer, North Eastern Investigation Circle, CWC, Shillong to consider the grievances contained in clauses i) to v) of Para-7 of the amended O.A. on merits. Accordingly, a hearing was conducted by Shri D.P.Singh, Executive Engineer, North Eastern Inv.Divn.No.III, CWC, Itanagar in the office complex of North Eastern Inv.Divn.No.I, CWC, Silchar on behalf of the Superintending Engineer, North Eastern Inv.Circle, CWC, Shillong. The following decisions have been taken:

- i) Salary/Pay for the period from 12.5.89 to 30.5.89
Executive Engineer, North Eastern Inv.Divn.No.I, CWC, Silchar has been directed to declare the period as 'dies-non' in view of the fact that Shri Romon Singh has absented himself from duty for the said period. Overtime allowance is not admissible.
- ii) Salary/Pay for the month of August, 1989
Executive Engineer, North Eastern Inv.Divn.No.I, CWC, Silchar has been directed to accept the revised leave application of Shri Romon Singh as a 'special case' for granting leaves and make payment for the month of August, 1989.

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- iii) Salary for the period from 17.11.89 to 13.12.89
Shri Romon Singh has himself admitted that he did not work for the said period. Hence Executive Engineer, North Eastern Inv.Divn.No.I,CWC,Silchar has been directed to declare the period as 'dies-non'.
- iv) Salary for the period from Nov'90 to till date
Shri Romon Singh remained absent from duty despite several reminders, therefore his pay for the period is not payable under CCS/CCA Rule No.11(5)(iii). Executive Engineer, North Eastern Inv.Divn.No.I, CWC, Silchar has been directed to declare the period upto his removal from service as 'dies-non'. He is not entitled for his pay after removal from service.
- v) Overtime Allowance for the period from 30.3.89 to 11.5.89
The instructions of Jr.Engineer on the Attendance Register that no Compensatory Holiday or overtime Allowance will be made to any of the staff and they should take their weekly rest only is valid. The claim for payment of overtime allowance for the period 30.3.89 to 11.5.89 is not admissible.

Rajesh Dham
(Rajesh Dham) 22.09.95
Superintending Engineer

12
Oram : Northeast

Phone : 21197

Govt. of India
Central Water Commission
North Eastern Inv. Divn. No. I

Rongpur Part-1
Silchar-788009

No. NEID-1/Estt. 18/95/ 6703-06

Dt. 27 SEP 1995

OFFICE ORDER

In supercession of this office order No. NEID-1/Estt. 18/5826-29 dt. 2-9-89. Shri Roman Singh, Ex. W/S-II is hereby granted revised casual leave as a 'special case' alongwith station leave permission as detailed below :-

13-8-89 -sunday
14-8-89 - casual leave-1 day
15-8-89 - Gazetted holiday.
16-8-89 to 19-8-89- casual leave-4 days.
20-8-89 - sunday
21-8-89 - casual leave-1 day.

Total casual leave 6 days.

Sd/-

(B.K. Karjee)
1/c Executive Engineer

Copy to-

1. The Superintending Engineer, NEIC, CWC, Shillong. with reference to his letter No. NEIC/2013/94-95/Vol. II/1934 dt. 23-9-95.
- ✓ 2. The Accounts Branch, Divn. office. The unpaid amount of Rs. 1357/- of Shri Roman Singh, Ex. W/S-II being salary for the month of August '89 may be released and amount remitted through M.O to Shri Roman Singh, S/O Lt. Debohari Singh, Vill. Rongpur part-1, Post, Office. Rongpur part-II, Silchar-9. (M. S. R.)
- ✓ 3. Shri Roman Singh, for information. w.r. to his revised casual leave application dt. 16-7-90.

4. Personal file.

P. S. R.

(B.K. Karjee)
1/c Executive Engineer

Handwritten notes at the bottom left of the page, including "Handwritten" and "B.K. Karjee" in a cursive script.

Filed in Court
on 16-6-96

Court Master

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

In the matter of :-

O.A.No.10 of 1996

Shri Roman Singh- Applicant.

-Versus-

Union of India & Others.

Respondents.

Written statement for and on behalf of Respondent
No.1,2,3 & 4.

I, P.S.Mandal, Executive Engineer, North Eastern Inv.
Division No.I, Central Water Commission, Rongpur, Silchar-9
do hereby solemnly affirm and say as follows :-

1. That, I am the Executive Engineer, North
Eastern Inv.Divn.No.I,CWC,Rongpur part-1,Silchar-9 and
acquainted with the facts and circumstances of the case.
I have gone through a copy of the application and have
understood the contents thereof. Save and except
whatever is specifically admitted in this written state-
ment, the other contentions and statements may be deemed
to have been denied. I am competent and authorised to
file this written statement on behalf of the Respondents
No.1 to 4.

2. That the respondents beg to state that
statements made in paragraph 6(1) of the application
are correct.

...p/2...

Advocate 26.6.97
copy

Filed by:-
H.K. Choudhary
18.6.96
Addl. Central Govt.
Standing Counsel

3. That with regard to statements made in paragraph 6(2) of the application the respondents beg to state that the applicant joined in this Department i.e. the then TID-I, now renamed as North Eastern Inv. Divn. No. I, CWC, Rongpur part-1, Silchar-9 as KHALASI w.e.f 11-03-82 (F.N) in pre-revised scale of pay of Rs.196-3-820-EB-3-232/- As such it is found that the year 1981 stated by the petitioner is not correct. Further it is stated that he was promoted to the grade of WORK SARKAR GRADE-III w.e.f 6-10-82 and then to the Grade of WORK SARKAR GRADE-II on 01-09-86.

4. That with regard to statements made in paragraph 6(3) of the application, the respondents have no comments.

5. That with regard to statements made in paragraph 6(4) of the application the respondents beg to state that the applicant applied for casual leave w.e.f 13-8-89 to 20-8-89 which was sanctioned vide this office order No.NEID-I/Estt.18/5826-29 dt.2-9-89. From his statement, on expiry of his scheduled casual leave, he could not report for duty on 21-8-89 fore noon and joined on the afternoon which led to absence on 21-8-89. However later on this was also regularised after receipt of his revised C.L application. Subsequently his pay for 8/89 was prepared and remitted by M.O on 29-9-95 at his residence. But the M.O was returned undisbursed by the Post Office stating that the M.O was refused by the acceptor. So the payment for the period in question is ready for disbursement.

6. That with regard to statements made in para 6(5) of the application the respondents beg to state that as per the norms Work Sarkar Grade-II is supposed to carry out the following works.

- i. To assist the Officer in-charge in works.
- ii. Any duty assigned by the Officer-in-charge.

Unskilled workers are recruited in the grade of Khalasi and on the basis of training as well as experience gained, they are promoted to the grade of semi-skilled categories i.e. W/S-III & then to skilled categories i.e. W/S-II. Thus these staff are trained to do the simple &

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routine calculations such as gauge-discharge calculation based on pre-decided guidelines. After his promotion in this regard, and as per record he was also carrying out the above calculations since long, even in the absence of Junior Engineer. Hence his statement does not commensurate that 'Calculation' is not his duty or he does not know calculation work. In fact on restriction to certain undue liberty like prior permission while proceeding on leave and on imposing certain discipline in the site he started refusing to carryout the routine works including calculations and subsequently he to-tally refused to do any work. This lead to mark him absent from 17-11-89 to 13-12-89, though he was physically present at the site. However in response to the directives of Hon'ble CAT on O.A No.197/91 dt.13-6-95 a hearing was conducted and directive was issued to declare the period 17-11-89 to 13-12-89 as "dies-non".

7. That with regard to statements made in para 6(6), 6(7) & 6(8) of the application the respondents beg to state that the Executive Engineer, vide letter No. NEID-I/ Estt. 20/3440-49 dt. 28-5-90 transferred Shri Singh to Dhanaichera under NEISD-I, Ambassa. Accordingly his headquarters was fixed at Dhanaichera. He was not assigned any specific work by Ex. Engineer directly as the specific work is normally assigned by the Junior Engineer concerned unless otherwise mentioned. The closing of G&D site is not related to his case as it is obvious that a staff cannot be transferred to a place where a work site was scheduled to be closed. So his statement in this regard does not justify at all. Moreover the survey work was operated from the same H.Qs. (Dhanaichera) under the same JE under whom he joined duty on 13-11-90 so not obeying the instruction of Junior Engineer for survey work was treated as negligence of duty and subsequently absence from actual working spot w.e.f 16-11-90.

8. That with regard to ~~para~~ statements made in para 6(9) of the application the respondent beg to state that Sh. Roman Singh, proceeded on two days casual leave on 12-5-89 but absented till 31-5-89 without any intimation. Subsequently he applied for Earned leave on the ground of his Sister's marriage for 19 days w.e.f 12-5-89 suffixing 31-5-89 as closed

holiday alongwith the leave was found to be incorrect. In spite of several reminders. Sh. Roman Singh failed to submit revised leave application till date. Regarding over time work, Prior permission of competent authorities (E.E) is required. The concerned JE has given instructions that all their staff should take weekly rest & no overtime claim would be entertained. Thus there is no case of O.T.A at all.

9. That with regard to para 6(10) of the application the respondents have no information.

10. That the respondents beg to state that the statements made in paragraph 6(11) & 6(12) of the application being matter of record are admitted to be correct.

11. That with regard to para 6(13) of the application, the respondents have no comment.

12. That with reference to paragraph 6(14) of the application the respondents beg to state that he was actually allowed to accompany the Defence Assistance vide the letter No. NEISD-IV/Camp-Sil/91/3-2 dt. 29-11-91 of the Exquary Officer.

13. That with reference to the statements made in paragraphs 6(15) to 6(22) of the application the respondents beg to state as follows :-

That with regard to relief sought for against the impugned orders mentioned in paragraph 3 of the application namely Annexure A/12, A/15 and A/16. The respondents beg to state that the disciplinary proceedings against Sh. Roman Singh was conducted as per provisions contained in CCS rules and for which Sh. Naseed Iqbal Almi, Asstt. Engineer, NEISD-IV, CWC, Dharmanagar was appointed as Inquiring Authority vide this O.O. No. NEID-I/PF-114(B)/91/8060-63 dt. 23-11-91 to enquire in-to the charges framed against Sh. Roman Singh. In addition Sh. K.R. Deb, I/C AE, NEISD-I, CWC, Ambassa was also appointed as the presenting Officer vide T.O.O. No. NEID-I/PF-114(B)/91/8169-72 dt. 26-11-91. Accordingly the Inquiring

Authority issued ---

a letter to Sh. Roman Singh to appear before the Departmental Enquiry Authority ~~issued~~ on 7-12-91 vide letter No. NEISD-IV/Camp-Sil/01/3-2 dt. 29-11-91. Wherein it was clear the option was given to Sh. Roman Singh to intimate the name of the Defence Assistant, but he did not ask for the same. Further Inquiry was conducted in his presence and statement of Sh. Roman Singh was also recorded, Sh. Roman Singh admitted before Inquiry Authority his refusal/reluctance to do calculation work etc and also agreed that he did not comply JE/AE's order. The Enquiry Authority submitted its final report to the disciplinary authority, the copy of the same report was also communicated to Sh. Roman Singh, vide letter No. NEID-I/Pf-114/92/3449-50 dt. 30-4-92, thus a reasonable opportunity was given to defend the Enquiry Report. The Departmental Enquiry was conducted without any bias, capricious and vindictive attitude. Since the Enquiry established the charges against Sh. Roman Singh, he was removed from service vide T.O.O. No. NEID-I/PF-114/92/3740-42 dt. 14-5-92.

14. That the respondents beg to state that as per the Hon'ble Tribunal's order dt. 13-6-95 the appellate authority in the present case the Superintending Engineer, NEIC, CWC, Shillong was directed to dispose of the appeal on merit expeditiously. In this regard the respondents beg to state that necessary compliance was done by giving a chance of personal hearing and for which Sh. D. P. Singh, Ex. Engineer, NEID-III, CWC, Itanagar was deputed to hear the grievances of the applicant on behalf of the SE, NEIC, CWC, Shillong, accordingly a patient hearing was given to Sh. Roman Singh on 26-8-95 at 11.00 A.M in the office complex of the EL, NEID-I, CWC, Silchar.

Further as per directions of the Hon'ble Tribunal's order dt. 13-6-95, the grievances of the applicant as contained in clauses (i) to (v) of para-7 of the amended O.A were also decided and finally disposed off.

15. That the applicants is not entitled to any relief sought for in the application and the same is liable to dismissed with costs.

Verification

I, P.S.Mandal, Executive Engineer, North Eastern Investigation Division No.I, CWC, Rongpur part-1 Silchar-9 do hereby declared that the statements made in the written statement are true to my knowledge derived from the records of the case.

I, sign the verification on this the 21st day of May 1996 at Silchar.

P.S. Mandal
Deputy Executive Engineer
North Eastern Inv. Divn. No-I
C.W.C Rongpur Silchar-9
