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भारत सरकार

GOVERNMENT OF INDIA

उत्तरी क्षेत्र कृषि मशीनरी प्रशिक्षण एवं परीक्षण संस्थान

NORTHERN REGION FARM MACHINERY TRAINING & TESTING INSTITUTE

कृषि एवं किसान कल्याण मंत्रालय (कृषि, सहकारिता एवं किसान कल्याण विभाग)

MINISTRY OF AGRICULTURE AND FARMERS WELFARE

(DEPARTMENT OF AGRICULTURE, CO-OPERATION & FARMERS WELFARE)

ट्रेक्टर नगर, सिरसा रोड, हिसार - 125001 (हरियाणा)

TRACTOR NAGAR, SIRSA ROAD, HISAR - 125001 (HARYANA)

(AN ISO 9001:2008 CERTIFIED INSTITUTION)

File No: 10-1/2010-Misc.

Dated: 29.06.2016

To

Shri Ram Kanwar,
H.No.570, Sector 16-17,
Hisar (Haryana)
Pin-125005

30 JUN 2016


Sub: Information sought under the Right to Information Act, 2005 -reg.

Sir,


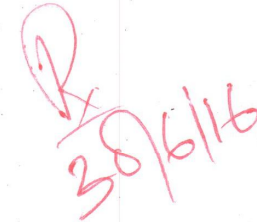
This has the reference to your application dated 31.05.2016, which was received at this institute on dated 02.06.2016 for providing the information under RTI Act, 2005. In this regard, the information is as under:-

1. There is no document available as such, at this institute entitled "certified copy of the charge which was proved by Shri R.S.Dass, ex- Director /Disciplinary authority. However, what is available in this matter is enclosed as **Annexure - 1**.
2. There is no document available as such, at this institute entitled "documentary proof of tentative reasons for disagreement with the findings of Inquiry Report dated 30.01.2002". Yet what is available in this matter is enclosed as **Annexure - 2**.
- 3,4&5. These clearly read as the questions regarding the action/decision of the then competent authority and no information is sought thereby. Questioning the decisions etc. are not covered in the scope of RTI, hence no comments.

Encl: As above.


(MAN SINGH)
Agricultural Engineer/CPIO

Copy to: P.A. to Director for uploading the information on website of the institute.



30/6/16

ANNEXURE - 1

No.10-8/2001-Misc.
Government of India
Northern Region Farm Machinery
Training & Testing Institute,
Hissar-125001 (Haryana)

71

Dated, 12.3.2002

ORDER

Shri Ram Kanwar, U.D.C. Northern Region Farm Machinery Training and Testing Institute, Hissar was charge sheeted and a statement containing the imputations of misconduct or misbehaviour on which action was proposed to be taken under Rule 14 of CCS(CCA) Rules,1965 was issued vide this office Memorandum No. 10-8/2001-Misc. dated 13.9.2001.

The undersigned has afforded full opportunity by providing a copy of enquiry report received from Shri S.C. Bhattacharyya, Fodder Agronomist, R.S.F.P. & D. Hissar appointed as Inquiry Officer alongwith tentative reasons for disagreement with the findings of inquiry report to Shri Ram Kanwar, U.D.C. (under suspension) vide this office Memo. No. 10-8/2001-Misc. dated 26.2.2002. The charged official has submitted his reply dated 4.3.2002 indicating that:-

- 1) I agree with the conclusion of inquiry report submitted by Inquiry Officer on 30.1.2001.
- 2) Regarding reasons of disagreement with the findings of inquiry report, I am to state that I have nothing to say on this issue as I have already submitted my suitable replies against the charge sheet and various memorandums issued to me.

The above submissions of the charged official have specifically not given any reply on the reasons of disagreement with the findings of inquiry report by the competent authority. As regards his earlier replies, etc. are concerned, these have already been considered. Having given no specific reply on the disagreement by the competent authority, it construes that the charged official has nothing to say in regard to the facts of disagreement.

Under these circumstances, it is fit case to be suitably punished and I as a competent Disciplinary authority, after having considered the inquiry report, the replies submitted by the charged official and with a view to maintain office decorum, is of the opinion that though the penalty would have been much severe but taking a lenient view and to give him an opportunity to amend such of his behaviour in official functioning, hereby order to reduce his basic pay by one stage with cumulative effect i.e. his basic pay of Rs. 5150/- be reduced to Rs. 5000/- in the pay scale of Rs. 5000-150-8000. It is further ordered that he will not earn increment of pay for a period of three years and that on the expiry of three years, he will start earning his next increment w.e.f March, 2005 on his basic pay of Rs. 5000/-.

[Handwritten Signature]
27/6/16

फार्म अधीक्षक
भारत सरकार
श्री राम कान्वर, U.D.C.
N.R.F.M.T. & T.I. HISSAR
उ. क्षे. कृ. य. प्र. हिंसार - 125001 (हरियाणा)

[Handwritten Signature]
12/3/02
(R.S. DASS)
DIRECTOR
145/12/3

- Copy to: 1) Personal File of Sh.Ram Kanwar, U.D.C.
2) C.R. dossier of Shri Ram Kanwar, U.D.C.
3) Copy to Accounts Section.

Issued

[Handwritten Signature]
12.3.02

TANTATIVE REASONS FOR DISAGREEMENT WITH THE FINDINGS OF THE INQUIRY REPORT SUBMITTED BY SHRI S.C. BHATTACHARYYA, INQUIRY OFFICER IN THE INQUIRY CASE AGAINST SHRI RAM KANWAR, U.D.C.(UNDER SUSPENSION) OF N.R.F.M.T.&T.I. HISSAR.

On going through the findings of the inquiry report, it is observed that the Inquiry Officer has not paid due attention to the following points during the inquiry while giving conclusion:

- (a) Knowing the fact that there is no specific provision for handling of stores(Engg.) by incumbents holding posts such as Storekeeper, Asstt.Storekeeper or Asstt. Office Supdt.(Stores), etc. no effort has been made as to how the department without above stated provisions would run the activities of the Institute. Ignoring this aspect is indicative that the Inquiry Officer did not conduct the proceedings with free mind.
- (b) The Inquiry Officer further ignored the important aspect that an U.D.C. - Shri Ram Pal is already handling the Stores(Engg.) very successfully without any specific training to him for the last more than three years. On the contrary, the Inquiry Officer has tried to negate this issue by emphasizing that the present U.D.C. handling the Store(Engg.) is not aware of the duties and responsibilities of U.D.C. and has not expressed his willingness of this job whereas in the proceedings this point has not either been highlighted by Shri Ram Pal or other officials present in the inquiry. On the other hand for the last more than 3 years, Shri Ram Pal has never raised any difficulty in running the stores(Engg.) as also he has never shown his unwillingness for handling the stores at any stage. The Statement given by Shri Ram Pal, U.D.C. with free mind and on the basis of his last over three years working in the store, the Inquiry Officer has concluded this as hiding of facts is not justified judgment.
- (c) The Inquiry Officer has tried to emphasize that the duties of Storekeeper and U.D.C. can not be equated at all on the basis of his limited experience in his own organisation rather than inquiring into the terms of reference i.e. disobedience of the valid orders of the competent authority under the circumstances in which the particular Institute has to function.
- (d) The Inquiry Officer while referring the recruitment rules of this Institute has picked up the reference of Col. 8 for the post of Asstt. Office Superintendent, which is applicable only to direct recruits and in no way is applicable to the charged official. This again indicates that the Inquiry Officer is biased in collecting irrelevant points in support of the charged official.
- (e) The contention of the Inquiry Officer that after abolition of the post of Storekeeper at N.R.F.M.T.& T.I. Hissar the store is being run as a stop gap arrangement is not correct. This fact has already been explained by the various officials during the enquiry. The management of the Institute is clear that the job of Engg. Store is to be run with the help of available ministerial cadre of U.D.C./A.O.S. As regards experience gained by the charged official is concerned, while working at the Institute in various capacities, he has gained working experience in Estt./Accounts/Purchase/Training, etc.

John
27/6/16
संस्थान

उ. क्ष.
हिंसार - (संस्थान)

- (f) As regards applicability of Rule,270 is concerned, this interprets its applicability n case of incumbents who are specifically recruited for these jobs whereas in the instant case, the incumbents are given this responsibility on rotation basis and as such the loss which might come up because of any negligence, etc. on the part of the incumbent are recoverable through annual physical verification and or when it is taken over by the subsequent incumbent. Thus, the observation of the Inquiry Officer on this issue is not justified and moreso it was not relevant to the inquiry.

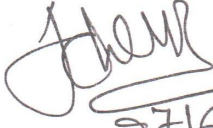
The points referred above simply indicate that either the Inquiry Officer has conducted the inquiry under certain pressure or he has simply lost sight of the issue for which the inquiry was to be conducted i.e. non-compliance of the valid orders issued by the competent authority and thereby committing misconduct under Rule 3 of the CCS(CCA) Rules,1964.


Keeping in view the policy of the Government regarding right sizing/to reduce revenue burdon in the functioning of the Institutions under Government control, it is necessary that the activities of the Institute are managed with the available staff strength rather than creating additional posts such as Store Officer, Security Officer, Purchase Officer, Storekeeper, HostelWardon, etc. looking to the available work load. Since inception of the Instiutute and taking into account the work load available with the Institute, the various Committees appointed by the Government has examined the same and suggested surrender of some posts certainly do not aim at closing of the activities rather it is an indicative that these activities should be shared amongst available incumbents. In the instant case immediately after the inception of the Institute, the post of Storekeeper was sanctioned by the Government and lateron redesignated as Astt. Office Superintenden and abolished.

The charged official Shri Ram Kanwar has been working in this Institute for the last above 29 years in the various capacities and gained experience in Estt./Stores/Accounts/Purchase/Training, etc. Keeping in view his long experience he was ordered to be posted in the Store(Engg.) on rotation but he has failed to maintain the relations between Employeer and Employee and straight away refused to take over the charge simply on the ground saying the work is of ex-cadre nature.

Had the charged official taken the orders of the competent authority in true spirit, he would have accepted the orders and sought assistance needed, if any. In his case this simply showed the arrogance on the part of charged official, which has no place in normal functioning in the work and such type of misconduct can not be appreciated.

Keeping in view the above facts, I am of the considered opinion that there is no reason to disapprove the charges levied on the concerned charged official and record my disagreement with the findings of the Inquiry Officer and hence the charge levied on charged official stands proved.


27/6/16
फार्म अधीक्षक
भारत सरकार
उ. क्षे. कृ. य. प्र. एवं प्र. संस्थान
हिसार - 125001 (हरियाणा)


29/02