

(viii) Compulsory Retirement in respect of Shri B. D. Marbaniang,
LDC, CDD, NWH, Shillong.

Shri. B. D. Marbaniang who joined the University w. d. 02.11.82 as LDC is known to be persistent in his mis-conducts and a habitual and incorrigible offender since the year, 1994 by visiting the residential quarters in Permanent Campus under the influence of alcohol, attempting extortion of money and creating nuisance which are quite unbecoming of him as an employee of the University.

On this context, the council is hereby apprised that on 3.4.95 Shri B. D. Marbaniang forcibly entered the residence of Prof. A. L. Verma, at 8.00 a.m in an intoxicated state, attempting extortion of money and creating nuisance.

In another incident on 9.5.96, Shri B. D. Marbaniang was found in the office under the heavy influence of intoxication between 3.00 P.m & 5.30 p.m., making it impossible for the chowkidar to close the office in time.

The nuisance of Shri B. D. Marbaniang did not confine only to the office and residential quarters of the University but it also extended and affected the University Guests, staying in the NEHU Guest House.

Further, on 13.3.96 Shri B. D. Marbaniang stole the coat and money of the Junior Engineer (Elect) E. M. C. While the said Junior Engineer was lodging a complaint to this effect to the Security Officer in his office Chamber, they incidentally saw Sri. Marbaniang in the Administration Building and called him to enquire the matter of him. Shri. B. D. Marbaniang returned the coat and the money on being detected.

Furthermore on 26.3.96 at 10.15 a.m Shri. B. D. Marbaniang was caught red-handed in the act of committing theft by Smt. L. Gatphoh, Cleaner, when he was trying to take out money from her bag in the instrumentation room of Bio-Chemistry.

On the above acts of mis-conducts, Estt-I Section charge-sheeted Shri. B. D. Marbaniang and proposed departmental enquiry

Contd..2.

against him vide F.No.5-27/Estt-I/Per/91(Vol.II)-2796 dated 27.7.96 (Annexure-'A' to 'D')

In response, to the above memorandum and the article of charges, Shri.B.D.Marbaniang in his written defence statement dated 9.8.96 (Annexure-'E'), admitting the charges in toto; appologised and pleaded for forgiveness on humanitarian ground.

To afford, another opportunity to him to defend himself, Shri.B.D.Marbaniang was directed to appear in person before the Deputy Registrar, Estt-I on 16.9.96 at 2.00 p.m. in his office chamber vide No.5-27/Estt-I/Per/91(Vol.II)2625 dated 12.9.96 (Annexure-'F') so as to record his statements.

The statement of Shri.B.D.Marbaniang as recorded by the Deputy Registrar, Estt-I on 16.9.96 in the presence of the Medical Officer, A.R.E-I, Section Officer (E-I) ^{is} placed at Annexure-'G'. It would be seen from the said statement of Shri.B.D.Marbaniang that he has admitted all his lapses and misconducts which he has been committing including his alcoholism. He has been committing and repeating all these lapses despite his under-taking (Annexure-'H') which may please be perused.

In the light of the above facts and circumstances, the case of Shri.B.D.Marbaniang was placed before the Disciplinary Authority who after perusal and consideration, decided to retire Shri. B.D.Marbaniang compulsorily from the University service.

The above decision of the disciplinary authority was communicated to Shri. B.D.Marbaniang vide No.F.5-27/Estt-I/Per/91(Vol.II)4602 dated 28.2.97 (Annexure-'I') affording him with an opportunity to represent if he so desired so as to meet the ends of natural justice. In this connection, Shri.B.D.Marbaniang made a representation vide his letter dated 4.3.97 (Annexure-'J') against the above proposed penalty which like before, is solely on humanitarian ground.

In this view, the case is hereby placed before the Council for favour of perusal, consideration and orders.

ANNEXURE-A

F.No.5-27/Estt-I/Per/91-(Vol.II) -1796

Dated 27/7/96.

M E M O R A N D U M

It is proposed to hold an inquiry against you, Shri. B. D. Marbaniang, LDC, CDD, NEHU, on matters of misconduct and misbehaviour committed by you, while functioning as an employee of NEHU, Shillong. The substance of imputation of misconduct and misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I). A statement of imputation of misconduct or misbehaviour in respect of articles of charge is enclosed (Annexure-II). A list of documents by which a list of witness by whom the articles of charges are to be sustained are also enclosed (Annexure III & IV).

You are directed to submit within 15 (fifteen) days of the receipt of this memorandum, a written statement in your defence and also to state in writing whether you desire to be heard in person.

You are informed that an inquiry will be held only in respect of those articles of charges as are not admitted. You should, therefore, specifically admit or deny the article of charges.

You are further informed that if you do not submit your written statement of defence on or before the date specified in paragraph 2 above, the case will be decided ex-parte.

Your attention is invited to the fact that you is an employee of NEHU and as a general good conduct of being an employee requires that you shall not bring or attempt to bring any political or outside influence to bear upon any superior authority to further your interest in respect of matters pertaining to the service under the NEHU.

Contd..2.

If any representation is received on your behalf from another person in respect of any matters dealt with in these proceedings, it will be presumed that you are aware of such representation and it has been made at your instance and action will be taken against you for misconduct.

Receipt of this Memorandum may be acknowledged.

SD/- 24/7/96

(S. RYNJAH)

Officer On Special Duty
NEHU, Shillong.

Encl: Annexure-I, II, III, & IV

To

Shri.B.D.Marbaniang,LDC,
Campus Development Department,
NEHU, Shillong.

ANNEXURE-B

Statement of Article of charges
framed against Shri.B.D.Marbaniang,
LDC, NEHU, Shillong.

Article of Charge-I

That you, Shri.B.D.Marbaniang, LDC, an employee of NEHU, Shillong, while functioning as such, are in the habit of being under the influence of intoxicants while on duty. That you, while being intoxicated, forcibly entered the residence of Prof. L.Verma on 3.4.95 at 8.A.M. and created nuisance and the very ugly science Further, you were also found heavily intoxicated on 9.5.96 in the office between 3 P.M. and 5.30 P.M. making impossible for the Chowkider to close the office in time, and that by your afore-said nuisance, even the University guests staying in the NEHU Guest House were not spared.

Thus , by your above acts of misconducts, you have grossly violated good conduct as an employee of NEHU, warranting your removal from service.

Article of Charge II

That you, Shri. B.D Marbaniang, LDC, an employee of NEHU, Shillong while functioning as such, stole the Coat and money of the Junior Engineer(Elect)EMC on 13.3.96 which you returned on detection. On another occasion, you were caught in the act of committing theft, by Smt.L.Gatphoh, Cleaner on 26.3.96 at 10.15 AM. When you were trying to take out the money from her bag in the Instrumentation room of Bio-Chemistry.

The above acts of misconducts on your part are criminal offences which renders you unworthy of being retained in NEHU, Service.

ANNEXURE-C

Statement of Imputation of Misconduct or Misbehaviour in support of article of charge framed against Shri BD Marbaniang, LDC, NEHU, Shillong.

Article of Charge I

That you, Shri BD Marbaniang, LDC, an employee of NEHU, Shillong have been in the habit of being intoxicated and visiting the residential quarters under the influence of intoxication and extorting money from the residents in the Campus. You were served with a Memo of Even No. 2509 dt. 19.8.94. Your explanation in this regard was examined and a lenient view was taken when you furnished an Undertaking, assuring the authority that you would not commit any such lapses in future. But in gross violation of good conduct as well as the Undertaking signed by you, you forcibly entered the residence of Prof. A.L. Verma on 3.4.95 at 8 AM. with a view to extorting money and creating nuisances when you were intoxicated. Besides this, you were also found under the heavy influence of intoxication on 9.5.96 in the office between 3 PM. to 5.30 PM. making it impossible for the chowkidar to close the office in time. Your nuisance did not stop here only, instead, it went up to the extent of crushing the guests staying in the NEHU Guest House also.

Thus your above actions are highly subversive of discipline and detrimental to the good name of the University which inter alia indicates that you have no sense of self respect, moral values and any sense of duty whatsoever, and therefore, not fit to be retained in the service of NEHU any longer.

Article of Charge II

That you, Shri BD Marbaniang, LDC, an employee of NEHU, Shillong while functioning as such stole the Coat and money of the JE (Elect) EMC on 13.3.96. While the said JE was lodging a complaint to this effect to Security Officer in his Office Chamber, they incidentally saw you in the Administrative Building and called you for inquiring the matter from you. When you came in the Office Chamber of the Security Officer, you simply returned the Coat as well as the money to the said JE who was then present with the Security Officer.

Contd..2.

In a separate incident, Smt.L.Gatphoh,Cleaner caught you red-handed while you were opening her bag and searching for money out of it on 26.3.96 in the Instrumentation room of Biochemistry Department.On being charged by Smt.L.Gatphoh, you immediately left the room.Thereafter,when she checked her bag, she found that Rs.10/- note were missing.

That your above actions are of criminal in nature, quite unbecoming of you as an employee of NHU, which renders you unworthy of being retained in NEHU Service.

Article of Charge II

That you, Smt. J.B. Jadhav, LDC, an employee of NHU, Shillong while functioning as such stole the Cash and money of the JE (Elect) J.C. on 15.3.96. While the said JE was lodging a complaint to his superior Security Officer in his Office Chamber, they together saw you in the Administrative Building and called you for reporting the matter from you. When you came in the Office Chamber of the Security Officer, you already returned the Cash as well as the money to the said JE who was then present with the Security Officer.

ANNEXURE-D

List of documents by which the article of charges framed against Shri. BD Marbaniang, LDC, NEHU, Shillong. are to be taken.

1. Report from Security Officer, N.F.SC/1-1/SM/CAMP/63 dated 11th August, 1994. P.243.
2. Memo N.F.5-27/Estt-I/Per/91(Vol-II)-2509 dt.19.8.94 P.245
3. Explanation dt. 25/8/94 from Shri.B.D.Marbaniang P.247.
4. Memo No.F.5-27/Estt-I/Per/91-(Vol.II)-2800 dt 3 Sept.1994 P.248.
5. Report from Proctor No.NEHU:CP:21-2/94-95/528 dated 4th April, 1995 P.270 and A Complaint from Prof.AL Verma Dt.3.4.95 P.271.
6. Show Cause Notice N.F.5-27/Estt-I/Per/91(Vol.II)1333 dt.6.7.95. P.273.
7. Letter No.CD-Genl/138/92/319 dt.14th July 1995 P.277 & 278 Explanation from BD Marbaniang.
8. N.F.SC/9-7/Theft/Camp/30 dt.27th March, 1996. P.294. Letter from Security Officer.
9. No.1950 dt 26.3.96 from Head, Biochemistry enclosing a complaint & Statement from L.Gatphoh P.295-297
10. No.CD-Estt/P/86/88/1326 dt.10th May, 1996 from B.Kharmalki, Technical Consultant P.298 And Minutes of Meeting of Proctors & Security Officer on 18.4.96(3PM) P.299.
11. No.CD-Estt/P/86/88/1340 dt.13th May, '96 P.300 Confidential letter from K.Tariang, Section Officer.

ANNEXURE- IV

List of witnesses by whom the article of charges framed against Shri BD Marbaniang LDC, NEHU, Shillong are to be sustained.

1. Shri.B.Kharmalki, Technical Consultant, CDD, NEHU, Shillong.
2. Shri.K.Tariang, Section Officer, CDD, NEHU, Shillong.
3. The Security Officer, NEHU, Shillong.
4. Prof.A.L.Verma, NEHU, Campus, Shillong.
5. Smt.L.Gatphoh, Cleaner, NEHU, Shillong.
6. Junior Engineer(Elect) EMC, NEHU, Shillong.

ANNEXURE-E

To

The Officer On Special Duty,
North Eastern Hill University,
Shillong - 793 022.

Subject: EXPLANATION CALLED FOR.

Reference:- Your Memo N.F.5-27/Estt/Per/91-(Vol.II)-1796
dated 27-7-96.

Madam,

Under the above subject, I beg to state that I am extremely sorry for my mis conduct and mis behaviour committed by me in the past which are as per the articles attached in the letter in your above reference.

Madam, all these had arisen due to my intoxication and most of which are not during office hours. For your kind information, I would like to state that I have completely given up such habit since quite a long time and never again I shall behave likewise. Madam, for the last and the least please spare me for the sake of my 4(four) children who are fully the dependants on me and on my small income as well as, the only earning members of their's. Madam, please consider this to the last chance for me and I finally assure you that such conduct shall never again be repeated in future and for which act of your kind sympathetic action, I shall ever ever remain grateful and obliged to you. Madam, as stated in the paragraph 2(two) in your memorandum, I very much would like to be heard in person whenever called for.

Thanking you in anticipation.

Yours faithfully,

(Shri. B.D.Marbaniang)
LDC,

Dated, the 9th August 1996.

Campus Development Department,
North Eastern Hill University,
Shillong-22.

ANNEXURE-F

No.F.5-27/Estt-I/Per/91(vol.II)-2625, dt.12th Sept,1996.

M E M O

With reference to his Explanation letter dated 9.8.96, Shri.Babul Day Marbaniang, L.D.C.CDD,NEHU,Shillong is hereby directed to appear before the undersigned on 16th September,1996 without fail at 2.00 PM.

SD/-12.9.96

(L.Marbaniang)

Deputy Registrar (Estt-I)

To

Shri.B.D.Marbaniang,
L.D.C.

Campus Development Deptt.,
NEHU, Shillong.

Copy to:

- 1.The Technical Consultant,CDD,NEHU, Shillong.Kindly release the incumbent.
- 2.Personal file.

Received my copy only,

SD/ 12.9.96

(B.D.Marbaniang)
LDC, CDD.

(Deputy Registrar-I)

SD/-12.9.96

SD/-12.9.96

(B.D.Marbaniang)

Charged Official.

SD/-12.9.96

(B.D.Marbaniang)

SD/-12.9.96

(B.D.Marbaniang)

SD/-12.9.96

(B.D.Marbaniang)

ANNEXURE-G

RECORDED A STATEMENT OF SHRI BABUL DEY MARBANIANG, LDC, CDD, NEHU, SHILLONG ON THE REPORTED MISCONDUCT ON HIS PART.

(In the Office of the Deputy Registrar (Estt-I))

1. What is your name ? Babul Dey Marbaniang.
2. In which Department are you working at present ?
Engineering Cell (CDD).
3. How many brothers do you have ?
I have 6(six) brothers, I am the eldest.
4. Which of your brother was hospitalised during April 1995 ?
Mr. Hamilton Marbaniang.
5. Do you take alcoholic drinks ?
Yes since 1979.
6. Do you get intoxicated during office hours ?
Yes sometimes.
7. Do you remember to have visited the residential quarters at the permanent Campus in a drunken state ?
Yes, at the quarter of Prof.A.L.Verma in a drunken state.
8. Have you ever extorted money from the residents of the residential quarters at the Permanent campus ?
Yes but only at the time of drunken state.
9. Do you agree that you have repeated the aforesaid lapses despite executing an Undertaking on 8.9.94 ?
Yes I agree because of drunkenness.
10. Would you let me know as to who was D.Syiem whom you were searching on 26.3.96 at the Bio-Chemistry Deptt.?
It's not D.Syiem but Sailender Rani who is working in Biochemistry, working as Peon.

SD/- 16.9.96
ARR (E -I.)

SD/- 16.9.96
(B.D.Marbaniang)
Charged Official.

Sd/- 16.9.96
M.O., NEHU

SD/- 16.9.96
(Deputy Registrar(E-I)

Sd/- 16.9.96
S.O.E.I(Per)

Contd..2.

Annexure - G

-2-

11. When you entered the House of Prof.A.L.Verma,you denied of having alcohol.But did you not still enter if forcibly?

No I did not denied of having alcohol, because of the influence of alcohol,I did entered the quarter of Prof.A.L. Verma.

12. Every time you promised through your explanation that you would not repeat the same offence in future.But has there been any sign of improvement in your conduct and behaviour as an employee of NEHU ?

For the last 1(one) year I have improved myself, restrainin from all such bad habits of extorting money.

13. Do you not think that your despicable acts caused great nuisance even to the University guests staying in the NEHU Guest House. Which has defaced the reputation of the University?

Yes, I have ever thought, but because of the influence of alcohol I have committed (un-intentionally)unknowingly.

14. As being habitual, you visited visited the resident of Prof. A.L.Verma on 3.4.95 at 8 AM in a drunken state and created despicable scence. Do you accept it ?-

Yes I accept.

15. You were also found heavily intoxicated on 9.5.96 at the office between 3 PM and 5.30 PM making it impossible for the Chowkider to close in time. could you recollect it ?

No I can't recollect because of drunkenness.

16. On 13.3.96 you stole the Coat and money of J.E(Elect)EMC which you could returned only on detection. It is not a fact ?

Yes, I admitted that I have taken the coat but not intentionally for stealing .

Sd/- 16.9.96
A.R (E - I)

Contd...3.

Sd/- 16.9.96
M.O, NEHU

Sd/- 16.9.96
(B.D Marbaniang)
Charged official

Sd/-16.9.96
(Deputy Registrar Estt(I) .

Sd/- 16.9.96
S.O.E.I (Per)

17. Is it not true that on 26.3.96 at 10.15 /M, you were caught red-handed in the act of committing theft by Smt.L.Gatphoh, Cleaner when you were trying to take out Rs.10/-from her bag at the Instrumentation room of Biochemistry Deptt. ?

Yes, I admitted that I have committed such an act.

18. In your written statement of defence in response to Memo. No. 5-27/Estt.I/Per/91-(Vol.II)/1796, dated 27.7.96 proposing departmental enquiry against you, You have requested for grant of a last chance and that you would not repeat the aforesaid lapses in future.

I guarantee that I will not repeat any more all the aforesaid lapses in future. In the event of any repetition of any misconduct on my part I shall be liable to any action deemed fit to be taken by the University even dismissal from my service.

SD/- 16/9/96
(B.D.M.rbaniang)

Charged Official

SD/-16.9.96
(Deputy Registrar(E-I))

Sd/- 16.9.96
A.R (E + I)

Sd/- 16.9.96
M.O., NEHU

Sd/- 16.9.96
S.O.E.I(Per)

UNDERTAKING

I, Shri Babul Dey Marbaniang, son of (L) Shri Lala Tulsi Dey, and by occupation, Lower Division Clerk, posted at the office of C.D.D., NEHU, Permanent Campus, Shillong hereby bind myself that I will not take intoxicating drink while on duty. I also undertake that I will not visit the residential quarters in NEHU with the purpose of extracting money the practice of which had been earlier done by me. In future I bind myself to NEHU, authority that if I will be found repeating the above, the University shall take any steps including handing me over to the police on report from any one.

Sd/- 8.9.94
(Shri Babul Dey Marbaniang).

Witnessed by :-

Sd/- 8.9.94
(Md Iftikhar),
Section Officer,
Estt-I/Personnel Section.

Sd/- 8.9.94
(S Rynjah),
Deputy Registrar(Estt-I).

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Copy to :-

1. Dr T Lawma,
Proctor Campus, NEHU, Shillong.
2. The Security Officer, NEHU, Shillong.

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NORTH EASTERN HILL UNIVERSITY
P.O. NEHU CAMPUS
S H I L L O N G

NO.F.5-27/Estt-I/Per/91(Vol.II)-4602

28.02.1997

N O T I C E

Attention of Shri B D Marbaniang, LDC, CDD, NEHU, Shillong, is hereby drawn to this Deptt's memo of even No. 1796 dated 27.07.96, his explanation letter dated 9.8.96 and his defence statement recorded on 16.9.96 and the **subsequence** confidential report received on the performance of his official duties. In this connection Shri Marbaniang is hereby informed that the case was placed before the disciplinary authority who has decided to retire him compulsorily from the University services.

Shri B D Marbaniang may note that any representation as he may wish to make against the above decision of the disciplinary authority must be made within 7(seven) days from the date of issue of this Notice.

Sd/- 27.2.97
(L MARBANIANG),
Deputy Registrar(Estt-I).

To

Shri B D Marbaniang, LDC,
Campus Development Deptt.,
NEHU, Shillong.

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ANNEXURE-J

To

The Deputy Registrar (Estt-I)
North Eastern Hill University,
Shillong-22

Sir,

In inviting a reference to your letter No.F.5-27/
Estt-I/Per/91(Vol.II)-II-4602 dated the 28th February'1997.

Sir,

In inviting a reference to your letter number quoted above, I most humbly and respectfully beg to state the following facts for favour of your information and sympathetic consideration please.

That sir, I am a sole earning member in the family with (4) four school going children, who are fully depending on me and to my income. In this regard and connection, it would therefore, not feasible on my part to cope up with the financial requirement of my family with a meagre income of my compulsory retirement, in consideration with the present price index which is so ex-orbitant. As a result of this, I therefore, humbly pray to your goodself, to kindly set asides the decision of my compulsory retirement, but to kindly allow me to continue my service as a regular staff of this University to enable me to meet all the financial requirements of my four school going children.

Sir, for your kind consideration in this regard, I am assuring you that henceforth, I shall render my service to the satisfaction of my superiors officers and for with which act of your kindness, I shall ever remain grateful and obliged.

Thanking you with hope.

Yours faithfully,

SD/-4/3/97

(B.D.Marbaniang)

LDC, CDD, NEHU,

Shillong.

Dated, the 4th March'1997.

of the Committee appointed by it to review the recommendations of the earlier Committee appointed to look into the upgradation etc., of pay-scales of Store-Keepers, Coaches etc. and RESOLVED to accept the recommendations of the Review Committee. The Council, further RESOLVED that the pay-scales with arrears for which Orders had been passed may be paid and an Undertaking for refund of the pay and arrears may be taken wherever necessary. The Council also RESOLVED that an Advisory Committee for Cadre Management may be constituted by the Chairman to look into all upgradation and fitment cases including promotion.

(viii) Compulsory Retirement in respect of Shri B.D. Marbaniang, L.D.C., CDD, NEHU, Shillong.

No: EC: 92: 97: 6: 6: (viii): The Council considered the proposal for compulsory retirement in respect of Shri B.D. Marbaniang, L.D.C., and RESOLVED that in view of his continuing mis-conduct Shri B.D. Marbaniang may be compulsorily retired.

(ix) Stepping up of pay of the Senior at par with the Junior.

No: EC: 92: 97: 6: 6: (ix): The Council considered the stepping-up of pay of the Seniors at par with the Juniors and RESOLVED that as already decided earlier Smti. G. Kapoor and others may be allowed "stepping-up of pay". The Council, further RESOLVED that the practice of officiating arrangement during the short term leave vacancies may be discontinued forthwith and the rates of remuneration as approved by the Council be made applicable to all categories of staff performing extra/higher duties.

(x) Payment of Rs. 17,500/- to Shri N. Rynjah.

No: EC: 92: 97: 6: 6: (x): The Council reconsidered the payment of Rs. 17,500/- to Shri N. Rynjah who was appointed as Inquiry Officer and in view of the rate of remuneration received by Mr. Rynjah from other Organisations the sum of Rs. 17,500/- may be paid to him for services rendered.

Contd/.../-