

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 159/2000

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SECTION OFFICER (Judl.)

Kalita

19.12.17

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 159/2000 OF 199

Applicant(s)

Alakendra Nath Hazarika

Respondent(s)

Union of India and ors.

Advocate for Applicant(s)

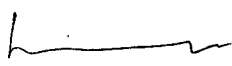
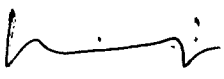
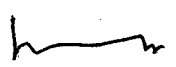
Mr. A.K. Roy

Advocate for Respondent(s)

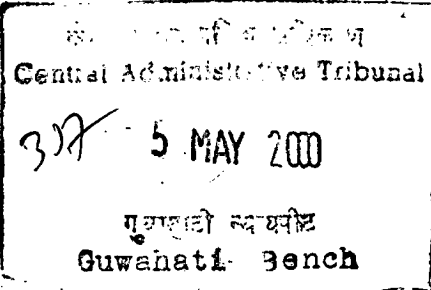
Dr. B.P. Todi, Counsel  
for U.K.V.S.

Notes of the Registry	Date	Order of the Tribunal
<p>Application filed and with F. E. of Rs. 50 deposited vide PO BD No. 495241 Dated 28.5.2000</p> <p>9/5/2000 5/5/2000</p> <p>10.5.2000</p> <p>Service of notices prepared and sent to D. section for issuing of the same to the respondents through Regd. post with A/D.</p> <p>Vide D.No. 1379 to 1380 Dtd-15.5.2000.</p>	<p>9.5.00</p> <p>trd 9/5/2000</p> <p>12.6.00</p>	<p>Learned counsel Sri A.K.Roy for the applicant. Issue notice to the respondents by registered post as to why the application shall not be admitted. Notice returnable on 12.6.2000.</p> <p>Put upon on 12.6.2000 for consideration of admission.</p> <p>Member(J)</p> <p>Present: Hon'ble Mr D.C. Verma, Judicial Member</p> <p>Dr B.P. Todi, learned counsel for the respondents has sent an application praying for adjournment of this case. List for admission on 26.6.00.</p> <p>Member(J)</p>

Notes of the Registry	Date	Order of the Tribunal
<p>9-6-2000</p> <p>Notice duly served on R.No.2. Other respondents are still awaited.</p> <p>Show cause has not been filed.</p> <p>17-2-00</p> <p>7/7/00 Order dtd 13/7/00 communicated both the parties</p> <p>Notice duly served on Respondent No.1</p> <p>27-9-2000</p> <p>No written statement has been filed.</p> <p>No W/Ps has been filed.</p> <p>Notice duly served on R-1 &amp; 2.</p> <p>The case is ready for hearing as per services.</p> <p>28.10-2000</p> <p>No written statement has been filed by the respondents.</p>	<p>26.6.00</p> <p>13.7.00</p> <p>1m</p> <p>14/7/2000</p> <p>17-8-00</p> <p>13.9.00</p> <p>28.9.00</p> <p>31.10.2000</p>	<p>There is no Bench today. Adjourned to 13.7-00.</p> <p>Present: Hon'ble Mr. S. Biswas, Administrative Member.</p> <p>Mr. A.K. Roy learned counsel for the applicant. None for the respondents.</p> <p>Application is admitted. Issue notice on the respondents. Returnable by 4 weeks. List on 17.8.00 for filing of written statement and further orders.</p> <p>Member(A)</p> <p>There is no Bench today. Adjourned to 13.9-00.</p> <p>No Bench. To be listed on 28.9-00.</p> <p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.</p> <p>On the prayer of Mrs P. Barua on behalf of Dr B.P. Todi 3 weeks further time allowed for filing of written statement.</p> <p>List on 31.10.2000 for order.</p> <p>Vice-Chairman</p> <p>Four weeks further time is granted to the respondents to file written statement on the prayer of Dr B.P. Todi, learned counsel for the respondents. List it for orders on 29.11.00.</p> <p>Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
No. written statement has been filed. <u>By</u> 9.1.2001	5.12.00  lm	On the prayer of Ms.P.Baruah, learned counsel for the respondents three weeks time is allowed for filing of written statement. List on 8-1-00 for filing of written statement and further orders.   Vice-Chairman
No. written statement has been filed. <u>By</u> 13.2.01 written statement has been filed on 30/3/2001.	10.1.2001  nkm	Four weeks time allowed for filing of written statement on the prayer of Ms B. Dutta Das on behalf of Dr B.P. Todi, learned counsel for the KVS. List it on 9.2.01 for orders.   Vice-Chairman
<u>By</u> 24/4/2001	14.2.2001  nkm	None appears for any of the parties. The respondents are granted four weeks time as a last chance to file written statement List for orders on 16.3.01.   Vice-Chairman
	16.3.  25.4.2001	No s.b. Adjoined to 25.4.2001. <u>By</u> A.K.2
		The case relates to disbursal of the leave encashment and other dues from the employer. The applicant last served under the respondents at Kendriya Vidyalaya, Khanapara. He retired from service in October 1996. However, all his legitimate dues were not cleared for which this application has been made. During pendency of the O.A., a communication was sent to the applicant alongwith a Cheque of Rs.92,077/- towards his dues. The aforesaid facts were stated in the written statement of the respondents. It thus emerges that the dues of

Notes of the Registry	Date	Order of the Tribunal
<p>2.4.2001</p> <p>W/s has been submitted by the Respondent No. 1 and 2.</p> <p><i>[Signature]</i></p>	<p>25.4.2001</p>	<p>the applicant were finally cleared on 18.1.2001.</p> <p>In view of the position mentioned above, no further order is necessary. However, as a token of wrath for procrastination of the matter, a cost of Rs.5000/- is imposed on the respondents.</p> <p>The application stands disposed of with a cost of Rs.5000/- on the respondents.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>30.4.2001</p> <p>Copy of the order has been sent to the D/Sec. for issuing the same to the L/Advocate for 15 parties.</p> <p><i>[Signature]</i></p>	<p>nk m .</p> <p><i>[Signature]</i> 26/4/01</p>	



6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An application under Section 19 of the Administrative  
Tribunal Act 1985)

O. A No. 159 / 2000

Shri Mahendra Nath Hazarika  
- Versus -  
Kendriya Vidyalaya Sangathan & Ors.

I N D E X

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For use in the office.

Signature

Date :

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Filed by the applicant  
X  
through -  
Ashok K. Ray  
Advocate.

( An application under Section 19 of the Administrative  
Tribunal Act 1985 )

O. A. No. .... /2000

BETWEEN

Shri Mahendra Nath Hazarika

S/O Late K. C. Hazarika

R/O. Zoo Narangi Tinali

R.G.Baruah Road, Guwahati- 24.

..... APPLICANT

-AND-

1. Kendriya Vidyalaya Sangathan

represented by the Commissioner, K.V.S

18, Institutional Area,

Shaheed Jeet Singh Marg.

New Delhi - 110 016.

2. Asstt. Commissioner,

Kendriya Vidyalaya Sangathan

Chhayaram Bhawan,

Maligaon Chariali,

Guwahati - 781 012.

..... RESPONDENTS.

1. Particulars of order against which this application  
is made : -

*Mahendra Nath Hazarika*

This application is made against illegal with holding of leave salary without holding any disciplinary proceeding and also against order under No. F.2-1/97-KVS(GR)/8629-32 dated 21.8.97.

2. Jurisdiction : -

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

3. Limitation : -

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

4. Fact of the case:-

(i) That the applicant was appointed under the respondents in the year 1966 and thereafter was promoted to the post of Principal 1985 and posted in the Khanapara Kendriya Vidyalaya<sup>in 1991</sup>. He retired from service in the month of October 1996 from the said Vidyalaya.

(ii) That in the month of November 1992 when the applicant was Principal of Kendriya Vidyalaya, Khanapara , one Demand Draft No. 063993 dated 3.11.92 for Rs. 4,50,000/- was sent by the Respondent No. 2 for recurring and non-

*Mahendra Nath Hazarika.*



recurring expenditure for the year 1992 - 93. But the applicant did not received the same within the reasonable time and hence he wrote the Respondent No. 2 about the matter. After receiving the letter of the applicant, the Respondent No. 2 sent another Demand Draft No. 064171 (Duplicate ) dated 3.11.92 vide letter dated 18.1.93. After receiving the said duplicate Demand Draft, the applicant, as Principal of the said Vidyalaya, deposited the same for credit in the Bank Account and the same was credited in due time.

A copy of the letter dated 18/1/93 is annexed as ANNEXURE - A 1

(ii) That in the month of March 1993, the applicant received the earlier Bank Draft No. 063993 dated 3.11.92 vide letter dated 5.11.92. But the applicant, thought that the said draft was sent to meet out the due expenses of the year and hence deposited the same to the Bank for credit in the Bank Account of the Kendriya Vidyalaya. Accordingly, by mistake, the amount was paid twice. The said mistake was occurred due to reason that there was no indication that the Draft No. 063993 was the original Draft of Draft No. 064171 and hence the applicant, as Principal, deposited the same to the Bank. The Bank authority also did not scrutinize before crediting the amount in the Bank Account of Kendriya Vidyalaya. After depositing both the drafts the applicant informed the same to the Respondent No. 2 immediately.

Copy of the letter dated 5.11.92 is annexed as ANNEXURE - A 2.

*Mahendra Nath Hazarika*

(iv) That the applicant states that in the month of October ,1993 the matter about double payment came to the notice of State Bank of India and they informed the same to the applicant vide one letter .After getting the said letter the applicant immediately sent the same to the Respondent NO.2 requesting to take necessary step over the matter and accordingly the Respondent NO. 2 vide his letter dated 2.11.93 requested the Branch Manager ,S.B.I to debit the amount Rs.4,50,000/- from the Bank Account of the Kendriya Vidyalaya without imposing any interest over the said amount and regularise the same.

One copy of the letter dated 2.11.93 is annexed as ANNEXURE - A3

V) That inspite of the said request of the Respondent NO. 2 the Bank authority remain strict in their demand and hence ,the Respondent NO.2 sent another letter dated 24.11.93 on the same matter . The applicant also requested the Bank authority vide his letter dated 2.12.93, 1.6.94 and 3.9.96 to wave the interest.

(vi) That after receiving the letter dated 3.9.96 ,the Bank authority took up the matter with the controlling authority informing the applicant that the decision will be communicated in due course . In the mean time the applicant retired from service in the month of October 1996.

(vii) That the applicant states that after his retirement he has submitted all the necessary papers for his retirement benefits ~~xxx~~ . But the Respondents ,inspite of receiving of all the papers , did not pay his due leave salary for 240 days . After his retirement the Respondent NO.2 issued

*Mahendra Nath Hogekar*

one order date 21.8.97 for with holding of an amount Rs. 62,775 i.e, the Bank interest over Rs. 4,50,000/- and to pay the balance leave salary of Rs. 15,745 to the applicant . Be it states here that before with holding of the said amount ,no disciplinary proceeding has been initiated against the applicant to ascertain whether there is any fault of the applicant in connection of the Bank interest . It also to be stated that total amount for leave salary has been calculated on the basis of old payscale basis and not on the basis of the new pay scale which came into force on 1.1.96

one copy of the said order dated 21.8.97 is annexed as ANNEXURE - A4

(viii) That the applicant states that the balance leave salary was paid to the applicant vide one cross Cheque bearing NO. 855054 dated 30.8.97 for Rs .15,745 . But as full salary of Rs. 73,520 was not paid ,the applicant returned the same through his letter dated 6.9.97 and requested to the Respondent NO.2 for release of the full amount.

Copy of the letter dated 6.9.97 is annexed as ANNEXURE - A5

(ix) That inspite of the said letter dated 6.9.97, the respondents did not release the full amount of leave salary and hence , he submitted one representation dated 11.1.97 to the Commissioner K.V.S stating in details about the matter and requested for release of the amount , but the same was also fruitless to draw the attention of the Respondents . The applicant further submitted two representations dated 22.4.97 and 29.11.98

*Maheshwar Nath Hazare*

on the same matter. But no result comes out.

Copies of the representations dated 11.1.97, ~~11.1.97~~ and 29.11.98 are annexed as ANNEXURE - A 6, A 7 and ~~A 8~~ respectively.

(x) That the applicant states that there was no fault of the applicant in as much as there was no indication and / or mark by which he could understand that the Demand Draft No. 063993 dated 3.11.92 was original of the Demand Draft No. 064171 ( Duplicate ). The Respondent No. 2 also did not mentioned in his letter dated 18.1.93 that the duplicate Demand Draft No. 064171 was sent in lieu of Demand Draft No. 063993 and hence, the applicant misled and deposited the same to the Bank. The Bank authority ought to have dishonour the second one i.e. original draft, but they also, due to mistake honoured the same and accordingly credited in the Bank Account. In fact there was no fault of the applicant and hence interest amount should not be deducted from the leave salary of the applicant, moreso, without drawing any disciplinary proceeding on the matter.

(xi) That the applicant submitted repeated representations to the authorities, but they did not consider the same and illegally with holding amount and thereby they are continuing the wrong on every moment causing cause of action on each and moment.

5. Grounds for reliefs : -

(i) For that the due leave salary should not be with hold without drawing any disciplinary proceeding about the matter and without ascertaining the fault.

*Mahendra Nath HozarKa.*

(ii) For that as the Respondent No. 2 did not mentioned the number of original Draft against which Duplicate one was sent, there was no believable reason to think that the Draft No. 063993 was the original of the Draft No. 064171 ( Duplicate ) and hence he deposited the same.

(iii) For that what ever amount ( above Rs. 5,000 ) were with drawn from the Bank account, the same were withdrawn with joint signature of the applicant as well as the then Chairman of the School i.e. Respondent No. 2 who was the Chairman at the relevant time.

(iv) For that whatever was done by the applicant was meant for the school and not for his personal use.

(v) For that the with holding of the amount of leave salary is illegal arbitrary and whimsical in as much as there was no fault of the applicant.

(vi) For that the incident has happned in the year 1993 and the applicant has retired from service in the month of October 1996 and hence there ~~was~~ sufficient time for the respondents to draw disciplinary proceeding against the applicant to ascertain the fault, but that has not been done and hence now they should not withhold the leave salary of the applicant.

(vii) For that the action of the respondents in withholding the amount without any disciplinary proceeding goes against the statutory Rule as well as Principle of natural justice.

*Shakendra Nath Haggiko.*

(viii) For that the action of the respondents violates the fundamental rights of the applicant as has been ensured under Article 14, and 21 of the Constitution of India.

(ix) For that at any rate the action of the respondents is not sustainable in the eye of law and is liable to be quashed.

6. Detail of remedies availed : -

That the applicant declares that he has taken recourse to all the remedies available to him but failed to get justice and hence there is no other alternative efficacious remedy open to him other than to approach this Hon'ble Tribunal.

7. Matter not previously filed and/or pending before any court : -

That the applicant further declares that he has not previously filed any application, Writ petition, or suit regarding the matter before any Court, authority or any other bench of this Hon'ble Tribunal not any such application, Writ petition or suit is pending before any of them.

8. Result sought for : -

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

(i) To direct the respondents to release the full

*Mahendra Nath Hazarika*

leave salary amount ..... immediately  
and pay the same to the applicant on the basis of new pay scale.  
At any.

(ii) To pay interest over the amount of Rs. 78,520  
at a reasonable rate

(iii) To pass any other order or orders as Your Lordships  
may deem fit and proper.

(iv) Cost of litigation

9. Interim relief , if any : -

Under the fact and circumstances the applicant does  
not pray any interim relief.

10. ....

11. Particulars of Indian Postal Order : -

1) I. P. O. No. : - OG 495241  
ii) Date of issued : - 28-4-2000  
iii) Payable at : - Guwahati

12. List of enclosures : -

As stated in the Index.

Mahadeo Nath Hazarika

16

: 10 :


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

I, Shri Mohendra Nath Hazarika, son of Late K.C. Hazarika aged about 64 years, resident of Zoo-Narangi Tinali, R.G. Baruah Road, Guwahati - 24(Assam), do hereby verify that the contents of paragraphs 1 to 12 of the application are true to my personal knowledge and belief and that I have not suppressed any material fact of the case.

And I sign this verification on this the 3<sup>rd</sup> day of May, at Guwahati.

Place : Guwahati

Date : 3/5/2000

  
SIGNATURE OF APPLICANT.



①

- 11 -

KENDRIYA VIDYALAYA SANGATHAN  
REGIONAL OFFICE : GAUHATI.

SANKAR DEVA PATH  
GAUHATI-781003  
Date:- 18.1.93

F.1-1/KVS(GR)82-89/Accounts/

To

The Principal,  
Kendriya Vidyalaya,

Subject:- Release of Fund.

Reference:- Fund sanctioned by Asstt. commissioner, KVS(GR)  
vide his letter No. \_\_\_\_\_

Sir,

I am to enclose herewith a D.D/Cheque No. 064171 (Duplicate)  
dated 3.11.92 amounting to Rs. 4,50,000/-  
(Rupees Four Lacs fifty thousand) towards the released  
of fund to meet out recurring and non-recurring expenditure  
during the year 92-93 against funds sanctioned by KVS(GR).

Yours faithfully,

*R. G. Vijayavargiya*  
(R. G. Vijayavargiya)  
for Supdt. of accounts

Enclose:- As above.

Attended by  
*Akhil*  
Advocate  
3/5/2000

②  
- 12 -

Under Certificate of Posting.

KENDRIYA VIDYALAYA SANGATHAN

REGIONAL OFFICE: GUWAHATI

No. F.2-3/KVS(GR)91-92/Accounts/9322

Date:- 5.11.92

To

The Principal,  
Kendriya Vidyalaya,Kharapara✓ Draft deposited  
GA 31-3-93.

Sir,

Enclosed please find herewith the Demand Draft No. 063993  
dated 3.11.92 for Rs. 4,50,000/- (Rupees Four lacs fifty thousand  
only) towards the recurring and non-recurring expenditure for the  
year 92-93.

Kindly acknowledge the receipt.

Yours faithfully,

A Assistant Commissioner,  
Kendriya Vidyalaya Sangathan  
Banker Dev Path, Pub-Sarania  
Guwahati-781003

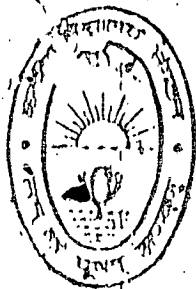
PCD

Attested by

A. Rang

Director

3/5/2000



(73 -

ANNEXURE - A 3

Phone : 88888

541062

# KENDRIYA VIDYALAYA SANGATHAN

Regional Office : Sankardev Path, Pub Saranda  
Guwahati-781003

No. F. 2-Accts/93-KVS(GR)/12/96

Dated : 02.11.93

To

The Branch Manager,  
State Bank of India,  
New Guwahati.

Subject : Double payment of Draft No.063993 dated  
3.11.92 for Rs.4,50,000/- Kendriya Vidyalaya,  
Khanapara.

Sir,

I am to refer to the Chief Manager, S.B.I. letter No.BM/No.312 dated 9.10.93 regarding double payment of draft No.063993 dated 3.11.92-amounting to Rs.4,50,000/- (Rupees four lakh fifty thousand only) to Kendriya Vidyalaya, Khanapara(copy enclosed for ready reference) which is self explanatory. Now I feel there is no way out except regularising the amount which had been credited twice in the accounts of Kendriya Vidyalaya, Khanapara. In this connection, I request you to debit Rs. 4,50,000/- from our account No. C&I-6/38 and credit to S.B.I., Dispur Branch immediately under intimation to this office to regularise the case so that they can release the payment and other expenditures drawn by the Kendriya Vidyalaya, Khanapara without imposing any interest proposed by the Chief Manager, S.B.I., Dispur Branch in his letter dated 9.10.93 referred to above being the Govt. transaction.

Yours faithfully,

Assistant Commissioner

Copy to :-

1. The Chief Manager, S.B.I., Dispur Branch for information and necessary action.
2. The Principal, Kendriya Vidyalaya, Khanapara for information. He is requested to pursue the matter if necessary for early settlement of the issue.

Attended by

Adm. Secy.

3/5/2000

Assistant Commissioner

Phone -571798  
571799

KENDRIYA VIDYALAYA SANGATHAN

Regional Office  
Maligaon Chariali  
Guwahati - 781 012

No. F.2-1/97-KVS(GR)/8629-32

Dated: 21/8/97

O R D E R

An amount of Rs. 78,520/- (Rupees Seventy eight thousand five hundred twenty) only is hereby sanctioned to Shri M.N. Hazarika, Ex-Principal, Kendriya Vidyalaya, Khanapara on account of unutilised earned leave of 240 days lying at his credit at the time of his retirement on superannuation.

The above payment is subject to the condition that there is nothing due against him.

Sd/- Illigable

( Dr. K. C. Rakesh )  
Assistant Commissioner.

Copy to : -

1. Shri M.N. Hazarika, Principal (Retd) Kendriya Vidyalaya, Khanapara.
2. The Principal, Kendriya Vidyalaya, Khanapara, An amount of Rs. 15,745/- (Rupees fifteen thousand seven hundred forty five) only after with-holding the amount of Rs. 62,775/- (Rupees Sixty two thousand seven hundred seventy five ) only being the penal interest charged by the SBI, may please be paid to Shri M.N. Hazarika, Ex-Principal of his Kendriya Vidyalaya out of the School Fund.
3. The Section Officer (Estt. II), KVS (Hons) New Delhi with reference to his letter No. F.6-56/85-KVS (Estt. I), dt. 30.10.96.
4. The Supdt. (A/Cs), KVS (SO) Gauhati for information.

....

Attested by

*AK Ray*

Advocate

3/5/2000

To,

The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Guwahati Region,  
Chhayaram Bhawan,  
Maligaon Chariali,  
Guwahati-12.

Sir,

With reference to your letter No. F.2-1/97-KVS(OR)/8629-32 dated 21.8.97 I would like to inform you that an amount of Rs. 15,745/- has been sent to me after deduction of Panel interest of Rs. 62,775/-, which is quite unjust and illegal. I had not utilized the amount for my own benefit for which the panel interest has been charged. The case history of the double payment has already been submitted to you for your necessary action. Therefore, I am returning herewith the Bank Draft No. 855054 for Rs. 15,745/- for releasing the entire amount due to me on the above subject, failing which I have no other alternative but to take legal help.

Your early action is highly solicited.

Yours faithfully,

(M.N. HAZARITA)  
Ex-Principal, Central School  
Khanapara, Guwahati-22

Copy to:-

1. The Principal,  
Kendriya Vidyalaya,  
Khanapara, Guwahati-22. for information.

Received the  
draft 06/9/97

Attended by  
Advocate  
3/5/2000

(M.N. HAZARITA)  
Ex-Principal, 6.9.97,  
Central School,  
Khanapara, Guwahati-22

GUWAHATI,  
The 11th January/1997.

✓

The Commissioner,  
Kendriya Vidyalaya Sangathan,  
New Delhi.

Respected Madam,

Sub : Prayer for waving interests demended by SBI  
for double payment of drafts.

(E.H.-1)

With reference to the letter No. EE-52/KVS dated 30.12.96 addressed to the Asstt. Commissioner, K.V.S., Guwahati (with a copy being endorsed to me) to recover the interest of Rs. 62,775/- (rupees sixty-two thousand seven hundred and seventy-five) only charged by the State Bank of India, for the period from 31-3-93 to 4-11-93 (for 219 days) on the plea that a duplicate and an original drafts issued on different dates, were encashed and credited to the account of this institution, I beg most respectfully to submit as under :-

2. That Madam, as per our demand for recurring and non-recurring expenditures for the school for the financial year 1992-93, an amount of Rs. 4,50,000/- (rupees four lakhs and fifty thousand) only was released by the Assistant Commissioner, KVS (GR) - vide bank draft No. 063993 dated 3-11-92 as a part payment of our demand. But due to postal anomalies we did not receive the said draft in time, and so we requested the Asstt. Commissioner to remit the amount urgently. Thereafter, we received the demand draft No. 064171 for Rs. 4,50,000/- (rupees four lakhs and fifty thousand) only. The draft in question was deposited into the State Bank of India, and our requirements withdrawn from our account as usual. On 31-3-93 we received another bank draft No. 063993 dated 3-11-92 for the same amount. The former is said to be a duplicate and the latter is original. We presented this draft to the bank for encashment and credit of the amount to our account as usual. The amount (of the draft) so deposited into our school account was also disbursed according to the procedure and need.

3. That if the drafts issued on different dates bearing different numbers were for the same amount, the bank officials should have pointed out to us that when a duplicate draft was paid, the original stood cancelled; but nothing of that sort happened at the time of encashment. This bonafide mistake was detected only in the bank audit, and when it came to our knowledge, we immediately informed the Asstt. Commissioner, KVS (GR) for necessary action. and on his advice, the amount of double payment, was immediately cleared to the bank. In this regard, we have already started correspondence with the SBI with a request to waive the interests charged for 219 days. As a matter of fact, the amount of the second draft (received afterwards) was also credited to government account standing in the name of this institution, and was subsequently withdrawn for the expenses of this institution only.

Attacked by  
Advocate  
3/5/2000

P.T.O.

That Madam, it is necessary to point out that all transactions made with the SBI in regard to the aforesaid bank drafts were for classified government business. The amount of the second draft was not credited to my personal account, or in the accounts of any other private individual. As such, the question of charging interests on the amount for 219 days appears to be arbitrary and ill-conceived. The biggest tragedy is that now I have been made 'scapegoat' for this bonafide mistake and clean oversight. The Bank authority has taken up this matter with their controlling authority, and the matter is under their consideration. A copy of the correspondence received from the Asstt. General Manager, State Bank of India, Dispur, Guwahati is enclosed herewith for your kind information.

In the above circumstances, stated above, it is most unfortunate that I have been ordered to pay the interests amounting to Rs. 62,775/- (sixty two thousand seven hundred and seventy-five) only for encashing the above two drafts. I wish to reiterate once again that the amount of the duplicate and the original drafts was never utilised for my personal benefit nor was the amount withdrawn and credited to my personal account. It was a government money, and so it was utilised solely for the purpose of this government institution. I would therefore, most respectfully pray that I am not singled out for this bonafide mistake, and penalised on the eve of my retirement. I am sure, if the learned Commissioner, KVS, New Delhi takes up this issue with the SBI and request them to waive the interests the matter will be solved and this poor self not penalised at the end of his service career.

With due respects,

Yours faithfully,

*(Signature)*  
(MAHENDRA HAZARUA)  
Ex-Principal,  
Kendriya Vidyalaya, (Khanapara)  
Guwahati - 22.

Encl:

Zoo - Nalangi Tia Ali.

Guwahati - 24.

Copy to :-

- (1) To Asstt. Commissioner, KVS (GR) Guwahati with a request to waive off the interest.
- (2) To Principal K.V. Khanapara Guwahati with the same request.

Attended by  
*(Signature)*  
Advised  
3/5/2000

ANNEXURE - A 7

To,

The Assistant Commissioner, K.V.S. Guwahati Region.

Dated Guwahati the 29th November '98, Guwahati

Sub :- Release of leave salary & arrear due to revised pay Scale.

Sir,

I have the honour to send herewith a copy of memorandum submitted to the honourable Minister of Human Resource Dept. Govt. of India on 8.11.98 along with the relevant documents which is self explanatory for your information and kind necessary action.

I hope you will be kind enough to release my leave salary along with the arrear w.e.f. 1.1.96 to 31.10.96 till the date of my retirement as Principal K.V. Khanapara, Guwahati as per new scale.

Thanking you

Enclosures : -

- 1) Memorandum to the Minister H.R.D.
- 2) Memorandum to the Commissioner.
- 3) Letter from SBI Dispur Branch.
- 4) Sanction letter from Asstt. Com. K.V.S. Ghy. Region, Guwahati.
- 5) Letter from Principal K.V. Khanapara
- 6) Letter from M.N. Hazarika to Asstt. Com. Guwahati Region, Guwahati.

Yours faithfully,

sd/-

(M.N. Hazarika)  
Rtd. Principal, K.V. Khanapara  
Zoo- Narengi Tiniali  
R.G.B. Road,  
Guwahati - 24

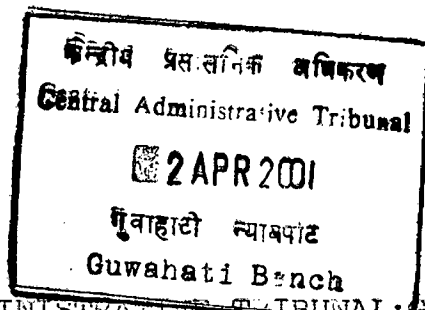
Attested by

*G. K. Ray*

Adm. Secy

3/5/2000





Filed through:  
P. Barua  
Advocate  
20/3/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:  
GUWAHATI

ORIGINAL APPLICATION NO.159/2000

Mahendra Nath Hazarika

...Applicant

-vs-

Kendriya Vidyalaya Sangathan & ors

...Respondents

The Respondent Nos 1 and 2 beg to file  
their written statement as follows -

1. That the applicant had filed the Original Application against alleged withholding of leave salary without holding any disciplinary proceeding and also against Order No.F.2-1/97-KVS(GR)8629-32 dated 21.8.97.
2. That the answering Respondents beg to state that the matter has been reconciled and leave salary alongwith other dues has been paid to the Applicant, Shri Mahendra Nath Hazarika for an amount of Rs.92,077/- vide cheque No. 924615 dtd 18.1.2001.

A copy of the letter dated  
18.1.2001 is annexed herewith  
and marked as Annexure-1.

contd....2

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-2-

3. That under the facts and circumstances  
it is respectfully prayed that the Original appli-  
cation may be disposed of .

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

I, Shri D K Saini, son of Shri C.L. Saini, aged about 51 years, presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Maligaon, Guwahati Region do hereby verify that the statements made in the above paragraphs are true to my knowledge and believe based on records. And I am authorised to sign this a verification.

Place : Guwahati

Date : 20.3.2001

*D K Saini*  
DEPONENT



केन्द्रीय विद्यालय, खानापारा, गुवाहाटी

KENDRIYA VIDYALAYA

KHANAPARA, GUWAHATI  
PIN-781 022

Annexure - I  
: 561062

Ref. No. KVG. 7/Pension/2000-01/ 1037-40

Date 18/1/2001

To

Shri M.N.Hazarika,  
Ex- Principal, K.V.Khanapara.  
R.G.Baruah Road,  
Zoo Narangi Tinali,  
Guwahati-24.

Regd. A/D

**SUB:- Clearance of dues in respect of Shri M.N.Hazarika ,  
Principal-retired.**

Sir,

In compliance with KVS(GR) letter No.F.28-3/2000-KVS(GR)/AA/8129-32 dated 17/1/2001 on the subject cited above, I am sending herewith a Cheque No.924615 dated 18.1.2001 for Rs.92,077/- (Rupees ninety two thousand seventy seven) only on account of Payment of dues as stated below:-

- |  |                          |
|--|--------------------------|
| (1). Total Amount of leave Encashment Sanctioned vide letter No.F.2-1/97-KVS(GR) 8629-32 dated 21/8/97 for 240 days leave at his credit which was held up. Due to panel Interest charged FY S.B.I. authorities. Now, KVS(Hqrt) to released the amount. | Rs. 78,520/-             |
| (2). Arrear of 5th Pay Commission From 1.1.96 to 31.10.1996 / for  | Rs. 5,843/-              |
| (3). Excess recovery towards Over payment of increment. From 10/94 to 8/96 for   | Rs. 381/-                |
| (4). Arrear of Sangathan Share Management From 1.1.96 to 31.10.96 for  | Rs. 7,333/-              |
|  | <b>TOTAL Rs.92,077/-</b> |

Kindly acknowledge and send the stamped receipt to this Vidyalaya for office record.

Yours faithfully,

Encl:- Cheque for Rs.92,077/-

(MRS.J.DASBASU),  
Principal,

copy to:-

1. The Asstt. Commissioner, KVS(GR), Guwahati-12. for information with ref. to your letter No.F.28-3/2000-KVS(GR)/AA/8129-32 dated 17/1/2001.
2. The Asstt. Commissioner, K.V.S.(HQ), New Delhi-16. for information please.
3. Guard file.(office)

(Principal),