CENTRAL ADMINISTRATIVE TRIBUNAL,
ALAHABAD BENCH, ALAHABAD

Reserved on 05.07.2016
Pronounced on 29.07.2016

Present :
Hon'ble Mr. Justice V.C. Gupta, Member-J
Hon'ble Ms. Nita Chowdhury, Member-A

Original Application No. 602/2002

Balvir Bahadur son of Late Sri Jhumak Lal, Resident of 451/513, Chakbai, District-Bareilly.

.....Applicant.

By Advocate –Shri A.D. Singh.

V E R S U S

1. Union of India through Secretary Human Resources Development, New Delhi.

2. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Dehradun, Uttaranchal.

3. Principal, Kendriya Vidyalaya, Banbasa Cantt. District Champawat, Uttaranchal.

..... Respondents

By Advocate : Shri N.P. Singh.

O R D E R

By Hon'ble Mr. Justice V.C. Gupta, Member-J :

The applicant (Balbir Bahadur) filed this Original Application under Section 19 of the A.T. Act, 1985 claiming the following reliefs:

"1. ***Hon'ble Tribunal may be please to quash the impugned orders dated 13.07.2001 and 16.08.2001 passed by respondent Nos.2 and 3 respectively.***

2. Hon'ble Tribunal may be pleased to direct the respondent No.3 to decide the representation of the applicant already made to him between 27.03.85 and 20.2.2001 still pending before him."

2. Perusal of the aforesaid reliefs revels that the applicant wants that the impugned order dated 13.07.2001 and consequential order dated 16.08.2001 be quashed and his alleged pending representation be decided afresh.

3. Order dated 13.07.2001 also contained the detail of the case of the applicant the fact of the case therefore I am extracting the order for convenience as follows :-

'Whereas Shri Balbir Bahadur Saxena Ex-UDC KV Banbasa Cantt. now working as LDC at Kendriya Vidyalaya No.2 JLA Bareilly, was transferred by the Kendriya Vidyalaya Sangathan, Regional Office, Rookee to Kendriya Vidyalaya, Ranikhet vide transfer order No.F.1-16/84/KVS/RP/5517 dated 5.7.1984 on bublic interest with specific direction to the Principal to relieve him immediately within three days from the receipt of the order and it was also specified that if the employee was not relieved before 16.7.1984, he would be deemed to have been relieved w.e.f. 16.7.84.

Whereas Shri Balbir Bahadur Saxena, on receiving the transfer order dated 5.7.84 and receiving the written direction dated 13.7.84 from the Principal for handing over the charge etc. Left the station of Banbasa without obtaining the station leave permission/leave sanction by the competent authority. The Principal, KV Banbasa Cantt. under the circumstances after waiting for three days, relieved him on 16.7.84 (AN) in absentia vide relieving order No.KV-Banb,. Dated 16.7.1984 and the same was sent to him by registered post to his Bareilly address i.e. his permanent address. But he remained unavailable and did not join at KV Ranikhet.

Whereas in the meantime Shri Balbir Bahadur Saxena, was transferred by the KVS Headquarters, on the basis of his pending request transfer application, to KV AFS Bareilly on request vide transfer Order No.F-9-3/84/KV/KVS (Estt) dated 21.8.1984, and lateron the same was cancelled by the KVS Headquarters vide order No.F.9-3/84/KVS(Estt.) dated 25.9.84 due to non-abailability of vacancy at AFS Bareilly. Thereafter, Shri Balbir Bahadur Saxena should have joined at KV Ranikhet as per the order of the KVS vide order No. F.9-3/84/KVS(Estt.) dated 25.09.84.

Whereas Shri Balbir Bahadur Saxena, instead of joining at KV Ranikhet, represented for retention at KV Banbasa Cantt. to KVS Hqrs, and the same was disposed off by the KVS Hqrs. With the direction to report for duties at KV Ranikhet by 25.01.1985 vide letter No. F.9-3/84/KVS(Estt.) dated 18.1.85, failing which disciplinary action will be initiated against him as per rules of the KVS.

5. Whereas Shri Balbir Bahadur Saxena, in compliance of the above order of KVS joined at K.V. Ranikhet on 25.01.1985 and accordingly LPC was forwarded to KV Ranikhet by the KV Banbasa Cantt. vide letter No.F-1-25/KV-Banb/85/411 dated 16.4.85 as per the directions issued by the Assistant Commissioner (Admn.) KVS Headquarters, New Delhi vide letter No. F.9-3/84/KVS(Estt.) Vol-II dated 8.4.85 and the Principal KV Ranikhet confirmed the joining of Shri Balbir Bahadur Saxena vide his letter No.C-6/KVRK/84-85/889 dated 25.01.85 address to Assistant Commissioner, KVS (HQ) N. Delhi and copy endorsed to Assistant Commissioner, Lucknow.

6. Whereas Shri Balbir Bahadur Saxena, after joining at KV Ranikhet represented for regularisation of intervening period w.e.f. 17.7.84 to 24.1.85 and release of his dues to KVS Headquarters, and accordingly, KVS Hqrs. vide letter No.F.16-2/86/KVS (Eastt-I) dated 30.03.87 advised the Principal KV Banbasa Cantt. for settlement of his dues, with a copy to KV Ranikhet.

7. Whereas the KVS RO Lucknow vide letter No.F.10(5)-2/90/KVS(LR) dated 12.2.91 issued instruction to Principal, KV Ranikhet for settlement of leave period w.e.f. 17.7.84 to 24.1.85, being the competent authority instead of KV Banbasa Cantt. and requested the KVS Hqrs. To modify the instruction in-advertently issued by them and accordingly KVS Hqrs. Modified their earlier instruction vide letter of even number dated May' 91.

8. Whereas Shri Balbir Bahadur Saxena was chargesheeted under Rule 14 of CCS (CCA) Rules 1965 vide KVS RO Lucknow Memorandum No. F.10/5/2/90/KVS(LR) Vig./954-62 dated 14.6.91 and the same was served through Principal, KV Ranikhet, but he refused to accept the said memorandum and returned the same with some undesirable remark.

9. Whereas Shri Balbir Bahadur Saxena was placed under suspension for his disobedience by the Assistant Commissioner, KVS RO Lucknow vide order No.F.10(5)2/90/KVS/LR/Vig/2649-52 dated 5.9.91 and the Principal KV Ranikhet was advised to serve the same to Shri Balbir Bahadur. The Principal KV Ranikhet sent the said order to Shri Balbir Bahadur Saxena through registered post vide letter dated 17.9.91 at his Bareilly address, Ranikhet address ad also a copy was pasted at the residence door of Shri Balbir Bahadur , since he had left the station on 8.9.91 without any permission or leave.

10. Whereas Shri Balbir Bahadur Saxena, though under suspension used to sign in the attendance register forcibly and thus tried to defy the suspension order.

11. Whereas Shri Balbir Bahadur Saxena was granted subsistence allowance as per FR 53 vide order No.F.10(5)2/90/KVS/Vig/5014-18 dated 27.12.91 and the same was payable to him on production of a

certificate to the effect that he was not engaged in any employment, business, profession or vocation, as required under rule 2(b) below Chapter-4 of Swamy's Compilation of CCS (CCA) Rules and since Shri Balbir Bahadur Saxena did not furnish the said certificate to the Principal KV Ranikhet, he was not paid the subsistence allowance.

12. Whereas on completion of departmental inquiry, the Inquiry Officer submitted the Inquiry Report to the Disciplinary authority and after careful consideration , the disciplinary authority, in exercise of the powers conferred in the CCS (CCA) Rules 1965, imposed the penalty of reversion to the scale of pay and grade of lower Division Clerk vide memorandum No. F.7-9/96/KVS/DDR/2586 dated 7.2.1997 and posted him at KV Lansdowne, which was lateron modified to KV No. 2 ASC Bareilly, where he joined on 22.03.97.

13. Whereas Shri Balbir Bahadur Saxena filed a writ petition No. 4323 of 1991 in the Hon'ble High Court of Judicature at Allahabad and as per the order of the Hon'ble Court the representation of Shri Balbir Bahadur Saxena regarding no-issuing of relieving order/LPC by KV Banbasa Cantt, non-payment of admissible salary by Principal KV Ranikhet etc. Were to be decided by the Assistant Commissioner, KVS RO Lucknow within 15 days of receipt of filing the representation.

14 Whereas the Assistant Commissioner, KVS RO Lucknow vide memorandum No. F.11-1/99/KVS/LR/Legal/1257 dated 16.2.2000 disposed of the representation dated 6.11.99 by issuing a speaking order with the direction to the Principal, KV Ranikhet to release his dues w.e.f. 17.7.84 to 24.1.1995, annual increments, arrears, subsistence allowance etc. And also settle the TA/Medical bills and refund of accumulated balance of KVS GIS.

15. Whereas the principal, KV Ranikhet vide his letter No. F-11-3/200-2001/KV Ranikhet dated 21.7.2000 has forwarded a DD No. MOLA/96 439178 dated 10.3.2000 for Rs. 50,140/- to Shri Balbir Bahadur Saxena being the arrears accrued to him as per the directions of the Assistant Commissioner, KVS RO Lucknow, which was returned by Shri Balbir Bahadur Saxena stating that the said payment would be acceptable to him from the Principal KV Banbasa Cantt. only and not from KV Ranikhet as according to his misplaced notion that he was nver transferred to KV Ranikhet.

16. Whereas the Disciplinary authority further ordered that the suspension period w.e.f. 5.9.97 was treated as non duty period and his pay and allowances of the suspension period had been restricted to the admissible subsistence allowance vide order No. F.8-6/CC/2000/KVS/DDR/5823 dated 9.3.2000. Accordingly his pay was regulated from time to time as per the instructions contained in Fundamental Rules vide this office letter No. F.7-6/96/KVS/DDR/26894 dated 6.12.2000 and also the Principal, KV Ranikhet was advised to make payment of arrears and subsistence allowance etc. to Shri Balbir Bahadur as per the revised pay fixation order.

17. Whereas the Principal, KV Ranikhet vide letter No.F, Principal-Judi/BBS/KV Rkt/1275 dated 16.03.2001 worked out the revised arrears payable to Shri Balbir Bahadur Saxena as per the revised pay

fixation order and sent a DD No.168808 dated 7.3.2001 for Rs.1,42,547/- to the Principal, KV No.2 ASC Bareilly.

18. Whereas the Principal, KV No.2 ASC Bareilly vide memorandum No.KV/JLA/2000-2001/PF dated 28.3.2001 directed Shri Balbir Saxena to submit a "Non Employment Certificate" for making payment of subsistence allowance for the period of suspension and other arrears due to him from KV Ranikhet, and also submit a stamped receipt for the amount of Rs.1,42,547/- so as to enable him for making payment.

19. Whereas Shri Balbir Bahadur Saxena, did not submit the "Non employment Certificate" and stamed receipt and instead he preferred a representation dated 7.4.2001 questioning the authority of the Principal, KV Ranikhet for making payment of arrears /subsistence allowance to him and pleaded that he may be paid full pay and allowance instead of subsistence allowance for the entire period by the KV Banbasa Cantt. with the plea that the Principal , KV Banbasa Cantt. has not issued any LPC to him or to the Principal KV Ranikhet, whereas the same had already been forwarded to the Principal, KV Ranikhet, vide letter No.F-25/KV/Banb./411 dated 16.4.85 and his plea was wrong.

20. Whereas Shri Balbir Bahadur Saxena filed another OA No.493 of 2001 in the Hon'ble CAT, Allahabad Bench with the pleading that :

(i) he was transferred on promotion as Upper Division Clerk from Kendriya Vidyalaya No.2 Bareilly to KV Banbasa Cantt. and joined on 24.2.83,

(ii) thereafter, he was attached at KV Ranikhet under the order of Deputy Commisioner and again transferred to Bareilly, where he joined and is working presently.

(iii) the applicant has a grievance that during his posting at Ranikhet, he was paid only the minimum of the basic and not the full entitlement for which he made a representation followed by several reminders, but without success and therefore, he has come-up before this Tribunal seeking the redressal.

21. Whereas the Hon'ble CAT Allahabad Bench 'directed the respondents establishment to decide the pending representation of the applicant and to take necessary steps to get his dues paid within a period of four months from the date of communication of this order' vide order dated 11.5.2001 without giving any opportunity to the respondents to present their side of the case. Neither the copy of OA nor any notice was received by the respondents in this regard.

22. And whereas in compliance of the Hon'ble CAT Allahabad Bench order dated 11.5.2001 the OA No.493 of 2001 contained in the above order is disposed of as under :

(a) With regard to point (1) under para 20 raised by Shri Balbir Bahadur Saxena it is a fact that he was promoted to the post of UDC and posted from KV No.2 Bareilly to No.2 Banbasa Cantt. and joined on 24.2.83.

(b) With regard to point (ii) under para 20 raised by Shri Balbir Bahadur, t is stated that :
He was transferred from KV Banbasa Cantt. to KV Ranikhet vide KVS Regional Office, Roorkee transfer order No.F.1-16/84/KVS (RP)/5517 dated 05.07.84 in public interest and not temporarily attached with KV Ranikhet as submitted by him before the Hon'ble CAT. Thus he has misled the Hon'ble CAT by false submission.

(c) He was not temporarily attached with KV Ranikhet since there is no such orders of the competent6 authority as ever been issued and even if it is considered as temporary attachment, though not correct, the temporary attachment beyond 180 days are automatically treated as transfer as per sub rule 3(b) of GOI order No.2 below SR 114. Moreover Shri Balbir Bahadur Saxena was regularly drawing pay and allowances from KV Ranikhet without any objection since his joining at KV Ranikhet i.e. w.e.f. 25.1.85 to 4.9.91 whereas for the temporary attaché, the pay and allowances are not drawn from the office in which the temporary attachment has been made rather they are drawn from the office from where the person is summoned on temporary attachment.

(d) The Principal, KV Banbasa Cantt. has issued LPC vide their office letter No.F.1-25/KV-Banb/85/411 dated 16.4.85.

(e) He was imposed a penalty of reversion to the scale of pay and grade of Lower Division Clerk and posted at KV No.2 ASC Bareilly and he was not transferred from KV Ranikhet to ASC Bareilly as submitted by him to the Hon'ble CAT.

(f) As regard to point (iii) under para 20 raised by Shri Balbir Bahadur Saxena, it is stated that the Principal, KV Ranikhet vide his letter No.F.Principal/Judi/KV-RKT/BBS/Ex-UDC/2000-01/1275 dated 16.3.2001 sent a demand draft for Rs.1,42,547/- which was due from KV Ranikhet being the pay as admissible to him for the period he worked at KV Ranikhet and for the period of suspension, subsistence allowance as admissible as per FR 53 which is payable on production of "None employment Certified" and stamped receipt for Rs. 1,42,547/- which he refused to do so and returned the demand draft.

23. NOW THEREFORE Shri Balbir Bahadur Saxena, LDC KV No. 2 ASC Bareilly is directed to submit the "Non Employment Certificate" for the period of suspension i.e. 5.9.91 to 7.2.97 and stamped receipt for Rs. 1,42,547/- to the Principal KV Ranikhet through Principal KV No. 2 ASCBareilly, for disbursement of his dues, in compliance of the order dated 11.5.2001 of the Hon'ble CAT, Allahabad Bench. This issues in compliance with the directive dated 11.5.2001 of the Hon'ble CAT, Allahabad Bench in OA No. 493 of 2001.

4. In pursuance of the order dated 13.07.2001, the Principal of Kendriya Vidyalaya (K.V.) Banbasa Cantt. informed the applicant to comply the instructions contained therein.

5. After perusal of the pleadings of the parties, the facts of the case in nut cell are that the applicant Balbir Bahadur was working as UDC at K.V. Banbasa Cantt., where he was posted on promotion by an order dated 05.07.1984. He was transferred from K.V. Banbasa Cantt. to K.V. Rani khet. He was relieved from Banbasa Cantt. on 16.07.1984 but inspite of that he did not join K.V. Rani Khet. He made a representation for re-transfer to K.V. Banbasa Cantt. but his request was turned down by the Headquarter as is evident from the letter dated 18.01.1985 (Annexure-6 to the counter affidavit) and he was directed in the same letter join to K.V. Rani Khet positively by 25.01.1985. He was also directed that in case of failure to join at K.V. Rani Khet, he will render himself liable for disciplinary action.

6. Thereafter, the applicant joined on 25.01.1985 at K.V. Rani Khet. The controversy arises when the applicant start saying that he has been temporary attached with K.V. Rani Khet under the oral instructions of Assistant Commissioner Kendriya Vidyalaya Sangathan (KVS), New Delhi and he did not acknowledged the letter dated 18.01.1985. He also submitted that he was never transferred as alleged in the impugned order and also denied that he was ever-relieved. He also contended that neither any L.P.C. was issued after the transfer nor he was relieved, therefore, he still continuouing the employee of the K.V. Banbasa Cantt.

7. That before joining at K.V. Rani Khet an order of transfer was also passed on 21.08.1984 transferring the applicant from K.V. Banbasa Cantt. to K.V. AFS Bareilly but the same was cancelled on 25.09.1984 by order of K.V.S. Headquarter.

8. After joining at K.V. Ranikhet he was suspended for alleged misconduct committed by him while working as UDC, on 5th September, 1991 and charge sheeted under Rule 14 of CCS (CCA) Rule, 1965 by issuing memo of charges dated 14.06.1991. After inquiry the applicant was punished and the order of reversion was passed on 22.03.1997. Thereafter, he joined on reverted post as his suspension was revoked.

9. So far as the period of suspension is concerned a separate order was passed on 27.12.1991 whereby subsistence allowance as per FR 53 would be payable to the applicant. The Disciplinary Authority after passing the order of punishment dated 09.03.2000 directed that period of suspension w.e.f. 5.9.1991 to 7.2.1997 shall be treated as 'Non Duty' and his pay and allowance of suspension period had been restricted to the admissible limit. Consequently, Principal of K.V. Rani Khet was advised to pay the arrear of the applicant as per revised pay fixation order. The Principal K.V. Rani Khet vide order dated 7.03.2001 worked out the revised arrear payable to the applicant and a Bank Demand Draft No.168808 dated 07.03.2001 amounting to Rs. 1,42,547/- was prepared and sent to Principal K.V. No.2 ASC Bareilly and asked to the applicant

to submit Non employment Certificate for making payment of Subsistence Allowance for the period of suspension but the applicant did not submit any such Certificate. He also did not issue receipt of the amount payable to him by Bank Draft, therefore, the payment has not been made to the applicant.

10. The applicant also filed a Writ Petition No.4323 of 1991 before the Hon'ble High Court. The Hon'ble High Court directed the Assistant Commissioner, KVS RO, Lucknow to decide the representation of the applicant regarding non issuing relieving order/LPC by K.V. Banbasa Cantt., for non payment of admissible salary by Principal Rani Khet etc. In pursuance thereof an amount of Rs. 50,140/- was worked out and sent for payment to the applicant but the applicant returned the same on the pretext that he will accept the amount if it is paid through Principal K.V. Banbasa Cantt.

11. The case of the applicant is based on disownment of all the things stated in order dated 13.07.2001. The applicant disowned his transfer from K.V. Banbasa Cantt. to Rani Khet, his relieving from Banbasa Cantt., issuance of any LPC, his suspension and the communication thereof from K.V. Rani Khet. He simply stated that he worked at K.V. Rani Khet as an attached employee temporarily under the oral order of Assistant Commissioner K.V.S., New Delhi so he continuous to be the employee of K.V. Banbasa Cantt.

12. According to the pleadings of the applicant he sick on 14.7.1984 and he was referred for treatment to the Bareilly where he remained under treatment till 23.8.1984. On 24.8.1984 he came to join the duties at K.V. Banbasa Cantt. but he was not permitted to join and informed orally that he has been transferred to K.V. Ranikhet. He wrote to Chairman for permission to join and for payment of salary. When no heed was paid to the request of the applicant, he request to the Principal K.V. Banbasa on 07.12.1984 permitting him to join and pay the salary. The Principal did not allow. According to him on 21.8.1984 he was transferred to K.V. Izzatnagar Bareilly. Inspite of his transfer to Ranikhet but due to non availability of vacancy the transfer order was cancelled as such he still on the roll of K.V. Banbasa. He worked till 24.1.1985 at Banbasa. He also relied upon letter written by Principal Ranikhet, one of which is of dated 4.4.1985, wherein Principal wrote to Deputy Commissioner K.V.S., New Delhi that Balbir Bahadur, UDC K.V. Banbasa was attached to K.V. Ranikhet on telephonic instructions on 2.1.1985 to complete the pending account work and informed that he reported on duty on 25.1.1985 and has allowed to join without relieving order and LPC from KV Banbasa. The applicant submits that he attached to K.V. Ranikhet as per oral instruction. He also relied upon correspondence made by Principal K.V. Ranikhet wherein he requested for regular appointment of UDC. He also filed a copy of application alleged to have been joining report on 25.1.1985 wherein also mentioned that on the oral instructions of Commissioner Administration K.V.S., New Delhi he is joining at Ranikhet. On the basis of this letter written by him the applicant pointed out that

forged document has been presented by the respondents. He also brought on record the attendance sheet of 5/9/1991 to establish that he was not suspended on 05.09.1991 on the basis of entry made in of K.V. Ranikhet alleged that he is regularly attending the School. He also placed on record the submission of Ramesh Chandra Pandey, LDC KV Ranikhet that he was compelled by the Principal to past a plain paper on the door of the applicant and then removed the same and thereafter a false report of service of suspension order of the applicant has been obtained. He also relied upon the certificate issued by Principal to the effect that he worked at K.V. Banbasa Cantt. till 25.1.1985 and his salary was paid till then.

13. On the contrary, the case of the respondents is that the applicant was transferred on 5.07.1984 from K.V. Banbasa Cantt. to K.V. Rani Khet. Principal of K.V. Banbasa informed about his transfer and requested that after completing the work he will handover the charge to the Librarian. The applicant acknowledged the letter of Principal dated 13.07.1984 but thereafter he disappeared and leave the Station without any prior permission. Consequently, in his absence his relieving order has been issued on 16.7.2984. Thereafter, the applicant made an application for his modification in transfer order but Assistant Commissioner turned down the request and issued the instructions to the applicant to join the K.V. Rani Khet positively by 25.01.1985. He joined thereafter. LPC was issued in the month of April 1985. The applicant was suspended on 5/9/1991 while working at K.V. Rani Khet and after inquiry he was punished as stated herein above.

14. Having considered the documentary material available on record and the facts pleaded by the parties, it is fully established on record that the applicant was transferred from KV Banbasa Cantt. to KV Ranikhet vide order dated 5.7.1984. Thereafter, he agreed the transfer order by signing a letter dated 13.7.84 wherein he agreed to handover the charge on 16.7.1984 which has been annexed as Annexure-A-2 to the Counter Affidavit. It is also established that from 14.7.84 the applicant left the station (Banbasa) without any prior permission. Thereafter, he applied for medical leave from 14.7.1984 till 23.8.1984 but he did not join K.V. Ranikhet. He made a request for transfer and on 21.7.1984 on personal ground, Bareilly, the copy of which the applicant himself annexed with the OA. Thereafter, he was transferred KVS, Bareilly vide order dated 21.7.1984 but later on it was withdrawn for the reasons that there was no vacancy. He approached the Commissioner KVS, New Delhi for his transfer but the Commissioner by letter dated 21.1.1985 directed the applicant to join positively by 25.1.1985 at K.V. Ranikhet otherwise he will be subjected to disciplinary proceeding and only thereafter he joined KV Ranikhet on 25.1.1985. In pursuance of this letter his period of absence till 24.1.1985 was regularised and he was paid salary of this period. The copy of LPC issued in the month of April has been annexed with the Counter Affidavit. Reliving certificate issued in absence of the applicant was also brought on record by the respondents. Thereafter, during the continuance of his job at Ranikhet he was subjected to departmental proceeding and was punished by order of punishment of reversion to lower grade.

The punishment was implemented and the applicant joined on the lower grade. He was put under suspension and during suspension the applicant forcibly signed the register to mark his attendance, the complaint of which was made by the Principal of K.V. Ranikhet as evidence from the letter issued by Principal to him. His activities were intimated to KVS. The order of suspension was communicated to the applicant. He has not been paid salary during that period. He was asked to submit Non Employment Certificate for the period of suspension but he has not filed the same. The report made by Principal against the applicant is available on record as Annexure-A-13 to the counter.

15. Having considered all the facts and circumstances of the case it is crystal clear that the applicant was transferred from KV Banbasa to KV Ranikhet. In pursuance thereof he joined on 25.1.1985. Thereafter he was subjected to disciplinary proceeding for the misconduct committed by him at KV Ranikhet. He was punished and punishment order was acted upon. He joined on the reverted post as such it cannot be said that the applicant is still continuing as the employee of KV Banbasa Cantt., The story setup by the applicant have no legs to stand. The representation which has been decided by order dated 13.7.2001 have minute details of the case and by well reasoned order the grievance of applicant were redressed. The amount was offered to the applicant but he declined to accept the same on the pretext that he will receive the amount of Rs. 50140/- (arrears of salary) if offered through the KVS Banbasa Cantt. and not ready to accept the same as has been offered by KV

Ranikhet. He also declined to accept the amount of Rs. 1,42,547/- on the pretext that he will not given any Non Employment Certificate for the alleged period of suspension as he never remains suspended.

16. We are of the view that the action of the applicant cannot be accepted nor there is any valid reason to believe the story setup by him. We have also of the view that stand of the respondents taken in the counter affidavit cannot be doubt to be incorrect.

17. Hence, we find that this petition cannot be allowed and no interference is warranted in the order dated 13.7.2001 and also letter dated 16.7.2001 issued in pursuance thereof by the Principal.

18. In view of the above findings we are of the view that this petition deserves to be dismissed with cost which is quantified at Rs.10,000/-.

19. Accordingly, the petition is dismissed.

Member-A

Member-J 29/7/2016

/RKM/