

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

(1) C.P. 69/2001 under page 1 to 2
C.P. dropped 75/02

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SECTION OFFICER (Judl.)

Mahli
22/12/17

CENTRAL ADMINISTRATIVE TRIBUNAL.

GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 413/2000.

Sri. Acharya, Singh.....Applicant.

VERSUS

Union of India & Ors Respondents.

For the Applicant(s) Mr. J.L. Sarkar
Mrs. S. Deka, adr.

For the Respondents. Mrs. B.P. Todi, Adv. & KVS.

NOTES OF THE REGISTRAR DATE ORDER

The application is in form & deposited a sum of Rs. 30.11.00 present : The Hon'ble Mr Justice D.N. Choudhury, Vice-Chairman.

Through IPO no. 503977 D. 21.11.00 but not complete.

The following defects of the application are to be removed:-

- (1) Address of R. no. 625 incomplete.
- (2) Verification incomplete.
- (3) IPO no. & dt. not mentioned in petition.
- (4) Names of Advocates are not shown in vakalatnama.
- (5) Seal & Annexures are not in order.
- (6) Stamps & Envelopes are not filed.
- (7) Rs. 5/- beyond 5 Resps. not deposited.

Heard Mr J.L. Sarkar, learned counsel for the applicant and Dr B.P. Todi, learned counsel for KVS.

Application is admitted. Issue usual notice. Call for the records.

List on 15.1.2001 for written statement and further orders.

The applicant may in the meantime prefer the appeal before the authority within two weeks from today. If such appeal is preferred the respondents shall consider the same and pass a reasoned order and furnish a copy of the order to the applicant.

Vice-Chairman

It is permitted to move the application on 29.11.00 by pg
the Court.

16.1.01 List on 14.2.01 to enable the respondents to file written statement.

I C U Shaha

Member

Vice-Chairman

Ch.
28/11/00.

28/11/00
Treasur

Place before the Hon'ble
Court, after completion
of 28/11/2000

1m

All defects are removed by

Notice hereunder and sent to
D/B of the beforelast
No. 1 to 6, by Regd A/c. vide
D/No 3019 to 3024 dtd —
7/12/00.

Notice due Served on
R No. 284.
3 are admitted
17/12/00.

No. written statement
has been filed.

By
13.2.01

No. written statement
has been filed.

By
14.3.01

No. written statement
has been filed.

By
13.4.01

14.2.01

No written statement so far filed.
The respondents are ordered to file the
written statement within 4 weeks and to
intimate as to the result of the appeal
filed on 2.12.2000. List on 15.3.01 for
orders.

I C U Shahn
Member

Vice-Chairman

lm

15.3.01

List for hearing on 10.5.01.
The respondents may file written
statement if any, within 3 weeks from
to-day. The applicant also file
rejoinder if any thereafter within
10 days.

I C U Shahn
Member

Vice-Chairman

lm

10.5 - Howday

11.5 - There was a reference,
wst on 11/6/2001.

Mo
A/c
11.5

11.6.01

On the prayer of Mr. J. L. Sarkar,
learned counsel for the applicant, the
case is adjourned to 16-7-2001 for hearing
enabling him to make amendment in the O.A., chal-
lenging the appellate order.

I C U Shahn
Member

Vice-Chairman

bb

16.7.01

No representation stand out.
List again on 30.7.2001 for hearing.

I C U Shahn
Member

Vice-Chairman

bb

Notes of the Registry

Date

Order of the Tribunal

30.7.01

On the prayer of Mr J.L.Sarkar, learned counsel for the applicant the case is adjourned so as to enable him to take necessary steps.

List on 7.9.2001 for hearing.

I C Usha

Member

Vice-Chairman

No. written statement
has been filed.

30
6.9.01

pg

7.9.01

List on 20/9/01 for hearing.

No. written statement
has been filed.

30
19.9.01

20.9.

I C Usha

Member

There is no Division bench today.
The case is adjourned to 27/9/2001.

30
At 6.9
2001

No. written statement
has been filed.

30
26.9.01

27.9.2001

Heard the learned counsel for the parties.

Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is allowed. No order as to costs.

I C Usha

Member

Vice-Chairman

Received for
the respondent
objection
16/10/01

nkm

30.10.2001
copy of the Judgment
has been sent to
the Office, for issuing
the same to the applicant
as well as to the Registry
for the record etc

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./XXX. NO. 413 of 2000

With

O.A. No. 309 of 2001 DATE OF DECISION 27.9.2001

Shri Achhar Singh

APPLICANT(S)

Mr J.L. Sarkar, Mr N. Choudhury and

Mrs S. Deka

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

The Union of India and others

RESPONDENT(S)

Mr S. Sarma

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER

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.413 of 2000

With

Original Application No.309 of 2001

Date of decision: This the 27th September 2001

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

The Hon'ble Mr K.K. Sharma, Administrative Member

O.A.No.413/2000

Shri Achhar Singh
Kendriya Vidyalaya, Dinjan,
District- Dibrugarh, Assam.

.....Applicant

By Advocates Mr J.L. Sarkar, Mr N. Choudhury and
Mrs S. Deka.

- versus -

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Human Resource Development,
New Delhi.
2. The Kendriya Vidyalaya Sangathan, represented by the
Secretary-cum-Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
New Delhi.
3. The Commissioner,
Kendriya Vidyalaya Sangathan
(Vigilance Section),
New Delhi.
4. Dr E. Prabhakar,
Ex. E.O., KVS (G.P.),
And at present E.O. KVS (H.Q.),
New Delhi.
5. Mr S. Vijay Kumar,
Ex E.O. KVS (G.P.),
At present (E.O.)
Vigilance, KVS (H.Q.),
New Delhi.
6. The Chairman,
Vidyalaya Management Committee, Dinjan,
District- Dibrugarh, C/o 99 APO.

.....Respondents

By Advocate Mr S. Sarma.

O.A.No.309/2001

Shri Achhar Singh,
Dinjan, Assam.

.....Applicant

By Advocates Mr J.L. Sarkar & Mr A. Chakraborty.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Human Resource Development, New Delhi.
2. The Vice-Chairman, Kendriya Vidyalaya Sangathan, New Delhi.
3. The Commissioner, Kendriya Vidyalaya Sangathan, New Delhi.

.....Respondents

By Advocate Mr S. Sarma.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

Both the applications are related and accordingly they were taken up together for hearing. In O.A.No.413 of 2000 the legitimacy of the imposition of penalty of dismissal from service vide order dated 3.11.2000 by the Commissioner, Kendriya Vidyalaya Sangathan is challenged and in O.A.No.309 of 2001 the order of Appellate Authority dated 11.4.2001 upholding the order of dismissal is under challenge. The basic facts relevant for the purpose of adjudication are summed up below:

The applicant initially joined the Kendriya Vidyalaya Sangathan (KVS for short) as a Primary Teacher on 23.2.1979. In the year 1981, he was selected as Trained Graduate Teacher (TGT for short) as was posted at KVS, Sibsagar, ONGC. In the year 1984 he was selected as Post Graduate Teacher (PGT for short) in History and posted in the same school. In due course the applicant was selected for the post of Principal, KVS and he joined at KVS, Dimapur on 8.8.1995. The applicant was thereafter posted from place to place and till the impugned order was passed he was posted at KVS, CRPF, Amerigog, Guwahati. While he was working as Principal in KVS, CRPF, Amerigog the applicant was served with a Memorandum containing statement of articles of charge containing four articles of charge which are reproduced below:

ARTICLE I

"That the said Shri A. Singh while functioning as Principal in K.V., CRPF Amerigog during the period 1996-98 was appointed as Co-ordinator to conduct the test for LDC (Hindi) and UDC. He sponsored the name of his brother for invigilation in the test of LDC whereas his brother was a candidate for the post of UDC. Hence he has concealed the facts that his brother was appearing in the test in the same R.O., Gauhati. Thus Shri A. Singh has acted in the manner of unbecoming of a KVS employee and has violated Rule 3(1)(iii) of CCS (Conduct) Rule, 1964 as extended in the KVS employees.

ARTICLE II

That during the aforesaid period Sh. A. Singh being the co-ordinator, appointed Shri A.K. Choudhury, PGT (Eng) as examiner for evaluation of UDC Test Paper (English). But he got the note-books bearing Roll No.8, 13, 22 and 78 (who were his and KVS staff relatives) evaluated by someone else and put forged signatures of Shri Choudhury on the cover page of notebook.

This act on the part of Shri A. Singh constitutes a misconduct which is in violation of Rule 3(1)(i) & (iii) of CCS (Conduct) Rules 1964 as extended to the employees of K.V.S.

ARTICLE III

That Shri A. Singh, Principal, K.V., CRPF Amerigog being the co-ordinator of UDC & LDC Test got the papers of UDC evaluated by someone else and compelled Smt. John Bridge Rose, PGT(Eng) to put her signature on each note book and award list in a token of setting and evaluating the papers by calling her at his residence.

This act on the part of Shri A. Singh constitutes a misconduct which is unbecoming to an employee of KVS in violation of Rule 3(1)(i)&(iii) of CCS (Conduct) Rules, 1964 as extended to the employees of K.V.S.

ARTICLE IV

That Shri A. Singh, being the co-ordinator of above test helped some candidates for getting them selected for the post of UDC who were related to the staff of K.V. and K.V.S., Guwahati Region by manipulating the answers in G.K. paper and giving solved papers to these students as been confirmed from Roll No.22, 78 and 13 because the answers for Q.No.1,2 & 8 almost the rapiles. Further Roll No.22 who is the brother of Shri B.P. Yadav, PGT, K.V. Amerigog appeared in the L.D.C. test also got 27 marks out of 100 in L.D.C. exam whereas he scored 83 marks out of 100 in UDC test which is very amazing.

This act on the part of Shri A. Singh constitutes a misconduct which is in violation of Rule 3(1)(i) & (iii) of CCS (Conduct) Rules 1964, no extended to the employees of K.V.S."

2. The applicant submitted his written statement denying the allegations. An Inquiry Officer was appointed to enquire into the charges and on completion of the enquiry the Inquiry Officer submitted his report.

The.....

The Inquiry Officer, on enquiry, found that articles I and II were not proved, articles III was established and article IV was partially established. The applicant submitted his representation questioning the legality of the findings of the Inquiry Officer. The Disciplinary Authority finally by its order dated 3.11.2000 imposed the penalty of dismissal from service. The applicant preferred an appeal before the Appellate Authority, which was also turned down vide order dated 11.4.2001. Hence these two applications.

3. Mr J.L. Sarkar, learned counsel for the applicant, assailing the order of dismissal, submitted that the impugned orders are vitiated by the breach of the principles of natural justice and the statutory provisions. The learned counsel further submitted that the essential ingredients of the alleged imputations since not proved the impugned order of dismissal is not sustainable in law.

4. Mr S. Sarma, learned counsel for the respondents, opposing the application strenuously contended that a proper enquiry was held giving every opportunity to the applicant to defend his case and thereafter on assessment of the facts on the basis of the materials on record the impugned orders were passed bonafide.

5. In view of the fact that articles I and II were not proved and established we are not inclined to dwell on to those two articles of charge. As regards articles III and IV, the Inquiry Officer found article III to be proved and article IV to be partially proved. The only evidence to prove and establish the guilt of the applicant was the statement of Ms John Bridge Rose. Ms John Bridge Rose was a PGT (English) teacher. As per the articles of charge the applicant as the Principal, KVS, CRPF, Amerigog and as the co-ordinator of UDC and LDC Test got the papers evaluated by someone else and compelled Ms Rose to put her signature and award list in a token of setting and evaluating the papers by calling her at his residence. Admittedly, the applicant was not a co-ordinator of the UDC test. The connecting evidence implicating the applicant was that of the statement of Ms Rose. On their own showing the aforementioned statement of Ms Rose was recorded ex parte on 24.1.2000. The enquiry was conducted in Delhi and in Dehradun. In some of the enquiries the applicant was not present. When the enquiry was held on 6.1.2000 and 7.1.2000, the applicant attended on both days and crossexamined all the four witnesses. The other.....

other witness, Ms John Bridge Rose, was absent on that day and so her evidence was not recorded and the applicant returned to Dinjan in Assam. On 24.1.2000 when Ms Rose attended the enquiry the Inquiry Officer recorded her evidence in the absence of the delinquent officer. According to the delinquent officer though he was aware of the date of enquiry, the call letter was not sent to him. He pointed out that such letter was necessary to get the relieving order from the Chairman as well as station leave permission and for the purpose of TA/DA and also to get the assistance of the Defence Assistant. He also stated that the Audit Superintendent did not pass the bill without proper order or relieving order. For that reason he could not attend the enquiry on 24.1.2000 at Delhi. As regards the enquiry held on 14.2.2000, the applicant stated that he received the communication dated 27.1.2000 from the Inquiry Officer asking him to attend the enquiry on 14.2.2000. Accordingly the applicant started the journey on 10.2.2000 after taking station leave permission from the Chairman. However, when he reached Guwahati he felt acute pain in the stomach since he was a diabetic, hypertension and gall bladder stone patient and he had to terminate his journey at Guwahati and at the instance of the doctor he did not undertake further journey. The applicant narrated all these facts in the written statement submitted before the authority after receipt of the enquiry report. It may be stated that the applicant submitted an application before the Inquiry Officer praying for adjournment on medical ground on 24.1.2000. Instead, Ms Rose was examined in the absence of the applicant and the Inquiry Officer closed the enquiry and fixed 14.2.2000 for defence evidence at Delhi. From the enquiry report it appears that on 24.1.2000 Ms Rose was present and the applicant was absent. The Inquiry Officer adjourned the meeting upto 2-00 P.M. on 24.1.2000 and again resumed the hearing at 2-45 P.M. and asked the Presenting Officer to proceed further with the prosecution case in the absence of the applicant. The witness No.5 was examined by the Presenting Officer and at the end the Inquiry Officer also sought clarifications from the said witness and the hearing on 24.1.2000 was closed

with.....

with the passing of an order on the daily order sheet by the Inquiry Officer to the effect that the applicant should attend regular hearing on 14.2.2000 alongwith his Defence Assistant. On 14.2.2000 when the applicant was absent, according to the Inquiry Officer, without any intimation, the Inquiry Officer decided to hold the proceedings in the absence of the applicant and since the Presenting Officer had already closed his prosecution case on 24.1.2000 and the applicant had failed to defend his case by remaining absent, the case from the defence side was deemed to have been closed. The Inquiry Officer also directed the Presenting Officer to submit his written brief latest by 24.2.2000 with a copy to the applicant.

6. From the materials on record it thus appears that the Inquiry Officer did not provide the applicant any opportunity even to submit his defence as required under Sub-rule (16) of Rule 14. As per the rule the applicant was entitled to defend himself effectively by placing and proving his own case. The Inquiry Officer could not have closed the defence evidence in the manner he did. At any rate, what we find is that the charge No. III was sought to be proved by the testimony of a witness, whose statement was recorded ex parte. In our view for the sake of fairness the applicant should have been given an opportunity to prove and establish his case, if necessary by recalling Ms Rose for cross-examination. The material evidence evidence in support of article III did no prima facie establish the involvement of the applicant. As regards article IV, the Inquiry Officer himself found that for the so called irregularities that came to light the applicant could not be charged. On his own findings, the Inquiry Officer stated that the prosecution had failed to produce any evidence to the effect that the applicant was in any way connected with the UDC examination except that the applicant on the direction of the A.C.(G.R.) deputed Shri S.P. Kumar, PGT and Shri Choudhury TGT(Eng) for the evaluation of the answerscripts. But, nonetheless, according to the Inquiry Officer from the analysis of the facts presented by the Presenting Officer and the reply of the applicant it led to the inference that the applicant was very much handling the answerscripts of the UDC test notwithstanding the fact that officially

he.....

he was not appointed in any capacity to work in the UDC test. The Inquiry Officer drew the inference that the possibility of the involvement of the applicant as head of the Vidyalaya where the tests were conducted in manipulation of certain answerscripts could not be ruled out. The entire finding of the Inquiry Officer to that effect was based on assumption and presumption without basing on any material on record. The Disciplinary Authority mechanically accepted the report of the Inquiry Officer. The Disciplinary Authority also acted on assumption and presumption and in reaching the finding, it huddled upon hypothesis of the likelihood of the involvement of the applicant as head of the Vidyalaya wherein the tests were conducted could not be ruled out. The impugned order of the Appellate Authority also suffers from the same infirmity. The Appellate Authority reached the finding that the applicant exerted his influence as Head of the Institution to prevent proper evaluation of the answerscripts. According to the Appellate Authority this is itself was indicative of the malafide intention of the applicant to ensure that answerscripts of some people who were relatives of the employees of the school were not properly evaluated. The finding of the Appellate Authority is patently perverse and distorted. The materials on record clearly point out that the applicant was denied a fair opportunity to defend his case - the denial of the opportunity to state his defence itself has caused great miscarriage of justice.

7. On assessment of all aspects of the matter we are of the view that the impugned order of dismissal dated 3.11.2000 passed by the Commissioner is liable to be set aside and accordingly the same is set aside. Similarly, the order of the Appellate Authority dated 11.4.2001 is also liable to be set aside and accordingly the same is set aside.

8. The application is allowed. The applicant shall forthwith be reinstated in service with full wages and the consequential service benefits.

No order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

844

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P.W.D. - 2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWALI BECHI: GUWALI.

(AN APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985)

O.A. NO. 413 OF 2000

SRI Achhar SinghApplicant.

-vs-

Union of India & Ors....Respondents.

I N D E X

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Filed by

S. S. S.
Advocate.

28.11.2000

File by the Applicant
through Sri Deen
Advocate

केन्द्रीय प्रशासनिक न्याय निवारण नियम
Central Administrative Tribunal

28 NOV 2000

गुवाहाटी बैचन्च
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.

O. A. NO. 413 /2000

BETWEEN

Sri Achhar Singh,
S/o Late Sardar Mahinder Singh,
Kendriya Vidyalaya, Dibrugarh
District- Dibrugarh (Assam).

....Applicant.

AND

1. Union of India.

(Through the Secretary to the
Govt. of India, Ministry of Human
Resource Development,
Sastri Bhawan, New Delhi-1)

2. Kendriya Vidyalaya Sangathan,
Represented by its Secretary-cum-
Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi- 110016.

3. Commissioner,

Kendriya Vidyalaya Sangathan,
(Vigilence Section)
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi- 110016.

Achhar Singh

4. Dr. E. Prabhakar,
Ex. E.O. # KVS (G.P.),
And at Present E.O. KVS (HQ)
18, Institutional Area,
Shaheed Jeet Singh Marg
New Delhi - 110016.

5. Mr. S. Vijay Kumar
Ex- E.O. KVS (G.P.)
At present (E.O.)
Vigilance, KVS (H.Q.).
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi - 110 016.

6. Chairman,
Vidyalaya Management Committee, Dinjan,
2nd Mountain Div. H.W. Dinjan,
District- Dibrugarh, C/O 99 APO.

PARTICULARS OF THE APPLICATION :

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

Order No. F. 8-25/98-KVS (Vig.) dated 3.11.2000 issued by the Commissioner, Kendriya Vidyalaya Sangathan 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi - 110016, terminating the service of the applicant.

2. LIMITATION.

The applicant further declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

3. JURISDICTION:

The applicant declares that the subject matter of the order against which he wants redressal is within

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Abhaya Singh

the jurisdiction of the Tribunal.

4. FACTS OF THE CASE :

4.1 That the applicant is a citizen of India and at present a resident of Dinjan in the District Dibrugarh (Assam). The applicant is an M.A. in English Literature and History under Meerut University. The applicant also did his M.Ed. under the same University.

4.2 That the applicant entered into the service under the Kendriya Vidyalaya Sangathan as PRT (Primary teacher) on 23.2.1979 and was initially appointed at Dinjan. In the year 1981, the applicant was selected as TFT (Trained Graduate teacher) and was posted at KV, Sibsagar ONGC. In the year 1984, the applicant got selection for the post of PGT (Post Graduate teacher) in History was posted in the School. Thereafter the applicant was duly selected for the post of Principal KVS and joined at KV Dimaapur where the applicant joined on 8.8.1995. In the year 1996, the applicant was arbitrarily transferred to KV, Karimganj violating the transfer norms of the KVS before completion of the 3 year term at a Station. The applicant challenged the said illegal transfer before the Hon'ble High Court whereupon the same was stayed. Subsequently, the Commissioner, KVS modified the transfer order and posted the applicant to KV ~~NRB~~ modified the transfer order and posted the applicant at KV, CRPF, Amerigog, Guwahati.

4.3 That your applicant states that before he could complete one year at Guwahati he was placed

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under suspension on 26.2.98, but no disciplinary proceeding could be drawn up against him within 5 months for which the applicant approached the Vice-Chairman of the KVS and the applicant was reinstated on 27.7.98. Sri E. Prabhakar who was officiating as A.C. Guwahati Region at that time and Sri S. Vijay Kumar, Education Officer (GR) took up the matter personally and did not allow the applicant to join at KV CRPF, Amerigog, Guwahati. At the instance of these two officers who have been impleaded as respondents No. 3 and 4 hereinabove, the applicant was transferred to KV, Sataka in Nagaland violating the transfer norms of KVS. The applicant challenged this transfer order before the Hon'ble Gauhati High Court and thereupon the transfer order was stayed. But even, thereafter the respondent No. 3 and 4 did not allow the applicant to join at KV CRPF Amerigog violating the order of the Hon'ble High Court for which the applicant filed contempt petition before the Hon'ble High Court and notices were issued to the respondents No. 3 and 4. At this stage the respondent No. 3 transferred the applicant again to KV Dinjan and ultimately the applicant joined there on 14.1.99. Because of the facts stated above, the respondents no. 4 and 5 ~~because~~ became inimical to the applicant and were bidding for opportunity to harm him.

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Guwahati Bench

contd.... 5/-

4.4. That your applicant states that while he was working as Principal of KV, C.W.P, Amerigog, Guwahati in the year 1997, there was a selection for recruitment of LDC and UDC. The then A.C. (GR), Dr. K. Rakesh by Office Order dated 15.12.97 appointed the applicant as Co-ordinator for the examination/recruitment of LDC. Dr. K.C.Rakesh himself co-ordinated the examination/recruitment of UDC. However, by letter dated 11.12.97 asked the applicant to depute PGT (Math) Dr. S.P. Kumar and TGT (English) Sri A.K. Choudhury of the School of the applicant to evaluate the answerscripts. By the said letter Smt. J.Bridge (PGT English) was also directed to scrutinize the English answerscripts of UDC.

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Copies of letter dated 15.12.97 and 11.12.97 are annexed hereto as Documents No.1 and 2 respectively.

4.5. That your applicant states that some discrepancies and irregularities are alleged to have taken place in the UDC selection test which was under control of Dr. K.C. Rakesh, the then A.C. (G.R). The matter went up to the Hon'ble Delhi High Court whereupon all actions of Dr. Rakesh concerning UDC selection and his orders/actions on or after 11.12.97 were adjudged illegal. Consequently Dr. Rakesh was not permanently absorbed in the KVS and was terminated.

Acholag Singh

Achhag Singh

-6-

4.6. That the respondents No. 4 and 5 who were inimical to the applicant sought to take opportunity of the same for vindicating their grudge against the applicant in collusion with others and caused issuance of charge sheet against the applicant in connection with aforesaid irregularisation in UDC Selection although the applicant was not involved in the process at all.

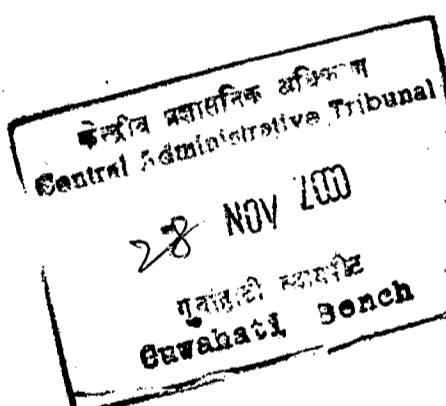
Copy of Memorandum with the charge sheet and statement of allegations is annexed hereto as Documents No.3.

4.7. That your applicant submitted reply to the said charges denying the same and prayed for dropping the charges. Be it mentioned here that the applicant was engaged to co-ordinate the IDC Selection only which he did successfully and smoothly and there was no allegation of irregularity in it. UDC selection was under direct supervision of Dr. K.C.Rakesh and the applicant had no role to play therein except communicating the order of Dr. Rakesh to the teachers named above for evaluation and/or scrutiny.

A copy of the written statement is annexed hereto as Document No.4.

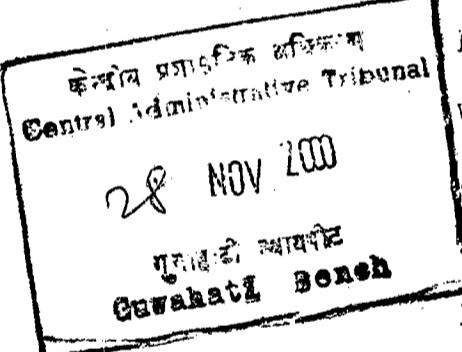
4.8. That the commissioner of KVS by order dated 24.12.98 appointed Sri S.C.Jain A.C. KVS (RO) as Inquiring Authority (hereinafter referred to as ' the I.A.'.) and Sri G.R. Dua as Presenting

contd...7/-



Officer (hereinafter referred to as 'the P.O.') . The I.A. fixed 28.1.99 , 6.3.99, 30.8.99 and 17.9.99 at Dehradun for preliminary hearing. The applicant being a patient of diabetes, high blood pressure, Choleyststration and other serious complications could not appear on the said dates and prayed for adjournment enclosing medical certificates.

4.9. That on 17.9.99 the I.A. held preliminary hearing ex parte and as such the applicant got seriously prejudiced inasmuch as he was deprived of the opportunity of Rule 14(9) of the CCS(CCA) Rules and could not place his case during preliminary hearing . The I.A. fixed 11.11.99 for regular hearing and inspection of documents. As the applicant was seriously sick on that date he could not inspect the documents proposed to be relied against him and no further time was granted to him for the purpose although the I.A. on being satisfied as to the genuineness of the medical ground adjourned the regular hearing to 6.1.2000 and 7.1.2000.



4.10. That the applicant appeared on 6.1.2000 with his Defence Assistant (for short D.A.) but the I.A. did not allow participation of D.A. in the proceeding illegally and arbitrarily to the prejudice of the applicant. The Presenting Officer who had no personal knowledge of in documents, himself marked the as Ex. S1 , S 2, S 3 (1) to (VIII)

22

Achhar Singh

the P.O. examined 4 PWS. Mrs. J.B. Rose was not present and as such the hearing was adjourned to 24.1.2000. On the said date the applicant could not appear and sent letter praying for adjournment on medical ground. But the I.A. did not allow the prayer.

PWS J.B. Rose was examined in the absence of the applicant, the I.A. closed the prosecution evidence and fixed 14.2.2000 for Defence evidence at Delhi.

4.11. That the applicant came upto Gauhati for Delhi and had reservation for Delhi also. But he could not board on the train for aggravation of his illness and as such sent a letter under speed post enclosing photocopy of railway ticket at on 11.2.2000 . The

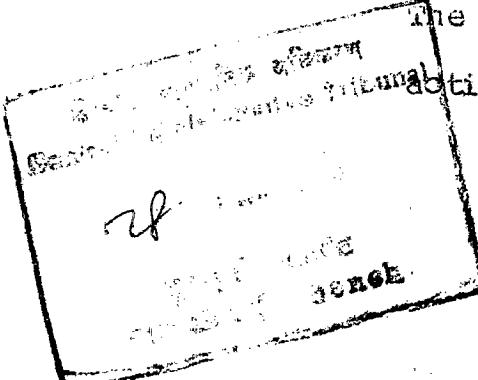
1.A. received it on 12.2.2000 but did not consider the same and closed defence evidence in gross violation of the mandatory provision of Rule 14(16) of the COS (CCA) Rules to great prejudice of the applicant and as such he got virtually demanded of his legal right to defend himself effectively by placing and proving his own case. The I.A. fixed 24.2.2000 for written brief by P.O.

4.12. That the P.O. submitted his written brief on 24.2.2000 and the applicant submitted his written brief on 6.3.2000 challenging the legality and validity of the exparte proceeding. The applicant prayed for affording an opportunity to him for placing his case and leading evidence. The I.A. did not

consider the same and closed the proceeding and thereafter submitted his purported report. In the said report the I.A. held the applicant not guilty so far as Charges No.I, and II, but wrongly held the applicant guilty under Charge No.III. So far as the Charge No.IV is concerned the I.A. held that the same is partially established.

4.13. That thereafter, the Disciplinary Authority served notice on the applicant to submit representation against the Inquiry Report vide ~~memorandum~~ dated 7.8.2000.

The applicant submitted reply in time challenging the conclusions of the I.A. and the findings recorded by him.

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A copy of the memorandum dated 7.8.2000, Inquiry report and Reply are annexed hereto and are marked as Documents No. 5, 6 & 7 respectively.

4.14. That your applicant states the findings of the I.A. as to Charge No.III are as follows:-

- (a) that the charged officer (C.O.) was involved in checking, evaluating rechecking of answerscripts of UDC test;
- (b) that the order (Annexures V of Defence brief) of the A.C. which was complied by the C.O. does not bear any file number or despatch particulars;
- (c) that the C.O. was in unusual hurry to get the signature of PW 5(Smt. J.B. Rose) on the answerscripts already evaluated;

(d) that C.O. summoned PW 5 to his residence and asked her to sign on the dotted line.

(e) that the oral statement of PW 5 is true and the same establish that C.O. did not act in a manner required of a Principal of KV.

On these findings, the I.A. came to the conclusion that the charge No.III has been established.

4.15. That the applicant states that he was never appointed to co-ordinate the test for U.D.C. selection and as such he had no role to play therein. The finding of the I.A. that the applicant was involved in it is not substantiated by records produced by the P.O. It is important to note that the same I.A. while deciding charge No.III observed- " The prosecution was failed to produce any evidence to the effect that he as in any way connected with the UDC examination except that Sri A.Singh is deputed on the direction of A.C. (C.R) Sri G.P. Kumar PGT and Shri Choudhury PGT for evaluation of answerscripts". The records only show that the applicant was appointed to co-ordinate selection test of I.C.C. only. The I.A. gave undue emphasis on some oral version of PW 5 although oral evidence cannot override the documentary evidence. Dr. Rakesh A.C. who had conducted the test had already been found guilty in this regard had he had been terminated from service. The authority once having found Dr. Rakesh to be responsible for the wrong, cannot

Achhar Singh

punish a subordinate employee particularly no imputation of personal gain has been attributed to him.

4.16. That the I.A. did not consider the Annexure-V of the Defence brief which shows that it was Dr. Rakesh who required the signature of Mrs. J.B. Rose and others on the answercripts which they allegedly failed to give earlier at the time of evaluation. The applicant complied with the said direction of Annexure-V at the Annexe of the Office of A.C. which is near to his residence and the PW 5 was never called to his residence. Merely because the Annexure-V does not bear file number and despatch particulars the same should not have been kept out of consideration more so when there is no allegation from the side of P.C. as to its genuineness. The I.A. Thus committed grave injustice on mere hypertechnicality and the applicant has been serious prejudiced thereby. Non consideration of a relevant document like Annexure-V of the Defence brief has vitiated the inquiry report.

**केन्द्रीय प्रशासनिक अदायक
Central Administrative Tribunal**
28 NOV 2000
Guwahati Bench

4.17. That the finding that the C.O. (applicant) has acted in undue hurry has no material basis. None of the witnesses made any allegation to that effect and as such the said finding is perverse.

4.18. That the I.A. erred in holding that the PW 5 was called to the residence of the applicant. The PW5 signed the answerscripts in the annexe to the office of A.C. Dr. Rakesh and the same cannot be said to be the house of the applicant.

4.19. That the oral statement of PW5 that the applicant co-ordinated the selection test of UDC and acted in a manner unusual of KV Principal is overridden by the documentary evidence produced by P.C. which shows that the applicant was engaged to co-ordinate the selection of I.D.C alone. Thus, the finding of the I.A. that the charge III has been established beyond doubt is incorrect and is not based on materials on record and rather the same is based on conjectures and sumises. In fact that the Charge

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

No. III has not been established even by preponderance of probability.

28 NOV 2004.20. That the I.A. held the charge No. IV partially established on the following propositions:-

प्रमाणात्मक
Courtletti Bench

- (a) that there is no doubt that there was some irregularities and inconsistency in the marking of answer of G.K. and English answerscripts.
- (b) that answer of Gurmit Singh and Devendra Yadav are much talling;
- (c) that the C.C. cannot be charged for manipulation;
- (d) that there is no evidence to show that C.C. was connected in any way with the UDC examination except complying with directions of A.C. (G.R)

(e) that though not officially appointed, C.O. was handling the answerscripts of UDC examination.

(f) that the plea of ignorance of the C.O. as to evaluation of UDC examination does not seem to be true.

(g) that the possibility of his involvement being the head of the institution cannot be ruled out.

4.21. That the applicant states that the aforesaid findings of the I.A. apart from being contradictory are also inconclusive. Suspicion cannot take place of proof at any event. The fact remains that the I.A. has not found any convincing evidence to hold that the charge has been proved and only could not rule out possibility of the C.O. involvement. This

being the position, the charge cannot be said to have been proved by preponderance of probability. There is nothing like partial establishment of a charge.

28 Nov 2000
T. S. D. S.
Supreme Bench

That your applicant states that although none of the findings of the I.A. as to charge No. III & IV are based on materials, the Disciplinary Authority by order dated 3.11.2000 terminated the service of the applicant holding that the applicant tampered with the smooth conduct of examination/recruitment of LDC's and UDC's with ulterior motive although no charge as to such allegation/fact was ever drawn. Such act of the Disciplinary authority,

Akhilesh Singh

therefore, is illegal, arbitrary and violative of the principles of natural justice as well as the provisions of CCS (CCA) Rules.

A copy of order dated 3.11.2000 is annexed hereto as Document No. 8.

4.23. That the applicant states that although there is a provision of appeal against the impugned order dated 3.11.2000, but CCS (CCA) Rules have not conferred any power in the appellate authority to stay the order appealed against and as such the same appellate provision is not a alternative and efficacious remedy and under such circumstances the applicant has no other way but approach this Hon'ble Tribunal.

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Date of filing before
Arsh Singh, the Tribunal
Arsh Singh, the Principal Bench
24. That your applicant states that the Hon'ble Principal Bench in Charan Singh-vs- UOI & Ors (ATR 1986(2); 643) directed that in case of absence of power to stay the order of appellate authority the Tribunal may entertain and grant interim order. This Hon'ble Tribunal also in OA No.177/94 (Sri Sunil Das-vs- Union of India had admitted and passed orders granting interim order by way of staying the impugned order before submitting the appeal to the appellate authority under the CCS (CCA) Rules on the ground that the Rules did not provide any provision of stay to the appellate authority.

Copy of the order dated 7.9.94 in OA 177/94

is annexed hereto as Document No. —

9

4.25. That although the order has been shown to have been passed on 3.11.2000 but the same was not served on the applicant instantaneously and as such the order has not yet been implemented the applicant is still holding the post of Principal, KVS Dinjan.

5. GROUND FOR APPEAL WITH LEGAL PROVISION:

5.1. For that none of the charges levelled against the applicant having been substantiated on preponderance of probability, the disciplinary authority erred in terminating the service of the applicant vide impugned order dated 3.11.2000 and as such the same is liable to be set aside and quashed.

6.2. For that the Inquiring Authority having observed in his report that the prosecution failed to produce any evidence to the effect that the applicant (C.O) was in any way connected with the UDC examination, the Disciplinary Authority committed error in punishing the applicant allegedly for tempering with smooth conduct of the LDC/UDC recruitment examination and as such the impugned order is vitiated.

5.3. For that there being no charge as to tempering with smooth conduct of examination/recruitment of

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Address: 900
W. 11th Street
Minneapolis, Minn.

LDCs and UDCs with ulterior motive, the disciplinary authority acted illegally, arbitrarily and in violation of the principles of natural justice as well as Rule 14 of the CCS (CCA) Rules and as such the impugned order is liable to be set aside and quashed.

5.4. For that the applicant having been deprived of the opportunity to state Defence case under Rule 14(9) of the CCS (CCA) Rule and even thereafter the impugned order of punishment is violative of the principles of natural justice.

5.5. For that the Inquiring Authority not having allowed the applicant to get the assistance of Defence Assistant, and as such the entire exparte disciplinary proceeding is vitiated.

5.6. For that the applicant (C.O) having prayed for adjournment of the enquiry on medical ground and the Inquiring Authority being satisfied with the materials placed, having adjourned the case on 11.11.99 , the Inquiring Authority erred in not allowing the C.O. to inspect documents on the next date and having fixed the case for hearing straightway, the impugned proceeding is vitiated.

5.7. For that the applicant who resides at the remote north eastern frontier having been asked to appear for hearing on 14.2.2000 at Delhi

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and previously Dehradun and the applicant because of his sudden illness having failed to reach Delhi and having prayed for time on 11.2.2000 by Speedpost on medical ground and the Inquiring Authority having failed to consider the prayer and having closed Defence evidence without there being any Defence evidence at all, the mandatory provision of Rule 14(16) of the CCS (CCA) Rules have been grossly violation to much prejudice of the applicant and as such the impugned order as well as the Disciplinary Proceeding are vitiated.

5.8. For that non service of copy of Daily ordersheet alongwith the enquiry report has seriously prejudiced the applicant in preparation of his reply to the second show cause notice and as such the impugned order is vitiated.

28 NOV 2000
Central Administrative Tribunal
Guwahati Bench

For that the finding of the Inquiring Authority as to the involvement of the C.O. in the examination/recruitment of UDC being contradictory, the Disciplinary Authority committed error in punishing the applicant.

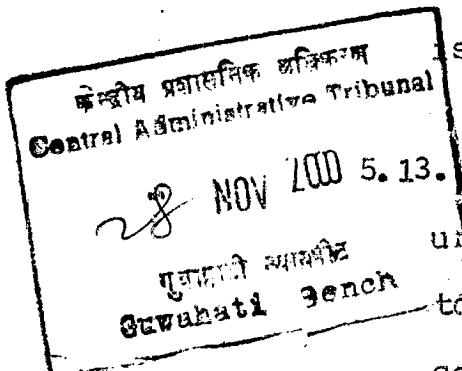
5.10. For that Annexure-V of the Defence brief which establish that the examination/recruitment of UDC which involve the commission of alleged misconduct, having made it clear that Dr. Rakesh A.C. himself directly coordinated the process wholly and the

contd... 18/-

applicant had no responsibility therein, the Disciplinary Authority committed error in punishing the applicant for misconduct committed by Dr. Rakesh and as such the impugned order is liable to be set aside and quashed.

5.11. For that the Inquiring Authority having failed to consider relevant document, namely, Annexure-V of the Defence Brief the impugned order and the Disciplinary proceeding is liable to be adjudged illegal.

5.12. For that the findings of the Inquiring Authority as to charge No. III and IV being perverse and not based on materials on record, the impugned order is liable to be set aside and quashed.



5.13. For that the Inquiring Authority having laid undue emphasis on oral evidence which is contrary to documentary evidence, the Disciplinary Authority committed error in passing the impugned order.

5.14. For that the proceeding being an ex parte one because of illness of the applicant and the place of inquiry being at Delhi and Dehradun while the place of posting of the applicant is at Dibrugarh in Assam, the applicant did not get adequate opportunity to place his case and as such the

socalled disciplinary proceeding is no proceeding in the eye of law and as such the impugned order based thereon is liable to be set aside.

5.15. For that there being serious irregularities of procedure to the prejudice of the applicant/C.O. as stated in paragraph 4 above, the impugned order is liable to be set aside and quashed.

5.16. For that the applicant being an innocent person and not having committed the charged or any other misconduct, the impugned order is liable to be set aside.

5.17. For that in any view of the matter the impugned order is bad and is violative of articles 14 and 21 of the constitution of India and the provisions of the CCS (CCA) Rules as well as the Principles of natural justice.

6. DETAIL OF REMEDIES EXHAUSTED:

There is no alternative efficacious remedy available to the applicant against the order challenged before this Hon'ble Tribunal inasmuch as CCS (CCA) Rules have not conferred any power on the appellate authority to stay the impugned order.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

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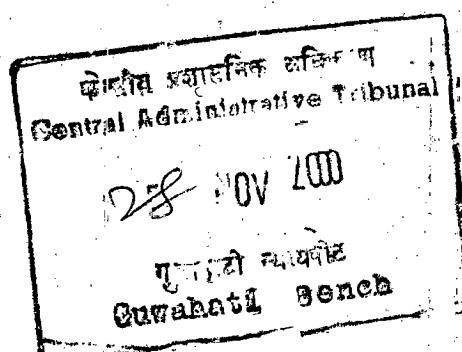
The applicant further declares that he had not previously filed any application, Writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

It is prayed that your Lordships may be pleased to admit this application, call for records issue notice upon the respondents to show cause as to why the impugned order No. F. 8-25/98- KVS (Vig.) dated 3.11.2000 issued by the Commissioner, KVS (Vigilance) terminating the service of the applicant should not be set aside and quashed and/or why any other appropriate order or direction should not be issued as this Hon'ble Tribunal may deem fit and proper.

9. INTERIM RELIEF PRAYED FOR:

The applicant prays in the interim that the operation of the impugned order dated 3.11.2000 issued by the Commissioner, KVC (Vigilence) be stayed and the applicant may be allowed to function as Principal, KVS Dinjan and to stay at his official quater at Dinjan as otherwise he



Will suffer irreparable loss and injury .

10. That this application is filed through Advocate.
11. PARTICULARS OF IPO: M. 503977 dt. 21.11.2000
12. LIST OF ENCLOSURES:
 - (i) Office Order No.F 8-6/96-KVS/GR/134009-18 dated 15.12.97.
 - (ii) Order of Dr. K.C. Rakesh dated 11.12.97.
 - (iii) Memorandum with Article of Charges and Statement of allegations.
 - (iv) Written Statement to the Charges.
 - (v) Memorandum dated 7.8.2000.
 - (vi) Inquiry Report.
 - (vii) Reply to memorandum dated 7.8.2000.
 - (viii) Impugned order dated 3.11.2000
 - (ix) Order dated 7.9.94 in OA. 177/94.

.... Verification.

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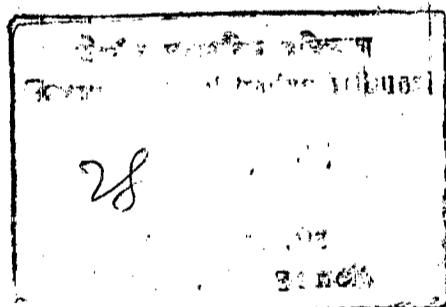
30 NOV 2000

- V E R I F I C A T I O N -

I, Sri Achhar Singh aged about 50 years, Son of late Sandar Mahinder Singh residing at Dinjan in the District of Libnigarh do hereby solemnly declare that the statements made in 1 to 3, 6, 7, 8, 9, 10, 11 & 12 are true to my knowledge, the same made in paragraphs 4.6, 4.14 to 4.20 & 4.22 being matters of records are true to my information which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any relevant and material facts.

Signed this verification on this the day of November, 2000.

Achhar Singh
R Singh
Declarant.



Document No. 1

KENDRIYA VIDYALAYA SANGATHAN

Regional Office
Maligaon Chariali
Guwahati-781012.

No. F 8-6/96-KVS(GR)/134009-18

Dated 10.12.97

15

OFFICE ORDER

The following officials of this office/KV CRPF Amerigog are hereby detailed for duties at KV CRPF Amerigog on 10th Dec. '97 for conducting the written test for the posts of LDC in two shifts. They are directed to report for duty at KV CRPF Amerigog at 9 AM positively. They are entitled to TA/honorarium as per KVS rules. They are also permitted to perform the journey by auto/own scooter/Bus as per entitlement.

1. Sh. A. Singh, Principal : Co-ordinator
KV CRPF Amerigog.
2. Sh. C.B. Solanki, Sundt(Admn) Supervisor
3. Sh. S. Baishya, Assistant: Asstt. Supervisor
4. Sh. Ramakant, TGT(Eng.): Invigilator
5. Sh. J. Singh, TGT(PCM) : "
6. Sh. Promod Kumar, TGT(PCM): "
7. Sh. N.K. Srivastava, TGT(S.St.) "
8. Sh. Gurmeet Singh "
9. Sh. D.C. Das, Group D Group 'D'
10. Sh. Jiten Das, Group 'D' "

Sd/-

(Dr. K.C. Rakesh)

Assistant Commissioner

Copy to (1) Individual concerned. They are requested to furnish undertaking mentioning that no relative of him/her is appearing in the aforesaid written exam.

(2) Supdt(A/Cs) KVS (GR).

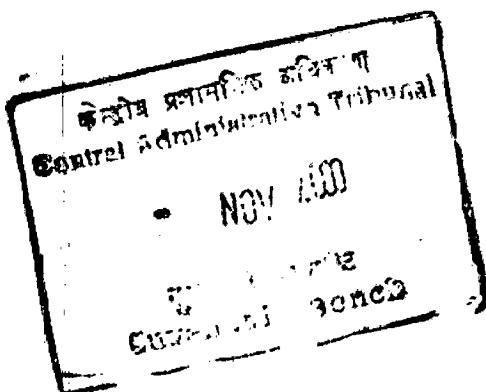
Assistant Commissioner.

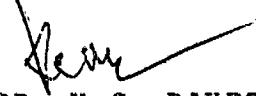
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DOCUMENT NO 2

ORDER

Principal K.V. CRPF Amerigog Guwahati Shri Achhar Siingh is hereby directed to depute PGT Maths Dr. S.P. Kumar and English TGT Shri A.K. Chaudhary K.V. CRPF Guwahati to evaluate the Maths and English Answer Scripts of UDC Test going to be held on 11.12.97 respectively. He is further directed to Scrutinize UDC English Test Answer Scripts by PGT English Smt. John Bridge K.V. CRPF without any delay.




DR. K.C. RAKESH
Assistant Commissioner
Regional Office,
Guwahati Region
Maligaon Charali
Guwahati Assam

Copy to :

Principal,
A. Singh,
K.V. CRPF, Gowahati-23

Dated : 10.12.97

Document No.3

Regd/Conf.

KENDRIYA VIDYALAYA SANGATHAN

18, Institutional Area

Shaheed Jeet Singh Marg,
New Delhi-110016.

F.8-25/98-KVS(VIG.)

Dated - 08-1998.

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri/Smt. A.Singh, Principal, KV.Satakha under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1966. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement

केन्द्रीय प्रशासन के लिए
Central Administrative support of each article of charge is enclosed (Annexure-II).

A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV)

Guwahati Bench

2. Shri /Smt. A.Singh, Principal, K.V.Satakha directed to submit within 10 days of the receipt of this Memorandum a Written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should therefore, specifically admit or deny each article of charge.

4. Shri Smt. A.Singh, Principal, K.V.Satakha is further informed that if he/she does not submit his written statement of defence or before the date specified in para 2 above or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex parte.

-2- (Contd.. Document No.3)

5. Attention of Shri /Smti. A.Singh, Principal is invited to Rule 28 of the Central Civil Services (Conduct Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri/Smti. A.Singh, Principal is aware of such a representation and that it has been made at his instance and action will be taken against

him for violation of Rule 20 of the CCS(Conduct)Rules,

1964.

6. The receipt of the Memorandum may be acknowledged.

Sd/-

11.9.98

(R. S. PANDEY)
COMMISSIONER.

To

Shri /Smt. A.Singh, Principal,
Kendriya Vidyalaya Satakha
Nagaland.

Copy to :- 1) The Asstt. Commissioner, K.V.S. Regional Office, Shillong.

2) The Asstt. Commissioner, K.V.S. Regional Office Gauhati.

3) The Asstt. Commissioner (Admn) K.V.S. (Hqrs)
New Delhi.

4) The Section Officer (Estt.III) K.V.S.

-3-

(Contd.. Document No.3)

ANNEXURE I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST

SHRI A.SINGH (now at K.V. Satakha)

PRINCIPAL K.V. CRPF AMERIGOG, GUWAHATI.

ARTICLE I

That the said Shri A.Singh while functioning as Principal in K.V., CRPF Amerigog during the period 1996-98 was appointed as Co-ordinator to conduct the test for LDC (Hindi) and UDC. He sponsored the name of his brother for invigilation in the test of LDC whereas his brother was a candidate for the post of UDC. Hence he has concealed the facts that his brother was appearing in the test in the same R.O., Gauhati. Thus Shri A.Singh has acted in the manner of unbecoming of a KVS employee and has violated Rule 3(1)(iii) of CCS (Conduct) Rule, 1964 as extended in the KVS employees.

ARTICLE II

That during the aforesaid period Sh. A.Singh being the co-ordinator, appointed Shri A.K. Choudhury, PGT (Eng) as examiner for evaluation of UDC Test Paper (English). But he got the note-books bearing Roll No.8, 13, 22 and 78 (who were his and KVS staff relatives) evaluated by someone else and put forged signatures of Shri Choudhury on the cover page of notebook.

This act on the part of Shri A.Singh constitutes a mis-conduct which is in violation of Rule 3(1)(i) & (iii) of CCS (Conduct Rules 1964 as extended to the employees of K.V.S.

contd... 4/-

-4-

(Document No. 3)

ARTICLE III

That Shri A. Singh, Principal, K.V., CRPF Amerigog being the co-ordinator of UDC & LDC Test got the papers of UDC evaluated by someone else and compelled Smt. John Bridge Rose, PGT(Bng) to put her signature on each note book and award list in a token of setting and evaluating the papers by calling her at his residence.

This act on the part of Shri A. Singh constitutes a mis-conduct which is unbecoming to an employee of KVS in violation of Rule 3(1)(i)& (iii) of CCS (Conduct) Rules, 1964 as extended to the employees of K.V.S.

ARTICLE IV

That Shri A. Singh, being the co-ordinator of above test helped some candidates for getting them selected for the post of UDC who were related to the staff of K.V. and K.V.S., Guwahati Region by manipulating the answers in G.K. paper and giving solved papers to those students as been confirmed from Roll No.22, 28 and 13 because the answers for Q.No.1,2 & 8 are almost the rapiles.

Further Roll No.22 who is the brother of Shri B.P. Yadav, PGT, K.V. Amerigog appeared in the L.D.C. test also got 27 marks out of 100 in L.D.C. exam whereas he scored 83 marks out of 100 in UDC test which is very amazing.

This act on the part of Shri A. Singh constitutes a misconduct which is in violation of Rule 3(1)(i)& (iii) of CCS(Conduct)Rules 1964, no extended to the employees of K.V.S.

ANNEXURE II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR
IN SUPPORT OF THE ARTICLES FRAMED AGAINST SHRI A.SINGH
PRINCIPAL? K.V. CRPF AMERIGOG GUWAHATI. (now at K.V.Satakha)

ARTICLE I

That Shri A.Singh while functioning as Principal, K.V. CRPF Amerigog during the year 1996-98 was appointed as co-ordinator by A.C. Guwahati to conduct the test for U.D.C. and LDC (Hindi typist) on 10.12.97 at K.V., CRPF Amerigog Guwahati. In the test, his brother Shri Gurmeet Singh was appointed as invigilator for the LDC(Hindi typist) conducted on 10.12.1997.

According to the instructions issued from time to time, any official whose blood relation is appearing in the test, he/she should not indulges himself/herself as co-ordinator Shri Gurmeet Singh appeared in the test of ~~UGC~~ UDC from the same centre where Shri A.Singh was appointed as co-ordinator which was in violation of instructions mentioned above. Further he also concealed the facts from the Appointing Authority and accepted the duty assigned by A.C., Guwahati to co-ordinate the test for UDC and LDC (Hindi typist).

Thus Shri A.Singh has acted in a manner which is unbecoming of an employee of K.V.S. and has violated Rule 3 (1)(iii) of CCS (Conduct)Rules 1964 as extended to the employees of K.V.S.

ARTICLE II

That during the aforesaid period Shri A.Singh, deputed Shri A.K. Choudhury, TGT (Eng) and Dr.S.P. Kumar,

-6-

(Document No. 3)

PGT (Maths) to evaluate the answer scripts of LDC/UDC written test 1997 vide his Order No. Nil dated 11.12.97.

Shri A. K. Choudhury while receiving the papers from Shri Singh found that some papers/answer sheets were already checked and he immediately told Shri Singh, Shri A. Singh instead of inquiring that how some papers are already evaluated, asked Shri Choudhury to check that again as there were no signatures of the examiner. Further Shri A. K. Choudhury asked him to give a certificate that four answer scripts were already evaluated Shri Singh denied to give any signature. Shri Choudhury only prepared the marks list with his full name but while he saw the answer scripts again, he found that his duplicate forged signatures were put on each and every answer scripts. It is also observed that the answer script

of Roll No. 22, Devindra Yadav, (OBC), Roll No. 78

Gurmeet Singh (SC), Roll No. 8 Chandgi Ram (SC) and

Roll No. 13 Inderjeet Singh (SC) were evaluated in advance. Roll No. 15, 02, 34, 63, 17 and 38 were of Shri Utam Kumar (SC), Shri Rajinder Kumar Mazumdar (SC), Shri Ashok Kumar (OBC), Shri Ajit Kumar Sen (Gen) Shri Raj Kishore Singh (Gen) and Shri S. K. Pandey (Gen) respectively were evaluated by Shri A. K. Choudhury.

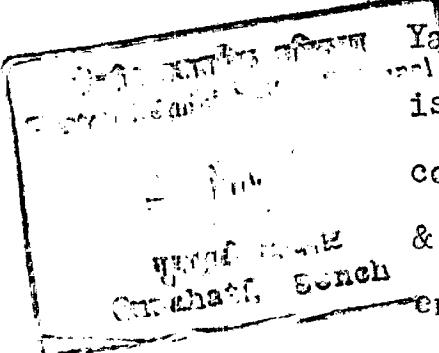
Thus Shri A. Singh, Principal and co-ordinator misused his powers and acted in a manner which is unbecoming to an employee of K.V.S. By this act Shri A. Singh has violated Rule 3(1)(i) and (iii) of CCS (Conduct) Rule as extended to the employees of K.V.S.

contd...7/-

(Document No.3)

ARTICLE III

That Shri A. Singh, Principal, K.V., CRPF Guwahati being the co-ordinator of UDC and LDC (Hindi typist) test got UDC (English) test papers evaluated by some one else and compelled Smt. John Bridge Rose, PGT (Eng) in her school to sign already evaluated papers and marks sheet as a token of setting and evaluation the papers. She did not evaluate the answer scripts, as the answer scripts were already evaluated, she was asked to sign them by the Principal. Shri A. Singh at his residence gave instructions that since she made the Question Papers her signature is needed. She did not prepare the answer list but sign on the already prepared award list. She saw that the answers of the Q.No. 1, 2 & 8 in UDC (Eng) Paper were of high standard and she found replies of the same in the answer sheet of Roll No.22 (OBC) naming Davindra

 Yadav. Thus Shri A. Singh has acted in a manner which is unbecoming to an employee of K.V.S. and has committed a misconduct in violation of Rule 3(1)(i) & (iii) of CCS (Conduct) Rule 1964 as extended to the employees of K.V.S.

ARTICLE IV

That Shri A. Singh, Principal being the co-ordinator helped candidates whose relatives are working in K.V., Amerigog and Regional Office, Guwahati by manipulating their answer scripts or by helping them to copy from already solved papers. From the evaluation papers bearing No.22 of Shri Davindra

-8-

(Document No. 3)

Yadav (OBC) Roll No. 8 of Shri Chandgi Ram and Roll No. 13 of Indrajit Singh relatives of Shri S.P. Yadav (PGT), K.V. CRPF Amerigog Roll No. 8 is brother of Shri Ranjit Singh, PRT, K.V., CRPF and Shri Chandgiram is brother-in-law of Shri C.B. Sulanki Office Supdt. K.V.S. R.O., Guwahati.

It is observed from the answer scripts that answers of Q No. 1,2 & 8 are almost replies. Shri Davindra Yadav (OBC) brother of Shri S.P. Yadav, PRT appeared in the test of LDC also and scored 27 marks out of 100 whereas in UDC test his score of 83 out of 100. It is also observed that Sri G.K. Paper where there were Question to mark (right) or (wrong), corrections have been made afterwards. It is also observed that Shri Kumar was directed to give full marks if uncut tick mark is true.

**Opposed by
Conduct Bench** By this act Shri A. Singh has acted in a manner which is unbecoming to an employee of K.V.S. and has thus violated Rule 3 (1) (i) & (iii) of CCS (Conduct) Rule, 1964 as extended to the employees of K.V.S.

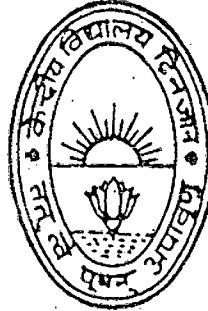
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दस्तावेज़ ८८४०
पंस० टॉकॉ नॉ० : ०३७४

केन्द्रीय
KENDRIYA

पोस्ट : दिनजान
ठारा : पानीतोला (असम)
पिन- ७८६१८५

पत्रांक/Ref. No. F. 4/KV/99-2000/3448



विद्यालय
VIDYALAYA

P.O. - DINJAN
Via - PANITOLA (Assam)
Pin - 786185

दिनांक/Date

16.10.99

To,
The Commissiner,
Kendriya Vidyalaya Sangathan,
Shaheed Jeet Singh Marg,
18 Institutinal Area,
New Delhi - 16

(Through Proper Channel)

SUB : WRITTEN STATEMENT WITH REFERENCE TO THE CHARGE
MEMORANDUM

Ref : F-25/KVS/HQ/98/New Delhi Nil 8.98, Charge Memorandum.

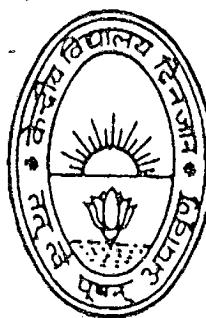
Sir,

With due respect and humble submission I am to state the following few lines before your honour for favour of your kind consideration and necessary action please:

1. I was suspended on 26.02.98 and revoked on 28.07.98 and as per rule I should be given my charge Memorandum just within the 90 days after my suspension. But I got this charge memorandum after the gap of 10 months on 01.12.98. With what intention it was so delayed reason best known to KVS authorities.
2. I was not given any opportunity inspite of my letter to KVS HQ that I should be heard personally by our hon'able commissioner about the charges made there in and moreover I was not given any chance to inspect the original documentation to submit my written reply for charge memorandum.

मुमुक्षु (Adm)

प्राप्ति : ८८४०
प्राप्ति दौरा : ०३७४



केन्द्रीय
KENDRIYA

पोस्ट : दिनजान
प्लाटा : पानीतोला (असम)
पिन- ७८६१८५

प्राप्ति/Ref. No.

Phone : ८८४००
STD : ०३७४

विद्यालय
VIDYALAYA

P.O. - DINJAN
Via - PANITOLA (Assam)
Pin - 786185

दिनांक/Date

3. I was immediately directed to face the enquiry at KV CRPF Ghy on 28.01.98 under AC Shri S.C. Jain GWLR, inquiry officer and Mr. Dua from KVS Delhi presenting officer but both were not present at Schedule date and time at Venue KV CRPF Ghy. They did not inform me or to our R/Officer Silchar for any further information or action. Again I was put under hot water and to face unnecessary harassment and mental torture. Any how the reply of my charge memorandum goes as follows. But the charges made there in are false, fabricated and baseless, and injustice is given to me I am willfully dragged in this inquiry.

ARTICLE NO. 1

I am charged with the allegation that I was the Co-ordinator to conduct the LDC and UDC Exam and hidden the fact from R/O Ghy that my brother is appearing for UDC Test.

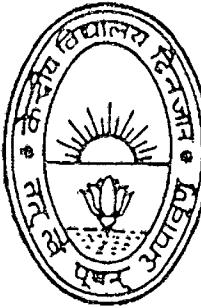
In this connection I want to state that I was assign the duty of Co-ordinator for the test of LDC only to help the Regional Office to provide the Type machine and furniture for the candidates vide letter No. 8-6/96-KVS(GR)134009-18 from R/Office Ghy dated 10.12.97.

Moreover, AC finance Sr. M.M. Hal has clearly mentioned in his written petition submitted to Hon'ble Ghy High Court in sub para appointment of LDC/UDC in KVS Principal KV CRPF was the Co-ordinator for LDC test and Dr. K.C. Rakesh was the Co-ordinator or superintendent for conduct of UDC exam. So Mr. Lal is contradictory in his own statement.

I did not conceal the fact that my brother is appearing for UDC exam R/O GR because R/O Ghy had already taken an undertaking that no relatives of him or her is appearing in this above said list.

I had submitted my undertaking to the R/O (Photocopy of the same is attached herewith for your kind perusal please.)

My brother appeared for UDC only where I was not given any duty.



केन्द्रीय
KENDRIYA

पोस्ट : दिनजान
फ़ारा : पानीतोडा (असम)
पिन- ७८६१८५

पत्रांक/Ref. No.

Phone : 88400
STD : 0374

विद्यालय
VIDYALAYA

P.O. - DINJAN
Via - PANITOLA (Assam)
Pin - 786185

दिनांक/Date

LDC & UDC are the service of different cadre differ from each other. It was the fundamental right of my brother to appear in the test like other candidate. So he appeared.

Our Regional Office allotted the duties to our staff teacher and group D themselves and I was not suppose to guide my superiors. My brother was given the duty of invigilation for the LDC Hindi Typist it was not written exam and it was the choice of our regional office GR I did not arrange duty for him.

Further I did not violate the direction laid down by KV S that where blood relation of any is appearing he/she should not indulge himself or herself as a member of selection board.

I had already mentioned that letter No. by which I was assign the duty of Co-ordinator for LDC exam only and my brother appeared for UDC exam only which was purely conducted by Dr. K.C. Rakesh as superintendent and invigilators from R.O. Ghy only. So staff from our Vidyalaya including myself was not assign any invigilator duty for UDC test.

More over, I was not the member of interview Board for the selection of UDC and LDC. Following were the members of Selection Board for UDC appointments.

1) Chairman	Mr. Tabu Tie Director of Education State Assam.
2) Member	Commanding Officer, CRPF, Mr. Bhutia Group Centre, Guwahati.
3) Member	Mr. N.D. Bhuyan Principal KV Khanapara, Guwahati.
4) Member Secretary	Dr. K.C. Rakesh himself.
5) Member Secretary for SC community	Dr. K.C. Rakesh himself.

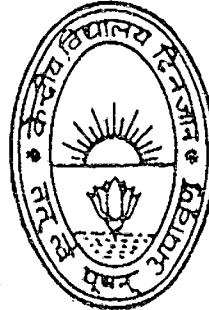
(The member of board may be verified from R/O Ghy.)

संस्कृत : ८८४९०
८०० टॉ० दू० : ०३७४

केन्द्रीय
KENDRIYA

पोस्ट : दिनजान
द्रारा : पानीहोड़ा (असम)
पिन - ७८६१८५

प्रतीक/Ref. No.



विद्यालय
VIDYALAYA

P.O. - DINJAN
Via - PANITOLA (Assam)
Pin - 786185

दिनांक/Date

I was not the appointing authority ON THE WHOLE MY BROTHER WAS NOT SELECTED. I am fully experienced fellow of KVS knowing all the rules and regulations of KVS. I cannot dare to violate any rule. So, the question of violation of KVS direction or any CCS rule does not arise, and the charge levelled against me is false fabricated and baseless.

ARTICLE NO. 2

I did not depute our teachers for evaluation the LDC/UDC test copies but AC office directly issued letter from A/C officer GR and I was also given letter from RO Guwahati to depute Mr. K. Choudhary, TGT (Eng) and Dr. S.P. Kumar PGT Maths (Letter is attached herewith)

So, I conveyed the orders of ROGR to our teachers concerned vide my letter no nil date 11.12.97

In this way I followed the orders of our Regional Office SR for which we are bound to do and as to maintained official channel.

I did not order to the other evaluators of the other KV or University professor for evaluation. Further it is stated that I made the forged signature of Shri Choudhury on already evaluated copies of four candidate which is false and fabricated charge.

Shri Choudhury was selected as evaluator by our RO GR and he had full right to evaluate the answer scripts and he did not raise any objection at that time and made the marksheets for all the candidates with his signature and his signature can be verified from school attendance register also, or forensic department to know the reality. So, I did not make his signature I was not acquainted with the relatives of the employee of R/O GR as well as of the employee of our Vidyalaya CRPF Ghy So, I did not violate any Rule 3(1) and (11) of CCS conduct as extended to KVS employees.

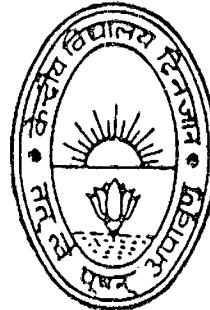
ARTICLE NO. 3

दूरभाष : ८८४००
प्रभास टॉ० सं० : ०३७४

केन्द्रीय
KENDRIYA

पोस्ट : दिनजान
द्वारा : पानीतोला (असम)
पिन - ७८६१८५

प्रतीक/Ref. No.



विद्यालय
VIDYALAYA

Phone : 88400
STD : 0374

P.O. - DINJAN
Via - PANITOLA (Assam)
Pin - 786185

दिनांक/Date

I did not force Mrs. John Bidge PGT Eng KV CRPF Ghy. To sign the copies but followed the direction of our RO GR contained in letter no. dated 11.12.97 that after the evaluation these answer scripts should be scrutinized by our PGT Eng. Mrs. John Bridge. So she asked to sign the answer scripts (letter for ROSR is attached herewith).

In Article 3 it is also stated that the answer of Q No. 1,2, and 8 in UDC English appear was of high standard and she was asked to sign the answer scripts forcibly.

So it is clear that she has read all the answer scripts thoroughly otherwise how did she came know to about this and found the same so she was not forced to sign she signed with her full awareness of her mind. But by the order of AC GR MR. Swami, she had checked all the answer scripts of UDC test again after the checking of Mr. A.K. Choudhury and found no difference of marking So, I did not violate the Rule 3(1) (I) and (ii) of CCS conduct rule 1964 as extended to the KVS employee of KVS.

ARTICLE NO. 4

Regarding Article IV, I want to state that answer scripts were in the R/O GR and I had no concern with relatives of my teachers as well as R/O GR employee are concerned. I had official relation with AC Dr. Rakesh not more than that and Mr. N.D. Bhuyan, the former Principal of KV CRPF harboured Dr. Rakesh in CRPF campus who is the intimate friend of Mr. M.M. Lal also. I did not take any interest for the selection of my brother as UDC then why should I manipulate for others. Further it stated that the answer of Q. No. 1,2, and 8 are the replica and Mr. Swendra Yadav got 27 marks in LDC test and got less marks in others English UDC test.

The UDC test was conducted fully by AC office themselves under their full invigilation. I was not concerned or participated to conduct the test and not given any duty for UDC test.

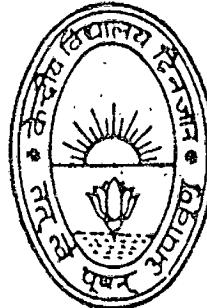
On seeing the photocopy of the answer scripts of my brother I came to know that the candidates who got less marks than him were selected and Sangathan did not worried about it but kept mum regarding this injustice to my brother.

दरमाप : CCHEQ
प्रस० टी. श्री० : ०१७४

केन्द्रीय
KENDRIYA

पो०६८ : दिनजान
दारा : पानीतोला (असम)
पिन - ७८६१८५

प्रश्नक/Ref. No.



विद्यालय
VIDYALAYA

P.O. - DINJAN
Via - PANITOLA (Assam)
Pin - 786185

दिनांक/Date

Further it is said in article IV that Dr. S.P. Kumar is directed to give full marks or uncut tickmark if it is true.

I did not give any verbal or written instruction but he was free to give marks whatever seems fit to him.

So, I did not violate any rule like 3 (1) (1) and (III) of CCS conduct rule 1964 extended to the employee of KVS.

It is clearly observed that this charge memorandum is false fabricated and baseless only to torture me mentally or physically and it has affected my future career also.

Further, AC Shri S.C. Jain, inquiry officer in his letter fabricated F 34-2/98-KVS/GWLR 18484 dated 30.08.99 pointed out that if you fail to appear at the appointed date and place without valid reason decision would be held expatri.

May I ask Sir that rules are only for employees only and not for the KVS officers they were themselves absent at Ghy KV CRPF without any information given to me or to or AC office Guwahati or Silchar R/O on 28.01.99 after the gap of 7 months they called me for enquiry at R/O Dehradoon. Now, I am under strict surgical medical care as I am a diabetic, hypertension gall bladder stone patient and swelling in my both legs, is still there. (medical report and certificate from Civil Surgeon is attached herewith) I can go under gall bladder operation at any time. My medical certificate is turned down and I am forced to face the said enquiry at Dehradun which is a criminal conspiracy against me again. (Certificate and medical report is also attached herewith).

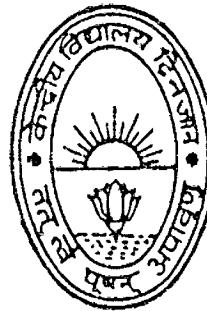
Our KVS circulated the order of Hon'able Delhi High Court dated 04.02.98 vide the letter no. F-19-1(4)/98-KVS(L&C) dated 13.2.98 circulated to all the Principles of Guwhati Region to comply the order of Hon'able Guwahati High Court, stated as " WHATEVER ORDERS PASSED BY THE PETITIONER AFTER THE TERMINATION AND THEY WILL HAVE ABSOLUTELY NOT LEAGAL EFFECT. THE RESPONDENT WILL ACT AS IF THERE ARE NOT SUCH ORDERS PASSED BY THE PETITIONER AFTER THE TERMINATION ORDER WAS PASSED".

दरभान : CCXEO
पर्सनल नंबर : ०१७४

केन्द्रीय
KENDRIYA

पोस्ट : दिनजान
द्वारा : पानीहोला (असम)
पिन - ७८६१८५

पत्रक/Ref. No.



विद्यालय
VIDYALAYA

P.O. - DINJAN
Via - PANITOLA (Assam)
Pin - 786185

दिनांक/Date

So as per this order all the test conducted by Dr. Rakesh and the appointment letters given to the candidates has been terminated after the termination of services of Dr. Rakesh on 11.12.98 as a principal I comply the order of Hon'able Delhi High Court as desired by our KVS authorities. But KVS authorities it self did not follow the order of Hon'ble Delhi High Court, dated 04.02.98. As the chapter of appointments of LDC and UDC was closed by Hon'ble Delhi High Court, I was suspended on 26.02.98 after the order of Hon'able Dehli High Court dated 04.02.98 regarding the conduction of test for UDC which were canceled by the court and I was not concerned with it.

So my suspension was intentionally made with mala fide intention and after revocation on 28.07.98 my case was lingered on by the KVS officer upto 07.01.99 till the settlement by your honour.

View all the situation if your honour consider fit that I am at fault I will gladly accept the given punishment by your honour, or on the otherhand it is requested to withdraw this enquiry against me or pass order deemed fit for the situation as I have withdrawn my all court cases from the Hon'ble High Court as per the direction of your honour and I should be allowed to do my duty sincerely and honestly under your kind control and able guidance.

Thanking you.

Yours faithfully,

A. Singh
Principal
KV Dinjan

Enclosures :

1. Letter for assigning duty of co-ordinator from R/O Ghy.
2. Letters to depute teachers for evaluation from R/O Ghy.
3. Photocopy of Charge memorandum.
4. Photo copy of undertaking given to Regional Office, Ghy
5. Photo copy of the petition given by Mr. M.M. Lal
AC Finance to Delhi High Court.

BY REGD. POST/CONFIDENTIAL Document No. 5

KENDRIYA VIDYALAYA SANGATHAN
(VIGILANCE SECTION)

18, INSTITUTIONAL AREA
SHAHEED JEET SINGH MARG.
NEW DELHI- 110016.

No.F-8/25/98-KVS(Vig) Dated 7.8.2000

MEMORANDUM.

WHEREAS disciplinary proceedings under Rule 14 of Central Govt. Service (Classification, Control & Appeal) Rules, 1965 were initiated against Shri Achhar Singh, Principal Kendriya Vidyalaya, Amerigog, formerly Principal Kendriya Vidyalaya, Dinjan vide Memorandum of even number dated 16.8.98.

WHEREAS, Shri Achhar Singh having denied the charges, Shri S.C.Jain, Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Officer, Gwalior (Now A.C. K.V.S. Dehradun Region) was appointed as Inquiry Officer to enquire into the charges framed against the said Shri A.Singh, Shri S.C.Jain the Inquiry Officer has completed the Inquiry and submitted his report.

NOW THEREFORE, the disciplinary authority before taking a suitable decision in this case would like to provide an opportunity to the Charged Officer to make any representation which he may like to do in writing to the disciplinary authority on the report of the Inquiry Officer. A copy of which is being enclosed herewith.

Accordingly, Shri Achhar Singh is directed to submit his representation on the Inquiry report within fifteen days of the receipt of this order.

Sd/-

Encl: As above.

07.08.2000
(H.M. CAIRAE)
Commissioner.

Shri Achhar Singh,
Principal,
Kendriya Vidyalaya
Dinjan, Via-Panitola
(Assam)- 786185.

INQUIRY REPORT

22

DEPARTMENTAL INQUIRY HELD AGAINST

SH. ACHHAR SINGH

KENDRIYA VIDYALAYA DINJAN (ASSAM)

SUBMITTED BY

(S. C. JAIN)
INQUIRY OFFICER

&

ASSISTANT COMMISSIONER
KENDRIYA VIDYALAYA GANGATHAN
DEHRADUN REGION

KENDRIYA VIDYALAYA SANGATHAN
DEHRADUN REGION

DEPARTMENTAL INQUIRY AGAINST SH. ACHHAR SINGH
EX-PRINCIPAL, K.V. CRPF AMERIGOOG, GUWAHATI
PRESENTLY POSTED AT K.V. DINJAN (ARMY) AESAM

INQUIRY REPORT

INTRODUCTION :

The Commissioner, Sh. H.M. Cairae vide his order no. P. 8-25/98-KVS(Vig) dtd. 24.12.98 appointed Sh. S.C.Jain, Asstt. Commissioner, KVS(RO) Gwalior presently posted at KVS(RO) D.Dun. as the Inquiring Authority to inquire into the charges framed against the said Sh.A. Singh. The inquiry was ordered to be held under Rule 14 of CCS(CCA) 1965 against Sh. A. Singh, presently Principal, KV Zinjan (Army) Assam.

Sh. G.R. Dua, S.O. KVS(HQ) Delhi was also appointed as P.O. vide Commissioner's order No. P. 8-25/98-KVS(Vig.) dtd. 24.12.98 to present the prosecution case on behalf of the Disciplinary Authority.

The Charged Officer, Sh.A. Singh himself acted as his defence assistant and did not nominate his defence assistant separately.

Initially the preliminary hearing was scheduled to be held on 28th of Jan. '99 at KV Amerigoog. The said hearing had to be postponed as the place of posting of the C.O. was under consideration at KVS (HQ) and the Inquiry Officer Sh. S.C. Jain had also received his posting orders for KVS(RO) D.Dun. Thereafter the next date of preliminary hearing was fixed for 06th of Aug '99 at (KVS(RO) D.Dun. The hearing could not be held and was again postponed on receipt of telegraphic communication from the C.O. Sh. A. Singh. The third effort was made and the hearing was scheduled to be held in KVS(RO) D.Dun on 30.8.99. This time again the hearing had to be postponed as the C.O. Sh. A. Singh did not turn-up on the scheduled date and time and instead

sent a xerox copy of medical certificate and a letter expressing his inability to attend the hearing on medical ground. Also in the same letter he desired to see the Commissioner in connection with the inquiry. Thus the hearing was again postponed and rescheduled for 17th of Sept. '99. Inspite of due notices and clear directions this time again the C.O. Sh. A. Singh neither attended the preliminary hearing nor sent any communication giving reasons for not attending the preliminary hearing of the inquiry scheduled for 17th of Sept. '99.

Since the C.O. Sh. A. Singh had not availed opportunities of attending the preliminary hearing on three occasions already in the past on insufficient proof of medical grounds and this time i.e. on 17th of Sept. '99 he did not even care to send any communication giving reasons for not attending the hearing, therefore, the preliminary hearing was held on 17.9.99, as scheduled, without any detriment to the interest of the C.O. in his absence. The P.O. Sh. G.R. Dua was present with all the listed documents. The article of charges were read out in the absence of the C.O. and the response in respect of article of charges has been taken as denial of charges and an order was issued in the daily order sheet to the effect that the C.O. may be provided another opportunity to inspect the listed documents which would remain in the custody of the P.O. Sh. G.R. Dua within 20 days from the date of issue of order. The P.O. Sh. Dua was directed to forward xerox copy of the listed documents to the C.O. immediately i.e. latest by well before 22.9.99. In the same order the C.O. was directed to submit the list of his defence witnesses and to furnish the details of defence documents, if any. The C.O. was also directed to intimate the name, designation and address of the KVS employee who would function as his defence assistant alongwith the letter of permission of the controlling authority of the proposed defence assistant. Sufficient time of 20 days was given to the C.O. to fulfil the necessary requirements as stated above.

The date for the regular hearing was fixed for

11th Nov. '99 at 10.00am in the chamber of I.O. & A.C. KVS(RO) D.Dun for which due notices were issued to all the witnesses and to the C.O. Sh. A.Singh.

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In response to the directions given in the order sheet of the preliminary hearing held on 17.9.99, the C.O. did not comply with any of the requirements. He neither inspected the original documents nor submitted any list of defence documents, witnesses and the particulars of the defence assistant.

Oral inquiry (regular hearing) was held on 11.11.99 on 10.00am at the KVS(R.O.) D.Dun wherin the P.O. alongwith five prosecution witnesses was present. Sh. A.Singh, the C.O. did not attend the regular hearing. The P.O. Sh. Due informed the I.O. that he has received a copy of letter addressed to the I.O. vide which the C.O. has expressed the inability to attend the hearing on 11.11.99 on medical ground. Xerox copy of the said letter alongwith its annexures and envelopes were taken on record by the I.O. The P.O. also submitted that he was ready to present the case as all the listed witnesses of the department are present for giving their evidence and all of them have come from Guwahati for the same purpose and since some of the witnesses are under transfer, it would be difficult to call them time and again for the purpose. The C.O. is adopting delaying tactics and not attending the hearing from the beginning of the inquiry. The P.O. insisted that the regular hearing should commence on 11.11.99 itself. He further pleaded that the prescription slips and medical reports are from different stations and do not seem to be very genuine. Moreover, the C.O. in his letter has written that he wanted to see the Commissioner at Delhi and is expressing his inability to attend the hearing at the place of the Inquiry, therefore, the case should be taken up for the purpose for which hearing has been fixed up. The I.O. took on record the medical certificate issued by Dr. Ms. K. Pukhan on 15.9.99 vide which C.O. was advised to go for blood sugar test etc. The C.O. has not submitted the test report to the Doctor as the date on the medical certificate and the advised

slip is same i.e. 15.9.99. however the I.O. after taking into consideration the request made by the C.O. deemed it fit to adjourn the regular hearing to the next date just to provide another opportunity to the C.O. The daily order sheet of 11.11.99 with all the record of submissions made by the P.O. and I.O. was handed over to the P.O. and copy was sent to the C.O. by registered post at his present address at Dinjan.

Thereafter Inquiring Authority fixed 06.01.2000 and 07.01.2000 as dates for regular hearing scheduled to be held at KV CRPF Amerigeg Guwahati. The P.O., C.O. Sh. A. Singh and all the listed prosecution witnesses attended the inquiry on 6.1.2000. The C.O. submitted that his defence assistant could also join the inquiry proceedings shortly. The so-called defence asstt. reached the venue of the inquiry two hours late and did not bring any permission letter from his controlling Authority. The C.O. had also not intimated the particulars of his defence assistant. However, he remained seated with the C.O. and assigned him informaly. In the interest of natural justice the defence assistant was not sent out of the venue and was allowed to assist the C.O. The P.O. Sh. Dua submitted all the lasted documents as per Annex-III of the charge-sheet which were taken on record by the I.O. and the documents were marked as Ex-S.I, S.2, S.3(1) to Ex. S.3(VIII). The P.O. thereafter produced 04 witnesses and submitted that 01 witness Smt. John Bridge Jose, PGT(Eng.) who has been transferred to Kendriya Vidyalaya Triasura could not attend the hearing today, therefore, the hearing be adjourned and sufficient time should be given for producing the witness. After considering all the facts the oral inquiry which took place on 6-7 Jan 2000 wherein four state witnesses were examined and cross-examined was adjurned for the next date i.e. 24.1.2000 and the venue was fixed at KVS (RQ) Delhi

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in consultation with the C.O. on 24th Jan'2000 the regular hearing was held where the P.O., I.O. and the prosecution witness Mrs. J. Bridge were present here again. Sh. A. Singh the C.O. did not attend the hearing. The I.O. adjourned the meeting upto 2.00 P.M. on 26.1.2000 and again resumed the hearing at 2.45 P.M. and asked the P.O. to proceed further with the prosecution case, in the absence of the C.O. The witness No.5 was examined by the P.O. and at the end the I.O. also sought clarifications from the witness and thus the hearing on 24.1.2000 was closed with the passing of an order on the daily order sheet by the I.O. to the effect that the C.O. should attend regular hearing on 14.2.2000 at KVS(RO) Delhi alongwith his defence assistant with necessary papers failing which the inquiry will be held ex-parte. The C.O. was asked to bring his defence assistant and he should also send particulars of the defence assistant with necessary permission of the Controlling Authority to the I.O. well in time.

The regular hearing took place on 14.2.2000 where again the C.O. Sh. A Singh absented himself without any intimation what so ever inspite of clear notice to him. The I.O. thereafter conclusively resolved that the C.O. was not interested in presenting his case neither orally nor through his written statement and therefore decided to hold the proceedings in the absence of the C.O. Sh. A. Singh. Since the P.O. had already closed his prosecution case on 24.1.2000 and the C.O. has failed to defend his case by his absence, the case from the defence side was deemed to have been closed. The I.O. directed the P.O. to submit his written brief latest by 24.2.2000 with a copy to C.O. The C.O. submitted his defence written brief latest by 6.3.2000 in reply to P.O.'s written brief to the undersigned. The above order on the daily order sheet was passed by the I.O. and copy was handed over to P.O. and another copy was sent to the C.O. by registered post for compliance.

A written brief was received from Sh. Q.R.Dua, the P.O. on 24.2.2000 copy of which was also sent to the C.O. Sh. A. Singh at his Binjan address. The C.O. responded by sending a written reply to the prosecution brief vide his letter No.F.4-KVD/99-2000/3662 dtd. 1.3.2000 the C.O.

has also objected to the ex parte conclusion of the inquiry.

BROAD STATEMENT OF THE CASE UNDER INQUIRY

INCLUDING THE ARTICLES OF CHARGE AND STATEMENT OF IMPUTATION OF MISCONDUCT

The disciplinary authority has framed charges of mis-conduct against Sh. A. Singh, ex-principal, KV CRPF Amerigog under four articles of charge. The article-I deals with the charge that Sh. A. Singh while functioning as Principal in KV CRPF Amerigog during the period 97-98 was appointed as co-ordinator to conduct the test for LDC (Hindi) and UDC. He has been charged to have sponsored the name of his brother for invigilation duty in the test of LDC whereas his brother was a candidate for the post of UDC, hence he has concealed the facts that his brother was appearing in the test in the same Regional Office, Gwahati. Thus according to disciplinary authority Sh. A. Singh has acted in the manner of unbecoming of a KVS employee and violated rule 3 (1) (iii) of CCS (Conduct) Rules 1964 as extended to the KVS employees.

Article-II deals with the charge that during the aforesaid period Sh. A. Singh being the co-ordinator appointed Sh. A.K. Chaudhary, TCR (English) as examiner for the evaluation of UDC test paper English but he got the note-books bearing roll no. 8, 13, 22 & 78 (who were his and KVS staff relatives) evaluated by someone else and put forged signature of Sh. Chaudhary on the cover-page of note book. This act on the part of Sh. A. Singh constituted the mis-conduct, thus violation of the rule 3(1) (i) & (iii) of CCS (Conduct) Rules, 1964 as extended to the KVS employees.

Article-III of the charge sheet that Sh. A. Singh, Principal KV Amerigog being the co-ordinator of UDC & LDC test got papers of UDC evaluated by someone else and compelled Smt. J.B. Rose, PGR (Eng)

to put her signature on each note-book and award list as a token of setting and evaluating the papers by calling her at his residence, this act on the part of Sh.A. Singh constitutes the misconduct which is unbecoming of a KVS employee and violated rule 3(1) (i) (iii) of CCS(Conduct) rule 1964 as extended to the KVS employee.

Article-V of the charge states that Sh.A. Singh being the co-ordinator of the above test helped some candidates getting them selected for the post of LDC who were related to the staff of KV and staff of KVS Gwahati Region by manipulating the answers in G.K. paper and giving solved papers to those students as has been confirmed from roll no. 22, 78 & 13 because the answers for question no. 1, 2 & 3 are almost replica. Further roll no. 22 who is brother of Sh. S.P. Yadav, PET, KV Amerigog appeared in the LDC also got 27 marks out of 100 in LDC exam whereas he scored 83 marks out of 100 in UDC test, which is very amazing. This act of Sh. A. Singh constitutes the misconduct which is violation of the rule 3(1) (i) & (iii) of CCS(Conduct) rule 1964 as extended to the KVS employee.

Statement of imputation of misconduct in support of the articles of charge framed against Sh. A. Singh, ex-Principal, KV Amerigog Gwahati now at KV Dinjan alongwith Annex-I containing the statement of articles of charge are separately attached with this report (Annex-II).

CHARGES WHICH WERE ADMITTED OR DROPPED OR NOT PRESENTED IF ANY DURING THE PRELIMINARY HEARING

The preliminary hearing was held on 17.9.99 after adjourning the scheduled preliminary hearing on 6.8.99 and 30.8.99 due to the inability of the C.O. to attend the hearings on medical grounds. The preliminary hearing on 17.9.99 was held without any detriment to the interest of the C.O. The articles of charge were read out in the absence of the C.O. and the response in respect of a article

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of charges was taken as denial of charges, therefore the inquiry was held into all the charges as contained in the charge-sheet under Annex-3 from article-I to article-V.

THE CHARGES THAT WERE NOT ADMITTED
AND ACTUALLY INQUIRED INTO

All the charges contained in the original charge-sheet from article-I to IV were taken as not admitted and therefore were actually inquired into.

ANY POINTS ARISING OUT OF THE
INSPECTION OF LISTED DOCUMENTS
OR ADDITIONAL DOCUMENTS ASKED
FOR BY THE CHARGED OFFICER, IN-
CLUDING BRIEF STATEMENT OF FACTS
AND DOCUMENTS WHICH WERE ADMITTED

Inspite of clear direction to the C.O. which were sent to him vide copy of the daily order sheet dtd. 17.9.99 of the preliminary hearing held in the absence of the C.O. Sh.A.Singh, the C.O. did not avail the opportunity of inspecting the listed documents within 20 days from the date of issue of the order vide the above mentioned daily order sheet dtd. 17.9.99. In the same order the P.O. was also directed to forward xerox copy of the listed documents to the C.O. latest by 22.9.99. The P.O. Sh. Dua despatched the copies of the listed documents to the C.O. Sh. A.Singh well before 22.9.99. The C.O. did not convey any objection to the I.O. regarding any points existing out of the inspection of listed documents. In the daily order sheet of 17.9.99 the C.O. was also directed to intimate the name, designation and address of the KVS employee who would function as his defence assistant and should also send the permission of the controlling authority of the proposed defence assistant. The C.O. did not respond to any of the directions given to him vide the daily order sheet dtd. 17.9.99. An oral inquiry (regular hearing) was held on 11.11.99 at KVS (RO) D.Dun wherein the P.O. along with five prosecution witnesses was present. Again

the C.O. did not attend the regular hearing on 11.11.99 instead sent a letter expressing inability to attend the hearing on 11.11.99 on medical ground. All the prosecution witnesses had come all the way from Guwahati and the P.O. was also fully prepared to present his case yet just to provide another opportunity to the C.O., the hearing was adjourned to the next date. Copy of the daily order sheet of 11.11.99 was also sent to Sh.A. Singh the C.O. by registered post on 11.11.99 itself. The next date of regular hearing was fixed for 06th Jan. '2000 at KV CRPF Amarigog and due notices were given to all concerned.

BRIEF STATEMENT OF THE CASE OF THE DISCIPLINARY AUTHORITY IN RESPECT OF ARTICLES OF CHARGE ACTUALLY INQUIRED INTO

The P.O. Sh. Dua has built up the prosecution case with the help of all the listed documents as per Annex-III of the charge-sheet which have been marked as EX-S-1, S-2, S-3(i) to S-3(Viii) and five witnesses as per Annex-IV of the chargesheet. The P.O. dealt with each article of charge one by one as under :

Article-I

(1) Sh. A. Singh, Principal and C.O. sponsored the name of his brother, for invigilation duty in the test of LDC, who was a candidate for the post of UDC and concealed the fact that his brother was a candidate for the post of UDC.

Sh. A. Singh, Principal & Charged Officer vide office order 15.12.97 (Ex.S-1) of Asstt. Comm., KVS(RO) Guwahati was detailed to have conducted the written test for the posts as co-ordinator. In the said order he was asked to submit an undertaking that his no relative is appearing in the test. He did not submit any undertaking to the effect to conceal the fact because Shri Gurmeet Singh, who was one of the candidates for the post of UDC, was appearing in the said test.

as a candidate. This office order (Ex.S-1) contains the name of Sh. Gurmeet Singh, who was put on invigilation duty whereas on the other hand Sh. Gurmeet Singh, was a candidate for the post of UDC. The answersheet of UDC test Ex.S-3(ii) & Ex.S-3(vi) read with Ex.S-1 proves that he is the same Gurmeet Singh, and is his brother.

Sh. A. Singh, Principal and CO. in his letter dtd. 11.2.2000 addressed to the Inquiring Authority with a copy to the undersigned which has been received by the undersigned on 16th Feb.2000 in Section has enclosed a copy of his letter No.F.4/KVD/99-2000/3599 dtd. 21.1.2000 addressed to the Commissioner, KVS, and has admitted the Charge as alleged in the article by saying that Sh. Gurmeet Singh who was a candidate for the post of UDC is his brother and he was not selected for the post. These words of his said letter proves and establishes the charge levelled by the department against him in the chargesheet by way of his confessional statement.

Non furnishing/ submission of undertaking as well as putting his brother Sh. Gurmeet Singh on invigilation duty to the effect establishes that the charge levelled against him is proved and substantiated beyond doubt.

Article - II

Sh. A. Singh Principal and CO.O appointed Sh. A.K. Chaudhry as examiner for evaluating the answersheets of UDC test paper (English) but he got evaluated the answersheet of five candidates by someone else.

Sh. A. Singh, Principal and the C.O. deputed Sh. A.K. Chaudhry, TGT (Eng) of the vidyalaya vide his order dated 11.12.97 (Ex.S-2) to report him on 11.12.97 and deputed him for evaluating the answer scripts of LDC/UDC for which written test was held. Sh.A.K.Chaudhary (SN-4) in reply to question put upon him

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during examination in chief as well as also during cross examination by the C.O. confirmed and replied that he got the answer scripts for evaluation but answer scripts of four candidates namely of Sh. Devandra Yadav, Gurmeet Singh, Sh. Chandgiram and Inderjeet Singh, were already evaluated and he put his initials only on these pre-evaluated answer scripts under the pressure of Sh. A. Singh, C.O. and after seeing the signatures of his senior P.O., who had already signed on these answer sheets. In reply to last two question of the examination, in chief at Page 2 in the said statement as well as last question of cross examination, Sh. A.K. Chaudhary has categorically confirmed that he did not check these answer scripts. In reply to first question of cross examination, Sh. A.K. Chaudhary (SW14) has confirmed that asking him by the C.O. to put his initials on the evaluated answer sheets (Ex. 8-3(v) 3 (viii)) was considered by him as pressure on him by the C.O.

In view of discussions of the statement of Sh. A.K. Chaudhary (SW-4) it is proved and established beyond doubt that Sh. A. Singh C.O. appointed Sh. Chaudhary as examiner for evaluating the answer sheets of UDC test paper (English) but out of which the answer sheets of four candidates namely Sh. Devandra Yadav, Gurmeet Singh, Chandgi Ram and Inderjeet Singh were evaluated earlier by someone else. Hence the charge stand proved and established beyond doubt against Sh. A. Singh, C.O. and Principal.

Article - III

Sh. A. Singh, Principal and C.O. got evaluated the papers of UDC by someone else and compelled Smt. Joan Bridge Rose, P.O.T (Eng) to put her signature on award list in token of having evaluated the papers by calling her at his residence.

Sh. A. Singh, Principal & C.O. got the papers of UDC evaluated by some one and compelled Smt. J. B. Rose, P.O.T (Eng) (SW-5) who did not evaluate answer sheet of any of the candidates/students.

This fact has been confirmed by her in reply to second question at Page 2-3 of her statement in examination in chef and she was forced to put her signature these answersheets of UDC test (English) at the residence of Sh.A.Singh Principal & C.O. during the school hours under the compulsive circumstances created on her to put her signature by saying that her signatures are required as she had prepared the question paper. She further in her reply to this question confirmed that she discovered that these answer scripts were already evaluated and marks were also awarded to these candidates without initials of checker or any body. She further stated that two persons on both sides of her were also standing.

These answersheet were again given to her by Ex. M.M. Swamy in the Regional Office in March 1998 to re-evaluate and reward the marks. Such type of evaluation at the residence of Principal and C.O. has been confirmed as and described as evaluation under pressure by her Smt. J.B.Rose (SW-5) in reply to question put by the Inquiring Authority in cross examination at Page 4 of the statement in question put by the Inquiring Authority about her signature on the evaluated answer script without evaluation confirmed that he (Sh.A.Singh, the C.O.) wanted her signature on the answer-scripts. She in reply to last question at page 4 and first question on page 5 of the statement has stated and confirmed that she signed the evaluated answer sheets to avoid and get released from the tension and situation at the earliest, so she signed.

Now it is submitted that from the statement of Smt. J.B.Rose, it is clearly proved and established beyond doubt that Sh.A.Singh, Principal and C.O. got evaluated the papers of UDC by someone else and compelled Smt. J.B. Rose, PGT(Eng) of his vidyalaya by calling her at his residence to put her signature in token of having evaluated the same and there remains no doubt in the charge.

ARTICLE - IV

Sh. A. Singh Principal & C.O. helped candidates whose relatives are working in K.V. Amerigeg and in KVS, Regional Office, Gauhati by manipulating their answer scripts or by helping them to copy from the already solved papers and answer of questions are almost replica.

The C.O. at no stage has denied award of marks to Sh. Devendra Yadav brother of Sh. S.P. Yadav in the answersheet of G.K./English papers which proves that he secured 27 marks out of 100 in English paper for the post of UDC but he secured 83 marks in English/G.K. paper which is a documentary evidence (Ex.S-3(iv)). Besides this answer given by candidates namely Gurmeet Singh Roll No. 78 (SCB) to question no.1,2 & 8 in UDC, English paper (Ex.S-3) are replica of the answers as given in the answer sheet of Roll No.22 (OBC) namely Sh. Devendra Yadav answer to these question of English and G.K. papers are similar word by word and are replica. This clearly proves and establishes that he has helped in answering and copying the answerscripts by manipulating their answer scripts.

STATEMENT OF DEFENCE OF THE CHARGED
OFFICER AND THE DEFENCE EVIDENCE
ADDUCED DURING THE INQUIRY

The C.O. Sh.A.Singh attended the regular inquiry on 6-7 Jan'2000 when the P.O. presented the prosecution case. Since one of the prosecution witnesses Smt. J.B.Rose, PGT(Eng) did not turn up on either day of the inquiry and opportunity was given to the prosecution to present the witness on 24.1.2000. The C.O. Sh. A.Singh also agreed to the date and venue of the inquiry. On the date of regular hearing at KVS(RO) Delhi on 24.1.2000 the fifth prosecution witness Smt. J.B.Rose and the P.O. were present but Sh. A.Singh, the C.O. did not attend the hearing. As too much time had already been lost due to frequent absence of the C.O. and since Smt. J.B.Rose came all the way from Kerala it was decided to proceed with the hearings and accordingly Smt. J.B.Rose was

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examined and the daily order sheet alongwith the replies of the witness were sent to C.O. at his address by registered post. He was also asked to attend regular hearing on 14.2.2000 at the same venue i.e. at KVS(RO) Delhi alongwith his defence assistant for presenting the case of his defence. Here again the C.O. absented himself without any intimation inspite of clear notice to him. Since the P.O. had already closed his prosecution case on 24.1.2000 and the C.O. had failed to defend his case by his absence, the case from the defence side was deemed to have been closed on the direction of the I.O.. The P.O. was asked to submit his written brief if he so desires with a copy to the C.O. Sh. A. Singh. The prosecution brief and the reply of the C.O. Sh. A. Singh was received well in time. The C.O. has objected against ex-parte inquiry vide his written brief dtd. 1.3.2000 he has given a reason for not attending the inquiry on 24.1.2000 at KVS(RO) Delhi that since no separate letter as a notice was issued to him from the side of the I.O. to attend the inquiry on 24.1.2000. He could not go to Delhi to attend the same. As regards, his absence on 14.2.2000 he has stated that due to sudden pain in the gall-bladder at Guwahati, he could not proceed further and got his tickets cancelled on the advise of the doctor. The C.O. has further protested that his grounds have been ignored by the P.O. Sh. Dua and the prosecution case was closed in his absence without giving him any opportunity to cross examine Mrs. J.S. Rose. After the above introductory statement of protest the C.O. has submitted his replies of the prosecution brief for each article of charge as under :

Article - I

The C.O. Sh. A. Singh has defended himself against the charge under this article by stating that he was appointed as co-ordinator to conduct the test for LDC(Hindi) by the A.C. Dr. K.C. Rakesh, KVS(RO) Guwahati vide order No.P.8-6/96-KVS(ER)/134009-18 dtd. 10/15-12-97 and his duties as co-ordinator were spelt out in the said letter for 10th Dec. 1997 at KV CRPF Amerigon and the name of his brother Sh. Gurmeet Singh was

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sponsored in the said letter and for doing invigilation duty in the written test for the post of LDC in two shifts. Sh. A. Singh denies that he ever sponsored the name of his brother for the above purpose.

The C.O. has further refuted the charge about not furnishing the undertaking that no relative of his was appearing in the aforesaid written exam by stating that a suitable undertaking was very much given by him which was duly counter-signed by Dr. K.C. Rakesh, the then A.C. on 10.10.97, copy of which is enclosed as Annex-III of the brief.

The C.O. Sh.A. Singh has further stated that he was not a member of the selection committee of the UDC selection in which his brother Sh. Gurmeet Singh appeared. The C.O. further says that he has been singled out for this charge whereas others like Mr. C.B. Solanki, Supdt.(Admn.) in R.O. Guwahati has not been questioned for his duty as Supervisor in the UDC test where his brother-in-law Mr. Chandgiram appeared for UDC post.

Article-II

The C.O. Sh. A. Singh has denied the charge of appointing Sh. A.K. Chaudhary, TGT(Engg) as examiner for evaluation of UDC test paper English. According to him UDC test was conducted by the A.C. Office Guwahati Region and Asstt. Commissioner, Dr. K.C. Rakesh himself was the Supdt. of UDC exam and the regional office employees were appointed as invigilators for the UDC test and answerscripts were under the custody of the A.C. office and Asstt. Commr. himself and these were given by the A.C. Office to Sh. A.K. Chaudhary for evaluation. He evaluated all these copies and signed all these copies. He never reported to me that some of the copies were already evaluated. According to the C.O. Sh.A. Singh, Sh. A.K. Chaudhary had the full authority as examiner to report the matter to the Asstt. Commr., Guwahati Region, but he did not do so. In his statement also Sh. A.K. Chaudhary has accepted that he did not know the

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brother of the Principal and the relative of the teachers of CRPF Amezigog and employees of R.O. Guwahati region. Sh. Chaudhary has also accepted in his statement that Principal did not approach him for increasing the number of any candidate also. The witness No.1 Sh. D. K. Basu, witness No.2 R.S. Devadiga, PGR(phy) KV Narangi who evaluated G.K. Copy and witness No.3 Dr. S.P. Kumar who evaluated maths copy have also not said anything against him to the I.O.

Article-XII

Sh. A. Singh, C.O. has stated in his defence brief that the A.C. Dr. K.C. Rakesh, Guwahati Region issued one valid order dtd. 10.12.97 annexed at Annexure-V of the brief which clearly directs Sh. A. Singh to depute PGR(Maths) Dr. S.P. Kumar and TGT(Eng) Sh. A.K. Chaudhary to get evaluated the maths and english answerscripts of UDC test, in the same order. Sh. A. Singh has been further directed to get UDC English test answerscripts scrutinised by PGT(Eng) Mrs. J.B. Rose, KV CRPF Amezigog. Sh. A.K. Chaudhary, TGT(Eng) submitted the answerscripts of English of UDC test in the A.C. Office after evaluation but as per order of 10.12.97 the answerscripts of English were to be scrutinised by Smt. J.B. Rose. She was called by the Asstt. Commr. through me to the extension of A.C. Office in quarters of KV CRPF. She has accepted this fact in her statement on 24.1.2000 in front of the I.O., further stating that the Principal asked her to do the retotalling and sign. She has also accepted that the answerscripts were given to her not by the Principal but by someone else. The C.O. Sh. A. Singh states that the english answer scripts were given to Mrs. Rose by a person from R.O. Guwahati for completing the job of scrutinising the answerscripts. Mrs. J.B. Rose take the tool and signed.

The C.O. Sh. A. Singh has further alleged that the statement of Sh. J.B. Rose and Sh. A.K. Chaudhary, TGT (Eng) are contradictory. Mrs. Rose says in her statement that there were no signatures of anybody else on the face of answerscripts where total of marks were rounded up when the copies were produced to her, but Sh. Chaudhary has accepted that he has checked all these copies

except four copies which were already evaluated but he signed those copies also by seeing the signatures of Mrs. Rose. According to the C.O. the copies were evaluated and signatures were put by Mr. Chaudhary with rounding of the totalling. The C.O. Sh. A. Singh further says that he followed the orders of A.C. Dr. Rakesh to complete with job of scrutinising the answerscripts. The C.O. denies that he ever created any situation of fear or pressure towards her to do the job therefore this charge is baseless.

Article -IV

The C.O. Sh. A. Singh states that he had no knowledge about the relatives of KV staff or KVS(RO) staff who appeared for the test. This I came to know through the memorandum issued by the KVS(HQ) and through the charge-sheet. He has further stated that he was deputed as co-ordinator for LDC exam only and the UDC exam was conducted by Dr. Rakesh, A.C. Guwahati Region as Supdt. and all the invigilators for the UDC exam were appointed from A.C. Office, one can check and verify from the duties list of UDC exam in A.C. Office (G.R.). All the answerscripts were taken away by the A.C. Office and all were under the custody of A.C. office itself or under the custody of Sh. A.K. Chaudhary, English examiner, no teacher from his vidyalaya was given any invigilation duty including himself therefore the question does not arise that he helped them to copy the answers from already solved papers as has been charged that answers of question are almost replica. The C.O. states that he should not be held responsible for that, as it was none of his business to know about the marks scored by any candidate.

The C.O. Sh. A. Singh further defends himself by stating that the G.K. copies were checked by PGT(Phy) Mr. Devadiga, the maths copies were checked by Dr. S.P. Kumar, PGT(Maths) KV CRPF Amerigog and Mr. D.K. Dass employee of KV (RO) Guwahati did not make any complaint during their statement before the I.O. on 6.1.2000 that Principal, Sh. A. Singh approached them to increase or to give more marks to any of the candidates. The C.O. further says that he did not help any candidate for

their selection for the post of UDC as he was not the member of the selection committee for the selection of UDC. The members of the board may also be approached to verify the above fact, therefore this article of charge is not proved and is totally false.

The C.O. at the end of his defence brief has further given some points for the consideration of the I.O. :

- (1) That there is no written complaint against him from any candidate regarding UDC selection. This inquiry has been initiated against him without such complaint.
- (2) That the inquiry has been completed ignoring his medical grounds.
- (3) He had given the reply of charge memorandum in time which has been wilfully rejected.
- (4) His case was lingered on wilfully by KVS authorities to give mental and economic torture. The conspiracy was made against him to shunt him out of KV CRPF Guwahati as to adjust their own person of KVS officer putting aside the norms of transfer.
- (5) During the interrogation before the I.O. so many new facts came and he demanded in his letter dtd. 18.2.2000 to cross examine the concerned persons at CRPF Guwahati to meet the end of justice. The orders of appointment, orders of holding test and interviews have been cancelled and they have no legal effects and KVS wants to take any decision against him the status-que dtd. 10.11.97 must be maintained. His case is concerned only with LDC not with UDC exam test and the inquiry which has been completed as ex-parte should be continued to get the ends of justice because whatever I did, I did as per valid orders of A.C. Dr. K.C. Rakesh.

THE ARGUMENTS ORALLY GIVEN BY THE
PRESENTING OFFICER OF THE PROSECUTION CASE

The P.O. Sh. Dua presented the case of prosecution by submitting the listed documents as per Annex-III of the charge sheet and by presenting the five witnesses as per Annex-IV of the charge-sheet. The listed documents were taken in record by the I.O. and copies of the same were sent to the C.O. and also the same documents were shown to C.O. on the date of regular hearing at KV CRPF AMerigog Guwahati.

The P.O. has also submitted written brief containing five pages where in he has forwarded written arguments for proving the charges as per charge-sheet. No oral arguments were given by the P.O. during the proceedings.

POINTS FOR DETERMINATION ARISING OUT OF THE STATEMENT OF THE PROSECUTION CASE AND DEFENCE CASE AND AN OBJECTIVE ANALYSIS OF THE DOCUMENTS ADDUCED DURING THE INQUIRY FROM BOTH SIDES AND ASSESSMENT OF THE SAME

Article-I

The P.O. Sh. Dua has produced Ex. S-1 which is an office order dtd. 10/12/97 issued by the then A.C. Dr. K.C. Rakesh, Guwahati Region which contains appointment of Sh. A. Singh, Principal, KV CRPF Amerigog as co-ordinator for conducting the written test for the post of LDC in two shifts in which all the 10 listed persons including Sh. A. Singh have been asked to report at KV CRPF Amerigog at 9.00 am positively. They have also been asked to furnish undertaking mentioning that no relatives of theirs are appearing in the aforesaid written exam. The prosecution has not furnished any other evidence to establish the charge that Sh. Singh was appointed co-ordinator by A.C. Guwahati to conduct the test-for UDC also. Sh. Gurmeet Singh brother of Sh. A. Singh acted as invigilator for the LDC exam conducted on 10.12.97 and was appointed by the A.C. as per Ex. S-1 i.e. the office order dtd. 10.12.97. The prosecution has also charged that the C.O. has not furnished the undertaking regarding non-appearance of any relative in the exam of LDC and UDC. An Annex-III of the defence brief submitted by Sh. A. Singh there is an undertaking

Applicant
by my son

to the effect that none of his relative and blood relation is going to be appeared in the exam of LDC to be conducted on 10.12.97. This undertaking has been counter-signed by Dr. K.C. Rakesh, A.C. on 10.12.97 itself.

Sh. A. Singh the C.O. has stated in his defence through his brief that he was appointed as co-ordinator for LDC exam only and his brother appeared for UDC exam. Moreover the name of his brother Sh. Gurmeet Singh was listed in the said order by the then A.C. as invigilator for LDC test only. He has insisted that he never put his brother on invigilation duty. The UDC test was conducted by Dr. KC. Rakesh himself and Dr. Rakesh acted himself as Supdt.

In the absence of any evidence documentary or otherwise regarding the appointment of Sh. A. Singh as co-ordinator for conducting the examination of the test of UDC, the charges under Article-I remain unsubstantiated.

Article-III

The P.O. Sh. Dua has argued in his submission of the prosecution case that Sh. A.K.Chaudhary, TGT(Eng) KV CRPF Amerigon was deputed by Sh.A Singh vide his order dtd. 11.12.97 (Ex.S-2) to evaluate the answer-scripts of LDC/UDC and Sh. A.K.Chaudhary in reply to question put to him during examination in chief as well as during cross-examination by the C.O. stated that he got the answerscripts for evaluation where he found that answerscripts of four candidates namely Sh. Ravendra Yadav, Sh. Gurmeet Singh, Sh. Chandgiram and Sh. Inderjeet Singh were already evaluated and he put his initials on these pre-evaluated answer scripts under pressure of Sh. Singh, the C.O. and after seeing the signatures of senior PGT on these answer sheets. During the examination in chief and cross examination also Sh. A.K.Chaudhary has categorically confirmed that he did not check these answerscripts. Sh. A.K.Chaudhary ~~gt-4~~ has confirmed that the C.O. pressurised him for putting his initials on the evaluated answerscripts (Ex.S-3 (v) to S-3(VIII) and thus under pressure Sh. A.K.

Chaudhary put his initials.

Sh. A. Singh the C.O. has stated in his defence that appointment of Dr. S.P. Kumar PCR (Maths) & Sh. A.K. Chaudhary TCR (Eng.) was made on the written order dated 10.12.97 of Assistant Commissioner Dr. K.C. Rakesh (Anne-VI) and he acted only in obedience of the orders of the A.C. The C.O. Sh. A. Singh has further stated that UGC test was conducted by Assistant Commissioner Office Guwahati Region in which Dr. Rakesh, A.C. acted as Supdt. and all the Invigilators belong to Assistant Commissioner Office Guwahati Region only. The answer scripts were given by Assistant Commissioner office to Mr. A.K. Chaudhary for evaluation which he evaluated and signed the copies and never reported that four copies were already evaluated. The C.O. has further defended himself by saying that Sh. Chaudhary has accepted the fact during the course of inquiry that he did not know the brother of principal and the relatives of other employees of KV CRPF Assamigog and Regional Office Guwahati Region. Sh. A. Singh has further stated that no other examiner who evaluated Maths and C.K. copies complained against him during their oral submission to the I.O.

The P.O. Sh. Dua has built up his case from the statement of Sh. A.K. Chaudhary TCR (Eng.) where he has taken the oral evidence of Mr. Chaudhary as relying point regarding the pre-evaluated answer scripts of four candidates stating that Sh. Chaudhary evaluated only six answer scripts and did not evaluate the pre-evaluated four answer scripts but put his signature on all answer scripts under pressure from the principal Sh. A. Singh. The prosecution has not pushed one of the important charges regarding putting forged signatures of Sh. Chaudhary on the cover page of note book by the C.O. as mentioned in the article-II of the charge sheet. In reply to a question put up by the P.O. regarding his signatures on all the 10 answer scripts, Sh. Chaudhary has repeatedly mentioned of pressure by the principal.

and already present initials of the senior PGT on the cover page of these four answerscripts. The charge under article-II pertaining to pre-evaluation of note-books belonging to Roll No. 8, 13, 22 & 78 and putting forged signatures of Sh. Chaudhary on the cover page of note books has also not been supported by ~~flawless~~ evidence. The charge of putting forged signatures has not been pressed at all by the prosecution neither the state-witness Sh. Chaudhary has described the type of pressure under which he put his signature as a token of having evaluated answerscripts convincingly. There is not evidence on record in the form of any complaint from the side of Sh. Chaudhary about this matter of his signature being obtained under pressure by the principal on those four answerscripts.

Article-III

The P.O. Sh. Dua states under this article of charge that Sh. A. Singh, C.O. got the papers of UDC evaluated by someone else and compelled Smt. J.B. Rose PGT (Eng.) SW-5 to put her signature on award list and on the answerscripts as a token of setting and evaluating the papers. The P.O. has further charged that Sh. S. Singh called Mrs. J.B. Rose, PGT (Eng.) to his residence during the school hours under the compulsive circumstances for getting her signature by saying that her signatures are required as she had prepared the question papers and therefore her signature are required. The P.O. has further relied on the oral statement of Mrs. J.B. Rose during examination in chief that she was summoned by the principal through one of the teachers during school hours to his residence where bunch of answerscripts pertaining to UDC test English were handed over to her and she was told that since she had made the question paper her signatures are required on the answerscripts and the fact that answerscripts were already evaluated and marks were awarded with nobody's signature on the award marks. Mrs. Rose set motionless looking at the papers with lot of anxiety and mental tension. Sh. A. Singh told her

that she may re-total the marks and put her signatures. Mrs. Rose became very nervous and was under too much pressure and therefore decided to follow his instructions and signed on the face of answer scripts. The P.O. has again mentioned about the reply made by Mrs. Rose regarding the answers to question 1, 2, & 8 in the answer scripts of Sh. Devendra Yadav and Sh. Gurmeet Singh which are exact replica. Mrs. Rose had answered that the answers 1, 2, & 8 tallied with each other and she did not know anything else. The P.O. has further mentioned that Smt. JB Rose somehow wanted to get released from the tension and the situation and therefore she signed on the dotted line.

~~Sh. A. Singh, C.O. has mentioned about the valid order dtd. 10.12.97 issued by the A.C. Dr. K.C. Rakech vide which Sh. A. Singh was directed to depute PGR (maths) Dr. S.P. Kumar and TGT(Eng) Sh. Chaudhary to evaluate the answer scripts of UDC test. He was also directed in the same order to get UDC English test answerscripts scrutinised by PGR (Eng) Smt. Rose (Annex-V) of defence brief. He has stated that Sh. Chaudhary submitted the answer scripts of English of UDC test in the A.C. Office but as the order for scrutinising the answer scripts by Smt. Rose was pending, so she was called by A.C. through him to the extension of A.C. Office in quarters of KV, CRPF Guwahati. He has further stated in his defence that the answerscripts were given to her by a person from R.O. Guwahati to complete the job of scrutiny. The C.O. has again said that he told Mrs. Rose to do the totalling and sign the answerscripts. He has also stated that the statement of Mr. Chaudhary and Smt. Rose are contradictory in as much as signatures on the cover page of answerscripts are concerned.~~

~~The prosecution has pleaded that the UDC English test answerscripts were pre-evaluated by someone else and Smt. Rose was told to sign on the cover page of the answerscripts as a token of having checked the answer scripts. The P.O. has relied on the statement of Smt. Rose about the fearful and compulsive atmosphere at the residence of Principal Sh. A. Singh where Mrs. Rose was summoned during school hours when Smt. Rose took sometime and did not like the way she was~~

told to sign on the evaluated answerscripts. When the principal Sh. Singh found her reluctant to sign he asked her that she may retotal the marks and sign the answerscripts. Smt. Rose did put her signatures on the answerscripts and returned to the vidyalaya but never made complaint to any of the KVS authorities regarding the pressure under which she was compelled to sign the evaluated answerscripts. Under this article two points emerged one is regarding obtaining signatures of Mrs. Rose under unusual circumstances at the residence of principal and second the answers to question nos 1,2 & 8 in UDC English answerscripts of Gurmeet Singh and Devendra Yadav specially question of English and GK papers are almost replica to each other. The C.O. Sh. Singh has tried to put entire responsibility of calling Smt. Rose at his residence which he has termed as extension of A.C. Office in the staff quarters of KV CRPF Amerigog on A.C. Dr. Rakesh and in the garb of so called office order issued by the A.C. Dr. Rakesh (Annex-V) of the defence brief.

The C.O. directed Mrs. Rose to put her signatures on the answerscripts when she showed reluctance to sign. The C.O. Sh. Singh asked her to retotal the marks if she so desires and put her signatures on the answerscripts. The so-called order issued by A.C. Dr. Rakesh at annexure-V of Defence brief does not bear any file number or despatch particulars. It is therefore concluded that the C.O. was in an unusual hurry to somehow get the signatures of PGT(Eng) Smt. Rose on the already evaluated answerscripts, his arguments as given in the defence brief do not justify his act of summoning Mrs. Rose during school hours to his residence and asking her to sign on the dotted line. Therefore the oral statement during examination in chief of the SN-5 Smt. Rose is true and established the fact that Sh. A. Singh has not acted in a manner required of a Principal of KV. Thus the charge under this article is established beyond doubt.

Another point which comes to light from the above analysis of the facts is that, Sh. A. Singh was handling the answerscripts of English test paper of the

UDC test and was getting them either evaluated or re-checked or signed by the examiner Sh. A.K. Chaudhary and by Smt. Rose. Therefore his statement that he was not involved in any manner in the UDC test is false and the charge of non-submission of undertaking regarding non-appearance of any of his blood relation or relative in the LDC & UDC test gets also proved partially if his undertaking at Annex-III of his defence brief for the exam of LDC is taken to be correct because accepting any kind of duty relating to the exam of UDC without furnishing the required undertaking also violates the rules.

Article-IV

The P.O. Sh. Due has charged Sh. Singh with the misconduct that Sh. Singh as co-ordinator helped some candidates whose relatives work in KV Amerigog and R.O. Guwahati by manipulating their answer scripts or by helping them to copy from already solved ap papers. The P.O. has further stated that the evaluated papers bearing no.22 of Sh. Devendra Yadav, Roll no.8 Sh. Chandgiram and roll no. 13 Sh. Inderjeet Singh relative of Sh. S.P. Yadav, PGT, KV CRPF Amerigog and roll no.8 his brother of Sh. Ranjeet Singh, PRT KV CRPF Amerigog and Sh. Chandgiram is brother-in-law of Sh. C.B. Solanki, Office Supdt. KVS(RO) Guwahati, it is observed that answers to of question no.1,2 & 8 are almost replica. Sh. Devendra Yadav OBC brother of Sh. S.P. Yadav, PGT appeared in the test of LDC also and scored 27 marks out of 100 whereas in UDC test he scored 83 out of 100. It is also observed that in G.K. paper many corrections have been made afterwards. P.O. has relied on the fact that the C.O. at no stage has denied awards of marks to Sh. Devendra Yadav and also other charges.

The C.O. in his defence states that he had no knowledge about the relationship of the candidates and he came to know about the relationship only through the charge sheet. He has further pleaded that he was deputed to be the co-ordinator of the LDC exam only and not for the UDC exam. The UDC exam was conducted by the then A.C. Sh. Rakesh himself, no teacher of his vidyalaya was given any

invigilation duty. He himself was not given any duty, therefore the question of helping any candidate does not arise. Moreover he was also not a member of the selection committee to influence any of the decisions.

There is no doubt that there was some irregularities and inconsistency in the marking of answer of GK and English answerscripts. The evidence also indicates that the answers to question no.1 to 8 in UDC english paper Ex.8-3 in r/o Sh. Gurmeet Singh and Sh. Devendra Yadav are very much talling to each other, which has been confirmed by the witnesses also yet the fact remains that C.O. was not officially appointed as co-ordinator for conducting the UDC test by the A.C. Guwahati and since there is no documentary evidence to this effect. The so-called irregularities which came to light cannot be charged as the manipulated work of Sh. A. Singh C.O. The prosecution has failed to produced any evidence to the effect that he was in any way connected with the UDC examination except that Sh. Singh deputed on the direction of the A.C. (G.R.) Sh. S.P. Kumar, PGR and Sh. Chaudhary TGT(Eng) for the evaluation of answerscripts. From the above analysis of facts presented by the P.O. and replied by the C.O. one simple truth comes to light that the C.O. was very much handling the answerscripts of UDC test notwithstanding the fact that officially he was not appointed in any capacity to work in the UDC test. During examination in chief and cross examination of Mr. Chaudhary SW-4, he has not pleaded his innocence about the 10 answerscripts of English given to Sh. Chaudhary which included 04 already evaluated answer scripts. During cross examination also he has not denied that he did not ask Sh. Chaudhary to sign or evaluate the said answer scripts. In another place where Smt. Rose was called to his residence and answerscripts were given to her also proves beyond doubt that Sh. Singh was very much connected with the work of UDC exam in which his brother Sh. Gurmeet Singh appeared alongwith other relatives of KV staff, therefore his contention that he did not know any thing about the evaluation of answerscripts does not seem to be true and is too much of a co-incidence

that the answers to certain questions in English paper of roll no. 22,8,13 are replica of each other. Hence possibility of his involvement as head of the vidyalaya where these tests were conducted in manipulation of certain answerscripts cannot be ruled out.

FINDINGS OF EACH ARTICLE OF CHARGE

On the basis of documentary and oral evidence adduced before me and in view of the reasons given above, I hold that charges against Sh. A. Singh ex-Principal, KV CRPF Amerigog presently at KV Dinjan contained in :

Article - I	- Not established
Article - II	- <u>Not established</u>
Article - III	- <u>Established</u>
Article - IV	- <u>Partially established</u>

A. J.
S. C. JAIN
INQUIRY OFFICER

ASSISTANT COMMISSIONER
K.V.S. (R.O.) D. DUN

TO,

The Commissioner,
 Kendriya Vidyalaya Sangathan,
 Satyed Jeet Singh Marg,
 18 Institutional Area,
 New Delhi-16.

Sub: Representation against Memorandum, Inquiry Report Letter No.E.8-25/98-KVS
(Vig) Dated 7.8.2K In respect of undersigned.

Sir,

In connection with the contents mentioned in the above referred memorandum I would like to bring to your kind notice the following facts from the beginning to the end of this case for your kind consideration and favorable actions please.

1. In the month of Dec 1997 former Ac. (GR) Dr. K. C. Rakesh conducted a written test for the appointment of LDC & UDC in our Vidyalaya on 10-12-97 and I was also given a letter no E.8-6/96-KVS(GR)/134009-18 Dated 10/15.12.97 from Regional office (GR) Guwahati to act as coordinator for LDC examination only along with other staff of Regional Officer (GR) Ghy. and teachers from our Vidyalaya K.V. CRPF on 10-12-97. A photocopy of the office letter or order dated 10-12-97 is attached herewith. The LDC test was conducted on 10-12-97 and UDC test was conducted on 11.12.97. My brother Gurwmit Singh also applied for UDC test, which was conducted by Ac. Dr. K. C. Rakesh as Superintendent and other staff of R.O. GR as invigilators. Our staff and I myself were not given any duty for the same.

A declaration was also filled by all the LDC test duty holders about the non-appearance of their kith and kins along with myself (A copy of the duty letter from R.O. GR and declaration has been attached herewith). On 15th & 16th Dec. the appointment letters were issued to all the selected candidates but my brother was not selected and not given any appointment letter.

After one month a letter from KVS New Delhi circulated that as per the order of Honorable Delhi High Court the service of Ac. K. C. Rakesh has been terminated w.e.f 11.12.1997 and "whatever orders passed by the petitioner after the termination orders issued by the respondents will be treated as null and void they will have absolutely no legal effect. The respondent will act as if there are not such orders passed by the petitioner after the termination order was passed."

All the Principals of Guwahati Region were directed to follow the order of Honorable High Court Delhi. Further it is mentioned in letter No.F.19-1(4)/98-KVS(L&C) dated 13.2.1998 that the services of Dr. K. C Rakesh were terminated

with effect from 11.12.97 and his termination he has passed various orders including orders of appointment, orders for holding test and interviews etc.

In view of the above all concerned are directed to give full effect to the orders of the Hon'ble High Court and treat the orders passed by the said Dr. K. C. Rakesh after 11.12.97 as null and void and without having any legal effect. They are further directed to proceed as if no such orders were passed by Dr. Rakesh after 11.12.97 i.e. when the termination order of Dr. Rakesh was passed.

As per the order of Hon'ble Delhi High Court the services of all the new appointee of the post of LDC & UDC posted in various Vidyalayas of Guwahati Region were terminated. As per the Court order the test of UDC which was conducted by Dr. Rakesh and his R.O.(GR) staff has been cancelled because it was conducted on 11.12.97, and the appointment orders of appointments of LDC & UDC appointment were also cancelled. I was not concerned with conducted of UDC test. More over I was not the member of selection Committee or interview Board of LDC & UDC appointment. I was simply a coordinator only for LDC test as per the letter no. cited above issued from Regional office Guwahati.

Now the bias attitude of KVS has been started against me. A.C finance and Vig. KVS H.Q. New Delhi inspired by some one else came to R. O. Guwahati on 13.2.98. He sends a letter through act. AC (GR) E. O. Dr. E. Prabhakar to call the teachers of K. V. CRPF, who were on the duty of LDC/UDC appointments. In spite of the orders of Hon'ble High Court Delhi, all the teachers were asked by Sri M. M. Lal (Ac Vig. & Finance) to write their roles in the appointments of LDC & UDC in GR on 16.2.98. I was also asked to write about my role in the appointment of LDC/UDC. I wrote that I was given the duty of coordinator for LDC test and my brother appeared for UDC test and he was not selected for the same.

After this Mr. Lal proposed my name to our former commissioner Mrs. Lizzy Jacob for suspension so I was given suspension order on 26.02.98. There was no prima-facie against me and no guardian and any candidate had lodged any complaint of any type against me. This was only a conspiracy against me to shunt me out of Guwahati and to adjust there local principal in my place in K.V. CRPF. Mr. N. D. Bhuyan principal Khanapara, Mr. K.S. Malik principal Missamari, Mrs. Hazarika principal K.V. Unranchu, Mrs. Das Basu K.V. Diger who got transfer within one year from K.V. Unranchu to K.V. Dighru and after some time K.V. Dighru to Khanapara Guwahati.

They were intimate friends of Sri M. M. Lal, Dr. E. Prabhakar and E.O. Mr. Vijay Kumar (GR) had also not soft corner with me because I was not allowed to join in K.V. CRPF after my revocation order officiating A.C. Mr. E. Prabhakar.

The brother of Mr. Ranjeet Singh PRT K.V. CRPF and the brother of Mr. C. S. P. Yadav PRT K.V. CRPF were selected. Mr. Lal had taken the written statement

from them also but they were not suspended or taken any disciplinary action against them. The brother-in-law of Mr. C.B. Solanki Supdt. (Admn.) R.O.G. R. was selected as UDC. Mr. Solanki was also given a duty of supervisor for LDC test vide letter no. E.8-6/96-KVS(GR)/134009-18 dated 10.12.97. He was suspended for some days after that he was revoked and posted to Bangalore. No further enquiry has been made by the KVS but in my case the enquiry was scheduled under rule (14) C.C.SCA rule. It was done intentionally.

THIS SHOWS THE BIAS, VINDICTIVE AND NON COOPERATIVE ATTITUDE OF K.V.S. OFFICERS TOWARDS ME.

My suspension period would have been prolonged more and more had I not approached to our commissioner Sri R. S. Pandey and through him to our late beloved vice chairman Sri M. C. Satyawadi Who listen me sympathetically and passed immediately the order of revocation through our former commissioner Sri R. S Pandey.

Had our beloved Vice Chairman alive, your honor would have been given the real picture of my case from hi~~lend~~ that how much I tortured by K. V. S. Officers, to whom I had written all this, case history.

These officers were not satisfied after doing this injustice to me as A.C. (GR) Dr. M. M. Swami came to KVS H.Q. New Delhi along with Principal K. S. Malik Missamuri (who are intimate friend of each other) met our Joint Commissioner Sri Srivastav ji on 28.7.98 and managed my transfer to K. V. Sataka (Nagaland) from K. V. CRPF Guwahati. KVS H.Q. - New Delhi also violating the transfer policy of KVS transferred me to K. V. Sataka. (The Vidyalaya neglected by KVS up to X class.)

- (1) My spouse ground was not considered
- (2) My medical ground was ignored.
- (3) My son was going to appear in class XII, Board Examination.
- (4) His studies were spoiled by KVS.

I requested KVS authorities that if you have decided to transfer me out of Guwahati than transfer me to K. V. Sibsagar, K. V. Jorhat or K. V. Nazira which were vacant but intentionally my request was turned down and I was asked to join K. V. Sataka Nagaland where I had completed my one tenure as I was in Dibrugarh from 95 to 97.

Your honor is also a husband and an ideal father and you may well experienced of the mental state of a child and a wife up to how much deep they could passed from mental agony whose father or husband was suspended without any cause and was not allowed to join the same Vidyalaya after revocation. It affected the career of my child and health of my wife. I was given physical, mental and economic torture by KVS. This is the burning example of bias, vindictive and non co-operative attitude of KVS H.Q. New Delhi.

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So compelled by above-mentioned circumstances I had to take the shelter of Law when justice was denied to me by the KVS. After this your honor joined KVS and settled my case, I withdrawn my case from Hon'able Guwahati Court as per your direction.

Apart from this there are so many other examples of bias behavior of KVS against me. (a) I was suspended on 26.2.98 and as per disciplinary proceedings I should be given charge sheet within three month from the date of suspension. I was revoked on 26.7.98 charge memorandum was prepared in the month of August 98. After seven months from the date of my suspension and it was sent to H.H. by speed post on 29 Dec 98 and I got it on 1.1.99 through post office Guriup center CRPF Guwahati. (b) I was not given any opportunity to see your honor for personal discussion about this case. (c) I was not given any opportunity to inspect the original documents to write my defense statement. When I sent my defense statement, it was turned down by writing a letter to me that it was late. I have documentary proof of all this when I got my charge sheet after eleven months from the date of my suspension.

In this regard your honor also framed the law of the KVS recently that if any employee of KVS would be transferred on administrative ground, the disciplinary proceeding would be completed within three months and if the employee is found not guilty he would be transferred to the same Vidyalaya or near by it.

In my case Sangathan is contradictory. No such type of procedure is followed by the KVS H.Q. New Delhi, although it is the rule of disciplinary proceedings. This is also non co-operative and unlawful behavior towards me and far away from the natural justice.

Ac. KVS H.Q. New Delhi M. M. Lal (Pm. & Vig.) prepared my false fabricated and baseless charge sheet and the inquiry proceeding was kept under rule -14 for measure penalty. He appointed A.C. R. O. Sri S. C. Jain my inquiry officer and Mr. G. R. Dua section officer of R. P. 2nd New Delhi was selected P. O. in my case. Both these fellow were intimate friends of Mr. M. M. Lal who had already adopted revengful attitude towards me as during my suspension he used to say me "begin we will revoke you if you take transfer out of Assam". So being a senior officer he had such type of notion for me and immediately got the order from your honor for my inquiry under rule -14. So being the intimate friend of Mr. M. M. Lal my inquiry officer and present officer will never think good of me except harming me. When they failed to establish a charge against me, they blamed me for non co-operative the inquiry proceedings. I have documentary proof and evidence that I was very much co-operative with inquiry proceedings.

- (a) During the first inquiry, I was given call letter from 1.0. AC, RO(DR) to attend the inquiry on 28.1.99 at K.V. CRPF Guwahati. I presented myself at K.V. CRPF Guwahati, but to my surprise neither enquiry officer AC, R.O.

(DR) Mr. S. C. Jain nor presenting officer Mr. G. R. Dua was present there. I waited for them up to 29.1.99 but I was not given any information for the non-arrival of I.O. and P.O. or for postponement of the enquiry. This shows my co-operative attitude towards the enquiry proceedings. I got my relieving order from Principal, K. V. CRPF and returned to K. V. DINJAN. Un-necessary harassment was given to me.

(b) After this the inquiry was schedule at R. O. Dehradun, I could not attend that due to my ill health (medical from authorized medical attendant has been sent to I.O. (DR)). I requested them to conduct the enquiry at K. V. CRPF Guwahati where the cause of action had taken place and all witness were present at K. V. CRPF Guwahati.

(c) After this the inquiry was conducted at K. V. CRPF Guwahati on 6th and 7th January 2000. I attended the inquiry on 6th and 7th Jan. 2000 and cross-examined the four (04) witnesses concerned, with case. The 5th witness Mrs. John Bridge was absent otherwise it would have been completed on that day. I took my relieving order from my I.O. and returned to K. V. Dinjan.

(d) In my daily order sheet, it was mentioned that to cross-examine Mrs. John Bridge the inquiry should be conducted at KVS H.Q. New Delhi on 24.1.2000. I.O. A.C. R. O. (DR) sent call letters all the times to attend the inquiry at so and the place and on so and so date. I was waiting for that letter from I.O. RO (DR) but they did not send me any letter regarding this enquiry. The letter from enquiry officer was necessary for me to get relieving order from my Chairman as well as station leave permission and for the purpose of T.A / DA for my self and for my defense Assistant our Audit Superintendent Mr. Arun Kumar Sharma does not pass the bill without proper order or relieving order. Daily order sheet is a confidential document. The photocopy of the same cannot be used for the purpose of getting the relieving order or to get pass the T.A / DA bills. So I could not attend the inquiry on 24.1.2000 at Delhi for want of call letter from inquiry officer.

(e) I got letter No. 34-2/98-KVS(DR)/1930 dated 27.1.2000 from I.O. Sri S. C. Jain to attend the inquiry on 14.2.2000 RO Delhi. I started my journey on 10-2-2000 after taking station leave permission from my Chairman. I got my reservation in Rajdhani Express on 11.2.2000. I am a diabetic, hypertension and gall bladder stone patient and I am strictly under surgical and medical care (Medical Certificate and report is hereby attached). So due to whole day journey on 10.2.2000 as soon as I reached Guwahati suddenly pain started in my gall bladder. I was not in a condition to continue my further journey so I cancelled my ticket and approached to doctor at Guwahati Medical College. He advised me to drop my further journey and two days complete bed rest for the safety and security of my life as the swelling in my both legs had also

increased. The inquiry officer Sri S. C. Jain had seen this condition during the inquiry on 6.1.1990. The medical certificate and the cancellation of ticket was also sent to P.O. Mr. G. R. Dua and he has closed my inquiry in my absence. Sri S. C. Jain (AC(DR) has also cross-examined Mrs. John Bridge Rose in my absence without knowing the reality behind it. I am not able to understand that why were they compelled to close this enquiry without my presence and cross examination by me which is highly objectionable and proves the bias and non co-operative attitude of KVS officers as the charges are proved forcedly and deliberately against me ignoring my medical condition and certificates. I never showed my non co-operative attitude towards inquiry procedure. I am intentionally blamed for the same and presenting officer Mr. G. R. Dua falsely proved the charges against me, it is his wishful act. I have documentary proofs against all the four charges against me.

I came to know through Inquiry report that charge No. I & II are not established against me and Charge No. III is proved established and IV is half established.

ARTICLE III AND CHARGE III

As per Inquiry report Article III Charge No.3 has been established against me. Witness No.05 Mrs. John Bridge was called by I.O. at KVS H.Q. N. Delhi for cross Examine by I.O. on my behalf which is highly objectionable and away from natural justice as she could be trained to say anything against me in my absence. And in the absence of my defence assistant also. So regarding this establishment of charge 3 is an ex-party decision which is away from natural justice.

B. I had already sent one registered letter in which I demanded that the witness No.05 Mrs. John Bridge should be called at KV. CRPF Guwahati along with other concerned person for Natural Justice to me. But my request was ignored by I.O. and P.O only which is unjustified to me. I.O. Ac. Sri S.C. Jain and P.O Mr. J. R. Dua were in so hury to conclude the inquiry, reason best known to them, without caring my interest or to punish me severely for nothing. However I want to state the following facts regarding the Charge No.03 which is established by I.O. against me having bias cal attitude.

1. I was deputed by Former AC. Dr. K. C. Rakesh through his office order letter No. -E.8-6/96-KVS(GR)/134009-18 Date 10/15/12 97 act as the coordinator of LDC exam. Hindi typist only.
2. I had already furnished the under taken required by R/O GR duly counter sign by Dr-Rakesh that my near dear was not appearing in LDC exam. I was not given any duty for UDC exam. So the furnishing of under taking of UDC exam does not arise.

I got the written valid order from AC. Dr. Rakesh to depute Mr. S.P.Kumar PGT (Math) Mr. A. Chaudhary PGT (Eng) to evaluate

D.

the answer script maths & CH and English answer script of English

UDC test would be scrutinized by Mrs. John Bridge PGT(Eng.) without delay.

E. A.C. Rakesh could issue the office order to our teacher directly but to maintain the official channel he ordered me to depose my teacher for the said job. Myself being the head of the institution and to maintain the official channel and the decorum of the service accepted his order to convey to my teachers. It does not mean that I was the coordinator of UDC exam also as stated by P.O Mr. G.R.Dua which has no meaning. I did not do anything by my own. I simply followed the orders of A.C.R.O.G.R only appointed by KVS New Delhi.

F. I am blamed that I forced Mrs. John Bridge to sign the answer script which is false and fabricated. Mr. A.Chaudhary after evaluating the eng. Answer script deposited to Dr. Rakesh on 12.12.97 and Dr. Rakesh was in hurry to declare the result of LDC and UDC exams UDC English answer script were not scrutinized by Mrs. John Bridge. So Mrs. John Bridge was called by Dr. Rakesh through me in the extension of R.O.G.R Q.NO.19/4 type that quarter was often used to do the regional work there. Mr. K.S.Malik principal K.V. Misamari had also served in the said quarter for scrutiny of five thousand application form for miscellaneous teacher job along with his four teacher and eight teacher from our Vidyalaya. That can be verified from the teachers K.V.CRPF Guwahati and principal K.S.Malik, K.V. Misamari.

G. I had already deposited electric bill or Lump some house rent for the same H.No-19/4 type which I did not claim till now.

H. Mrs. J. Bridge was called in that extension 19/4 type officers quarters CRPF Campus Guwahati to do the job of scrutiny of ten English copy only. As Ac Rakesh was in hurry to declare the result of LDC & UDC exam. As UDC exam was conducted 11.12.97 and copies were evaluated on 12.12.97 and the interview was conducted on 13.12.97 and the result was declared on 14.12.97 and the appointment letters were given on 16.12.97 through Ac. Office and this work was done so hurriedly reason best known to AC. Dr.K.C.Rakesh himself. so in urgency she was fetched there by Dr. N.K.Srivastava TGT, SST,CRPF. Mrs. John Bridge came to the extension and she stated in her statement that a person from out side came to hand over the bundle of ten copies UDC Eng.

Mr. Gajinder group-D of K.V. New Bongaigaon temporally deputed in regional office Guwahati at the time had brought the answer script from Ac

Dr. Rakesh who was ready to go to his office at about 10am that can also be verified from R.O. GR. Test copy that scrutinizing them further she stated in her

Statement that principal asked her to re-total the marks and signed the answer script.

She was not the chief examiner to increase or to decrease the marks of any body else. Her duty was only to see the totaling of the awarded marks or to point out if there is any question unchecked or awarded no marks as there was valid order dated 10.12.97 for her to complete this job and not anything else more then this.

As per her statement I felt astonished when she stated that principal Mr. A. Singh arranged two person to stand at her both side when she was reluctant to sign. This is the false and fabricated statement she might have been trained to say so by someone else at K.V.S headquarter New Delhi in my absence.

Against this false statement I want to depict the situation of that place 19/4 type

1. The time was 10 a.m.
2. The door of room was open.
3. The windows were open curtain less
4. The sentry of CRPF was on duty with weapon in the officers' quarter campus
5. No civilian could enter in CRPF Campus without proper entering the visiting register.
6. The orderly of Dr. Geeta and Dr. Chakraborty (who were the neighbours) were working in the kitchen garden and they could easily see through window the teacher Mr. N.K. Srivastava TGT SST K.V. CRPF who once helped your honour's children, in K.V. CRPF, who fetched Mrs. John Bridge PGT Eng was also present there.
7. Inquiry officer AC RODR had also visited the house of principal K.V. CRPF Mr. Choudhary along with P.O. Mr. G.R. Dua and myself and my defence assistant was also present in the house of principal K.V. CRPF Guwahati and Qrt-19/4 is in front of the Quarter of principal K.V. CRPF Mr. Choudhary Qrt-20/4 type. So under these circumstances how can I frightened the lady or to pressurise her to that job which was assigned to her so her statement is false and fabricated.

She further stated in her statement that she signed the answer script only to get rid of mental pressure she signed and went away but in charge No III it is stated that she saw that the answer of the question No. 01 to 08 in UDCC Eng paper were of high slandered and she found replica of the same in answer sheet of Roll No 22 OBC Naming Devender Yadav. I want to state that without going through the answer script it is not possible for a person to say like this. While on the other hand she has stated that she signed the paper and went away. Her statement is contradictory and it shows that she was not under the pressure of principal Mr. A. Singh but she was under the pressure of higher officers of K.V.S New Delhi.

M.

she

Mrs. John Bridge PGT Eng had she put under such situation

Chairman

might have reported the matter immediately to AC Dr. Rakesh or

against me

K.V.CRPF additional DIG and moreover she did not lodge a FRI

in nearby police station it means the situation was normal but it is made abnormal at K.V.S headquarter New Delhi.

N.

Regarding the replica of the answer to question no 1, to 8 in the answer script of roll no 22 I want to state that the UDC test was conducted by

AC Dr. E.C.Rakesh as superintendent himself and invigilator Mr. S Baishya Assistant R.O. GR. What happened in the examination hall or in R.O. GR, or with chief examiner Mr. A Choudhary or AC Dr. Rakesh under whose custody the answer script were there I was not concerned with this test only those are the person fully responsible for the replica

It is objectionable that once honorable Delhi High Court had given its verdict on 4.2.98 to terminate the services of AC R.O. GR Dr. E.C.Rakesh with effect from 11.12.97 and cancelled all the orders of AC Dr. E.C.Rakesh to conduct the test and appointments of LDC and UDC. They are treated null and void have they will have absolutely no legal effect so my suspension was only because of this UDC test with which I had no concerned.

This act of K.V.S officers is against the law and it is a clear contempt of the order dated 4.2.98 honorable Delhi High Court. As Mr. Lal AC vig did not take any written permission from honorable High Court New Delhi to initiate an inquiry against me on 16.2.98 after the passing of order of Honorable High Court New Delhi on 4.2.98.

Further AC R.O. GR Mr. M M Swamy had also got re-evaluated the answer script of UDC Eng, Math, and GK test by Mrs. John Bridge PGT Eng K.V.CRPF (Now posted to K.V.Tamilnadu) and by Mr. Devidiga PGT Phy K.V.Narangi in the month of March 98 without taking any written permission from the court after passing its judgment on 4.2.98. Which is highly objectionable and against the law it is evident that the concerned K.V.S officers had adopted the dictatorship attitude and they have misused there power. (The photocopy of answer script of re-admission have been attached for your ready reference and necessary action please)

No candidate appearing for UDC test did not file any writ petition or a complaint against this evaluation but the re-evaluation was done by the K.V.S officers forcibly which is not justified and it is against the order of honorable Delhi High Court.

It is evident from the above mentioned facts that charge No III is not established against me.

Article IV Charge IV

Regarding the article no IV, I want to state that I was the coordinator for LDC exam only vide letter no. F.8-6/96-KVS(GR)/134009-18 dated 10.12.97. the UDC exam was conducted by Dr. Rakesh himself as superintendent and Mr. S. Baishya assistant R.O GR was the invigilator to conduct the UDC exam.

B. The signature of S. Baishya as invigilator are apparently visible on the face of all the UDC exam and English exam scripts. The photocopy of front page of G.K. exam and English exam of UDC bearing the signature of Sri S. Baishya have attached herewith for your ready reference and necessary action please. When the exam was over the answer scripts were collected by him and handed over to the superintendent i.e. Dr. K. C. Rakesh. He did not handover the answer script to me or I was not a great magician who could take out the answer script from their custody by my magic power.

C. I was not also powerful influential person who could take out the answer scripts from the custody of R/O GR or from Dr. K. C. Rakesh himself. So the manipulation of answer script was not possible cross my end and it was far-far away to help the relatives of staff and R/O employee.

D. I did not know the relatives of the staff that who is whose brother or relative. I came to know this relationship only through the charge memorandum supplied to me.

E. Mr. S. Baishya assistant R.O GR was the invigilator of UDC exam. He did not made any complaint against me that I entered the examination hall to help my brother or to help the relatives of staff or K.V. CRPF. No candidate has ever complained against me of any type. Actually speaking I did not go to the examination hall. The possibility of manipulation or cheating may be in the examination hall or manipulation would be possible in R/O GR where the answer scripts were kept and Mr. S. Baishya was also from R/O GR and the brother in law of Mr. A. K. C. B. Solanki office superintendent R/O GR Mr. Chandgi Ram was selected. He while he got 32 marks in English where the other candidate got 82 marks was not selected. he also got 39 marks in arithmetic's and general knowledge while the other candidate Gurmit Singh got 82 marks in arithmetic's and G.K was not selected. What is mystery behind it best known to i.e. Dr. K. C. Rakesh himself, Mr. A. K. C. B. Solanki or Mr. S. Baishya himself. KVS authorities are kept mun about this injustice and for the selection of the staff of K.C. CRPF. The Regional office or the invigilator or Dr. K. C. Rakesh himself is responsible. Mr. A. K. Chaudhary who evaluated English answer script stated in his statement that A. Singh principal never approached him to increase the marks of any candidate and Dr. S.P. Kumar who evaluated arithmetic and G.K answer scripts also stated in his statement that principal A. Singh never approached to him to increase the marks of any candidate and he never stated that I had given him any written or verbal instruction to increase the marks of any candidate.

F. It is stated in article IV charge IV that Devendra Yadav brother of S.P. Yadav P.E.T appeared in the test of L.D.C also and scored 27 marks out of 100 marks where as in UDC test he scored 83 marks out of 100. It is already stated that UDC test was conducted by A.C. Dr. K. C. Rakesh him self as superintendent and Mr. S. Baishya as invigilator. What had happened in the exam hall of the UDC test? I was not concerned because I did not go inside the examination room, it is best known to Mr. S. Baishya or A.C Dr. K. C. Rakesh.

G. Principal K.V. CRPF Mr. N.D. Bhuyana my predecessor harbored A.C. Dr. K. C. Rakesh was given electric material and furniture from K.V. CRPF staff namely Dr. S.P. Kumar PGT math, Mr. A. Chaudhary TGT English Mr. Ranjeet Singh PRT Mr. C.S. Pandey P.E.T. Mr. S. Mishra PGT Hindi and C.B. Solanki office superintendent R/O Guwahati and Mr. M. M. Swami PGT Bio. Were closely socially associated with Dr. K. C. Rakesh before my joining to K.V. CRPF. I had written an office order for the teachers of K.V. CRPF not to go to CBSE office or A.C. Office or A.C. Residence without permission of the principal. That order can be verified from the order book of K.V. CRPF. My order was in vain the teachers continued their relation with A.C. Dr. Rakesh. So it was evident from this relationship that the brother in law of Mr. C.B. Solanki Mr. Chandiran Devendra Yadav the brother of Mr. Ranjeet Singh were selected. My brother Gurmeet Singh was not selected because I had no deep relation with A.C. Except official and I did not approach him for the selection of my brother or for any candidate.

H. It is clear from this fact that I was not so powerful to get my brother selection or to win the favour of Dr. K. C. Rakesh. How can I help in the selection of the brother and relative of K.V. CRPF and R/O Guwahati?

I. I was not the member of the selection committee of UDC exam, by which I could help them in their selection. The member of selection committee were as follow:-

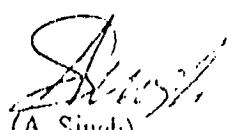
1. Chairman Sri Tabu Tai (secretary of Education state of Assam)
2. Member: Sri B. Butia (commanding officer group centre CRPF).
3. Mr. N. D. Guhia, Principal K.V. Khanapara
4. Member Secretary A.C. Dr. K. C. Rakesh himself
5. SC Member, Dr. K. C. Rakesh him self

The marks of interview for UDC selection were more than written exam and it was not possible for me to approach for any candidate and there is no objection or complaint of member of selection committee against me. So it is evident from the our mentioned fact that I did not help any candidate including my brother. The charged frame against me are false, fabricated and baseless. I had already filed my objection that the inquiry has been concluded without my presence at KVS, H. Q. NEW DELHI as witness no. 5 Mrs. John Bridge was cross examined by inquiry officer A.C. Sri S.C. Jain himself.

I have disclosed all the facts regarding this case our honorable commissioner K.V.S New Delhi had also directed all the principals of GR to comply the order the Court dated 2.4.97 all the LDC and UDC appointee have been terminated my brother was not selected the test conducted by Dr. Rakesh have been cancelled and they have no legal affects. So viewing all the above mentioned facts and situations it is evident that charge No III and one half of charge No IV is not established against me it was merely a Drama and here and cry against me to shoot me out of K.V.CRPF Guwahati. I was knowingly given mental, physical and economical torcher. I have lost my honour and glory while I was unnecessary suspended by K.V.S and that loss cannot be compensated by money or gold.

Your honour is requested to put aside this enquiry report or pass order deemed fit for this situation as it is hampering my administrative job in the Vidayalaya and my personal life

For this act of kindness, your honour, I shall remain thankful to you.


(A. Singh)
Principal
K.V.Dinjan
Army

Document No. 8

BY REGD. POST
CONFIDENTIAL

KENDRIYA VIDYALAYA SANGATHAN

(VIGILANCE SECTION)

18, INSTITUTIONAL AREA

SHAHID JETT SINGH MARG

NEW DELHI- 110016.

No.F.8-25/98-KVS(Vig.) Dated 03.11.2000

ORDER

WHEREAS, Shri Acchar Singh, Principal, Kendriya Vidyalaya, Dinjan formerly at Kendriya Vidyalaya, Amerigog Camp was chargesheeted under Rule-14 of Central Civil Services (Classification, Control & Appeal) Rules, 1965 as extended to the employees of the Kendriya Vidyalaya Sangathan vide Memorandum of even numbers dated 16.08.1998 and 01.09.1998.

WHEREAS, Shri S.C.Jain, Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Gwalior (presently at K.V.S. Regional Office, Dehradun) was appointed as Inquiry Officer to inquire into the charges framed against the said Shri Acchar Singh vide order dated 24.12.98.

WHEREAS, the Inquiry Officer has concluded the inquiry ex-parte in keeping with the provisions under Rule 14(II) of Central Civil Services (Classification, Control & Appeal) Rules, 1965 as Shri Acchar Singh has not cooperated with the inquiry proceedings and that he failed to avail of the opportunities provided to him to defend his case.

WHEREAS, Shri S.C.Jain submitted his report to the Disciplinary Authority a copy of which was provided to the said Shri Acchar Singh for making representation in terms of Government of India's Instructions under Rule-15 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 vide Memorandum dated 07.08.2000.

WHEREAS, out of 04 Articles of charge the charge under Article-III has been held proved by the Inquiry Officer. The charge under Article III is as under:-

contd...2/-

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for
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That Shri Acchar Singh being the coordinator of U.D.C. & L.D.C. Test got the papers of U.D.C. evaluated by someone else and compelled Mrs. John Bridge Rose. P.G.T. (English) to put her signature on each ~~note~~ book and award list in a token of setting and evaluating the papers by calling her at his residence.

WHEREAS the charge under Article-IV has been held partially proved is as under:

That Shri Acchar Singh being the coordinator of L.D.C. & ~~U.D.C.~~ Test helped some candidates for getting them selected for the post of U.D.C. who were related to the staff of Kendriya Vidyalayas and K.V.S., Regional Office, Guwahati by manipulating the answers in G.K. Paper and giving solved papers to those students has been confirmed from Roll No.22, 78 and 13 because the answer for Question No.1,2 & 68 are almost the replica. Further Roll No.22 who is the brother of Shri S.P. Yadav, P.E.T., Kendriya Vidyalaya, Ameritog appeared in L.D.C. Test also got 27 marks out of 100 in L.D.C. Exam whereas he secured 83 marks out of 100 in U.D.C. Test which is very amazing. The charge was partially established to the extent that Shri Acchar Singh has carried out manipulations/corrections of certain answer scripts of the candidates. The possibility of his involvement as head of the Vidyalaya where these tests were conducted can not be ruled out.

AND WHEREAS, on a careful consideration of the records of the case, findings of Inquiry Officer, Statement of the Witness and also taking into account the facts and circumstances of the case, the undersigned is satisfied, that Shri Acchar Singh is guilty of serious misconduct in as much as he tampered with the smooth conduct of examination/recruitment of L.D.Cs and U.D.Cs with ulterior motive.

contd... 3/-

Amrit
Jn
B.W.

NOW, THEREFORE, the undersigned in his capacity as Disciplinary Authority orders imposition of Panalty of dismissal from service upon Shri Acchar Singh, Principal, Kendriya Vidyalaya, Dinjan (Assam) with immediate effect.

Sd/-

03.11.2000
(H. M. CAIRAE)
COMMISSIONER.

Copy to :-

- 1) Shri Acchar Singh, Principal, Kendriya Vidyalaya, Dinjan, Via-Panitola, Assam- 786185.
- 2) The Assistant Commissioner, Kendriya Vidyalaya Sangaghan, Regional Office, Guwahati.
- 3) The Asstt. Commissioner (Admn.) K.V.S.(Hqrs.) NEW DELHI.
- 4) The Dy.Commissioner (Fin.), K.V.S.(Hqrs.) New Delhi.
- 5) Guard File.

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*Almora
J.D.M.
P.M.*

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI-5
ORIGINAL APPLICATION NO. 177/94

MISC. PETITION NO. (IN O.A.)
REVIEW APPLI.NO. (IN O.A.)
CONT.PETITION NO. (IN O.A.)

Sunil DasApplicant(s)

-Vs-

UOI & Ors....Respondent(s)

MR. J.L.Sarkar

Mr. M. Chanda...Advs.

..For Appl.

Mr. S. Ali Sr. C.G.S.C. for Respondents.

COURTS ORDER

Date
7.9.94

Mr. J.L. Sarkar appears for the applicant.

Question raised is whether there is violation of sub-rule 2 of Rule 16 of CCS (CCA) Rules. Petition is admitted as the question needs to be considered. Issue notices to the respondents. Six weeks for written statement.

As far as the interim relief is concerned in the light of the decision of the Principal Bench in AIR 1986(2) CAT 643 the applicant is granted leave to file an appeal against the impugned order before the competent authority within three weeks. We also grant liberty to the applicant to apply to the appellate authority for interim stay of the impugned order during the pendency of the appeal. The appellate authority shall pass a reasoned order and communicate it to the applicant if he is inclined to reject the application. Interim stay is hereby granted of the impugned order to be operative for a further period of three weeks from the date of order if interim stay is refused by the appellate authority. In the event liberty to the applicant to apply for extension of the order of stay granted in this application to day within a period of three weeks after the said order. It is made clear that pendency

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of this application will not be a bar for the appellate authority, to entertain and proceed with the appeal and/or to consider the application for interim stay of the impugned order pending the appeal. In the event interim stay is granted the present order of interim stay will stand automatically vacated from the date on which the interim order granted by the appellate authority becomes operative.

Adjourned to 1.11.1994.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (A)