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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 690 of 2003  
Cuttack, this the 25<sup>th</sup> day of JAN/2005

Smt. Pramila Subudhi

..... Applicant

-VERSUS-

Union of India & others

..... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

*Subudhi*  
25/01/2005  
(M.R.MOHANTY)  
MEMBER (JUDICIAL)

*Subudhi*  
(B.N.SOM)  
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN  
AND  
HON'BLE SHRI M.R.MOHANTY, MEMBER (JUDICIAL)

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Smt. Pramila Subudhi, aged about 53 years, W/o. Prahallad Subudhi, presently working as Work Experience Teacher, Kendriya Vidyalaya No.2, Larkapali, Dist. Balangir.

..... Applicant

Advocates for the applicant

..... M/s. R.B.Mohapatra,  
N.R.Routray,  
R.K.Mohanta &  
D.K.Panda.

Versus-

1. Union of India, represented by Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi - 110016.
2. Joint Commissioner (Vig. & Admn.), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi - 110016.
3. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Pragati Vihar Marg, Macheswar, Bhubaneswar-17, Dist. Khurda.
4. District Magistrate, Balangir and Chairman, Vidyalaya Executive Committee, Balangir.
5. Shri N.Balan, Principal, Kendriya Vidyalaya No.2, Larkipali, Dist. Balangir.

..... Respondents

Advocates for the Respondents

..... M/s. Ashok Mohanty  
& S.P.Nayak.

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O R D E R

SHRI B.N.SOM, VICE-CHAIRMAN;

Smt.Pramila Subudhi has filed this O.A. assailing the orders dtd. 8.9.03, 11.9.03, 19.9.03 and 26.9.03 passed by Res.No.5 with regard to her work and conduct in the Vidyalaya. She has approached the Tribunal with a prayer to quash the orders under Annexures-A/4, A/6, A/11 and A/12, these being arbitrary, malafide, colourable exercise of power, violative of the principle of natural justice and has also prayed that the Res.No.2 and 3 be directed to institute an enquiry into the matter and to take necessary action within a stipulated time for protecting her interest.

2. The genesis of the grievance of the applicant is linked to her proceeding on Casual Leave (CL in short) from 27.8.03 to 30.8.03. Her case is that due to some urgent work at her home at Puri she proceeded on CL with the verbal approval of Principal incharge. After returning to the Headquarters she was informed that her salary for the period from 27.8.03 to 30.8.03 has not been drawn by the Respondents and not credited to her SBI Account. Not only that, on 8.9.03 the applicant was served with a warning letter by the Res.No.5. On receipt of the said letter, the applicant submitted her part of the story and that triggered a series of actions on the part of the Res.No.5 to call for her explanation and issuing repeated warning letters to her as in Annexures-A/6, A/7, A/11 and

*[Handwritten signature]*

A/12. She has also alleged that the Respondents refused to deduct instalments payable on account of Super Cyclone loan taken from the bank, though such facility was given to her at KV Puri, where she was posted earlier. They also refused to deduct the professional tax payable to state Government from pay. Being aggrieved and harassed by the Res. No.5, without any reason, she repeatedly submitted representations to the higher authorities to institute an enquiry to find out the real cause of the trouble that had arisen between her and the Res. No.5 and to take remedial action to protect her from victimisation.

3. The Respondents have, on their part, contested the application on all counts and have submitted that the allegations brought forth by the applicant are without basis. It has been stated by them that one of the grievances of the applicant is that it was the responsibility of the School authorities to deduct the loan/advances taken by her from outside financial institutions in the market, which is fallacious. Under the rules of the Respondent department/KVS the Drawing and Disbursing Officer has responsibility only for making deduction on account of loan/advances taken by the employees from the Respondent organisation. It is the personal responsibility of the employees to take action to pay the instalments of loans and advances taken by them from the market. They have also denied that it is the responsibility of the Vidyalaya to deduct professional tax from the pay roll of the employees. However, such a system i.e., recovery of professional tax from the salary

of the personnel was introduced only w.e.f. 1.4.93, and accordingly the Respondent Vidyalaya agreed to deduct the professional tax from her salary from 1.4.93 covering the period from July 2002 to March 2003. They have also denied that there was any laxity on the part of the Respondent Vidyalaya in deducting income tax from her salary. They have also submitted that the applicant had proceeded on casual leave shirking her responsibility. They have submitted that she was assigned the duty of condemnation of unserviceable stores for which approval had to be obtained from the Executive Committee whose meeting was scheduled to be held on 29.8.93 at 4 p.m. about which she was instructed on 25.8.93. In spite of the said instructions she went on CL entrusting the job at her discretion to a fellow colleague who was physically handicapped, being blind. The conduct of the applicant, in the circumstances, was viewed seriously by the Principal i.e. Res.No.5, who decided to counsel her to be more careful in future by issuing office Memorandum dtd. 8.9.93 at Annexure-4. In response to the said letter, the applicant raised hue and cry and without settling the matter with the Head of the Institutions made a reference to the next higher authority, that is, Res.No.3 making series of allegations. In response, Res.No.5 issued Office Memorandum dtd. 11.9.93 explaining how her work and conduct had been disturbing the tranquility and congenial atmosphere of the school. The applicant, thereafter, became more volatile and submitted representation dtd. 15.9.93 bringing about

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many allegations against the school administration. She also raised personal allegations against the Principal. By issuing a letter dtd.19.9.93 and another letter dtd. 26.9.93, the Res.No.5 had made endeavours to make her see reason and discharge her duties with utmost devotion in future.

4. We have heard the Ld.Counsel for both the parties and have perused the records placed before us.

5. The Ld.Counsel for the applicant repeatedly canvassed before us that the office memorandum No.PF/PS/2003/KV2 BLGR/ 838 dtd.26.9.93 (Annexure-A/12) could not have been issued by the Res.No.5 without instituting an enquiry into her work and conduct. The Ld.Sr.Counsel for the Respondents, however, argued that under the conduct rules, provision exists for the controlling authorities to counsel the employees from time to time in the interest of office discipline and as a part of management control system, and that the applicant has betrayed her lack of respect for that system by casting aspersion against the Principal and even  intimidating him. By his Memorandum dtd.26.9.93 (Annexure-A/11) the applicant was told by the Res.No.5 that she had violated the provision of Rule 26(4) of CCS (Conduct)Rules by allowing a relative to forward a representation to the authorities. The Ld.Counsel for the applicant although resisted this allegation of the Respondents, there is no denying the fact that in terms of Government of India, Ministry of Home Affairs O.M.No.F.25/21/63-Ests.(A), dated the 19th September, 1963, the relatives of the

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applicant were barred from taking up any service matter concerning the applicant with the administration. The said provision of the Conduct Rules reads as follows:-

"Relatives of a Government servant sometimes make representations concerning service matters affecting the Government servant. This is done in some cases in the hope of reviving a representation which the Government servant had himself made and which had been turned down. In some cases, this procedure is resorted to in order to get round the requirements that the Government servant should submit his representation through his official superiors. This practice is obviously undesirable and should be strongly discouraged. It has accordingly been decided that no notice should be taken of a representation on service matters submitted by a relative of a Government servant. The only exceptions may be cases in which because of the death or physical disability,etc., of the Government servant, it is impossible for the Government servant himself to submit a representation."

6. Having considered the genesis of the controversy in this case and having regard to the facts and circumstances of the case, we are unable to accept the proposition made by the applicant that she had right to proceed on CL. We find that she was given a task to perform. It was then her bounden duty to follow the instructions given to her by the Principal. The organisational rules and regulations are important facets of an employee's service and his or her inability to rise to the call of duty can never be overlooked. Because such an indulgence will lead to indiscipline which eventually will destroy the very fabric of the institution. We are, therefore, unable to accept the plea made by the applicant that an enquiry into the conduct of the Principal should have been taken up on her complaint, more so because the rules made in the CCS (Conduct) Rules 1964 do not confer any right on an employee

to ask for institution of an enquiry to address one's grievance. In this case the applicant had approached the higher authorities in the department and as the said authorities did not intervene in the matter it was clear that in the eyes of the department the matter did not have enough merit for intervention by the higher authorities; but that they felt that the Principal was competent enough to deal with the matter. In this case, the Principal has been repeatedly counselling the applicant to dedicate herself to her duties and to give up the path of confrontation. We see no legal infirmity or any violation of the principles of natural justice in the handling of the matter relating to conduct of the applicant. Because, Res.No.5 had given her ample opportunity to explain her conduct.

7. These being the facts of the case, we have no hesitation to hold that the O.A. is misconceived and therefore none of the reliefs sought for in the O.A. is available. Accordingly this O.A. dismissed. No costs.

*M.R. Mohanty*  
25/10/05  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)

*B.N. Som*  
( B.N. SOM )  
VICE-CHAIRMAN

SAN/