

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 330/00368/2020

Allahabad this the 20th day of August, 2020

**Hon'ble Mrs. Justice Vijay Lakshmi, Member-J
Hon'ble Mr. Devendra Chaudhry, Member-A**

Munnu Lal Mishra, Assistant Commissioner, Group ' A ' , Working at Kendriya Vidyalaya Sangathan, Regional Office, Agra, aged about 56 years, Son of Sri Harsh Narayan Shastri, Resident of House No. 3/2, K.V.S. Staff Quarter, Grand Parade Road, Agra Cantt, Uttar Pradesh-282001.

Applicant

**By Advocates: Mr. A.K. Singh
Mr. Bindeshwari Prasad**

Vs.

1. Union of India through the Secretary, Govt. of India, Ministry of Human Resource Development, Department of School Education & Literacy, Shastari Bhawan, New Delhi-110001.
2. Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.
3. Sri K.S. Yadav Son of Sri G.S. Yadav, Assistant Commissioner/Officiating Deputy Commissioner, of Patna Regional Office of K.V.S. Patna (Refried) Resident of House No. 1/57, Bahar-A, Sahara Estate, Jankipuram, Lucknow.

Respondents

By Advocate: Mr. D.P. Singh (for respondent No. 2)

O R D E R

Delivered by Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

Heard Shri Anil Kumar Singh, learned counsel for the applicant and Shri D.P. Singh, learned counsel, who has appeared on advance notice, on behalf of respondent No. 2, on the point of admission and perused the record available with us in PDF form.

2. The applicant was selected on 20.04.2012 as Assistant Commissioner in Regional Office of Kendriya Vidyalaya Sangathan, Patna. He, alongwith 2 other assistant commissioners was deputed

to supervise the entire process of selection of contractual teachers in the year 2016, at regional level and to ensure that entire process is carried out as per rules. The applicant being the senior most Assistant commissioner, was assigned the responsibility of forwarding the names of teachers from the selected panel to concerned Vidyalayas depending on their demands.

3. However, some Principals reported to the Deputy commissioner that performance of some teachers was not up to the mark.

4. On 1.6.16, a fire broke out due to short circuit in the building of regional office in which many important documents, including selection related documents, got burnt.

5. On the complaint of the then officiating deputy commissioner Patna, (respondent no. 3) a fact finding departmental inquiry was initiated against the applicant on 17.03.2017, which was completed on 27.04.2018. However, the preliminary inquiry report was submitted with delay in March 2019.

6. On 10.06.2019, a show cause notice was served on the applicant in pursuance of report of preliminary enquiry, asking him to submit his explanation within 15 days as to why disciplinary action under CCS (conduct) Rules, 1964, be not taken against him.

7. The grievance of the applicant is that all the documents, which are to be relied upon by the disciplinary authority during enquiry proceedings, have not been provided to him, moreover, whatever documents have been provided, are in Hindi and the applicant being a visually handicapped (blind) person, who uses to

read and write in brail which is normally scripted in English, it is difficult for him to read those documents.

8. Learned counsel has submitted that the applicant has already moved an application on 06.06.2020 to the department with request to provide English version of all the documents. However, no English versions have been provided by the respondents so far. Learned counsel for the applicant has submitted that the applicant is ready to give reply to the show cause notice but without understanding the contents of documents provided to him, he is unable to reply the same properly. In this regard, reliance has been placed on the landmark Judgment of Hon'ble Apex Court rendered in the case of State of U.P. v. Saroj Kumar Sinha, decided on 2.2.10.

9. To the contrary, learned counsel for the respondent No. 2 has contended that all the documents have already been provided to the applicant. He has further contended that a show cause notice or a charge memo of disciplinary proceeding cannot be challenged in the Court. Moreover, as per the well settled legal position, the Courts cannot interfere in a disciplinary proceeding unless the Rules of natural justice have been violated. However, he does not deny the fact that English translation of the documents as requested by the applicant, has not been provided to the applicant so far.

10. Having heard learned counsel for the parties and in view of the peculiar facts of present OA, (the applicant being a blind person) it appears that no fruitful purpose will be served in keeping this matter pending. Accordingly, it is disposed of finally at admission stage, with a direction to the respondents to provide

English translation of all the documents, which the disciplinary authority is going to rely upon during final enquiry proceedings, to the applicant, within a period of four weeks from the date of receipt of a certified copy of this order.

11. For a period of four weeks or till the English version of documents are provided to the applicant, further proceeding in pursuance of the aforesaid charge memo dated 21.05.2020 shall remain stayed.

12. It is made clear that we have not expressed any opinion on merits of the case.

13. With the above direction, O.A. is disposed of. No order as to costs.

Hon'ble Mr. Devendra Choudhary, (Member(A), has given his consent on this order during virtual hearing in open court.

(Devendra Chaudhry)
Member-A

(Justice Vijay Lakshmi)
Member-J

/M.M/