

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 07TH DAY OF AUGUST, 2001

Original Application No.812 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Ekadasi Yadav, son of
Shri Rambali Yadav, Resident
of Village Madarpur, Post
Dharmadaspur Newada, District
Azamgarh.

... Applicant

(By Adv: Shri Ashok Pandey)

Versus

1. Union of India through
Chairman, Kendriya Vidyalaya
Sangathan, Ministry of
H.R.D, New Delhi.
2. Commissioner, kendriya Vidyalaya
Sangathan, 18 Institutional
Area, Sahid Jeet Singh Marg,
New Delhi.
3. Deputy Commissioner(Personnel)
18 Institutional Area, Shahid
Jeetsingh Marg, New Delhi.
4. Assistant Commissioner Mumbai
Region, III Powai,
Mumbai-76
5. Inquiry Officer, Principal
Kendriya Vidyalaya, Bhandup
NCH Colony, Mumbai.

... Respondents

(By Adv: Shri N.P.Singh)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA applicant has challenged the order dated 6.7.2000 passed by the Disciplinary authority under which applicant has been compulsorily retired from service as primary teacher Kendriya Vidyalaya No.1, Colaba Mumbai. the aforesaid order has been confirmed in appeal on 2.1.2001. The charges against the applicant were that he was habitual latecomer and used to come around 10-30 to

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11 A.M. while the school started functioning from 9 a.m.

The second charge was that applicant did not go to classes even after being reminded by fellow teachers and Principal, did not check note books of the students. He allowed children to play in the ground. He did not give marks of the test of half yearly examination.

The third charge was that he claimed LTC tour, ^{and} ~~he~~ took LTC advance and submitted false bills.

The last charge was that on 3.3.1998 he man-handled the Head clerk Shri J.K.Arora while Principal was on leave. All the aforesaid charges were found proved against the applicant by Inquiry Officer. The Disciplinary Authority agreed with the charges and awarded punishment mentioned above, aggrieved by which applicant has come to this tribunal.

Learned counsel for the applicant has submitted that the action has been taken against the applicant as he lodged several complaints against Principal for irregularities and ^{for} doing tuition work inside the college premises. We have examined this aspect of the matter, however we are not convinced. ~~that~~ ^{the} charges against the applicant have been proved by the overwhelming documentary and oral evidence. The misconduct of the applicant is not minimised on the basis of the alleged illegalities committed by the Principal. The charge no.1 was admitted by the applicant and he tried to explain his habitual late coming on the basis of verbal understanding. The Principal in her statement explained the understanding and said that in special circumstances for only a period of three months applicant was allowed to come half an hour late i.e. ~~by~~ ^{at} 9.30 a.m., but applicant inspite of the several letters written and reminders given failed to correct his habit.

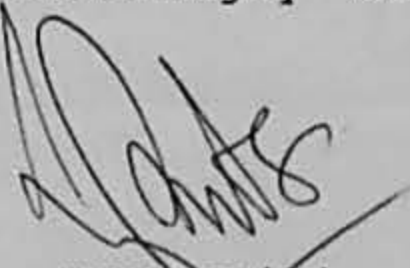
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Considering the over all facts and circumstances of the case and the punishment awarded, in our opinion the case does not call for interference by this Tribunal.

The OA is accordingly dismissed. No order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 07.8.2001

Uv/