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6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Kalita

21/12/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 354/2000

... M. K. Das Paswan ... APPLICANTS
versus.

Union of India & ors Respondents.

FOR THE APPLICANT(S) Mr. S.C. Dutta Roy
ADVOCATE Mr. S. Chakrabarty

FOR THE RESPONDENT(S)

C. G. S.
Dr. B. P. Todi
KVS

Notes of the Registry

DATE

COURT'S ORDER

25.10.00

Present: Hon'ble Mr. Justice D.N.

Choudhury, Vice-Chairman.

Heard Mr. S.C. Dutta Roy learned
counsel for the applicant and Mr. B.P.
Todi learned counsel for the respondents.

Application is admitted. Call for
records. Returnable by 2 months. Issue
notice on the respondents. List on
2.11.00 for orders.

As regards the interim order Mr. S.C.
D. Roy has submitted that as the
order of transfer is arbitrary and
malafide, the learned counsel referring
to the manner in which the order of
transfer was served on him and attempt
for relieving him without providing any
joining time itself is arbitrary and
malafide and colourable exercise of
power and ^{he also further} submitted that the transfer
order made on administrative ground
without any merits.

Issue notice on the respondents
as to why the impugned order shall not
be suspended.

In the meantime the operation of
the order No. 10.4/2000-KVS (GR/6311-15
dt. 16.10.2000, Annexure D shall remain
suspended until further orders. The
respondents shall allow the applicant to
render his services at K.V.S.

in
for time
is
and C.F.
for
via 1.07 No. 303248
Dated 23-10-2000

Dy, Registrar.

24/10/2000

Notes of the Registry	Date	Order of the Tribunal
13/11/2000 Steps are received. Notice prepared and sent to D/S for issuing the respondents No 1 to 4 by Regd. AID. vide DINo 2600 W 03 dtd 14/11/2000. 13/11/2000 ① Service report are still awaited. ② No. Show Cause has been filed. 24/11/2001 Notice duly served on R/No 2 & 3, others are awaited. 3/12/01 2.1.2001 ① Notice served by hand on R. No-2. Other respondent are still awaited. ② No. Show cause has been filed. 3/1/2001 No. written statement has been filed. 20/3/01	25.10.00 2.1.2001 10.1.2001 8-2	Present: Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman. Heard Mr. S.C. Dutta Roy learned counsel for the applicant and Mr. B.P. Todi learned counsel for the respondents. Application is admitted. Call for records. Returnable by 2 months. Issue notice on the respondents. List on 2.1.2001 for orders. Issue notice on the respondents as to why the impugned order shall not be suspended. In the meantime the operation of the order No. 10.4./2000-KVS (GR/6311-15 dt. 16.10.2000, Annexure D shall remain suspended until further orders. The respondents shall allow the applicant to ^{work as a teacher} render his services at K.V.S. in the mean time. Vice-Chairman Heard Mr. B. Chakrabarty, learned counsel for the applicant. Dr. B.P. Todi, learned counsel for the respondents is on accommodation. List on 10.1.01 for show cause and further orders. Meanwhile, the earlier interim order shall continue. Vice-Chairman Four weeks time allowed for filing of written statement on the prayer of Ms B. Dutta Das on behalf of Dr B.P. Todi, learned counsel for the KVS. List it on 8.2.01 for orders. Vice-Chairman NO S.B. Advanced 21.3.2001

Notes of the Registry	Date	Order of the Tribunal
	21.3.01	List on 11.4.01 to enable the respondents to file written statement.
	pg	
2.4.2001 w/s has been filed by the respondent. No. 2, 3, and 4.	11.4.01	Written statement has been filed by the respondents. The applicant may file rejoinder if any within two weeks. List for hearing on 16.5.01.
	lm	
	16.5	List on 31/5/2001. Mrs. A. K. Z. 16.5
No. Rejoinder has been filed.	31.5.01	Mr. U.K. Nair appearing on behalf of S. Sharma ^{S. Sharma} Dr. B. P. Tedi , sought for adjournment on the ground of Dr. B. P. Tedi ^{S. Sharma} representing KVS, is absent for attending the Circuit Benches at Kohima.
	mb	Prayer allowed. List on 21-6-2001 for hearing.
	22.6.2001	List again on 29.6.01 in presence of Mr S. Sarma, learned counsel for the respondents, who is absent today due to his indisposition.
	nkm	
	29.6.2001	List again on 20.7.01 for hearing.

Vice-Chairman

Vice-Chairman

Vice-Chairman

Vice-Chairman

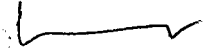
By Order

D.A.354 of 2000

Notes of the Registry	Date	Order of the Tribunal
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29.7.2001

None appears for the applicant today. List the matter on 25.7.2001 for hearing.


Vice-Chairman

bb

25.7.01

Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is allowed. No order as to costs.


Vice-Chairman

10.8.2001

Copy of the Judgement has been put to the Office for issue. The time to the Applicant as well as to the L/A. trd for the Respondent.

HL

Notes of the Registry

Date

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. 354/2000 of

DATE OF DECISION 25.7.2001

Sri Maheshwar Paswan

APPLICANT(S)

Mr. B. Chakraborty

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. S. Sarma.

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR. JUSTICE D.N.CHOWDHURY.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
- 5.

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 354 of 2000

Date of order : This the 25th day of July, 2001.

Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.

BETWEEN

Shri Maheshwar Paswan,
Son of Late Gonu Paswan,
At present working as Post Graduate
Teacher in History,
Kendriya Vidyalaya, Chabus,
AFS, P.O. Chabus,
District-Dibrugarh,
Assam.

...Applicant

By Advocate Mr. B. Chakraborty.

1. Union of India,
represented by the Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet Singh Marg,
New Delhi.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati Regional Office,
Maligaon, Guwahati-12.
3. The Principal,
Kendriya Vidyalaya, AFS,
Chabus, District-Dibrugarh.
4. Shri S.K.Chopdar,
Principal,
Kendriya Vidyalaya AFS, Chabus,
District-Dibrugarh.

....Respondents

By Advocate Mr. S.Sarma, Stading Counsel for the KVS.

O R D E R (ORAL)

CHOWDHURY J.(V.C.).

This application under Section 19 of the Administrative Tribunals Act has arisen and is directed against the order dated 16.10.2000 by which a Post Graduate Teacher (History), Kendriya Vidyalaya, Chabus was transferred to Kendriya Vidyalaya, Tenga Valley. The and validity of the said order has assailed as arbitrary,

discriminatory, improper and the same is vitiated by improper exercise of power. The applicant joined the Kendriya Vidyalaya at Chabus, AFS, Dibrugarh on 19.11.1999 on transfer. The applicant alleged mala fide against the respondents more particularly respondent no.3.

2. The respondents submitted its written statement denying and disputing the assertion.

3. Heard learned counsel Mr. B.Chakraborty for the applicant and Mr. S. Sarma, learned counsel for the K.V.S. Mr. Chakraborty submitted that the impugned order dated 16.10.2000 itself speaks of arbitrariness without giving the applicant joining time. Mr. CHakraborty also submitted that mala fide was alleged against the respondent no.3 since he did not counter the same and in the absence of rebuttal the assertion to be treated as admission. Mr. Sarma, learned counsel for the KVS submitted that the order of transfer was passed in the public interest and there was no mala fide on the part of the respondent no.2 who passed the impugned order of transfer. Mr. Sarma also submitted that the respondent no. 3 was fully within his competence in passing the impugned order.

4. There can be no dispute on the issue about the competence of the repondent no.3 in passing order of transfer. The core question is raised in the application pertains to exercise of discretion by the authority concerned. The applicant has alleged the action of the respondent no.3 as mala fide, improper. The respondent no.3 however choose not to counter the same. In the absence of the materials on record it will not be improper for the Tribunal not to ignore the assertions made by the applicant particularly in the absence of any rebuttal to the statements made by the applicant. The impugned order of transfer was ^{said to be} issued in public interest. What was the public

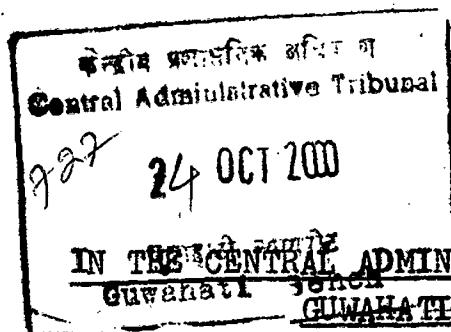
interest in passing the impugned order in the mid season and without ^{any substitution and} waiting for reliever has not been explained. In the impugned order of transfer itself the direction of the respondent no.2 to the Principal, Kendriya Vidyalaya, Chabus to relieve the applicant immediately. In the written statement the respondents asserted that the transfer was made in the public interest. No materials cited for the action for releasing the applicant forthwith. Normally a government employee is entitled for joining time. The respondent no. 2 without any discernible reason advised the Principal to releasing the applicant vide order dated 16.10.2000 and in terms of the order the Principal, Kendriya Vidyalaya, Chabus acted for relieving him from duty on 19.10.2000 and directed him to report to the Principal, Kendriya Vidyalaya, ~~Tenga~~ Valley.

5. As alluded, discretion is conferred on the employer to transfer and post his employees but the such discretion is not unfettered, such discretion under the constitutional scheme is to be exercised justly, reasonably and fairly.

6. In the circumstances stated above the impugned order dated 16.10.2000 and the order of relieving dated 19.10.2000 are not sustainable in law. Accordingly the same are set aside and quashed.

7. The application is accordingly allowed. There shall however, be no order as to costs.


(D.N.CHOWDHURY)



(An application under Sec.19 of the Administrative Tribunal Act, 1985)

O. A. No. 354 of 2000.

BETWEEN

Shri Maheshwar Paswan,
Kendriya Vidyalaya, Chabua ... Applicant

AND

Union of India & ors. ... Respondents.

I N D E X.

<u>Sl. No.</u>	<u>Particulars of documents</u>	<u>Pages</u>
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For office use

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12
Ad. by /r
applicant
through
Asstt. Commissioner
Guwahati
24/10/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(an application under Sec.19 of the Administrative tribunal act 1985)

For use in Tribunal's office

Signature -

Date -

O.A. No. 354 of 2000

BETWEEN

Shri Maheshwar Paswan,
S/O Late Gonu Paswan,
At present working as Post Graduate Teacher in
History,
Kendriya Vidyalaya, Chabua AFS,
P.O. Chabua, District: Dibrugarh (Assam).

AND

... Applicant.

1. Union of India, represented by the
Commissioner, Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeeb Singh Marg,
New Delhi.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati Regional Office,
Maligaon, Guwahati -12.
3. The Principal,
Kendriya Vidyalaya, AFS, Chabua,
District: Dibrugarh. ✓
4. Shri S.K. Chopdar,
Principal,
Kendriya Vidyalaya AFS, Chabua,
District: Dibrugarh.

... Respondents.

1. Particulars of Order against which the application is made:

Order conveyed under No.F.10-4/2000-KVS(GR)/6311-15
dated 16.10.2000 issued by the Asstt. Commissioner,
Kendriya Vidyalaya Sangathan, Guwahati Regional
Office transferring the applicant from Chabua to
Tengavalley with immediate effect.

...

- 11) Orders No.F.17/KVCHB/2000-2001/421 dtd. 19.10.2000 passed by the Principal, Kendriya Vidyalaya, Chabua, relieving the applicant of his duties in the said Vidyalaya and directing him to report to the Principal, Kendriya Vidyalaya, Tengavalley.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicant also declares that the application is within the limitation period as has been prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

1) That the applicant was first appointed as a Primary Teacher in Kendriya Vidyalaya after due test, interview and selection, in August, 1974 and was posted at Kendriya Vidyalaya, Missamari in Sonitpur District. Thereafter the applicant was transferred to Kendriya Vidyalaya, Barauni where he worked from 15th May, 1979 to 18.3.1981 as Primary Teacher.

11) That, the applicant was then appointed as Trained Graduate Teacher, after due test, interview and selection on the basis of an advertisement issued by the KVS authorities, and posted at Bhenkunda, Hazaribagh Kendriya Vidyalaya where he served from 19.8.81 to 11.9.86.

111) That, on 12.9.86 the applicant was appointed as Post Graduate Teacher in History, after due test, interview and selection on the basis of an advertisement issued by the

KVS authorities and posted in the same Kendriya Vidyalaya where he worked as such till 18.11.1999.

iv) That, the applicant was then transferred to Kendriya Vidyalaya, Chabua AFS in Dibrugarh District where he joined on 19.11.1999 and has been working there since then. Thus the applicant has rendered nearly 26 years of loyal and devoted service in the Kendriya Vidyalaya, first as Primary Teacher, then as Trained Graduate Teacher and now as Post Graduate Teacher in History. Of the total period of service, the applicant has served for more than 14 years as Post Graduate Teacher and during the period of service as Post Graduate Teacher, the applicant officiated as Principal on a number of occasions and the total period of officiation as Principal is about 12 years. During this long period of service of the applicant, there has never been any complaint from any quarters either against his performance or against his conduct, and he has all along maintained unblemished service record.

v) That, as per the Kendriya Vidyalaya rules the applicant is entitled to Senior Scale of pay on completion of 12 years service as Post Graduate Teacher, but he has not been given the Senior Scale as yet for reasons only known to the authorities.

vi) That, the applicant has been promoted to Selection Grade on 9.6.99 with effect from 1.1.1986 but till date he has not been paid his arrear salary for reasons best known to the authorities.

vii) That, incidentally it may be stated that the Applicant is the President of Kendriya Vidyalaya Teachers' Association, Guwahati Region.

viii) That, it may be stated that ever since the applicant joined the Kendriya Vidyalaya, Chabua AFS, the

Principal of the Vidyalaya has been enemical to him, for reasons not known to the applicant. May be it is due to the fact that the applicant is the seniormost teacher in the school, even senior to the Principal and he is very upright, and that is why the Principal has been harassing the applicant in all possible ways.

ix) That, during the Hindi week from 14.9.2000 to 21.9.2000 declared by the Government of India, all official correspondence in Hindi became compulsory but when the applicant insisted on using Hindi in all the official writings, the Principal objected to it and directed the applicant to use only English.

x) That, when the applicant came to know of the corrupt practices of the Principal, the applicant brought the matter verbally to the notice of the Chairman, Vidyalaya Management Committee. For example, a sum of Rs.500/- has been allotted to the school every month for providing medicine to the students of the Vidyalaya, but the Principal is misappropriating the said amount every month. Then again the Gas cylinder meant for the Vidyalaya laboratory is being used in the residence of the Principal for his personal use. When all these matters were brought to the notice of the Chairman, Vidyalaya Management Committee, the Principal got annoyed with the applicant and threatened to teach the applicant a lesson.

xi) That, thereafter the Principal with a view to implementing his threat to "teach" the applicant a lesson started issuing Memoranda, one after another, on flimsy grounds as can be seen from the Memorandum issued on 21.9.2000, 21.9.2000 and 29.9.2000.

Copies of Memoranda dated 21.9.2000, 21.9.2000 and 29.9.2000 are annexed herewith as Annexures A, B and C respectively.

xii) That, there is a T.V. set meant for the Vidyalaya. But the Principal of the Vidyalaya has kept it in his residence for his personal viewing and it has been lying there for the last three years. When the applicant came to know of this fact, it brought the matter to the notice of the Chairman, Vidyalaya Management Committee whereupon the T.V. has been brought back to the Vidyalaya ~~wh~~ for which the T.V. was provided.

xiii) That, the corrupt practices of the Principal of the Vidyalaya were also brought to the notice of the Chairman, Vidyalaya Management Committee by some other teachers also but the applicant alone was targetted by the Principal and became determined that he would punish the applicant. With that end in view the Principal started poisoning the Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region who is the controlling officer of the petitioner and other staff.

xiv) That, as a result of the continuous vilification of the applicant by the Principal, the Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region, who is the controlling officer of the applicant also became annoyed with the applicant without knowing the actual state of affairs. Therefore, by the impugned order No.F.10-4/2000-KVS(GR)/6311-15 dated 16.10.2000, the applicant has been transferred from Kendriya Vidyalaya, Chabua to Kendriya Vidyalaya, Tengavalley with immediate effect.

xv) That, though apparently the order of transfer has been made in public interest, it is, in fact, has been issued only

to punish the applicant and the said order of transfer has been issued at the instance of the Principal of the Vidyalaya concerned.

A copy of the impugned order of transfer dtd. 16.10.2000 is annexed herewith as Annexure D.

xvi) That, immediately on receipt of the above order of transfer which was sent under "Speed Post" the Principal of the Vidyalaya concerned relieved the applicant of his duties on 19.10.2000 vide release order No.F.17/KVCHEB/2000-2001/421 dtd. 19.10.2000.

A copy of the relieving order dtd. 19.10.2000 is annexed herewith as Annexure E.

xvii) That, in this connection it may be stated that the applicant is the lone Post Graduate Teacher for History in the Vidyalaya and although he has been released with immediate effect, no reliever has yet come and joined the Vidyalaya and the post is still lying vacant and there is urgent need for a Post Graduate Teacher for History in the School.

xviii) That, it is stated that the applicant joined the said Chabua AFS K.V. only on 19.11.1999 and he is yet to complete one year service in the school. Apart from that, as has been stated already, the applicant is the seniormost teacher in the Vidyalaya, even senior to the Principal, and as such he is not liable to be transferred before completion of his tenure which is normally three years.

xiv) That, it may also be stated here that as per the prevailing practice in the Kendriya Vidyalaya Sangathan, a teacher is not normally transferred before completion of three year term. But unfortunately the petitioner has been

transferred even before completion of one year. Though in the impugned order of transfer it has been stated that the applicant has been transferred in public interest, but in fact he has been transferred as a measure of punishment and at the instance of the principal of the Vidyalaya who wanted to teach the applicant a lesson as the Principal was annoyed with the applicant for having reported the Chairman, Vidyalaya Management Committee about the corrupt practices of the Principal.

xv) That, it is reiterated here that the applicant is the lone teacher in History in the Vidyalaya and he is the seniormost teacher in the Vidyalaya and that no substitute has been posted as yet in the Vidyalaya. As such it is quite clear that the applicant has been transferred by way of punishment and it has been done at the behest of the Principal of the Vidyalaya concerned.

xvi) That, being highly aggrieved by the illegal and malafide action of the respondents in transferring the applicant to a far off place even before completion of his tenure of posting, the applicant has come up before this Hon'ble Tribunal, praying for quashing the impugned order of transfer and allowing the petitioner to continue in his present place of posting where he came and joined only on 19.11.1999.

5. GROUND FOR APPEAL:

For that, the action of the respondents in transferring the applicant within one year of his joining service in the Vidyalaya concerned, by way of punishment is arbitrary, illegal and discriminatory violative of all canons of justice.

ii) For that, though apparently the transfer of the applicant has been made in the interest of public service, no public interest is involved in the matter and the

transfer has been made only by way of punishment and it has been done at the instance of the Principal of Kendriya Vidyalaya, Chabua.

iii) For that, the impugned order of transfer of the applicant is against the rules of the Kendriya Vidyalaya Sangathan in-as-much-as the applicant has been transferred even before completion of one year term whereas normally a teacher is not transferred from one school to the other before completion of at least three year term.

iv) For that, the facts and circumstances narrated in this application would indubitably show that the applicant has been transferred not in public interest but as a measure of punishment and that too at the instance of the Principal who is enemical to the applicant.

v) For that, in any view of the matter the action of the respondents in transferring the applicant even before completion of one year and to a out-of-the way place is malafide, illegal, arbitrary and against all canons of justice.

It is, therefore, a fit case where this Hon'ble Tribunal can interfere and quash the impugned order of transfer since no one has yet joined the Vidyalaya in the post where the applicant was working.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant states that since it is a case of transfer by way of punishment, no appeal can be preferred against the impugned order of transfer particularly when he has already been relieved of his duties in the Vidyalaya.

7. WHETHER ANY APPEAL OR SUIT IS PENDING IN ANY COURT WITH REGARD TO THE SUBJECT MATTER UNDER AGITATION:

The applicant further declares that he has not filed any other application or suit with regard to the matter agitated in this petition before any Court or any other Bench of this Tribunal, nor any suit or proceeding before any of them.

8. RELIEFS SOUGHT FOR:

Under the facts and circumstances stated above, the applicant prays for the following reliefs :-

a) To quash the impugned order of transfer dated 16.10.2000 at Annexure D and the order of release dated 19.10.2000 at Annexure E, and to issue a direction to the respondents to allow the petitioner to continue in his present place of posting at Kendriya Vidyalaya, Chabua AFS and not to harass him in any way.

b) To grant him any other reliefs as the Hon'ble Tribunal deems fit and proper.

c) The cost of the proceedings.

9. INTERIM RELIEF, IF ANY:

Under the facts and circumstances the applicant prays that the Hon'ble Tribunal may be pleased to pass an interim order staying the operation of the impugned order of transfer dated 16.10.2000 (Annexure D) and the order of release dated 19.10.2000 (Annexure E), and to allow the applicant to continue in his present post in Kendriya Vidyalaya, Chabua AFS.

10. PARTICULARS OF I.P.O.

I.P.O. No. 26-503748 Dated 23/10/2000 for Rs. 50. 00

(Rupees fifty) only is enclosed.

VERIFICATION

I, Shri Maheshwar Paswan, son of Late Gonu Paswan, aged about 53 years, permanent resident of Turki, P.O. Turki Railway Station in the District of Muzaffarpur, Behar, and presntly staying at Chabua in the District of Dibrugarh, Assam, and applicant in the instant application do hereby verify that the statements made in this application from paragraphs 1 to 7 above are true to the best of my knowledge and belief and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification this the 23rd day of October, 2000 at Guwahati.

Maheshwar Paswan

Signature of Applicant.

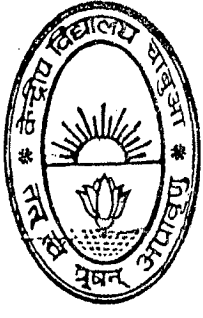
-11-

Annexure -

A

On 21.9.00
240 PM
PHONE : 87509

केन्द्रीय
KENDRIYA



विद्यालय
VIDYALAYA

चाबुआ
पो० चाबुआ एयर फ़िल्ड
जि० डिब्रुगढ़ (असम)
पिनकोड : 786 102

CHABUA
Chabua Air Field
Dist. : Dibrugarh (Assam)
PIN : 786 102

पत्रांक / Ref. No. F.P.F.(MP.)/KVCHB/2000-2001/372 दिनांक / Date...21/09/2000...

M E M O R A N D U M

Sri M.Paswan PGT (History) is hereby informed that based on his report regarding representation of Sri B.Singh TGT(PCM) and the conduct of Ms.S.Kumari PGT (Geography) during his Officiating period from 20-07-2000 to 24-07-2000 the undersigned has already initiated the preliminary inquiry. Based on the reports and statements received from concerned parties Sri Paswan is requested to give parawise reply of the following.

- (1) He refused to receive the written complain submitted by Ms.S.Kumari PGT (Geography) during his officiating period.
- (2) When Ms Kumari approached him in office and requested to get the library open he made a derogative remark "हमको का चोपदार बोल के गया है library खोलने के लिए" ? before some office staff. Being the officiating Principal Mr.Paswan has to take decisions and it was his duty to attend to the grievance of an employee and above all be decent in manners.
- (3) It is also reported that Sri Paswan was chewing tobacco (KHAINI) alongwith a Group 'D' in office before other office staff.

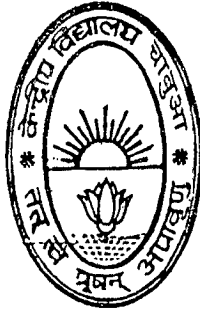
Contd.P.2.

Attested
An S -
Admrati

11-A

33

केन्द्रीय
KENDRIYA



विद्यालय
VIDYALAYA

PHONE : 87509

चाबुआ

पो० चाबुआ एयर फ़िल्ड

जि० डिब्रुगढ़ (असम)

पिनकोड : 786 102

CHABUA

Chabua Air Field

Dist. : Dibrugarh (Assam)

PIN : 786 102

पत्रांक / Ref. No. F.....

दिनांक / Date

:: 2 ::

- (4) Again on 31st July 2000 Sri Paswan was sharing tobacco in the library alongwith other staff who have already admitted the fact in writing. This act strictly violates the code of conduct.

The written reply should reach the undersigned by 23/09/2000 for further action at this end.

To

Sri M. Paswan PGT (History)
Kendriya Vidyalaya AFS, Chabua
P.O: Chabua Air Field
Dist: Dibrugarh (Assam)
Pin:- 786 102.

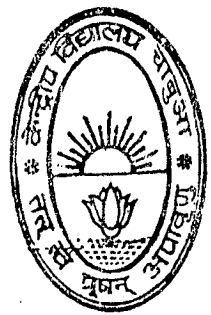

(S.K. CHOPDAR)
PRINCIPAL
प्रधान/PRINCIPAL
केन्द्रीय विद्यालय वायु सेना चाबुआ
Kendriya Vidyalaya AFS Chabua
जि० डिब्रुगढ़ Dist. Dibrugarh
ASSAM-786102

Amexure - B

21.9.2000 2.10 PM

PHONE : 87509

केन्द्रीय
KENDRIYA



विद्यालय
VIDYALAYA

चाबुआ
पो० चाबुआ एयर फ़िल्ड
जि० डिब्रुगढ़ (असम)
पिनकोड : 786 102

CHABUA
Chabua Air Field
Dist. : Dibrugarh (Assam)
PIN : 786 102

पत्रांक / Ref No. F.P.E.(MP.)/KVCHB/2000-2001/ 373 दिनांक/ Date 21/09/2000

MEMORANDUM

Sri M.Paswan PGT(History) is hereby informed that -

- 1 - he refused to receive a letter from office at 2.15PM on 16/09/2000 stating that the Vidyalaya gets over at 2.10 PM . Being a Govt.Servant he is aware of the fact that he is responsible for 24 hours. This is insubordination on the part of Mr. Paswan.
- 2 - In his letter dt 19/09/2000 Mr Paswan has requested the undersigned to hand him over any official letter in Hindi due to celebration of Hindi week. whereas he himself has represented to the Asstt. Commissioner in English on 14/09/2000.
- 3 - However Sri Paswan is free to have official correspondence in Hindi.

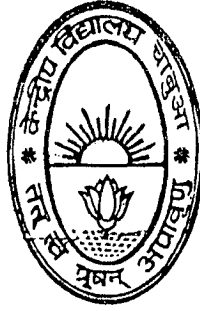
To
Mr.M.Paswan PGT (History)
K.V.AFS,Chabua (Assam)

S.K. Chopdar
(S.K.CHOPDAR)
PRINCIPAL
प्राचार्य/PRINCIPAL
केन्द्रीय विद्यालय वायु सेना चाबुआ
Kendriya Vidyalaya AFS Chabua
जि० डिब्रुगढ़ Dist. Dibrugarh
ASSAM-786102

Attested
B.S.
Admral

केन्द्रीय

KENDRIYA



विद्यालय

VIDYALAYA

By Hand

CHABUA

Chabua Air Field

Dist. : Dibrugarh (Assam)

PIN : 786 102

चाबुआ

पो० चाबुआ एयर फिल्ड

जि० डिब्रुगढ़ (असम)

पिनकोड : 786 102

पत्रांक / Ref. No. F.PF(MP)/KVCHB/2000-2001/385 दिनांक / Date 29 /09/2000

M E M O R A N D U M

Shri M.Paswan PGT (History) is hereby informed that he was requested to reply to the memo No.F.PF(MP)/KVCHB/2000 - 2001/372 dt 21/09/2000 by 23/09/2000 . Although he was clearly allowed vide this office memo No.PF(MP)/KVCHB/2000-2001/373 dt 21/09/2000 to correspond in Hindi, He again has (in his letter dated 22/09/2000) requested the undersigned to serve him letters in Hindi. If he insists on receiving letters in Hindi from the office, he is directed to inform the undersigned in writing that he does not have knowledge of English so that necessary arrangements can be made at this end.

The reply should reach the undersigned by 30/09/2000.

To

Shri M.Paswan, PGT(History)
Kendriya Vidyalaya AFS, Chabua
P.O: Chabua Air Field
Dist: Dibrugarh (Assam)
Pin: 786102.

(S.K.CHOPDAR)

PRINCIPAL

प्राचार्य/PRINCIPAL

केन्द्रीय विद्यालय चाबुआ
Kendriya Vidyalaya AFS Chabua
जि० डिब्रुगढ़ Dist. Dibrugarh
ASSAM-786102

Attested
Dr. S.
Admal.



-14- Ameyme D

दूरभाष / Phone : 571797, 571 798
Fax : 571799

केन्द्रीय विद्यालय संगठन
KENDRIYA VIDYALAYA SANGATHAN

क्षेत्रीय कार्यालय Regional Office
मालीगौव चारियाली Maligaon Chariali
गुवाहाटी : 781 012 Guwahati : 781 012

पत्रांक :
No. F. : 10-4/2000-KVS(GR)/6311-15

दिनांक : 16.10.2000
Dated : 16.10.2000

TRANSFER ORDER

SPEED POST

Mr. M. Paswan, PGT(History) Kendriya Vidyalaya, Chabua is hereby transferred to Kendriya Vidyalaya, Tengavalley in Public interest with immediate effect.

(D. K. SAINI)
16/X
ASSISTANT COMMISSIONER

Copy to :-

1. Shri M. Paswan, PGT(History) Kendriya Vidyalaya, Chabua.
2. The Principal, Kendriya Vidyalaya, Chabua/Tengavalley. [The teacher concerned should be relieved immediately. He stands relieved from the Vidyalaya with effect from the date of receipt of this order. Relieving order may also be issued accordingly. It is the personal responsibility of the Principal to inform this office immediately regarding relieving/joining of the teacher. Any lapse/failure on the part of the Principal in this regard would be viewed seriously.]
3. Dr. E. Prabhakar, Education Officer, KVS(Hqrs) New Delhi for information.
4. The Dealing hand (Mr. Kanu Das) KVS(GR).

/
ASSISTANT COMMISSIONER

Attended
B-S-
Adwathi

Chabua,
Chabua Air Field,
Dist: Dibrugarh (Assam)

Pin: 786 102

Ref: No.F.17/KVCHB/2000-2001/421

Date: 19. 10. 2000.

RELIEVING ORDER

Consequent upon his transfer vide letter No.F.10-4/2000 - KVS(GR)/6311-15 dt. 16.10.2000 Sri M. Paswan, PGT (History) of this Vidyalaya is relieved of his duties on 19.10.2000(ApN) and is directed to report to Principal, Kendriya Vidyalaya, Tengavalley.

He is entitled to transfer benefits as per KVS rules.

Sd/- S.K.Chopdar,

Principal,

To
Shri M.Paswan, PGT (History),
Kendriya Vidyalaya AFS Chabua.

Kendriya Vidyalaya AFS Chabua,
Dist: Dibrugarh, Assam.

Copy to: -

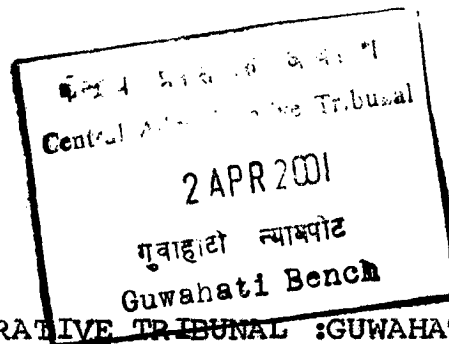
1. The Principal, K.V. Tengavalley,
2. The Asstt. Commissioner, KVS, Guwahati Region.
3. Dr. E. Prabhakar, Education Officer, KVS (HQR),
4. Guard File.

Sd/-

Principal,
K. V. AFS Chabua.

...

*Attested
By
Admnstr*



*Filed through
P. Banerjee
Advocate
23-3-01*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :GUWAHATI BENCH:

GUWAHATI

ORIGINAL APPLICATION NO.354/2000

Sri Maheswar Paswan

...Applicant

-vs-

U.O.I & ors .

...Respondents

The Respondents No.2,3 and 4 above
named beg to file their written statement
as follows :

1. That all the averments and submissions made in the Original application (herein after referred to in short as the application) are denied by the answering Respondents save and except what has been specifically admitted herein and what appears from the record of the case.
2. That with regard to statements made in paragraph i to iii of the application the answering Respondents have no comments.
3. That with regard to statements made in paragraph iv of the application the answering Respondents beg to state that the applicant joined at Kendriya Vidyalaya (in short K V) chabua on 15.12.99 . The statement that the applicant officiated as Principal for about 12 years is not a fact. No record /entry

contd...2

para 4 (viii) (ix)

is found in his personal file and service book to authenticate the period of officiation. Moreover, the records in his personal file speak that he has not maintained unblemished service record. For his poor performance and misconduct he is awarded penalties like warning and censure so many times.

Copies of the various memorandums dated 2.4.96, 30.4.94, 6.6.96, 17.7.96, 12.9.96, 16.4.97, 1.4.99, 11.11.99 and 2.3.2000 are annexed herewith and marked as annexure A to J respectively.

4. That with regard to statements made in paragraph v of the application the answering Respondents beg to state that the applicant will be granted senior scale by the Kendriya Vidyalaya Sangathan (in short K.V.S. Patna Region). His application for the grant of senior scale is already sent by this office to K.V.S. Regional Office, Patna Region. The matter is under consideration and jurisdiction lies with KVS Regional Office, Patna Region.

Copy of letter dated 21.8.2000 is annexed herewith and marked as Annexure.K.

5. That with regard to statements made in paragraph VI of the application the answering respondents beg to state that the selection grade in the post of TGT sanctioned to the applicant was cancelled vide letter No.F.7-2/98 KVS (PR)A/Cs /13886 dtd 3-9-99 as he was selected as PGT in due time. If any arrears are due, it will be paid by his previous Vidyalaya is K.V. Bhurkunda, Patna Region.

Copy of letter dtd 3.9.99 is annexed herewith and marked as Annexure L.

-3-

6. That with regard to statements made in paragraph VII and XX of the application the answering respondents beg to state that the applicant is not even a valid member of any teachers Association. As verified from pay bills he has not paid required amount of subscription. As per rule he should apply for the deduction of annual subscription through pay bill which he has not done thus he is misleading the Hon'ble Tribunal.

Copy of letter dated 19.9.2000 is annexed herewith and marked as Annexure-M.

7. That with regard to statements made in paragraph VIII of the application the answering respondents beg to state that the averment that the Principal of the Vidyalaya has been enemical to the applicant is biased and completely false . The applicant might be the senior teacher in the Vidyalaya but he is senior to the Principal only in age. He joined the Sangathan as PRT and it took years for him to be a PGT whereas the Principal was directly recruited as a PGT and became a Principal at an early age. The Principal has been trying his best to help the applicant in every way. He even took up his long pending cases with concerned authorities.

Copy of the letter dated 21.8.2000 is annexed herewith and marked as Annexure-K.

8. That with regard to statements made in paragraph-IX of the application the answering respondents beg to state that the Principal never objected to the use of Hindi at any time nor ever directed the applicant to use only English.

contd...4

Rather the Principal has given freedom to the applicant to make official correspondences in Hindi vide letter No.PF(MP)/KVCHB/2000-2001/373 dtd 21.9.2000. Moreover the applicant contradicted his own statement by writing a representation addressed to Assistant Commissioner in English on 14.9.200.

Copy of Memorandum dated 21.9.2000 is annexed herewith and marked as Annexure-N.

Copy of letter dated 14.9.2000 written by Mr M Paswan is annexed herewith and marked as Annexure-O.

9. That with regard to statements made in paragraph X of the application the answering respondents beg to state that the allegations made in this paragraph is totally false and baseless and is intended to question the honesty of the Respondent No.3 and 4 . The applicant is ignorant of the rule position. It is not a fact that a sum of Rs.500/- is allotted to the school every month for providing medicine to the students of the Vidyalaya. Moreover ,it is not clearly stated as to how the Principal is misappropriating the amount every month.Medicine worth Rs.655/- was being purchased by the Vidyalaya only once in the month of August,2000 during the session 2000-2001 and it was received by the in-charges and used for students.Further it is submitted that the Principal is having his own connection of gas cylinders(consumer No.3335,Indane Gas)Therefore there is

cond...

-5-

there is no question of using cylinder meant for the vidyalaya.

Copy of letter dated 8.9.2000 is annexed herewith and marked as Annexure-P

10. That with regard to the statements made in paragraph XI of the application the answering respondents beg to state that the different memorandums issued to the applicant is not on any flimsy grounds but having documentary evidences. Through memorandum No.F .PF(MP)/KVCHB/2000-2001/372 dtd.21.9.2000 the applicant was requested to reply to the written allegations made against him by other members of staff to ensure smooth administration. But the applicant has not replied to any of the allegations, thus accepting the charges. Through memo No. F.PF(MP)/KVCHB/2000-2001/373 dtd.21.9.2000 the applicant was made aware of his duty as a Government servant since he refused to receive a letter dtd.16.9.2000. Further, the applicant was allowed to have official correspondence in Hindi. The Principal also had no objection in receiving letters in Hindi from the applicant. As the applicant insisted on receiving letters only in Hindi the Principal wanted to be informed about the applicants knowledge of English vide memo No.F.PF(MP) KVCHB/2000-2001/388 dtd.29.9.2000 since Bilingual competency is an essential criteria of recruitment /selection rules for the post of PRT,TGT(S.St) and PGT(History) against which the applicant has been working since August,1974. There are many other correspondences made by the applicant in English. By

contd...

--6--

By taking refuge in Hindi he avoids answering the allegations. Thus no ground is flimsy as stated by the applicant.

Copy of letter dated 27.8.2000,
26.7.2000, 10.9.2000, 16.9.2000 and
copy of peon book is annexed here-
with and marked as Annexure-Q, R, S, T and
U respectively.

11. That ~~the~~ with regard to statements made in paragraph XII & XIII of the application the answering respondents beg to state that the allegations levelled against the respondents is not true. There was no TV set in the residence of the Principal nor the matter was brought to the notice of the chairman, Vidyalaya Management committee (in short VMC)

No complaint is ever brought to the notice of the Chairman (VMC) nor the Principal is ever informed about the things. The Assistant Commissioner being the Regional Officer and the controlling officer knows his responsibilities and therefore he getting poisoned by the Principal is a biased opinion of the applicant.

12. That with regard to statements made in paragraph XIV and XV of the application the answering respondents beg to state that the Assistant Commissioner being the competent authority can transfer any staff in his jurisdiction to any place any time in public interest as per KVS rules. The applicant has been transferred in public interest with all transfer benefits.

Transfer is made only in public interest. Therefore

contd...

the applicant was transferred from Kendriya vidyalaya (in short K V) Bhurkunda to K V chabua in public interest and not in punishment. The contents of both the transfer order is same.

Copy of transfer order dated 16.10.2000 and 11.11.99 is annexed herewith and marked as Annexure V & W respectively;

13. That with regard to statements made in paragraph XVI of the Original application the answering respondents beg to state that on receipt of transfer order the applicant produced the "No dues certificate," applied and availed transfer grants of Rs.21,800/-(Rupees twenty one thousand eight hundred only) and was accordingly relieved on 19.10.2000 as per the instructions on transfer order.

copy of 'No dues certificate' dtd. 19.10.2000 and copy of transfer ~~order~~ grants is annexed herewith and marked as Annexure X and Y respectively.

14. That with regard to statements made in paragraph XVII of the application the answering respondents beg to state that there is no provision in the Kendriya vidyalaya Sangathan to post a substitute/reliever immediately. Alternate ~~engagement~~ engagement is made by the Principal at school level.

15. That with regard to statements made in paragraph XVIII of the application the answering respondents beg to state that the applicant joined at K V chabua on 15.12.99 but he has given a wrong date of joining that is on 19.11.99.

contd...

The applicant is ~~pe~~ senior to the Principal in age only. As per rules of K.V.S. one is liable to be transferred anywhere in India anytime for the interest of Sangathan,

16. That with regard to statements made in paragraph XIX of the application the answering respondents beg to state that practice is not synonym to rule. The applicant was transferred on public interest and availed of all transfer benefits. Though reference has been made about the ~~corrupt~~ *corrupt* practices of the Principal, but till date no report has ever been made to the chariman vidyalaya ,Management committee. Therefore it is proved that everything is baseless and fabricated

17. That with regard to statements made in paragraph XXI of the applications the answering respondents beg to state that the applicant has All India transfer liabilities it is not a question of sending him to a far off place.

18. That under the facts and circumstances ~~of-the~~ stated above, it is respectfully submitted that the application filed by the applicant is devoid of any merit and hence liable to be dismissed.

contd...

-9-

-VERIFICATION-

I, Shri D K Saini, son of Sri C L Saini, aged about years, presently working as the Assistant Commissioner, Kendriya vidyalaya sangathan, Maligaon, chariali, Maligaon do hereby verify that-

The statements made in paragraphs 4, 6, 7, 10, 14 are true to my personal knowledge and those made in paragraphs are 3, 5, 8, 13, 15, 17 are based on records and nothing material has been concealed therefrom.

Place : Guwahati

Date : 19-3-2001

Gracian Lavi
DEPONENT

केन्द्रीय विद्यालय -10-

ANNEXURE-A

KENDRIYA VIDYALAYA

भुरकुण्डा (हजारीबाग)

BHURKUNDA (HAZARIBAGH)

Office-Memo/MP/PGT/95-96/K.V.पिन-829135
-BHK - PB-1.

Date2nd-April-'96

Ref. No.....

OFFICE MEMO

Shri M.Paswan, PGT(History) is hereby directed to explain the reason of refusing to go to the casual arrangement class to-day in the 1st period within three days of the receipt of this letter. He is further directed to explain as to why this act on his part should not be construed as refusal by him to do assigned duty. Earlier he refused to be ~~the checker~~ the checker of class VIII-A result.

To
Shri M.Paswan,
PGT(History),
K.V., Bhurkunda.

(A.N.P.SINGH)
PRINCIPAL
K.V., BHURKUNDA



केन्द्रीय विद्यालय

BANNEXURE - B

KENDRIYA VIDYALAYA

भुरकुण्डा (हजारीबाग)

BHURKUNDA (HAZARIBAGH)

पिन-८२९१३५ Pin-829135

Ref. No. OM/MP/PGT/96-97/KV-BHK - PB-2

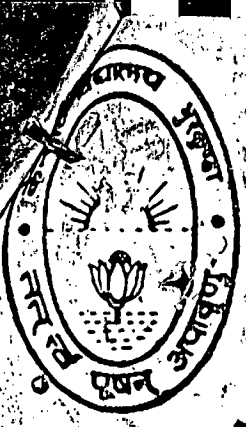
Date 30th April '96

OFFICE MEMO

Shri M. Paswan, PGT(Hist) is hereby informed that his application for grant of E.L. dated: 11.4.96 is not regular and in order. Hence your absence w.e.f. 15.4.96 to 16.4.96 can not be regularised by grant of leave. Further you are directed to explain the circumstances under which you could not comply with the instructions to the members of staff in regard to submission of application for leave circulated through the order-book on 27-6-95.

To
Mr. M. Paswan,
PGT(Hist),
K.V., BHURKUNDA.

(A.N.P. SINGH)
PRINCIPAL
K.V., BHURKUNDA.



-12-
केन्द्रीय विद्यालय

ANNEXURE C

भुरकुण्डा (हजारीबाग)

KENDRIYA VIDYALAYA

BHURKUNDA (HAZARIBAGH)

Ref. No. P.F./MP/PGT/96-97/KV-BHK/

Dated 6.5.1996

MEMORANDUM

9

Shri M. Paswan PGT(Hist.) is hereby informed that his so called application dt. 28-6.96 for Earned leave is neither an application of leave nor it is meant to be routed through proper channel. Certainly one has to be rational and thoughtful while putting blame on office. He as an employee is aware that 'Principal' is the leave sanctioning authority and the word Principal as defined by KVS includes incharge Principal too. But wilfully he addressed his application for earned leave to 'The Incharge Principal (Sh. B.N. Singh PGT (Hindi)).)

Obviously it was irregular and the fact was brought to his notice (Vide this office letter No. CM/MP/PGT/96-97/KV-BHK/PB-2 dated 30th April 96). Sh. M. Paswan is further informed that leave application addressed to the incompetent authority deserve no consideration and unless leave applied for is sanctioned prefixing or suffixing of Sunday and holiday is administratively irregular. By disputing this truth, he conducted himself irresponsibly like some other occasions.

Sh. Paswan should note that leave cannot be claimed as matter of right. For grant of leave, it is the leave sanctioning authority who has to satisfy himself and decide exigencies of service in the greater public interest. Hence to follow the guidelines given by the Principal for streamlining the administration is obligatory and not optional. By not complying with the instructions contained in this office order dt. 27.6.96, he indulged himself in wilful disobedience, unbecoming of an employee.

Thus it is evident that Sh. Paswan himself complicated the process of sanction of leave by his illogical contentions and display of undesirable conduct. Now unless he is able to justify his conduct to the entire satisfaction of the undersigned ~~earned leave to him for the period 15.4.96 to 17.4.96~~ and is able to amend his application, consideration in respect of granting earned leave to him for the period 15.4.96 to 17.4.96 is technically not possible. Question of considering a leave application addressed to incompetent authority does not arise.

To,

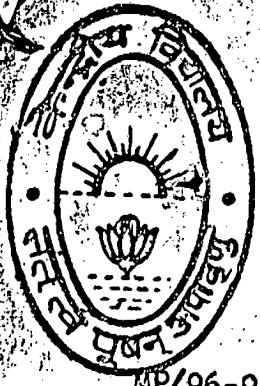
Shri M. Paswan,
PGT (Hindi) (Hist.)

K. V. Bhurkunda.

PRINCIPAL
KENDRIYA VIDYALAYA
BHURKUNDA.

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DANNEXTIRE - D - 40



केन्द्रीय विद्यालय
KENDRIYA VIDYALAYA

भुरकुण्डा (हजारीबाग)
BHURKUNDA (HAZARIBAGH)

पिन-८२६९३५ Pin-829135

Ref.No. MP/96-97/KV-BHK/113

Date 17.7.96

By Repd

MEMORANDUM

Shri M.Paswan, PGT(Hist.) is hereby furnished the reply of his letter dated 17.7.96 regarding Income-Tax. The same was refused acceptance by him in the Vidyalaya to day on 17.7.96. When Sh.Biswnath Mahto, Gr. 'D' Employee approached him for the purpose. Hence it is being despatched to him by Post. He is further advised to mend his rebellious attitude and avade complete severance of relation with his immediate superior.

To,

Sh. M. Paswan,
PGT (His.)
K.V.BHURKUNDA.


PRINCIPAL
K.V. BHURKUNDA.

Encl. AS Stated



-14-

ANNEXURE

केन्द्रीय विद्यालय

KENDRIYA VIDYALAYA

भुरकुण्डा (हजारीबाग)

BHURKUNDA (HAZARIBAGH)

पिन-829135 Pin-829135

Ref. No...Discp. Action/MP/96-97/KVBHK/196-4

Date 12.9.96

By Registered

Office - order

Shri. M. Paswan, PGT(Hist.) of Kendriya Vidyalaya, Bhurkunda was issued with memorandum of charges (vide this office letter No.F. Disc.proceeding/MP/96-97/KVBHK/157 dated 21.8.96).

Having found the reply, the same was examined carefully and it has been found that the charges levelled against Shri. Paswan are established beyond doubt for the good and sufficient reason as adduced in the report enclosed and Shri. Paswan is guilty of misconduct.

Therefore, the undersigned, by virtue of power vested in him as disciplinary authority, after careful and due consideration decided to award him formal punishment. Accordingly, Shri. M. Paswan, PGT (History) K.V. Bhurkunda is hereby awarded a formal punishment of 'Censure'.

Shri. Paswan is further advised to be careful in future in respect of his work and conduct while discharging his duties.

To,
Shri. M. Paswan
PGT (Hist.)
KV, Bhurkunda

(A.N.P. SINGH)
PRINCIPAL

Encl:- A copy of finding s on each article of charges.

Copy for information and necessary action to:-

- i) The Hon'ble Asstt. Commissioner, KVS Patna.
- ii) The Hon'ble Dy. Commissioner(Adm.) KVS New Delhi.
- ✓ iii) Personal file of the employee with instruction to make necessary entry in his Service book.
- iv) The Hon'ble Chairman, VEC, KV, Bhurkunda.

(A.N.P. SINGH)
Principal
Bhurkunda

436

42

**KENDRIYA VIDYALAYA, BHURKUNDA
(HAZARIBAGH)**

Findings on each imputation of misconduct or misbehaviour by Shri. M. Paswan, PGT (History), Kendriya Vidyalaya, Bhurkunda.

Shri. Maheswar Paswan, PGT(Hist.) KV, Bhurkunda was issued with memorandum of charges vide this office letter No. Discp. ^{Proceeding} Action/MP/96-97/KVBHK/169 dated 21.8.96. He submitted his explanation to this effect and the same was found unsatisfactory for the following reasons:-

Shri. Paswan, while submitting his reply to the charges in Annexure-I, article-I, has denied the charges by stating that he had not refused to carry out the order dated 2/4/96 but on examination it is found that he did not attend class IX-B on that day inspite of a written order (vide ~~xx~~ casual arrangement register dt. 2/4/96) Further, he is a senior teacher and is aware of the rule and regulation of the Sangathan wherein it is clearly mentioned that every teacher is to abide by the rules and regulations of the Sangathan and at the same time he has to follow the instruction/ advice either verbal or written of his superiors, but he had failed to comply with the reasonable instruction to take-up class-IX-B on grounds not specified in either his appointment letter or in his service condition. Thus Shri. Paswan acted in contravention of Rule 55(21) and 55(22) of the code of conduct for teachers of Kendriya Vidyalayas.

As regards charges levelled under article-II Annexure-I, Shri. Paswan, PGT(Hist.), a subordinate officer, in his explanation to the charges, contended that he wrote on the order book requesting to specify the name of the teacher who was sitting in the chair while on invigilation duty on 15/3/96 and remained sitting till the Principal remained in that room, on careful consideration of his contention

Contd. page No. 2.....

and thorough examination of the relevant documents it is concluded that the 'order book' is a valuable document of the Vidyalaya not meant for writing notes by the subordinate officer or for ventilation of his grievances and uncontrolled feelings or emotions. It is neither a mean for the subordinate officer to correspond with his officer. Further, the 'order book' is sent to the hands of the subordinate officers with a purpose to obtain their signatures in token of having gone through the instructions contained in that, with a trust that it will be returned untampered, safe and unmeddled with. Trustworthiness and reliability are the implied condition of service and so they are the promises made by every KVS employee on the very day of entry into its service. By writing one page a note on the order book, Shri. Paswan tampered or meddled with the official document, broke his promise of remaining trustworthy and reliable and so he failed to justify the trust reposed in him. Thus Shri. Paswan acted in contravention to Rule 34(i) of article 55 of code of conduct for the teacher of Kendriya Vidyalayas.

On further consideration and examination of his note on the order book dated 16.3.96, it is inferred that asking for the name of the teacher in commanding words like "mention name clearly" cannot be interpreted as request specially when he addressed the Principal, whose signature he was well acquainted of as "the Signatory" which was purporting to express his contempt just like he expressed by remaining seated in the chair while on invigilation duty on 15.3.96. Further, the fact that he was doing invigilation duty by sitting in to the chair and remained so even on the entry of the Principal in the room and till his stay there for about 2 minutes is proved beyond doubt from his uncalled for and uncontrolled reaction in form his one page note dt. 16.3.96 in general and from para 3 of the note in particular, betraying explanation of his guilt. Shri. Paswan was the only teacher who felt hurt, agitated and apprehensive (as is also evident from the last para of his note), because he knew that the notice dated 15.3.96 was intended to suggest him only. So it was only Shri. Paswan, who while on invigilation duty was sitting in chair and was thus less devoted to duty and therefore he reacted. The fact was also disclosed to him (vide this office memo/MP/PGT/96-97/KV-BHK/PB-3 dt 1.5.96).

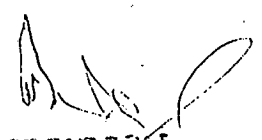
43/4-44

- 3 -

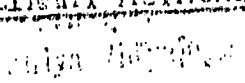
Thus, the fact that he acted in contravention of Rule 34(ii) of article 55 of the code of conduct for the teachers of the Kendriya Vidyalayas is established beyond doubt.

Again Shri. Paswan is a Senior teacher he is expected to be temperate and sober in his habits. Writing an intemperate note on the order book itself, addressing the Principal in an inappropriate ~~was~~ wording, asking him for the name in commanding tone like "mention name clearly", advocating unsuitability of standing every time from the chair while on invigilation on frequent visit of the Principal on behalf of the invigilator, or even his very outburst manifested in the form of the note dated 16.3.96 on the order book on behalf of some one (other than him also) and betrayal of disrespect in action and words tantamount to intemperance and insolvency. His note dated 16.3.96 on the order book itself, in indecent manner and in indecent language combined with his expression of misleading opinion advocating his own way of doing invigilation by remaining seated in the chair in presence of his superior making frequent visit, betrays insubordination, intemperance, insobriety contempt of the prevailing rules and incitement on his part, unbecoming of a teacher. Thus Shri. Paswan's misconduct, in contravention of Rule 34 (iii) of article 55 of the code of conduct for the teachers is proved and established beyond doubt.

Thus during investigation and examination of his conduct, consequent upon disciplinary action under Rule 16 of CCS (CCA) rule 1965 (vide this office letter No. Discp. Action/MP/96-97/KVBHK/160 dated 21.8.96) Shri. M. Paswan, PGT (Hist.) is found to have conducted in contravention of Rule 55(21)(22) and also in contravention of Rule 34 (i,ii,iii) of article 55 of code of conduct for the teachers of Kendriya Vidyalayas. Hence he liable to be awarded minor penalty.


PRINCIPAL
K. V. BHURKUNDA

&
DISCIPLINARY AUTHORITY


K. V. BHURKUNDA



-18-
केन्द्रीय विद्यालय
KENDRIYA VIDYALAYA

भुरकुण्डा (हजारीबाग)
BHURKUNDA (HAZARIBAGH)

पिन-829135 Pin-829135

Ref. No.15/07-98/KVBUK/

Date22/07/98

MEMORANDUM

Shri. Maheshwar Paswan, IO (B-1) is hereby informed that he was relieved for evaluation work (as in this order letter No.S-2/97-98/KVBUK/11 dated 15/7/97).

That he refused to receive the relieving letter even though Sh. R.C. Ram a Group 'D' employee, approached him twice and thus indulged him-self in act of indiscipline and insubordination creating disorder in the working of the Vidyalaya.

That on his refusal to accept the official through communication through a group-'D' he was relieved by registered post. He received the relieving letter on 15-7-97 by post.

That his contention of inability to leave the station due to unavoidable family circumstances is an after thought, concoction, and a fact far from truth, hence unsatisfying to the undersigned. He is therefore, in continuation with earlier oral communication, is not allowed to resume duties in the Vidyalaya till the period specified in the said relieving letter, as his conduct insubordination and evasions amounts to wilful insubordination and evasion of assigned duty. He may seek permission to resume duty from the Assistant Commissioner KVS(PN) Patna.

That marking of attendance by him on the staff attendance register is a forceful act on his part. In case he does not comply with the instructions, he himself shall be responsible for the consequences which may follow under rules.

contd. page 2....



-19-
केन्द्रीय विद्यालय

ANNEXURE - G Contd
46

KENDRIYA VIDYALAYA

भुरकुण्डा (हजारीबाग)
BHURKUNDA (HAZARIBAGH)

पिन-829135 Pin-829135

457

Ref. No.....

page 2...

Date.....

That he has further indulged himself in act of indiscipline and insubordination by not putting his signature on Notice No.34 dated 19.4.97. That such conduct has become his habit in as much as he refused to come to the office, undersigned and discuss regarding the work connected with the Session Ending Examination on 26/3/97 when Sh. Lalan Pd. Singh a Group-D employee, conveyed him my oral instruction. Shri. Paswan is once again informed that he has conducted in contravention to some or the other conduct rules meant for the Kendriya Vidyalaya teachers.

He is therefore admonished warned and advised to conduct properly in future. Meanwhile he is directed to note the content of Notice No.34 dt 19.4.97 and put his signature on the notice. Payment of Salary for the period 16/4/97 to 23/4/97 shall be kept in abeyance till the relieving letter of the Principal is made ineffective by the Asstt. Commissioner, KVS Patna.

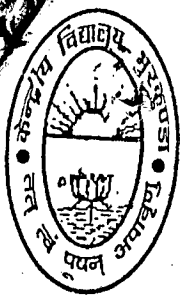
To,
Shri. M. Paswan
PGT (Hist.)
KV, Bhurkunda

(A.H.P. SINGH)
PRINCIPAL

Copy to:-

01. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Patna for his kind information and necessary action.
02. The Chairman, VMC & G.M. Barhokara for his kind information please.

(A.H.P. SINGH)
PRINCIPAL



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ANNEXURE - H

H 06553-89379

केन्द्रीय विद्यालय, भुरकुण्डा

पत्रालय : भुरकुण्डा हजारीबाग-829135

KENDRIYA VIDYALAYA, BHURKUNDA

P.O.- BHURKUNDA, HAZARIBAGH-829135

पत्रांक / Ref. No. MP/98-99/KVBHK/

दिनांक / Date 01-04-99

MEMORANDUM

Consequent upon his refusal to receive the timetable for the session 1999-2000, Sri M. Paswan is being furnished the same by Registered post for compliance and performance of duties accordingly.

To

Sri M. Paswan
PGT (History)
K.V. Bhurkunda


(A.N.P. SINGH)
PRINCIPAL

Handed.

KENDRIYA VIDYALAYA BHURKUNDA

H
487

w.e.f. - 01-04-99

25

ME-TABLE-1999-2000

Class.....

Section.....

33 Periods.

Name of the teacher Sh. M. Paswan ; PGT (History)

DAY.	I	II	III	IV	V	VI	VII	VIII	IX
Mon.	—	XI Sc. G.S.	XII Arts History	—	XII Sc. G.S.	—	—	—	—
Tue.	—	XI Arts History	??	—	??	—	XA Hist.-Civ.	XI Arts History	—
Wed.	—	??	??	—	—	—	—	IX B Hist.-Civ.	XII Arts History
Thurs.	—	??	??	—	—	—	XA Hist.-Civ.	??	??
Fri	—	??	??	—	XA Hist.-Civ.	—	XI Arts History	??	XI Sc. G.S.
Sat.	MPT	??	??	—	??	—	??	← C.C.A. →	—
					*	—	??	—	XII Arts History

INCHARGE TIME TABLE.....

JKP/*

Signature
01/4/99

PRINCIPAL
K.V. BHURKUNDA

1/4/99

केन्द्रीय विद्यालय, भुरकुण्डा

पत्रालय : भुरकुण्डा हजारीबाग-829135

KENDRIYA VIDYALAYA, BHURKUNDA

P.O.- BHURKUNDA, HAZARIBAGH-829135

संक्र/Ref. No. MP/99-2000/KVBHK/256

दिनांक/Date 11-11-99

OFFICE - MEMORANDUM

With reference to his letter dt 10-11-99 seeking permission to see Assistant Commissioner, KVS (PR) regarding his senior scale, Sri Paswan is allowed with the advice that he should have furnished a duplicate/carbon copy of his original application for office record as requested by the office. Hope him to comply in future. He should appreciate the point that time on giving this typed permission could have otherwise been saved, had he not taken a stiff attitude.

To

Sri M. Paswan
PGT. (History)
K.V. Bhurkunda

(A.N.F. SINGH)
PRINCIPAL

By hand

PF(MP)/KVCHB/99-2000/673-94

02/03/2000

M E M O R A N D U M

Ref: F.PF(MP)/KVCHB/99-2000/627
dt 11-02-00.

Sri M. Paswan, PGT(History) is hereby informed that his reply to the memo referred above has been gone through by the undersigned and is found unsatisfactory. Giving corporal punishment to a student is not expected of a senior and responsible PGT. There are other ways of tackling the delinquent.

Sri Paswan is hereby WARNED not to inflict corporal punishment to the students in future. Being the 1st Assistant his corrected conduct will be appreciated in future.

To

Sri M. Paswan, PGT(History)
Kendriya Vidyalaya Chabua
P.O: Chabua Air Field.

Copy to:-

The Chairman
VMC, K, V, AFS, Chabua,

P. J. Mo. M. Paswan

(S. K. CHOPRA)

PRINCIPAL

प्राचार्य/PRINCIPAL

केन्द्रीय विद्यालय वायु सेना चबुआ
Kendriya Vidyalaya AFS Chabua
जि० दिब्रुगढ़ Dist. Dibrugarh
ASSAM-786102

PRINCIPAL

प्राचार्य/PRINCIPAL

केन्द्रीय विद्यालय वायु सेना चबुआ
Kendriya Vidyalaya AFS Chabua
जि० दिब्रुगढ़ Dist. Dibrugarh
ASSAM-786102

PF(M.P)/KVCHB/2000-2001/288

21/08/2000

To

The Assistant Commissioner
Kendriya Vidyalaya Sangathan,
Regional Office: ~~Buxar~~ Patna

Sub:- Forwarding of application in respect of Sri M. Paswan
PGT(History)

Sir,

Please find enclosed herewith the application received from Sri M. Paswan PGT(His.) of this Vidyalaya regarding grant of senior scale for your necessary action please.

Thanking you Sir,

Encl: As above alongwith
4 pages of xerox documents.

Yours faithfully,

S.K. Chopdar
(S.K. CHOPDAR)
PRINCIPAL

P.F.M. Paswan

-25-

L

52

281901
281902
281903

3/00



KENDRIYA VIDYALAYA SANGATHAN

PATNA REGION

VIJAY NAGAR, RUKUNPURA, BAILEY ROAD

P. O. B. V. College, Patna - 800014

Ref: P.7-2/98-KVS(PR)(A/Cs.) / 13 886

Date 03.09.1999

To,
The Principal,
Kendriya Vidyalaya,
Bhirkunda.

REGISTERED/BY HAND

Subject:- Fixation of pay in respect of Sh.M.Paswan, PGT in
selection grade of TGT.

Sir,

With reference to the subject cited above I am to inform that pay fixed in selection TGT in respect of M.Paswan, PGT(History) vide this office letter No.P.7-2/98-KVS(PR)(A/Cs.) dated 3.8.99 may be treated as cancelled. His pay may be regularised from time to time as under:-

Date	Pay in Ord.TGT grade (Rs.1640 - 750/-)	Pay in TGT selection grade (Rs.740 - 35-880/-)
------	---	---

31.3.85	Rs.550/-	
1.4.85	--	Rs.740/-

Rs.740/-

with date of next increment as on 1.4.86 if otherwise admissible. His pay from 1.1.86 to 1.9.99 may be regularised as under:-

Date	Pay fixed in TGT selection grade (Rs.1640 - 2900/-)	Pay fixed in PGT grade (Rs.1640-2900)	Pay fixed under CCS(RP) Rules '97 (Rs.6500-10500/-)
1.1.86	Rs.2180/-	--	--
1.4.86	Rs.2240/-	--	--
12.9.86	--	Rs.2360/-	--
1.9.87	--	Rs.2420/-	--
1.9.88	--	Rs.2480/-	--
1.9.89	--	Rs.2540/-	--
1.9.90	--	Rs.2600/-	--
1.9.91	--	Rs.2675/-	--
1.9.92	--	Rs.2750/-	--
1.9.93	--	Rs.2825/-	--
1.9.94	--	Rs.2900/-	--
1.9.95	--	Rs.2900/-	--
1.1.96	--	--	Rs.7100/-
1.1.97	--	--	Rs.9300/-
1.1.98	--	--	Rs.9500/-
1.1.99	--	--	Rs.9700/-

with date of next increment as on 1.1.2000 if otherwise admissible raising his pay to Rs.9900/-

Yours faithfully,

(D. M. S. VITTA)
ASSISTANT COMMISSIONER

-26-

M

53

RSA/KVCHB/2000-2001/ 266

19/09/2000

To
The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office: Guwahati -12

Ref:-1-4/2000-KVS(GR)/5839-40 dt 14/12/9/2000

Sub:-Recovery of Annual subscription from the pay rolls
of Kendriya Vidyalaya employees in favour of assoc-
iations (s).

Sir,
Please find enclosed herewith the proforma on the
subject for your kind information and necessary action
please.

Thanking you Sir,

Yours faithfully,

Encl: As above.

(S.K. CHOPDAR)

PRINCIPAL

কেন্দ্রীয় বিদ্যালয় বায়ু সীমা সান্থন
Kendriya Vidyalaya AFS Guwahati

Dist. Dibrugarh

ASSAM-786102

M. Renteria

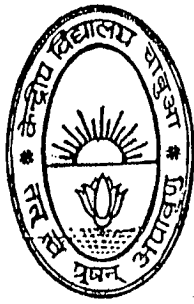
KENDRIYA VIDYALAYA AFS, CHABUA

KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE: GUWAHATI

S.L.No	Name of the KV	Principal/Techin staff				Non teaching	
		Total No of Teachers/ Principal	Opted for AIKVT	Opted for RKVAS(J)	Opted for Principal FORUM	Total No.	Opted for KEVINTSA
01	KV, AFS, CHABUA	28	NIL	NIL	01	09	08
TOTAL		28	NIL	NIL	01	09	08

S.K. Chopdar
PRINCIPAL
(S.K. CHOPDAR)
Principal
কেন্দ্রীয় বিদ্যালয় অফিস চাবুয়া
Kendriya Vidyalaya AFS Chabua
Te. 1st Div. Dist. Dibrugarh
ASSAM-786102

केन्द्रीय
KENDRIYA



विद्यालय
VIDYALAYA

PHONE : 87509

चाबुआ
पो० चाबुआ एयर फ़िल्ड
जि० डिब्रुगढ़ (असम)
पिनकोड : 786 102

CHABUA
Chabua Air Field
Dist. : Dibrugarh (Assam)
PIN : 786 102

पत्रांक / Ref. No. FPE(MP)/KVCHB/2000-2001/ 373 दिनांक / Date 21/09/2000

MEMORANDUM

Sri M.Paswan PGT(History) is hereby informed that -

- 1 - he refused to receive a letter from office at 2.15PM on 16/09/2000 stating that the Vidyalaya gets over at 2.10 PM . Being a Govt.Servant he is aware of the fact that he is responsible for 24 hours. This is insubordination on the part of Mr. Paswan.
- 2 - In his letter dt 19/09/2000 Mr Paswan has requested the undersigned to hand him over any official letter in Hindi due to celebration of Hindi week. whereas he himself has represented to the Asstt. Commissioner in English on 14/09/2000.
- 3 - However Sri Paswan is free to have official correspondence in Hindi.

To
Mr.M.Paswan PGT (History)
K.V.AFS,Chabua (Assam)

(S.K.CHOPDAR)
PRINCIPAL
Kendriya Vidyalaya, AFS Chabua
Dibrugarh
Assam 786102

To,

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Gauhati Region, Gauhati.

Through - The Principal,
K.V. Chabua, AF.

Subject - Request regarding redressal of Transfer T.A. Bill and other alleged matter related in respect of M. Paswan, PGT (JIST) K.V. Chabua, AF.

Most honourable Sir,

With reference to the subject cited above I would like to attract your kind attention on my following few lines that:-

1. I submitted my transfer T.A. Bill of Rs 41584-00 to the Principal K.V. Chabua for payment.
2. I request the principal many times for Transfer advance since my joining K.V. Chabua. Because I was not pay any amount of money as advance from previous Vidyalaya. But he didn't care on my request and in the month of April-2000 passed my T.A Bill keeping aside the rules of KVS and Govt of India. As per railway certificate I am intitle to draw my baggage charges @ Rs 295/- per quintal. whereas the principal has paid me @ Rs 160/- per quintal. (Certificate attached)
3. He has deducted travelling fare from Rangach to Patna and has paid in the mode of simple bus fare. When I was coming to join here. I thought I have availed share taxi (Certificate and money receipt of Driver is attached with the original bill)
4. When I was proceeding with my wife and child in winter break I availed full taxi. He has converted the taxi bill into simple bus fare. Whereas I am intitled for II Tier Rajdhani express train. Because my basic pay was Rs 9700/- at that time. (Certificate and money receipt of driver is attached with original bill)
5. I have not been paid my daily allowances for my Travelling. When I requested the principal to show the proof of deduction D.A. He told me that because I have not paid D.A. to my teacher that why you will not get. Whereas the teachers of neighbouring Vidyalaya K.V. Mohanbari have paid Transfer D.A. and higher rate of Luggage charges.
6. When I oppose the payment of my transfer T.A. Bill on 05/05/2000. the Principal has sent my transfer T.A. Bill to you for pre audit vide Ref No F. 17/KVCHB/2000-2001/102/dated 23/5/2000. which is laying pending in your office till date.

P.T.O.

Sir, I joined KVS in 1974 and have served in many vidyalaya. As per the convention of vidyalayas and KVS I have been seeing that the examination and admission department charges have had with the senior most teacher of vidyalaya always. Kendriya Vidyalaya chabua is unique in the sangathan where these department have handed over to a TGT and PRT where seven PGTs are working.

8. Sir, this is my earnest request to you that the Kendriya Vidyalaya Sangathan resubbled in its established convention of handing over the charges of examination and admission to senior most teacher or directed the principal to handover the charges of those dept even to Primary teacher please be acknowledged me kindly. So that I shall forget the ego of my seniority in sangathan and settle myself to work under a PRT or TGTs gladly.

9. K.V. chabua is a unique vidyalaya where some junior teachers are allotting 24 or 26 Periods weekly and senior most teacher is taking 30 period teaching weekly, who have to take charges of vidyalaya time to time in the absent of Principal.

10. The Kendriya Vidyalaya Sangathan has provided 09 periods to history at +2 stage. But the Principal has allotted seven period only in class-XI community. If my courses will be finished in time I shall not held responsible.

11. The Principal K.V. chabua has been hesitating to receive representation of teachers. Some times he tell that Take receiving of from Ramji Pandey, who is a group D employee of vidyalaya. He simply put his signature on the representation. If the teachers ask for vidyalaya Stamp flatly he speak "Nahi Dunga, teacher Kahata hai, kyo to Bolta hai Principal Ne Kaha hai".

12. In the month of June some one stolen Rs 2000/- from my bag and in August a water pot (Pots & Tubs) from vidyalaya office. Whose office staffs were present. I reported this matter to the Principal but he did not care on it. Sir, in this situation how can a teacher

Will work with full zeal.

Lastly, I request your honour kindly to take necessary action on my grievances sympathetically as early as possible. So that I could serve the department with full zeal and capacity.

With thanks.

Copy to - For information and necessary action please.

1. The Honourable chairman,
V.M.C. Chabua A.F.

Yours faithfully

Alwan
14/9/2000

(M. Paswan)

PGOT (History)

K.V. Chabua AF

Dibougarh (Assam)

To,

The Principal
Kendriya Vidyalaya
Aks Chabua (ASSAM).

Sub:- Regarding Purchasing of medicines for the
Vidyalaya first aid

Sir,
With due respect I have to state that as
per your order I have purchased the medicines
from Shanti Medical, college road chabua, vide
bill no. 1752 and 1753 dated 03-08-2000, of
the amount Rs. 350.93 + 303.66 = Rs. 654.59
(Six hundred fifty four Rupees and fifty nine paise only).

Therefore you are requested
Kindly sanction me Rs. 654.59 for the medicines,
so that I can pay the cost of medicines.

With thanks

Yours faithfully

Vijay Shankar
TGT (Sanskrit)
Jk Gannu ad sp
Kiv. Aks Chabua

Sanctioned as 655/-
fully five only
in words

Rs. 655/-
(Six hundred fifty five only)

Passed for payment
(Rs. Six hundred fifty five only)
in
paid vide ch. no. 074497
dt. 8/9/2000

Cash Memo

SHANTI MEDICAL

CHEMIST & DRUGGIST

College Road, Chabua - 786 184

Name

Principal K.V. Chabua

Date 3/8/2000

Qty	Particulars	Batch	Exp.	Company	Amount
1 Nos	Leukoplast (5cm) 65	8F61	4/03	B.D.L.	81.50
20 tabs	Norflex 400 - 66	0814	2/03	Cipla	101.52
20 tabs	Entosquinat - 67	0124	3/04	E/ndis	11.64
5 Nos	Gause 6" - 68	—	—	—	25.00
1 Nos	Valhyser - 69	0924	—	—	58.50
5/0 tabs	Dependal - 70	0012	3/04	SFB	5.50
1 Nos	Sci300 - 71	—	—	—	20.00
Total					303.66

Rupees

1. Prescribed by Prof./Dr. _____
2. Medicine once sold cannot be taken back.
3. Please get your medicine checked by your doctor before use.

For SHANTI MEDICAL

House caption on 22.7.2000. Mr. M. Daswan (Offg. Principal) has tried to complicate and stifle the matter by exaggerating or mentioned in Para - 2. — Could. on pg 2-

-34-

Cash Memo

SHANTI MEDICAL

CHEMIST & DRUGGIST

College Road, Chabua - 786 184

Date 3/8/2000

No 1752

Name

Principal K.V. Chabua

Qty.	Particulars	Batch	Exp.	Company	Amount
1x 500ml	Detol - P.N. 35 P/F	416	—	Reckitt	63.43
1x 400gm	Cotton - 39 P/F	311	10/02	—	64.00
50 NOS	Bandaid - 40 P/F	98330	01/04	J/Johnson	75.00
4 NOS	Detol Soap - 62 P/F	—	—	Reckitt	54.00
20 tab	Croem - 63 P/F	9073	4/02	S/B	12.50
20 tab	Armin - 64 P/F	521	8/04	R/Pont	22.00
1x 500gm	glucose D - 50 P/F	112	2/02	S/P	60.00
Total					350.93

Rupees

- Prescribed by Prof./Dr. _____
- Medicine once sold cannot be taken back.
- Please get your medicine checked by your doctor before use.

& O.E.

For SHANTI MEDICAL

House Captain on 22.7.2000. Mr. M. Dasgupta (P.T. Officer) has tried to complicate and stifle the matter by exaggerating as mentioned in para-2. — Could. on pg 2-

The Principal,
Kendriya Vidyalaya
AFS - Chabua,
Dated: 27/08/2000.

Sub: Regarding memorandum ref no. PF (SK)/
KVCHB/2000-2001/382 dated 26/08/2000.

Resp. Sir, As directed vide ref no. PF (SK)/KVCHB/2000-2001/382 dated 26/08/2000, I am hereunder submitting my written brief in respect of duties/activities under officialingship of Shri M. Paswan (PGT - Hist) from 20/07/2000 to 24/7/2000.

In this context I am to state some relevant facts for your kind consideration for proper adjudication of the fabricated activities levelled against me. In the following paras -

(1) I am to state that I have attended all the classes in secondary from 20.7.2000 to 22.7.2000. The offg. Principal Shri M. Paswan (PGT - Hist) was requested to get the library open as geo. copies and practical files needed correction. He was found sitting in the clerk room office chewing tobacco along with Smt. Asst. Shri Hazari when I had gone to hand over the matter in the clerk office in writing ^{date 20.07.2000} and to do the needful. On my repeated request, the offg. Principal refused and retorted bluntly - "एक ही को चिपकाए और दो जवाब दे ?" library ^{20.07.2000} ^{21.07.2000} ^{22.07.2000} ^{23.07.2000} ^{24.07.2000} This statement was uttered in office clerk room in front of J. D. Shri R. Pandey & others during break time.

2. Ms Sonia Shah (XI Hum) and Ms. Nilaxi (XI sc) were checked by me for indiscipline behaviour in XI H class in geography period on 21/7/2000 and for truancy by Ms. Nilaxi of XI sc ^{on 24/7/2000} respectively. Ms. Nilaxi's matter was informed to me through Ms. Shivani Bajaj XI sc. Shivaji House Captain on 22.7.2000. Mr. M. Paswan (offg. Principal) has tried to complicate and stifle the matter by exaggerating as mentioned in para - 2. — Contd. on p 2-

3. I have attended the whole C.C.A. programme of Eng. poem recitation on 22nd July 2000. Moreover on the request of C.C.A. Incharge Shri P.D. Ram (PGT-Eng), I had practiced and shared my views with the assembled students (class VI - XII) relating to presentation, intonation, pronunciation, phonics, rhythm etc. in English poem recitation programme for about 25 minutes.

To maintain the sanctity of the judgement of the C.C.A programme, I declined being one of the judge. ^{from} owing house master of Shivaji. All the House masters were appointed as judge on 22.7.2000, which I think was not appropriate.

4. I categorically deny that my act with the vidyalaya students is and can never be non-cooperative. I have had always encouraged in all-round development of the students. Vidyalaya students can be the best evidence for the above mentioned sentences. I have never threatened any students of the vidyalaya, mentioned by offg. principal.

5. I have attended the last subject committee meeting convened by Mr. M. Paswan (PGT. Hist) on dated 31st July 2000, which was delayed by 40 minutes owing to 'chewing tobacco' in the library room by the subject convenor Shri M. Paswan ^{himself}, Shri Bhole Singh ^{Math. (PCM)}, Shri P.D. Ram (Eng. PGT). before the meeting. I did get the resolution register ^{for signing}.

6. On request and beg of Ms. Sonia Kashyap (XI SC), daughter of Shri Bhole Singh TGT (PCM) was given (03) three old practical file cardboard by me on dated 17.7.2000. Also being her birthday (17.7.2000) she had come to - receive blessings from me alongwith 5 (five) toffees. Will this act be taken as ill-treated, threatening or healthy between teacher and a student? Later, she was forced to return practical file on the order of her father Shri B. Singh TGT (PCM) on dated 20/7/2000.

I presume Shri B. Singh feels more threatened than his daughter Ms. Sonia Kashyap (XI SC) because he has involved himself in malpracticing by solving mathematics - mal-ties - paper of Board Exam march 2000 and passing to her daughter Ms. Sonia Kashyap then of class (XI A)

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Alumina
9/1/2000

I have had often objected for this heinous crime by a teacher for which Mr. B. Singh TGT (PCM) has often tried to inflict me by passing sadism remarks and commenting on caste basis in school premises alongwith other teachers. Mr. B. Singh TGT (PCM) has also tried to attempt manhandling me on dated 20th July, 2000 in the school main building in front of XI Science students. The matter was brought to Shri M. Paswan (offg. principal) who decline from taking any action against the concerned teacher. Mr. M. Paswan also refused to accept complain representation.

I also categorically deny any use of unparliamentary words for student, parent or anybody.

In the end I am to state that paragraph (1), (2), (3), (4), (5) & (6) are false, fabricated, manipulated by Shri M. Paswan (offg. principal) against me and I assert and believe that such ^{alleged} complain is a part of conspiracy hatched against senior-most lady teacher.

This is for your kind information.

Thanking you

Dated 27/28/8/2000

Yours faithfully

Prumgi
27/08/2000

[Ms. Laxojin Kumari]

PGT - Geo.

Kv. N.S. Chabua

Vidhansabha

Assam - 786102

શ્રી માન પ્રાચાર્ય,
કે.વિ. - વાવુડા ।

દિનાંક : 26/1/2000

પ્રાચાર્ય મહોદય પિત્ર વિનો આપ Principal
Conference સે કે.વિ. હોરફાટ ગયે એ 3 ને દિનો -

- (1) દિનાંક 20-21-22 July 2000 નો પાસતાન
અર વિદ્યાલય આપના સે આપને લોર-લોર
લેટર એ આપને લેટર - હાલ હાલ હાલ
દ્વારા રેવની (Tobacco) સમાવેશ કરવાનો
રવાથા કરતે એ ।
- (2) શરોજની કુશરિ મોડેલ સે બુકે કુશરિયા
લેકર આપે પાસતાન અર પ્રગણિ પ્રાચાર્ય
સે receive કરવાનો એ લેકર પ્રાચાર્ય
(અમ પાસતાન) અર મોડેલ કર દિયે, મોડેલ
શરોજની એ લોર-લોર અનુમોલ કરતે એ
લોર એ પ્રગણિ પ્રાચાર્ય એ વિદિયા લેને
સે મના કર દિયા ।
- (3) શરોજની કુશરિ મોડેલ એ અમ પ્રગણિ પ્રાચાર્ય
ખીસેલોને કે ત્રાઈલેરી રવાલવા પિચી (૧)
અર એ પાસતાન અર લોલે કે "દુકાનોનો
-દોપધાર લોલ કર ગયા હ ત્રાઈલેરી
રવાલને એ લેચે" ।

"દોપધાર"

આપના વિદ્યાર્થી

(ગણતરી પાસતાન)

આપ "દિ"

કે.વિ. - વાવુડા

P

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ANNEXURE - 8

S

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The Principal,
KV Chabua (AFS)

Sir,

Most humbly and respectfully I beg to state that I was found by Miss S. Kumar, PGT (Geo) sometimes sharing and chewing tobacco with the Senior most PGT (Hist.), Mr. M. Paswan in office and in the library. Though not habituated, I shared tobacco respecting the seniority of Mr. Paswan. I assure you Sir, I will never be found again in such an indecent act in future. I am very much sorry for this act.

Yours faithfully -

[Signature]

T. D. Rani
PGT (Eng)
KV (AFS) Chabua

To

The Principal,
K. V. ARS Chabna

Respected Sir

I would like to draw your kind attention that during Principal's Conference, Mr. M. Paswan (PST) History was the officiating. He comes to office and asked me to prepared tobacco (Khaini). As because he was ~~the~~ my Principal I obeyed his instructions. In this case I have no fault of mine. Further, I assure you that I shall not ~~repeat~~ ^{repeat} again in near future and I beg appology for the act.

With thanks,

 dated
16/9/2000

Yours faithfully
Hemant Agrawal
Lab. Atd. Physics
K. V. Chabna

Peon Book

[illegible]



दूरभाष / Phone : 571797, 571798
Fax : 571799

केन्द्रीय विद्यालय संगठन
KENDRIYA VIDYALAYA SANGATHAN

क्षेत्रीय कार्यालय Regional Office
मालीगाँव चारियाली Maligaon Chariali
गुवाहाटी : 781 012 Guwahati : 781-012

पत्रांक : 19-4/2000-KVS(GR)/ 6311-15
No. F. : 19-4/2000-KVS(GR)/ 6311-15

दिनांक : 16.10.2000
Dated : 16.10.2000

TRANSFER ORDER

SPEED POST

Mr. M. Paswan, PGT(History) Kendriya Vidyalaya, Chabua is hereby transferred to Kendriya Vidyalaya, Tengavalley in Public interest with immediate effect.

(D. K. SAINI)
ASSISTANT COMMISSIONER

Copy to :-

1. Shri M. Paswan, PGT(History) Kendriya Vidyalaya, Chabua.
2. The Principal, Kendriya Vidyalaya, Chabua/Tengavalley. The teacher concerned should be relieved immediately. He stands relieved from the Vidyalaya with effect from the date of receipt of this order. Relieving order may also be issued accordingly. It is the personal responsibility of the Principal to inform this office immediately regarding relieving/joining of the teacher. Any lapse/failure on the part of the Principal in this regard would be viewed seriously.
3. Dr. E. Prabhakar, Education Officer, KVS(Hqrs) New Delhi for information.
4. The Dealing hand (Mr. Kanu Das) KVS(GR).

[Signature]
ASSISTANT COMMISSIONER 16/X

....

...came a Principal at an
Contd. p. 2

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W
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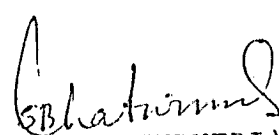
KENDRIYA VIDYALAYA SANGATHAN
18, INSTITUTIONAL AREA
SHAHEED JEET SINGH MARG
NEW DELHI-110016

No.F.42-18/99-KVS(Estt-III)

Dated : 11/1/99

TRANSFER ORDER NO.60/1999-2000

Sh. M. Paswan, PGT (History) is hereby transferred in public interest from Kendriya Vidyalaya, Bhurkunda to Kendriya Vidyalaya, Chabua with immediate effect.


(S.B. CHATURVEDI)
DY. COMMISSIONER (ACAD)
FOR COMMISSIONER

Copy to :

1. Sh. M. Paswan, PGT (History), Kendriya Vidyalaya, Bhurkunda.
2. The Principal, Kendriya Vidyalaya, Bhurkunda/Chabua. The teacher concerned should be relieved immediately. He stand relieved from the Vidyalaya with effect from the date of receipt of this order. Relieving order may also be issued accordingly. It is the personal responsibility of the Principal to inform the Sangathan immediately regarding relieving/joining of the teacher. Any lapse/failure on the part of the Principal in this regard would be viewed seriously.
3. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Patna/Guwahati.
4. Office order/Guard file.

ANNEXURE

KENDRIYA VIDYALAYA AFS, CHABUA (ASSAM)

NO DUES CERTIFICATE

NAME: Mahestwar Paswan

DESIGNATION: P.G.T. (History)

DATE: 9/10/2K

- | | |
|----------------------|------------------------------|
| 1. EXAMINATION DEPTT | : No dues for |
| 2. PHYSICS LAB | : No dues Bah 17-10-2000 |
| 3. BIOLOGY LAB | : <u>ph</u> No dues 17/10/00 |
| 4. CHEMISTRY LAB | : No dues 17/10 |
| 5. GAMES & SPORTS | : No dues M 17/10/2000 |
| 6. DRAWING DEPTT | : No dues |
| 7. MUSIC DEPTT | : No dues Bah |
| 8. SCOUT & GUIDE | : No dues 17-10-2K |
| 9. TEACHING AID | : No dues 17-10-2K |
| 10. JR. SCIENCE LAB | : No dues 17-10-00 |
| 11. LIBRARIAN | : Nil 17/10/2K |
| 12. FURNITURE | : No dues 17/10/2K |
| 13. OFFICE | : No dues 17/10/2K |
| 14. SUP. | : Nil 17/10/2K |

PRINCIPAL

K. J. PANDEY
26/2/2000

सेवा में

प्रचार्य,

के. वि. पाठशाला नया मुंबई

विषय - स्थानान्तरण दंड अर्पित शास्त्रि हेतु अनुशङ्क

महोदय,

नमः निवेदन यह है कि के. वि. सं. बोर्ड के पत्रांक संख्या - एफ ० - १० - ४/२०००-५७ (५२)/६३१-१५ दिनांक - १६-१०-२००० के अनुसार मेरा स्थानान्तरण के. वि. पाठशाला में हुआ है। संश्लेषण के लिए मुझे स्थानान्तरण आता अर्पित भत्ता मिलना है जो इस प्रकार है:-

- १- स्थानान्तरण भत्ता - ९९००.००
 - २- आता भत्ता (अकेले) - २०००.००
 - ३- आता भत्ता (प्राप्त) - २०००.००
 - ४- आता भत्ता (परिवार) ४०००.००
 - ५- फरेल सामान (६०५००) २३०००.००
- ५०,९००.००

अतः अनुशङ्क है कि उपरोक्त-राशि यथाशीघ्र अर्पित करने की कृपा प्रदान करें। ताकि मैं अन्य व्यवस्था कर सकूँ।

सधन्यवाद।

रवि मान का विश्वासी

दिनांक - १६/१०/२०००

१६/१०/२०००

(महेश्वर फाल्गुन)
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