

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Contempt Application No. 69 /2001

in OA 413/2000

Applicant(s) :- A. Singh

Respondant(s) :- H. M. Caice

Advocate for the Applicant :- J. L. Sarcar, Ms. S. Deka A. Chakraborty

Advocate for the Respondant :- CASE. (K.V.S)

Notes of the Registry	Date	Order of the Tribunal
This Contempt petition has been filed by the Counsel for the petitioner praying for initiation of a Contempt proceeding against the alleged Contemners for non-compliance of the Common Judgement and order dated 27.9.2001 passed by this Honble Tribunal in O.A. 309/2001.	20.12.01	Heard learned counsel for the applicant. Issue notice as to why contempt proceeding shall not be initiated. List on 22.1.2002 for order.
	mb 22.1.02	
	4.2.02	Await service report. List on 4.2.02 for order.
	mb	
Lead before the Honble Court for further orders.	4.2.02	List on 20.2.2002 for order.
	mb	
Section Officer		
Notice prepared and sent to D/S for compliance to the Court by A/c LA/O.		
D/No 62 & 63		
4/1/02		
dttd. 5/1/02		

(2)

6. Show Cause reply
has been filed.

By
21.1.02.

① Service report are
still awaited

② No. Show cause has
been filed.

By
1.2.02.

Vakalatnama filed
by S. Sarma

By
6.2.02

No. written statement
has been filed.

20.2.02

It appears that the notices on respon-
dent Nos. 1 and 2 were sent by registered
post. The respondent No.1 has already enter-
ed appearance through Mr. S.Sarma, learned
counsel. The service on respondent No.2 is
accepted. Prayer has been made by Sri U.K.
Nair, learned counsel appearing on behalf of
Mr. S.Sarma for some time to file written
statement. Prayer is allowed. The respon-
dent No.2 also file reply if any, within
4 weeks from today.

List on 26.3.2002 for order.

K. U. Sharma
Member

[Signature]
Vice-Chairman

mb

26.3.02

List on 30.4.2002 to enable the Respon-
dents to file written statement or to submit
its reply.

K. U. Sharma
Member

[Signature]
Vice-Chairman

mb

7.5.02

Perused the Contempt Petition and
also the affidavit file by the alleged
contempners. From the affidavit it appears
that against the Judgment and order dated
27.9.2001 passed in O.A. Nos. 413/2000 and
309/2001 the Respondents preferred a Writ
Petition before the High Court and the High
Court stayed
the operation of the Judgment and order
dated 27.9.2001. Also heard Mr. S.Sarma,
learned counsel for the Respondents. In
view of the statement made in the affidavit
the Contempt Proceeding stands dropped.

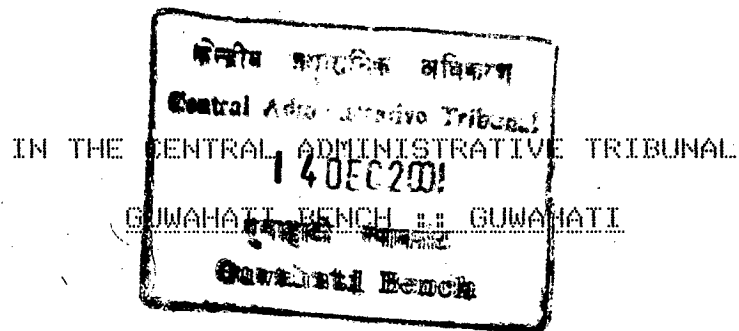
K. U. Sharma
Member

[Signature]
Vice-Chairman

mb

2-4-2002
An affidavit filed
by the Contemner No.1,

Received
by
4/6/02



C.P. No. 69 /2001

Sri Achhar Singh

- Vs. -

Sri H. M. Cairae & ors.

I N D E X

Sl. No.	Annexure	Particulars	Page No.
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4.	'A'	Judgment dated 27.9.2001	8-14
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6.	'C'	Letter Dated 13.10.2001	16-18
7.	'D' & 'E'	Letters dated 17.10.2001	17-20
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9.	'G'	Letter dated 5.12.2001	22

Filed by

(A. Chakraborty)

Advocate

Achhar Singh

In The Central Administrative Tribunal
Guwahati Bench, :: Guwahati,

Contempt Petition No. /2001

In

O.A. NO. 413/2000 (with

O.A. No. 309/2001)

In The Matter Of:

Sri Achhar Singh

_____Applicant

— Vs. —

Union Of India & Ors.

_____Respondents

— AND —

In the matter of :

An application under section 17 of the Administrative Tribunals Act, 1985 praying for initiation of a contempt proceeding against the alleged contemners for non-compliance of the common Judgment and Order dated 27.09.2001 passed in O.A. No. 413/2000 and O.A. NO.309/2001.

— AND —

In the matter of:

Sri Achhar Singh,

Kendriya Vidyalaya, Dinjan,

Dist.- Dibrugarh, Assam

_____Petitioner

4
A C Whar Singh
Filed by the applicant
through Mr. Chakrabarti
12/12/2001

— Versus —

1. Shri H.M. Cairae,
Commissioner, Kendriya
Vidyalaya Sangathan,
18th Institutional Area,
Saheed Jeet Singh Marg,
New Delhi-16.

2. Brigadier B.S. Butalia,
Chairman, Vidyalaya management
Committee, Kendriya Vidyalaya
Dinjan, 2nd MTN. Div. H.Q.,
Dinjan, Via Panitola,
Dist.- Dibrugarh (Assam).

____ Respondents

The humble petition of the
above named petitioner :

MOST RESPECTFULLY SHEWETH:

1. That your petitioner being highly aggrieved by the order of dismissal from service dated 3.11.2000 by the Commissioner, Kendriya Vidyalaya Sangathan and order of Appellate Authority dated 11.4.2001 upholding the order of dismissal filed before this Hon'ble Tribunal the O.A. No.413/2000 and O.A. No. 309/2001 respectively. The Hon'ble Tribunal, after hearing the parties, was pleased to set aside the impugned orders dated 3.11.2000 and 11.4.2001 respectively and was further pleased to give direction to the respondents to reinstate the applicant in service

Archard

A copy of the Judgment and Order dated 27.09.2001 is enclosed as Annexure- A.

2. That your petitioner most humbly begs to state that after obtaining a certified copy of the common Judgment and Order dated 27.9.2001 in OA.No.413/2000 and 309/2001 on 9.10.2001, he presented himself before the respondent No.2 on 12.10.2001 for resuming his duties. A copy of the Judgment dated 27.09.2001 was also submitted by him along with his joining report dated 12.10.2001 to the said respondent. But the petitioner was not allowed to resume his duties at KV, Dinjan.

A copy of the Joining Report dated 12.10.2001 is enclosed as Annexure - B.

3. That thereafter your petitioner in his letter dated 13.10.2001 to the respondent No.1 stated the above facts and prayed for his resumption of duties at KV, Dinjan. But the said respondent has also not given any response to the petitioner up till date.

A copy of the letter dated 13.10.2001 is enclosed as Annexure - C

4. That your petitioner, by letters dated 17.10.2001 prayed before the Chairman and also before the Vice-Chairman of KV Sangathan for the issuance of necessary instructions for his joining at KV, Dinjan. But nothing has

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Achhar-Gosh

Achhar-Gosh

Achkar-Gosh

Achkar-Gosh

Achhar-Gosh

8. That in the facts and circumstances stated above, it is a fit case for the Hon'ble Tribunal for initiating a contempt proceeding against the respondents for deliberate and willful disregard to the common Judgment and Order of the Hon'ble Tribunal dated 27.9.2001 passed in O.A.No.413/2000 and O.A. No.309/2001.

9. That this petition is made bonafide and for the cause of justice.

Under the facts and circumstances stated above, the Hon'ble tribunal be pleased to issue notice to the respondents and after hearing the parties be pleased to initiate contempt proceeding against the respondents for willful negligence of the Judgment and Order dated 27.09.2001 passed in O.A. No. 413/2000 and O.A. No. 309/2001 and further be pleased to impose punishment in accordance with law.

And for this act of kindness your petitioner as in duty bound shall ever pray.

A F F I D A V I T

I, Achhar Singh, son of Late Mohender Singh,
KV Dinjan Campus, P.O. : Panitola, Dist. Dibrugarh (Assam),
do hereby solemnly declares as follows :

1. That I am the petitioner in the above
contempt petition and as such I am well acquainted with the
facts and circumstances of the case.

2. That the statements made in para 1 to 9 are
true to my knowledge and belief and that I have not
suppressed any material fact.

3. That this affidavit is made for the purpose
of filing the contempt petition before the Hon'ble Central
Administrative Tribunal, Guwahati Bench, Guwahati.

And I, sign this affidavit on this 13th day of
December, 2001 at Guwahati.

Achhar Singh

Identified by
A. Chakraborty
(Advocate)

Deponent

Solemnly affirms and declares
before me who is identified by
A. Chakraborty, Advocate on
this 13th Day of December, 2001

Jepani San.
Advocate

== 7 ==

DRAFT CHARGE

Laid down before the Hon'ble Tribunal for initiating a contempt proceeding against the respondents for willful disregard to the common judgment and order of the Hon'ble tribunal dated 27.09.2001 passed in OA. No. 413/2000 and O.A. No.309/2001. The respondents have willfully and deliberately violated the order of the Hon'ble Tribunal dated 27.09.2001 and therefore are liable for contempt of court proceedings and punishment in accordance with law.

6
Achhar Singh

Annexure - A
507

— 8 —

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.

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

.....Applicant

- 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.
Dr E. Prabhakar,
Ex. E.O., KVS (G.P.),
At present E.O. KVS (HQ),
New Delhi.
4. 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.

By Advocate Mr S. Sarma.

.....Respondents

O.A.No.309/2001

Shri Achhar Singh,
Dinjan, Assam.

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

.....Applicant

- versus -

Attended
Chakraborty
Advocate

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 (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, Sibesar, 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 faged 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 raples. 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.

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

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 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

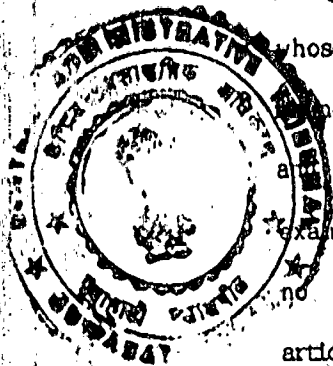
with.....



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 along with 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 not 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

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9/10/2001

Section Officer (A) rems
गंगा, कटिगरी। न्यायिक शाखा
of Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
wahati Bench, Guwahati
गंगाहाटी न्यायिक, प्रशासनिक अधिकरण

Attested
Charles B. [unclear]
Secretary

SD/MEMBER (A)

Dtd. 11.10.01

The Chairman
V.M.C.K.V. Dinjan Army.
Kendriya Vidyalaya Dinjan
Assam.

Sub : Joining Report submitted in the A/N of 11.10.01.

Ref : Vide order & judgement dated 27.09.01 passed by hon'ble CAT, Ghy. in
OAN 413/2001/ & 309/2001. Issued on 9.10.01

Sir,

Pursuance to an order & judgement dtd. 27.09.01 as referred to above
the humble applicant states as under :

1. That the service of the applicant were dismissed by the commissioner KVS Head Quarter New Delhi on wide a letter 3.11.2000.
2. That there after the humble applicant submitted and appeal before the appellate authority and the same was also rejected vide a letter dtd. 11.4.2001.
3. That on being aggrieved the appellant filed the two application namely OA 413/2000 & OA 309/2001 before the hon'ble Central Administrative Tribunal Guwahati.
4. That the hon'ble CAT Guwahati was pleased to set aside the impugned order dated 3.11.2000 & 11.4.2001 respectively and the applicant was allowed with a direction, the applicant shall forth with be rein stated in service with full wages and with full consequential service benefits.

Therefore, It is prayed that your honour would be pleased to allowed the applicant to joined his duty in the afternoon of 11.10.01 under your kind contrai for this ends of justice.

Yours faithfully,

(ACHAR SINGH)

Principal K.V. Indian Army

DINJAN

copy to :

1. Commissioner KVS Head Quarter New Delhi
2. Asst. Commissioner Regional Office , Silchar (Assam)

Encloser :

The order judgement dated 27.9.01

DA TO BY 001

2 MTN DIV

PA ER Panamali
PA TO BY GOC
12/10/01

12/10/01
Kendriya Vidyalaya
Dinjan Army

Attested
Kendriya Vidyalaya
Dinjan

16
To,

The Commissioner,
Kendriya Vidyalaya Snagathan,
New Delhi.

Sub :- Joining Report in the A/N of 12.10.2001.

Ref :- Vide order & judgement dated 27.09.01 passed by hon'ble CAT, Ghy. In OA
413/2001/ & 309/2001. Issued on 09.10.01.

Sir,

Most respectfully & humbly I am enclosing herewith the certified copy of the order / judgement of hon'ble Central Administrative Tribunal, Guwahati in my above referred Appeal.

I presented myself before the chairmen VMC, KV, Dinjan Army for allowing me to resume my duties on 12.10.01 and also in the office of the principal KV, Dinjan by providing them my joining report with certified copies of the judgement but to my great disappointment I was not allowed to resume my duties (the report duly acknowledge is also being enclosed herewith).

Therefore I humbly pray to your good self to please issue necessary instructions for the immediate compliance and honour of the judgement of honorable CAT, Ghy. and my joining at K.V. Dinjan, Assam.

I shall remain thankful to your honour for this act of kindness.

Thanking you.

Date : 13.10.2001.

Your's faithfully

A Singh

ACHHAR SINGH

Principa, KV, Dinjan Army. (ASSAM)

*Attested
Principal
Dinjan*

— 17 —

Annexure - 2
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To,

The Hon'ble Minister,
Ministry of Human Resources & Development
(Chairman KV Sangthan)
Shastri Bhavan,
New Delhi - 1.

Sub :- Joining Report in the A/N of 12.10.2001.

Ref :- Vide order & judgement dated 27.09.01 passed by hon'ble CAT, Ghy. In OA
413/2001/ & 309/2001. Issued on 09.10.01.

Sir,

Most respectfully & humbly I am enclosing herewith the certified copy of the order /
judgement of hon'ble Central Administrative Tribunal, Guwahati in my above referred
Appeal.

I presented myself before the chairmen VMC, KV, Dinjan Army for allowing me to
resume my duties on 12.10.01 and also in the office of the principal KV, Dinjan by providing
them my joining report with certified copies of the judgement but to my great dis
appointment I was not allowed to resume my duties (the report duly acknowledge is also
being enclosed herewith).

I joined KVS, KV Dinjan as PRT on 23rd February 1979 and after this I was selected
as TGT and after that PGT history. I was selected as principal in the Month of July 1995 and
since that time KVS is impartial with me as KVS has gave six transfers to me during my six
years service as principal.

I was given unnecessary harassment. I was given first posting at KV Lamphet Imphal
where two principals were dispute for their post at the same place. I came to know about it
and KVS changed my place of posting to KV Dimapur. I joined KV Dimapur on 8th July
1995.

I had hardly completed 1 1/2 year there and I was transferred to KV Karimgang. KVS
ignored its transfer policy and my spouse case and the study of my board appearing son
(Class -X). I challenged it in the honb'le High Court Guwahati & it was modified to KV
CRPF Guwahati. I joined KV ERPF Guwahati on 04.01.97.

I was suspended on 03.03.98 while at KV CRPF Guwahati without any ground and
then revoked on 27th July '98 and I was not allowed to join at KV CRPF but again

[Signatures]

Contd. next page

transferred to KV Sataka Nagaland. KVS again violated its norms of transfer policy. I again challenged it under CR / 370 / 98 honb'le Guwahti High Court. KVS again modified it to KV Dinjan. Our honb'le Commissioner directed me to join at KV Dinjan. And after that I would be given choice posting. So I joined KV Dinjan on 14th Junary 1999.

KV Jorhat, KV Sivasagar, KV Nazira were vacant at that time but I was not given any of them. My spouse case was not considered.

To my surprise I was dismissed from service on 03.11.99 without any cause or ground. I challenged it in the honb'le CAT Guwahati and the honb'le CAT gave its order and judgment on 27.10.2001 reinstated me by putting aside the dismissal order and allowed me to join my duty.

In my absence when my court case was in progress KVS transferred Mr. G. P. Chauhan, Principal KV Halflong to KV Dinjan temporally in my place. He must be sent beak to his school KV Halflong.

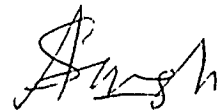
Therefore I humbly pay to your honour to please issue necessary instructions to the Vice Chairman or to the Commissioner KVS for the immediate compliance and honour of the judgement of honb'le CAT Guwahati and for my joining at KV Dinjan Assam as I am in great economic crises. I have large family to support and doctor also adviced me to go under surgical operation of Gallbladder stone as early as possible. It has been already de. oyed.

I shall remain thankful to your honour for this act of kindness.

Thanking you.

Date : 17.10.2001.

Your's faithfully



ACHHAR SINGH

Principal, (KV, Dinjan) Army.

To,

The Honb'le Vice Chairman, KVS
Ministry of Human Resources & Development
Shastri Bhavan,
New Delhi - 1.

Sub :- Joining Report in the A/N of 12.10.2001.

Ref :- Vide order & judgement dated 27.09.01 passed by hon'ble CAT, Ghy. In OA
413/2001/ & 309/2001. Issued on 09.10.01.

Sir,

Most respectfully & humbly I am enclosing herewith the certified copy of the order / judgement of hon'ble Central Administrative Tribunal, Guwahati in my above referred Appeal.

I presented myself before the chairmen VMC, KV, Dinjan Army for allowing me to resume my duties on 12.10.01 and also in the office of the principal KV, Dinjan by providing them my joining report with certified copies of the judgement but to my great disappointment I was not allowed to resume my duties (the report duly acknowledge is also being enclosed herewith).

I joined KVS, KV Dinjan as PRT on 23rd February 1979 and after this I was selected as TGT and after that PGT history. I was selected as principal in the Month of July 1995 and since that time KVS is impartial with me as KVS has gave six transfers to me during my six years service as principal.

I was given unnecessary harassment. I was given first posting at KV Lamphet Imphal where two principals were dispute for their post at the same place. I came to know about it and KVS changed my place of posting to KV Dimapur. I joined KV Dimapur on 8th July 1995.

I had hardly completed 1 ½ year there and I was transferred to KV Karimgang. KVS ignored its transfer policy and my spouse case and the study of my board appearing son (Class -X). I challenged it in the honb'le High Court Guwahati & it was modified to KV CRPF Guwahati. I joined KV ERPF Guwahati on 04.01.97.

I was suspended on 03.03.98 while at KV CRPF Guwahati without any ground and then revoked on 27th July '98 and I was not allowed to join at KV CRPF but again

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27/7/98

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transferred to KV Sataka Nagaland. KVS again violated its norms of transfer policy. I again challenged it under CR / 370 / 98 honb'le Guwahti High Court. KVS again modified it to KV Dinjan. Our honb'le Commissioner directed me to join at KV Dinjan. And after that I would be given choice posting. So I joined KV Dinjan on 14th Junary 1999.

KV Jorhat, KV Sivasagar, KV Nazira were vacant at that time but I was not given any of them. My spouse case was not considered.

To my surprise I was dismissed from service on 03.11.99 without any cause or ground. I challenged it in the honb'le CAT Guwahati and the honb'le CAT gave its order and judgment on 27.10.2001 reinstated me by putting aside the dismissal order and allowed me to join my duty.

In my absence when my court case was in progress KVS transferred Mr. G. P Chauhan, Principal KV Halflong to KV Dinjan temporally in my place. He must be sent beak to his school KV Halflong.

Therefore I humbly pay to your honour to please issue necessary instructions to the Commissioner KVS for the immediate compliance and honour of the judgement of honb'le CAT Guwahati and for my joining at KV Dinjan Assam as I am in great economic crises. I have large family to support and doctor also adviced me to go under surgical operation of Gallbladder stone as early as possible. It has been already delayed.

I shall remain thankful to your honour for this act of kindness.

Thanking you.

Date : 17.10.2001.

Your's faithfully


ACHHAR SINGH

Principal, (KV, Dinjan) Army.

To,

The Commissioner
K.V.S Head Quater
18th Institutional Area
New Delhi - 16.

Dated :- 07-11-2001

Place :- K.V. DINJAN, 2nd Mtn.
DIV.HQ.Dinjan.Army.

Sub:- Release of Arrear of subsistence allownce and Salary for previous month.

Ref:- Vide order & Judgement dated 27/9/01 passed by hon'ble CAT,Ghy in OA 413/2001/&309/2001.

Sir,

Most respectfully & humbly I am enclosing herewith the arrear of subsistence Allownce & Salary for the previuos months as mentioned below along with the certified copy of the order/ judgement of hon'ble CAT ,Ghy.Dtd- 27/09/01.

1. Subsistence Allowance for Suspension:-period (3-3-98 to 27-07-98.)

- (a) 50% balance of subsistence Allownce for the Salary of the month of (w.e.f. 3 March 98 to 27th May '98) Rs. 18,414.00
- (b) 25% balance of the subsistence allowance for the month of June upto 27th July '98) Rs. 5,034.00

N.B.= (c) LPC from KV CRPF ,Ghy, along with the Annexure from RO Ghy (has been attached)

2. Arrear for SDA for the suspended period w.e.f. 27-02-98 to 27-07-98. @ 12 1/2% ⁹⁵ Basic pay Rs. 5,325.00
Rs. 10,650/=

3. Arrear of Regular Salary w.e.f. 27-7-98 to 13.1.99 @ Rs.14,000/= net Salary P.Month Rs. 91,000.00

N.B.= for the release of above said salary the letter of AC RO ,Ghy No 14-2/98-KVS (GR)/9491-93 dtd. 25-01-2000) photo-enclosed herewith.)

4. Release of the arrear/ of Regular Salary w.e.f. 16-11-2000 to 31-10-2001 @ Rs.17,000/= pm. Rs.1,96,000.00

Net Amount Rs.3,15,773.00

(Rupees Three Lakh Fifteen Thousand Seven Hundred Seventy Three)

I am in great economic crisis as I have to pay my loans to meet the expenditure of my family members.

So,therefore I humbly pray to your good self to please issue necessary inspections to AC RO Silchar,Chairman K.V.MC ,Dinjan & to the Principal,K.V.,Dinjan to release the above send amount as early as possible. The account error must be rectified lateron if it is there.

Thanking you.

Yours faithfully

(ACHHAR SINGH)

PRINCIPAL (KV DINJAN) (ASSAM).

To

DA 05/12/2001

The Chairman
V.M.C K.V. Dinyan Army
Assam

Sub. — Reminder for Salary and inquiry for further order from K.V.S.H.O. New Delhi regarding joining report.

Sir,

I am to refer the subject cited above and to state that I had given my joining report on 12/10/01 as to join my duty as principal K.V. Dinyan Army as to comply the order of honorable CAT Guwahati dated 27.9.01 in your esteemed office.

I have already applied to your honour to release my salary for the months of Oct 01 along with the arrears for the salary for previous months but there is no reply from your end, or H.O. K.V.S New Delhi

Kindly direct the principal K.V. Dinyan Army to release my salary for the month of Nov 01 along with arrears of the previous held up salary as early as possible I am facing a lot of economic problem without money. The order of honorable CAT Guwahati must be honoured as your good self is also respondent in my case O.A/413/2000.

I shall be thankful to you for this act of kind.

Thanking you

Cy to 1 A.C.R.O. Sitchal K.V.S

2 Principal K.V. Dinyan

Received

Yours faithfully

(Signature) Achhar Singh

Principal K.V. Dinyan Army

(Signature)
Attended

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THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
AT GUWAHATI

Contempt Petition No. 69/2001

in

O.A 413/2000

Sri Achhar Singh

..... Petitioner

-VERSUS-

Sri H.M Cairae

..... Contemner No.1

An affidavit filed on behalf of the Contemner No. 1

I, Sri H.M, Cairae, Commissioner, Kendriya Vidya-
laya Sangathan, solemnly affirm and declare as follows :

1. That I have been impleaded as Contemner No.1 in the instant case. A copy of the Contempt petition filed by the petitioner has been served upon me. I have gone through the same and understood the contents thereof. Save and except what has been specifically admitted in this affidavit and those which are matters of record to the extent the documents on record support them all other averments and submissions in the contempt petition may be treated to have been denied by the deponent.



2. That with regard to the statements made in paragraph 1 of the Contempt petition the deponent has no comments.

3. That with regard to the statements made in paragraphs 2 to 6 of the contempt petition the deponent begs to submit that the competent authority had decided to file an appeal against the Order of the Hon'ble C.A.T. and accordingly the appeal was filed in the Hon'ble Gauhati High Court. The Hon'ble High Court vide its order dated 18.1.2002 has stayed the impugned judgment and order dated 27.9.2001 passed in O.A No. 413/00 and 309/01.

4. That with regard to the statements made in paragraph 7, 8 and 9 of the Contempt petition the deponent begs to submit that there is no wilful and deliberate violation or disobedience of the Order passed by the Hon'ble Tribunal.

5. That the deponent begs to state that there is no negligence or laches on the part of the deponent as he is always prompt in complying with the order passed and direction given by this Hon'ble Tribunal. However, the deponent places his unconditional apology in case of any sort of wilful and deliberate violation, if any, of the aforesaid order passed by this Tribunal.

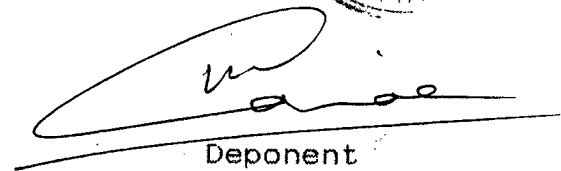
6. That this affidavit is made bona fide and in the interest of justice.



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

I, H.M. Cairae, son of Shri V.P. Cairae aged about 44 years, presently working as Commissioner, Kendriya Vidyalaya Sangathan, New Delhi. do hereby verify that the statements made in paragraphs 1-6 are true to my knowledge and those made in 1-6 paragraphs are based on records.

And I sign this verification on this the 21st day of March, 2002 at New Delhi.


Deponent

Place : New Delhi

Date 21/3/02



I identify the deponent who has signed/Put T. I in my Presence
21/3/02

Subscribed and sworn to before me on this 21st day of March 2002 at New Delhi.
A.C. Thakur
Oath Commissioner New Delhi