

30/100  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

M.P.-263/02 or d/sheet Pg-1  
Disposed Date- 10/01/02

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16. Counter Reply .....

SECTION OFFICER (Judl.)



20.2.2001

w/s for and on behalf  
of the Respondent has  
been filed.

*Prop.  
20/2.2001*

29.3.01 A prayer has been made by Mr I. Longer on behalf of Mr D.K. Misra for adjournment of the case.

The case is adjourned to 6.4.01.

*I.C.Ushan*  
Member

*Vice-Chairman*

pg

6.4. The case is adjourned to  
23/4/2001.

*7.6*

*A.L.T. T.S.*

1-3-2001

As per order of 16-2-01  
passed in O.A. 40/2001,  
Addl. documents filed in  
the case has been kept  
on part-2. The O.A. no. 20/01

*by 1/3/2001*

19.3.2001

w/s has been filed  
on behalf of Respondent  
nos. 2, 3, 4, 5, 6 and 7.

*Prop.*

8.5 Heard Mr. Mohan, learned counsel  
for the applicant. Next hearing on 11/5/2001  
alongwith O.A. 19/2000(CT) for hearing  
the respondents.

*Prop  
11/5  
8.5*

11.5.01

List the matter for hearing on 7.6.01.

*I.C.Ushan*  
Member

*Vice-Chairman*

nk m

7.6.2001

Heard the learned counsel for the parties.

Hearing concluded. Judgment reserved.

20.4-01

Ready to hear.

nk m

*I.C.Ushan*  
Member

*Vice-Chairman*

19.

3

## Notes of the Registry

## Date

## Order of the Tribunal

28.6.01

Judgement pronounced in open court, kept in separate sheets. The application is disposed of in terms of the orders. No order as to costs.

Member

Vice-Chairman

bb

12.7.2001  
 Copy of the Judgement  
 has been sent to the  
 D/see for issuing  
 to the parties to the application  
 as well as to the L/R for  
 the Respondent.

KS

Notes of the Registry	Date	Order of the Tribunal

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::::GUWAHATI-5.

O.A.No. 20 of 2001

28-6-2001.  
DATE OF DECISION.....

R.S.Murya

(PETITIONER(S))

Mr.D.K.Mishra, Ms.S.Jahan  
Mr.I Longen

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Dr.B.P.Todi.

ADVOCATE FOR THE  
RESPONDENT (S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::::GUWAHATI-5.

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

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

O.A.No. 20 of 19

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 ? (RESPONDENT(S))
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Admin Member (S)

VERSUS

RESPONDENT(S)

ADVOCATE FOR THE  
RESPONDENT (S)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::::GUWAHATI-5.

THE HON'BLE

THE HON'BLE

O.A.No. 20 of 19

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 ? (RESPONDENT(S))
4. Whether the Judgment is to be circulated to the other Benches ?

X

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 20 of 2001

Date of Order: This the 28th Day of June, 2001.

HON'BLE MR.D.N.C.HOWDHURY, VICE-CHAIRMAN  
HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

Radhey Shyam Maurya,  
S/O. Sri Ram Kumar,  
Post Graduate Teacher (P.G.T.) Chemistry,  
Kendriya Vidyalaya, Khanapara and at  
present resident of Khanapara,  
Six Mile, Gauhati-22 (Assam) ... Applicant

By Advocate Mr.D.K.Mishra  
Ms. S.Jahan  
Mr.I Longen

-v-

1. Union of India,  
represented through the Secretary,  
Dept. of Education under Ministry of  
Human Resources & Development (M.H.R.D.).  
Shashtri Bhawan,  
New Delhi-1.
2. The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18. Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-16
3. The Deputy Commissioner (Personal)  
(The appellate authority)  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area, Shaheed Jeet  
Singh Marg, New Delhi-16
4. The Assistant Commissioner,  
(The Disciplinary Authority)  
Kendriya Vidyalaya Sangathan,  
2nd Floor, Chhaya Ram Bhawan,  
Maligaon, Guwahati-12 (Assam)
5. Dr. E. Prabhakar,  
Ex-Educational Officer, K.V.S.)  
Gauhati Regional Office and at present  
Education Officer.  
Kendriya Vidyalaya Sangathan.  
18, Institutional Area, Shaheed Jeet  
Singh Marg, New Delhi-16
6. Mrs. Jayshree Das Basu (Principal)  
Kendriya Vidyalaya Khanapara,  
Guwahati-12.
7. Mr. G. S. C. Bosebabu (Principal)  
K.V.S. Narangi, Guwahati-27. .... Respondents.

By Advocate Mr.B.P.Todi,

contd/.

IC Usha

O R D E R.

K.K.SHARMA, ADMINISTRATIVE MEMBER:

In this application under Section 19 of the "Administrative Tribunals Act 1985, the applicant has challenged the impugned order of termination dated 29.5.2000 and has also prayed for reinstatement. The applicant was a Post Graduate Teacher(PGT) in Chemistry at Kendriya Vidyalaya, Khanapara. Earlier he was appointed Primary Teacher(P.R.T) in August 1985. In 1993 he was selected as a TGT Teacher and in 1995 he was posted as PGT Kendriya Vidyalaya, Khanapara. It is stated that with the posting of by respondent No.6 on 16.12.98, the applicant's problems started. His SDA was stopped from the month of January 1999. On 9.8.99 the applicant was served with the Memorandum of charges. Five Articles of charges were mentioned in the Memorandum of charges which are summarised below:-

- I) The applicant went to conduct the practical examination of CBSE, Chemistry to Kendriya Vidyalaya, Dinjan, (Army) for the academic year 1998-99 without the permission of the Principal.
- II) The applicant did not conduct the practical classes for class XI for chemistry for the academic year 1998-99 till Jan.99 and awarded 30/30 marks to all students in half yearly Test.
- III) The applicant refused to conduct Practical Examination of Chemistry of Class XI for the year 1998-99 on 23rd, 24th, 25th March 1999 and asked the students to bring chemicals for practical Examination. He also

*1C Usha*

contd/-3

refused to take CBSE(AISSLB) '99 Chemistry Practical Examination for private students.

Due to this act of the applicant the test had to be shifted from Khanapara to Hindu-  
stan Kendriya Vidyalaya.

- IV) The applicant did not submit session ending question papers for the academic year 1998-99
- V) During the period 1998-99 the applicant never attended assemblies, staff meetings called by the Principal and did not obey the orders of the Principals.
- VI) The applicant while working at Kendriya Vidyalaya, Khanapara during the academic year 1998-99 <sup>U</sup> had tampered with the official documents to cover his late arrival on 8.2.99.

The applicant was required to submit his reply to the Memorandum of charges within 10 days of receipt. The Memorandum of charges was received by the applicant on 19.8.99. By letter dated 25.8.99 addressed to the Assistant Commissioner, KVS Guwahati Region, the applicant replied as under:-

" With reference to your aforesaid letter bearing Memo No. F.14-5/99-K.V.S. (GR) /5251-54 dated 09.08.99. I am to inform you that I want to inspect/procure the following relevant documents for the submission of written statements in defence against the charges levelled against me. "

The applicant sent two reminders dated 13.9.99 and 23.9.99. The applicant did not file any written statement for the

*LC Ushan*

contd/4

Reasons, as stated by the applicant, as the respondents did not give the opportunity to inspect the documents. Some of the documents were the same as mentioned in the memorandum of charges. The Enquiry Officer was appointed by order dated 13.9.99 and the presenting officer by order dated 23.9.99. The Enquiry Officer fixed hearing at Shillong on 25.10.99, 4.12.99 and 28.12.99. The applicant replied by letter dated 25.1.99, 16.12.99, 23.12.99 that as he was not getting subsistence allowance, he could not attend the Inquiry at Shillong. By letter dated 17.1.2000, the Enquiry Officer informed the applicant that the enquiry would be conducted at Maligaon. The applicant did not participate even at Maligaon. The Enquiry Officer submitted the enquiry report on 25.3.2000. The charges at serial No. I, II, IV & VI of the memo of charges have been established as proved and charge at serial No III partially proved. The charge at serial No 5 was not proved. By letter dated 20.4.2000 the Disciplinary Authority sent a copy of the Enquiry Report to the applicant to submit his representation/submission on the Inquiry Report within 15 days from the date of issue of the said letter. By a letter dated 3.5.2000 the applicant sought 20 days time for replying. By another letter dated 5.5.2000 the applicant wrote a letter to the Disciplinary authority.

as under :-

That I am in receipt of a Memorandum under reference dated 20.4.2000 issued by your goodself whereby I am asked to submit my representation/submission if any before your goodself: In this connection I intend to write that for the preparation of the reply of the said Memorandum dated 20.4.2000, I urgently needed the Documents (original and additional) as listed in my representation dated 25.8.99 sent to your good office. Therefore, some other developments have taken place and exparte proceedings have been conducted by the Inquiry Officer. During, the exparte proceeding, the I.O. has recorded some documents and as SW 1,....

*IC Usha* contd...5

SW 15 in his D.O.S. No. 15 dated 28.1.2000 but none of the said documents of either D.O.S. No.15, or listed documents dated 25/8/99 have been supplied to me. Therefore I am facing difficulty to prepare my reply of the instant Memorandum in question and therefore your goodself is requested to supply the aforesaid documents within 10 days from today so that I can prepare my reply properly and I can send the same to your good office within the prescribed time."

By this representation the applicant requested for the supply of documents and asked for another 10 days time to prepare reply properly. The applicant however was not given opportunity to inspect requested documents. Not receiving any reply in respect of the reply dated 5.5.2000 another representation was sent to the Disciplinary authority on 25.5.2000 which was received by the Disciplinary authority on 26.5.2000. The disciplinary authority did not consider this representation on the ground that the <sup>U</sup>name was not received within the stipulated period. Thereafter the Disciplinary Authority passed the impugned order dated 29.5.2000 imposing the penalty of removal of the applicant from service with immediate effect, which has been challenged through this application. The impugned order is challenged on the ground that the applicant was not given any opportunity to inspect the Original documents and also the copies of the documents were not furnished by the Assistant Commissioner, KVS, Guwahati. The applicant sought 20 days time on 5.5.2000 for submission of his reply and he also requested to furnish the documents by his representation dated 5.5.2000. The applicant was denied reasonable opportunity of inspecting the documents and as such he was prevented from submitting his written statement against the Articles of charges. There has been total denial of the principle <sup>U</sup>of natural justice.

IC Usha contd/-6.

The Disciplinary Authority committed a grave error of law and acted in violation of the principles of natural justice in refusing to consider the said representation dated 25.5.2000 on the ground that it was not received within the time allowed before passing the impugned order dated 29.5.2000. The impugned order dated 29.5.2000 casts a "social stigma" on the applicant <sup>including himself</sup> and <sup>in</sup> the same is 'punitive/nature having been passed with "ulterior motives." The same is challenged as malafide.

2. We have heard the learned counsel Mr.D.K.Mishra appearing on behalf of the applicant. He argued that the proceedings were bad in law for denying the applicant opportunity to inspect the documents for preparing his defence. There was violation of principles of natural justice by not considering the representation dated 25.5.2000 imposing the penalty of removal from service. On 25.8.99 the applicant requested for inspection of documents to prepare his defence, yet without giving opportunity the respondents on 13.9.99 appointed Enquiry Officer. The <sup>sent, U</sup> applicant certificates of non-employment by registered post for the release of subsistence allowance as the Principal had refused to receive him. The respondents were pre-determined and prejudiced against the applicant. The learned counsel for the applicant <sup>relied on U</sup> laid down the following Judgment :-

"State of U.P. Vs. Shatrughan Lal (1998) 6 SCC -651.

3. In this case the documents relied on in the charge sheet were not supplied to the applicant. A plea was taken

contd/-7.

*IC Usha*

that the documents could be inspected at any time. The Supreme Court held that principles of natural justice were violated as the respondents did not afford effective opportunity. He argued that the denial of the opportunity to inspect the documents was serious lacuna. There were serious irregularities, legal infirmities and biasness in the conduct of proceedings. The applicant had filed an appeal against the penalty order on 12.6.2000 which was not considered within a period of six months. As such the applicant has filed this O.A.

4. On the other hand Shri S.Sharma appearing for the respondents disputed the submissions for the applicant. He referred to the written statement filed by the respondents. He argued that the applicant was a teacher and his conduct affected the students behaviour. The applicant was not a responsible teacher. The charges against him were very serious viz not conducting classes, not holding examination, asking the students to bring materials for the examination. The applicant did not conduct himself as a disciplined teacher. The applicant also did not co-operate in the enquiry. He has been awarded the penalty after conducting enquiry as per rules.

5. We have carefully considered the submissions of the parties and have perused the material placed before us. The undisputed fact is that the applicant did not participate in the enquiry and the report submitted by the Enquiry Officer was ex parte. The charges against the applicant were such that he had to refer to the documents/  
relied on

contd..8

*IC Usha*

by the respondents to admit or deny the charges. At different stages the respondents denied that opportunity to him. Before the disciplinary authority the applicant made a representation which was received by the respondents on 26.5.2000. The Disciplinary Authority had not passed any order by then yet he chose to ignore the representation before passing the order dated 29.5.2000. The applicants case for subsistence allowance through registered letter did not receive any attention. The enquiry was fixed at Shillong - though the applicant was serving at the time of his suspension at Khanapara, Guwahati. The conduct of the applicant is also not appreciated. He had no justification for not presenting himself at Maligaon when the enquiry proceedings were held there. He had no business to question the "academic/professional back ground as well as expertise of the I.O." as done by his letter dated 23.9.99. Yet it is clear to us that the proceedings suffer from a major defect that vitiate the whole proceedings -viz denial of opportunity to inspect the documents on which the respondents were relying. The Supreme Court has held in the above mentioned case that the supply of documents should be at the earliest stage of the proceedings. The applicant's requests to inspect the documents by letters dated 25.9.99 and 5.5.2000 were ignored. No reasons were given for denying him this opportunity. For this reasons the proceedings, as well as the penalty order dated 29.5.00 cannot be sustained. The Departmental proceedings are set aside and the penalty order dated 29.5.00 is quashed. The respondents are directed to restart the enquiry by appointing a new Enquiry Officer. The enquiry should be held at Guwahati.

contd/9.

*CC USha*

The applicant is directed to submit his written statement within two weeks from the date of receipt of the order. The respondents are directed to provide opportunity to the applicant for inspection of documents. The respondents shall be free to take all measures to prevent tampering with the records/documents at all relevant time. The applicant may submit additional written statement, if any, within two weeks after inspection of the documents. The applicant is directed to render the necessary co-operation to the authority for expeditious completion of the enquiry. The applicant shall remain under suspension till completion of the enquiry proceeding. The respondents are directed to complete the enquiry proceeding within a period of 4 months. The respondents are also ordered to take all the necessary steps for regular payment of the subsistence allowance.

The application is disposed of as above. There shall be no order as to costs.

*K. K. Sharma*  
( K.K.SHARMA )  
ADMINISTRATIVE MEMBER

*[Signature]*  
( D.N.CHOWDHURY )  
VICE CHAIRMAN

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH:GAUHATI

O.A.NO. 20 OF 2001.

Radhey Sham Maurya,  
..... Applicant.

-VERSUS-  
Union of India and others.

..... Respondents.

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Filed by:-

Advocate.

(Imti Longem)

**DISTRICT:-KAMRUP**

19-1-91  
Guwahati

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**GAUHATI BENCH : GAUHATI (ASSAM)**

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

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

**BETWEEN**

Radhey Shyam Maurya,

S/o. Sri. Ram Kumar,

Post Graduate Teacher (P.G.T.) Chemistry,

Kendriya Vidyalaya, Khanapara and at

present resident of Khanapara,

Six Mile, Gauhati - 22 (Assam).

केन्द्रीय प्रासादिक अदिक्षा  
Central Administrative Tribunal

16 JAN.

गुवाहाटी  
Guwahati

..... Applicant.

- Vs -

1. The Union of India,  
Represented through the Secretary,  
Dept. of Education under Ministry of  
Human Resources & Development (M.H.R.D.),  
Shastri Bhawan,  
New Delhi - 1.
2. The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi - 16.
3. The Deputy Commissioner,  
(Personal).  
(The Appellate Authority),  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area, Shaheed Jeet  
Singh Marg, New Delhi - 16.

10.1.2011  
15  
Gauhati

4. The Assistant Commissioner,  
(The Disciplinary Authority)

Kendriya Vidyalaya Sangathan,  
2nd Floor, Chhaya Ram Bhawan,  
Maligaon, Gauhati - 12 (Assam).

5. Dr.E.Prabhakar,  
(Ex - Educational Officer, K.V.S.)  
Gauhati Regional Office, and at present  
Education Officer,

Kendriya Vidyalaya Sangathan,  
18, Institutional Area, Shaheed Jeet  
Singh Marg, New Delhi - 16.

6. Mrs. Jayshree Das Basu,  
(Principal),  
Kendriya Vidyalaya Khanapara,  
Gauhati - 12.

7. Mr.G.S.C. Bosebabu,  
(Principal),  
Kendriya Vidyalaya, Narangi,  
Gauhati - 27.

..... Respondents.

#### DETAILS OF APPLICATION:-

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

1.1 Order No.F.14-5/99-KVS/GR/1977-79 dtd.29.5.2000  
passed by the Assistant Commissioner & Disciplinary Authority,  
Kendriya Vidyalaya Sangathan, Maligaon, Gauhati - 12 (Assam)  
whereby the services of the applicant was terminated by way  
of "removal" with immediate effect.

1.2 The Memorandum of Articles of Charges under Memo No. F.14-5/99-KVS(GR)/5251-54 dated 09.08.99 issued by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Gauhati - 12 (Assam).

1.3 The ex-parte Disciplinary Inquiry Report under Memo No.F.14-5/99-KVS(GR)/490 dtd. 20.4.2000 issued by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Gauhati - 12 (Assam).

## 2. JURISDICTION:-

The applicant declares that the subject matter of the application against <sup>which</sup> he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

## 3. LIMITATION:-

The applicant further declares that the application is within the limitation prescribed under Section - 21 of the Administrative Tribunal Act,1985.

## 4. FACTS OF THE CASE:-

4.1 That the applicant is a citizen of India and was a Post Graduate Teacher (P.G.T. in short),Chemistry, of Kendriya Vidyalaya, Khanapara and at present resident of Six Mile, Khanapara, Gauhati - 22 and as such he is entitled to all the rights, privileges and protections guaranteed to a citizen of India by the Constitution of India and other laws of the land.

4.2 That Kendriya Vidyalaya Sangathan (K.V.S. in short)

is an autonomous organisation registered as a Society under the Societies Registration Act, (XXI of 1850) on the 15th December, 1965 and is working under the Ministry of Human Resources and Development (M.H.R.D. in short), Govt. of India and thus it is a juristics person and state and as such it can be sued under the law of the land.

4.3 That the Respondent No.-1 is the Union of India, Dept. of Education under M.H.R.D. and Respondent No.-2 is the Commissioner, Kendriya Vidyalaya Sangathan (H.Q.), New Delhi - 16, Respondent No.-3 is the Deputy Commissioner (Personal) and the Appellate Authority, K.V.S. (H.Q.), New Delhi - 16, the Respondent No.-4 is the Assistant Commissioner and the Disciplinary authority, K.V.S., Gauhati - 12, the Respondent No.-5 is Ex-E.O., K.V.S., Gauhati and at present posted at K.V.S., (H.Q.), New Delhi - 16, Respondent No.-6 is the Principal, Kendriya Vidyalaya, Khanapara, Gauhati - 22 and the Respondent No.-7 is the Principal, Kendriya Vidyalaya, Narangi, Gauhati - 27.

4.4(a) That the applicant, after passing M.Sc. in Chemistry and M.Ed., Examination, he was appointed as a Primary Teacher (P.R.T. in short) in Kendriya Vidyalaya Sangathan on open pool through an advertisement made centrally and joined his duties in August, 1985. Thereafter, due to his brilliant academic and professional achievement, he was selected as Trained Graduate Teacher (T.G.T.) in Science in the year 1993 through an open advertisement made centrally and again the applicant was selected as a Post Graduate Teacher (P.G.T.) in Chemistry in the year 1995 and was posted to K.V. Khanapara.

# केंद्रीय प्रशासनिक अधिकरण Central Administrative Tribunal

4.4(b).- That the applicant states that since, the date of his joining in Kendriya Vidyalaya Sangathan as a teacher, he has been rendering and exemplary services to the nation in general and K.V.S. as well as C.B.S.E. in particular with honesty, dedication and in disciplined manner as per the norms of K.V.S. and C.B.S.E. without any blamish . The applicant has a reason to believe that due to aforesaid reasons, he was appointed as a 'RESOURCE PERSON' to impart quality training to the Primary teachers of Kendriya Vidyalaya Sangathan, Gauhati Region in the discipline of General Science and Mathematics. Not only this, the applicant was also given opportunity to work as I/C.Principal as well as P.G.T. (Chemistry) while he was a Primary Teacher. It is also pertinent to mention herein that the earlier Hon'ble Chairman, Vidyalaya Management Committee, K.V.Khanapara , Gauhati also appreciated the efforts and competency of the applicant and issued the appreciation letter dated 23.11.98 to the applicant and endorsed the copy of the same to the K.V.S. Officers for record. Moreover, the earlier Principal namely Sri.N.D.Bhuyan has also appreciated the academic /professional competency of the applicant by way of awarding 'very good' remarks to him.

The applicant craves leave to produce the copies of the letters/documents if and when required.

4.5 That the applicant respectfully states that apart from his integrity,devotion,dedication,sincerity and honesty to the noble cause of education, he had a brilliant and exemplary performances in respect of his classes taught at Primary, Secondary and Senior Secondary level by way of producing excellent results during his different stages of teaching cadre.

4.6(a) That the applicant respectfully states that the respondent No.-6 namely Mrs.Jayshree Das Basu joined as Principal on 16/12/98 in Kendriya Vidyalaya,Khanapara and

immediately passed an office order dated 16/12/98 to submit the requisitions for purchasing the needful articles in science laboratories by P.G.T.'s of Physics, Chemistry and Biology respectively. Accordingly, applicant submitted the requisition to the Principal on 22.12.98, and thereby also requested respondent No.-6 to make purchases only from the Govt. approved shops as the stores purchased from other shops are usually of inferior quality and are unable to help in the chemical analysis of salt mixtures and other related chemicals tests etc. This suggestion/request of the applicant was disliked by the respondent No.-6, who, it appears, decided to take action against the applicant as reprisal.

4.6(b) That thereafter in the month of January, 99, the Special Duty Allowances (S.D.A.) of the applicant was also stopped by the respondent No.-6 (Principal, K.V, Khanapara) without giving any prior notices to the applicant. Thereafter, the applicant filed an application dated 8.2.99, before the respondent No.-6 wherein requested the authority to continue the payment of S.D.A. to the applicant but, the same was not responded.

4.7 That thereafter the applicant submitted an application on 23/1/99 to the respondent No.-6 towards sanction of Advance of Rs.5000/- well before in time to purchase chemicals etc. from the Govt. approved shops for the smooth conduct of class XII C.B.S.E. Board Examinations 1998-99 which was scheduled to be held on, since, 9th to 12th February'99, but curiously enough no action was taken in this regard by the respondent No.-6. Consequently, after getting no response, the applicant again submitted a reminder on 2.2.99 to the respondent No.-6. Thereafter, on 3.2.99 the chemicals were purchased by the respondent No.-6 in consultation with one T.G.T. (Maths) namely Mrs. Jyoti Borah irrespective of her teaching discipline, even without the notice of the applicant being the Head of the Dept. of the Chemistry. The Bills of purchases of Chemicals etc.,

were supplied to the applicant at 3.10 p.m. on 3/2/99 by respondent No.-6 to be incorporated in the stock register immediately but the applicant being an honest employee gently showed his inability because of simple unawareness with the process. Thereafter, the applicant sought for the instructions towards such entries from the respondent No.-6. But curiously enough it was observed and found that the said entries were erroneously shown in the Bills on 3/2/99 itself to be incorporated in the stock register while the stock registers were in the custody under lock of the applicant and as such the actions of the respondents are illegal, malafide and against the rule of law.

4.7(b) That pursuance to a notification issued by the respondent No.-6, the applicant again filed an application dated 31.3.99, towards the sanction of advance of Rs.1000/= for purchases of Distilled water, Methylated spirit etc., in connection with class XII Chemistry Practical Annual Examination 1998-99<sup>in 10 Private Students</sup>, but no action was taken in this regard.

4.7(c) That the applicant states that he was also appointed as an External/Internal Examiners for class XII Chemistry Practicals 1998-99 as per following busy schedules.

- (i) In K.V,Narangi - 5.2.99 and 6.2.99.(External).
- (ii) In K.V,Khanapata - 8.2.99 to 12.2.99.(Internal).
- (iii) In K.V,C.R.P.F. - 13.2.99 to 14.2.99.(External).
- (iv) In K.V,Dinjan - 15.2.99 (External).

4.8 That the applicant respectfully states that the chemicals purchased were neither of I.S.I. status, nor could be used for better and accurate results in examination but curiously enough the said chemicals were purchased at higher rates compared to the prevailing market prices.

4.9 That the applicant respectfully states that there was a standing purchase committee constituted on 6/11/98 to purchase chemicals etc., from the "Govt. Approved Shops" namely "North - East Chemicals" under the convenorship of the applicant who was also Head of the Chemistry Dept., but the same was totally ignored and the purchases were made as per the vested interests of the respondents No.-6 and as such the actions of the respondent is unreasonable, arbitrary and against the principle of natural justice.

4.10 That the applicant states that the respondent No.-7, namely Mr.G.S.C.Bose Babu, Principal, K.V,Narangi was called as an external examiner in Chemistry Department in the year 1998-99 only at the instance of respondents No.-5 and 6 respectively and humiliated and harrassed the applicant as well as students during practical hours. Be it stated that only Post Graduate Teachers (P.G.T.'S) were appointed as External Examiners in other Departments and as such the ulterior motive of the respondents is reflecdted from the said appointment of Examiners itself. Not only this, the respondents No.-6 and 7 respectively, have been committing serious irregularities and anomalies in the financial matters as well as in other scholastic and non-scholastic activities in several ways under the protection and guidance of respondents No. - 4 and 5 respectively. It became crystal clear and came into light when the marks in class X Examination was abruptly increased during re-evaluation process in respect of Mr. Bose Babu's daughter namely Miss.Harika Bose as well as in some other subjects at other evaluation centres and as such the actions of the respondents are unconstitutional and in clear violation of the principle of natural justice.

4.11 That the applicant respectfully states that the Hon'ble Tribunal would be pleased to introspect the system of evaluation of examining the C.B.S.E. Board copies of class X and XII classes in the year 1998-99, 1999-2000 etc. in the premises of K.V, Khanapara etc., under the Head Examinership of the respondent No.-6 etc., and others and if your Lordships permit the applicant to express the ~~and~~ discrepancies rolled on in the process at different ends, checking, re - checking, totaling and co - ordination etc. where the western interest would reflect the complete embodiment and action involved of a team of teachers in an unfair and irregular cause.

केन्द्रीय प्रसारणिक अधिकरण Central Board of Secondary Education 15 JAN 2001 Guwahati - 781 011
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The applicant craves leave to produce the Roll No. etc of some students if and when required.

4.12 That the applicant respectfully states <sup>that</sup> on several occasions, the respondent No.-6 dictated the students to write complaints against the applicant under the signature of their parents as well as she (respondent No.-6) also instigated the students to create nuisance and indiscipline in the class room situation and assured them to bring the External Examiner in Chemistry Practicals of her own choice and since then she started harrassing the applicant in several ways mentally, physically and economically and tried her level best to remove the applicant from service, that, the last steps of his termination from Central Govt. Services has come out after a planned strategy, personal biasness and against the call of justified acts in school as well his unforeseen and unpredicted circumstances involved in the womb of worst ~~of~~ action and as such the actions of the respondents are illegal arbitrary, whimsical and on extraneous considerations and non - existence of facts.

4.13 That thereafter the applicant was placed under suspension vide an order No.F.14-5/99-KVS(GR)/2091 - 93 dtd.1.6.99 passed by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Gauhati - 12 , which was challenged in the Hon'ble High Court Gauhati by W.P.(C) No. 4088/99 and now the same is pending in the Hon'ble Tribunal as O.A.(T) No. 19/2000 for disposal.

28  
16.1.01

The copy of the order dated 1.6.99  
is annexed herewith as Annexure-A1.

4.14 That the applicant respectfully states that thereafter, he was served with the Memorandum of Charges vide O.M.No.F.14-5/99-KVS(GR) 5251-54 dated 9.8.99, issued by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Gauhati Region, wherein para - 2, he was asked to submit a written statement of his defence within 10 days from the date of the receipt of this Memorandum . Be it stated here that the copy of the documents relied upon by the department were neither annexed along with the Memorandum of charges dated 9.8.99 nor were supplied to the applicant. In absence of the documents proposed to be relied by the department, it was not possible for your humble applicant to make an affective written statements in his defence. The applicant as such made a representation to the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Gauhati Region on 25.8.99 seeking inspection/procurement of the documents . However , the applicant was not given any opportunity to inspect the original documents and also the copies of the documents were not furnished by the Hon'ble Assistant Commissioner, Kendriya Vidyalaya Sangathan, Gauhati Region.

The copy of the Article of Charges  
dated 9.8.99 is annexed herewith  
as Annexure - A2.

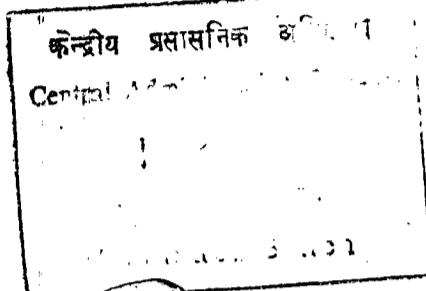
4.15 That thereafter, again, the applicant submitted two reminders dated 13.9.99 and 23.9.99 respectively to the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Gashati Region for the inspection of documents but curiously enough the Hon'ble Assistant Commissioner, appointed Inquiry Officer (I.O.) and Presenting Officer (P.O.) without furnishing the copies of the documents to the applicant and without waiting for the Written Statements of the applicant which could have been filed after receipt/inspection of the documents referred to above.

4.16 That the applicant respectfully states that the Inquiry Officer vide his letter dated 12.10.99 informed the applicant that enquiry will be held in K.V., EAC, Upper Shillong on 25.10.99. The said letter was received by the applicant on 27.10.99, and as such there was nothing that applicant could do in the matter.

4.17 That the applicant respectfully states that he submitted a representation ~~dated~~ dated 25.11.99 to the learned Inquiry Officer wherein he stated in para 2, 3 and 4 that he is facing acute financial hardships due to non-payment of his subsistence Allowances and he and his family members are on the verge of starvation. He, therefore, requested to the learned Inquiry Officer to conduct the proceedings in K.V, Khanapara itself vide his aforesaid letters dated 25.11.99 and 15/16.12.99 and 21.1.2000 respectively.

4.18 That the applicant respectfully states that the learned Inquiry Officer conducted ex-parte disciplinary proceeding in K.V, Maligaon on 27th, 28th and 29th January, 2000

and allegedly held that the Charges contained in Articles- I,II, IV and VI have been proved and the charge in Article- III is partially proved against him. Thereafter, the Inquiry Officer submitted the ex-parte proceeding Inquiry Report to the Disciplinary Authority. The Disciplinary Authority sent a copy of the Inquiry Report to the applicant to submit his representation/submission on the Inquiry Report within 15 days from the date of issue of the said report.

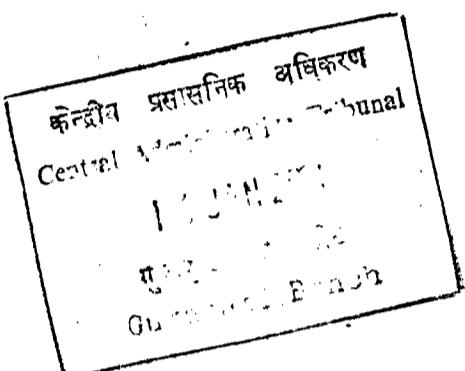


The copy of the ex-parte Report is annexed herewith and marked as Annexure-A3.

4.19 That on receipt of the aforesaid Inquiry Report, the applicant sought 20 days time for submission of his reply and simultaneously also requested to furnish the documents vide his letter dated 5.5.2000. However, the applicant did not receive any reply from the Assistant Commissioner and Disciplinary Authority, Kendriya Vidyalaya Sangathan, Gauhati Region in this regard. Under great difficulty, the applicant prepared his representation assailing the Inquiry Report and sent the same on 25.5.2000 to the Assistant Commissioner and Disciplinary Authority, Kendriya Vidyalaya Sangathan, Gauhati Region by "Speed Post", which was received by the learned Disciplinary Authority the next day i.e., on 26.5.2000.

The applicant craves leave to produce the documents referred above if and when required.

4.20 That thereafter, the disciplinary authority passed the impugned order dated 29.5.2000 whereby imposed the penalty of removal of the applicant from the services. It is manifest from the impugned order dated 29.5.2000 that the representation so submitted by the applicant was not considered by the learned Assistant Commissioner, Kendriya Vidyalaya Sangathan, Gauhati Region, allegedly on the ground that it was received after expiry of the stipulated time granted for the submission of the reply.

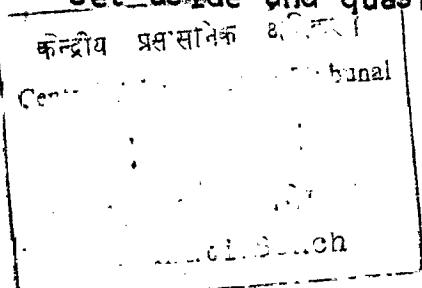


The copy of the impugned order dtd. 29.5.2000 passed by the Assistant Commissioner and Disciplinary Authority K.V.S., Gauhati is annexed as Annexure A-4.

4.21 That the applicant respectfully states and submits that while he was busy in preparing an exhaustive appeal to be preferred before the ~~appropriate~~ <sup>l.c.</sup> appellate authority, he was served a notice dtd. 5.6.2000 by the Principal, K.V.Khanapara to vacate the Staff Quarter within 10 days failing which stringent measures will be taken for the occupation of the said quarter. Pursuance with the said notice, the applicant requested the authority vide his letter dtd. 7.6.2000 to allow him to occupy the instant quarter during the pendency of the appeal but no action was taken by the concerned ends and as such the actions of the respondents are arbitrary, unconstitutional, illegal and in clear violation of the principle of natural justice.

The copy of the vacation order dtd. 5.6.2000 and representation dtd. 7.6.2000 are annexed as Annexures A-5 and A-6 respectively.

4.22 That thereafter, the applicant also submitted the a prayer vide his letter dtd.7.6.2000 to the Hon'ble Deputy Commissioner, Kendriya Vidyalaya Sangathan, New Delhi - 16, whereby prayed for the stay of the operation of the order dated 29.5.2000 but it was also not responded from the concerned ends and as such the actions of the respondents are malafide, unreasonable and against the rule of law as well as the principle of natural justice and the same is liable to be set aside and quashed.



The copy of the prayer for stay of the impugned order dtd.29.5.2000 is annexed as Annexure A-7.

4.23 That being highly aggrieved by the impugned order of removal dtd. 29.5.2000 (Annexure - A - 4), the applicant filed an appeal under Rule 23 of Central Civil Services (Classification, Control and Appeal), Rules, 1965 read with para - 6 of Appendix - XIX of Education Code for Kendriya Vidyalaya to the Hon'ble Deputy Commissioner, Kendriya Vidyalaya Sangathan, New Delhi - 16, on 12.6.2000 by Speed Post and the same was received by the aforesaid authority on 14.6.2000. However, six months already passed, but till date the applicant has not received any reply from the concerned ends and as such there is a clear violation of Rule 24 and Rule 27 of CCS(OCA), Rules 1965 and on this ground alone the entire proceeding as well as impugned order is liable to be set aside and quashed.

The applicant craves leave to produce the documents if and when required.

4.24 That the applicant most respectfully submits that the respondents No.-4 submitted the written statements under his signature dated 31.1.2000 without annexures to the applicant through the standing counsel, K.V.S. on 9.3.2000 in O.A.19/2000 by way of taking the signature of the applicant, but curiously enough did not submit the copy of the same to the Hon'ble Tribunal. Thereafter, the applicant approached several times to the said counsel for the annexures as per the advice of the counsel himself to his residence, but the same was refused by him. On finding no alternative, the applicant approached to the Hon'ble Tribunal by way of filing Misc.Petition No.131/2000 on 3/4/2000. Be it noted that the learned S/c.K.V.S. blatantly refused to receive the copy served upon him through his junior, which was later on served by Speed Post dtd.7/4/2000 and in the instant matter the Hon'ble Tribunal was pleased to pass an order directing the S/c.K.V.S. to be present on the next date. But curiously enough, thereafter again another written statements with annexures was filed to the applicant 2nd time in connection with M.P.No.131/2000 on 8/6/2000 after passing the impugned order of removal dated 29.5.2000 and as such illegality and malafide is apparent from the face of the record and therefore on this ground alone the entire proceeding is vitiated.

4.25 That the applicant respectfully states that he belongs to a very poor family and he is the only earning member in the entire family to look after his family business as well as education of his children. Moreover, the applicant has also crossed his age for further employment in Govt. Service and as such the action of the respondents are in clear violation of the Articles 14,16,19 and 21 of the Constitution of India as well as against the principle of natural justice.

4.26 That the applicant respectfully states and submits that there was no material against him when he was placed under suspension on 1.6.99. It is further, stated that there was no justification for suspending, charge-sheeting and/or removing the applicant on baseless and fabricated grounds and the charges against the applicant are totally devoid of any merits and have been levelled entirely on extraneous considerations and as such the Charge-Sheet, Enquiry Report as well as impugned order dated 29.5.2000 are unconstitutional, unreasonable and against the principle of natural justice and the same is liable to be set aside and quashed.

4.27 That the applicant further most respectfully submits that the ~~biased~~ "bias" of the respondents is manifest from the fact that the disciplinary authority <sup>appointed</sup> ~~appointed~~ the I.O. (Inquiry Officer) and Presenting Officer of his own choice and close confidants of their own, who can work on ~~the~~ his (Disciplinary Authority) dotted lines and the applicant did not expect any justice from him and as such the actions of the respondents are in contravention of Articles - 14, 16, 19(1)(g) of Constitution of India and the same is liable to be set aside and quashed.

4.28 That the applicant most respectfully submits that ~~he~~ was neither afforded a reasonable opportunity of personal hearing nor was allowed to defend his case properly and effectively and therefore the actions of the respondents are in clear violation of the Article -311 of the Constitution and therefore the entire proceeding including the impugned order dated 29.5.2000 is bad in law and the same will not stand in scrutiny of law and therefore the same is liable to be set aside and quashed :

4.29 That the applicant demanded justice which has been denied to him and there is no alternative and efficacious remedy except this application before the Hon'ble Tribunal.

**5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:**

5.1 For that after having received the Articles of Charges framed against the applicant together with the statements of imputation of misconduct and list of documents proposed to be relied on to prove the charges , the applicant vide his letter dated 25.8.99 addressed to the Hon'ble Assistant Commissioner (Disciplinary Authority) sought to inspect/procure the documents referred to above as the copies of the said documents were not furnished and he also requested the authority to allow him to rely on additional documents which were in possession of the Principal, K.M.Khanapara as well as in the office of the Disciplinary Authority in order to prepare effective defence by submitting detail written statements, but, the opportunity to inspect and/or received the documents was denied.

5.2. For that the applicant sent two reminders dated 13.9.99 and 23.9.99 to the Hon'ble Assistant Commissioner (Disciplinary Authority) for inspection of documents referred to above but the same was denied to him in as much as the learned Disciplinary Authority did not even respond to his letters referred to above.

5.3 For that, the learned Disciplinary Authority acted in contravention with Rule 14(2) of the Central Civil Services (classification, control and appeal), Rules,1965, in as much as he proceeded to appoint the Inquiry Office(I.O.) and Presenting Officer (P.O.) vide his office No.F.14-5/99-KVS(GR)/7025 - 29 dtd. 13.9.99, without first coming to a conclusion as to whether there are grounds to proceed with the enquiry in respect of charge framed .

5.4 For that the applicant was denied reasonable opportunity of inspecting the documents and as such he was prevented from submitting his written statement against the Articles of Charges. The permission to allow the applicant, to inspect the documents sought to be relied by the department has the effect of vitiating the entire proceeding and the impugned order dated 29.5.2000 of removal of the applicant from the services issued by the Hon'ble Assistant Commissioner and the Disciplinary Authority, K.V.S., Gauhati - 12, is liable to be set aside and quashed.

5.5 For that the learned Disciplinary Authority acted in contravention with the rules by stating in his letter dated 29.9.99, that the Charged Officer(C.O.) will be given an opportunity for inspection of documents as per rules laid down for conducting the enquiry in as much as, the inspection of documents was sought for by the applicant to enable him to submit his effective written statements. There has been total denial of "the Principle of Natural Justice" and on this point alone, the entire proceeding including the Inquiry Report dated 25.3.2000 and the Impugned Order dated 29.5.2000 are liable to be set aside and quashed.

5.6 For that, the applicant was placed under suspension on 1.6.99 and till the conclusion of Inquiry which culminated into an adverse report on 25.3.2000, the applicant was paid "Subsistence Allowances" for two months namely for July'99 on 20.8.99 an amount of Rs.4903.00(Rs.Four Thousand Nine Hundred Three) only, vide a Cheque No. MCAB/249 866196 dt d.18.8.99 and for August'99 on 7.9.99, an amount of Rs.4903.00 only, vide a Cheque No.896620 dated 4.9.99. The applicant being in an acute financial hardship was unable to attend the hearing which

was fixed at Shillong and thereafter at Maligaon , requested the learned Inquiry Officer several times to hold the enquiry in K.V,Khanapara which was refused by the learned Inquiry Officer on the ground that he (Inquiry Officer) is not concerned whether the applicant is receiving the "Subsistence Allowances" or not and further, that it was upto the Inquiry Officer to choose the venue of the Inquiry.

5.7 For that the applicant's family consisting of 06(Six) members reached at the verge of "starvation". Having seen the plight of the children, the applicant was put to great distress and in mental tension and was compelled to count even a penny for sustenance of his family and at that stage the applicant was asked to attend the hearing at Shillong and then to Maligaon by the learned Inquiry officer knowing fully well that the applicant will not be able to attend the hearing as the Inquiry officer was informed by the applicant about his acute financial condition. The ex-parte enquiry conducted by the learned Inquiry Officer at Shillong and Maligaon, therefore, cannot be sustained in law and equity and all further consequential actions taken pursuant to the Inquiry Report are also unsustainable in law and are liable to be set aside and quashed.

5.8 For that the learned Inquiry Officer ought to have considered the circumstances of the case specially the inability of the applicant to attend the hearing at Shillong and Maligaon and ought to have conducted the Inquiry at K.V,Khanapara, Gauhati - 22, where all the witnesses and documents were available.

5.9 For that after receipt of the ex-parte inquiry report dated 25.3.2000 from the Disciplinary Authority, the applicant sought 20 days time vide his letter dated 5.5.2000, the applicant also requested the authority to furnish the documents relied upon by the authority. Having received no reply from the Disciplinary Authority, under great difficulty, the applicant submitted his representation dated 20.5.2000 against the ex-parte inquiry report and sent the same by "Speed Post" on 25.5.2000 which was received by the Disciplinary Authority on 26.5.2000. (~~Please refer Annexure 1~~). The learned Disciplinary Authority, therefore, committed a grave error of law and acted in violation of the principle of natural justice in refusing to consider the said representation allegedly on the ground that the same was not received within the stipulated time. Such act and omission has the effect of vitiating the entire proceeding including the impugned order dated 29.5.2000.

5.10 For that the Hon'ble Disciplinary Authority was not justified in refusing to consider the reply of the applicant dated 20.5.2000 in respect of the Inquiry Report on the ground that there was delay in receiving the reply and therefore, the impugned order dated 29.5.2000 can not be sustained in law and being in violation of the principle of natural justice, the same is liable to be set aside and quashed.

5.11 For that the charges levelled against the applicant on the face of the documents submitted by the applicant along with his defence reply dated 20.5.2000, can not be sustained. Accordingly, great injustice has been caused to the applicant by refusing to consider his reply referred to above.

5.12 For that the learned Inquiry officer allegedly found the applicant guilty of misconduct under Rule 3(1), (i) (ii) & (iii) of C.C.S.(Conduct) Rules,1964, said to have been extended to the employee of Kendriya Vidyalaya by totally ignoring Article 55 of the Education Code mentioned in Chapter - VI, under the heading, the Code of Conduct for Teachers (At page 51 of the Education Code) and for such act or omission, the entire Inquiry Report is vitiated.

5.13 For that the Hon'ble Disciplinary Authority imposed the penalty of removal of the applicant from the service vide his impugned order dated 29.5.2000 allegedly for the violation of Rule 3(1) (i) (ii) & (iii) of the Central Civil Services (conduct) Rules, 1964 which does not apply to the teaching staff (like the applicant) but is applicable to the non-teaching staffs and Principal and therefore, the entire proceeding including the impugned order dated 29.5.2000 is liable to be set aside and quashed.

5.14 For that under the facts and circumstances of the entire matter, the applicant was denied reasonable opportunity to defend himself and therefore, the ex-parte enquiry report as well as the impugned order dated 29.5.2000 are in total violation of the principle of natural justice.

5.15 For that in any view of the matter whether in fact or in law, the impugned order of removal of the applicant from service dated 29.5.2000 can not be sustained and the same is liable to be set aside and quashed.

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5.16 For that, the Learned Inquiry Officer has not conducted an oral inquiry which is mandatory and as such the I.O. has clearly violated Rule- 55 of C.C.S.(C.C.A.)Rule and also violated principle of natural justice.

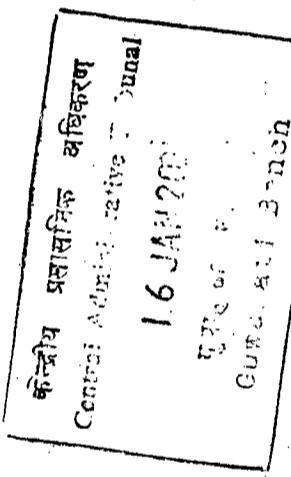
Amalgamated  
b.i.o.

5.17 For that, the applicant was deprived to state his defence and the learned Inquiry Officer closed the proceeding ex-parte and as such the said Inquiry officer has acted in clear violation of the mandatory provision of Rule 14(16) of the C.C.S.(CCA) Rules which caused prejudiced to the applicant and therefore the impugned order as well as the disciplinary proceeding is vitiated.

5.18 For that, the Inquiry Officer ought to have conducted the enquiry in K.V, Khanapara itself and have laid the emphasis on oral evidences which is contrary with documentary evidences and as such the disciplinary authority committed a serious error of law in passing the impugned order.

5.19 For that, there being serious irregularities , legal infirmities and biasness in the conduct of proceedings and passing the impugned order in violation of principle of natural justice and therefore the entire proceeding is arbitrary, discriminatory having being passed on extraneous consideration and non-existence of facts and therefore the impugned order is liable to be set aside and quashed.

5.20 For that, the applicant demanded his own right of S.D.A. of January, February , March and April/99 respectively along with the arrears at the enhanced rate since, 1st August 1997 by way of filing representations to the concerned authorities but the same is not responded and the authorities started disciplinary action against the applicant and as such the <sup>entire</sup> action of the respondents is liable to be set aside and quashed.



Date: 16/1/01  
Page No. 21

5.21 For that, the impugned order dated 29.5.2000 casts a "social stigma" on the entire family of the applicant including himself and the same is "punitive" in nature having being passed with "ulterior motives" and as such on this ground alone the entire proceeding is vitiated.

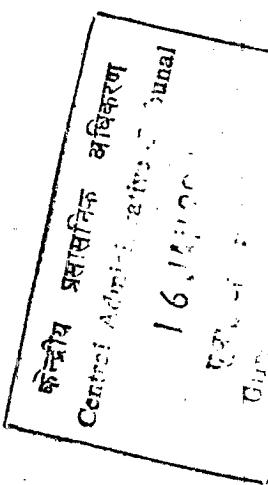
5.22 For that, the applicant can not be thrown away from the 15 years regular services rendered to the K.V.S. in arbitrary and discriminatory manner by the respondents without any proper ~~reason~~ reason and rhyme.

5.23 For that, the disciplinary authority has acted in colourable exercise of his power in most calculated manner while passing the impugned order of removal dated 29.5.2000 and has not applied his due diligence(mind) when the matter was subjudiced in the Hon'ble Tribunal for final disposal by O.A.NO. 19/2000 and as such the impugned order is liable to be set aside and quashed.

5.24 For that, in any view of the matter the impugned ~~order~~ order dated 29.5.2000 is bad in law and is in contravention of Articles 14,16,19<sup>th</sup>, 21 and 311 of Constitution of India and the provisions of C.C.S.(C.C.A.) Rules as well as in principle of natural justice.

#### 6. DETAILS OF REMEDIES EXHAUSTED:-

The applicant declares that he has availed of all the remedies available to him under the relevant service rules,etc., and now there is not any other alternative and efficacious remedy except approaching this Hon'ble Tribunal by this O.A. seeking immediate and urgent remedy.

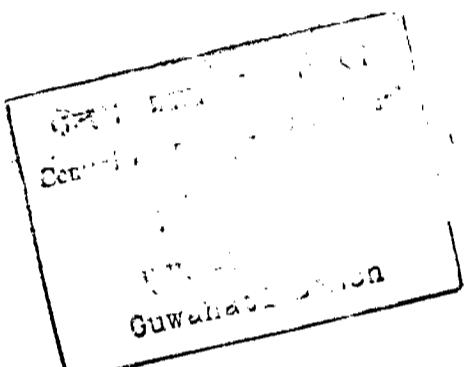


7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:-

The applicant further states that he had filed a Writ in Hon'ble High Court, Gauhati as W.P.(C) No. 4088/99 which was transferred to this Hon'ble Tribunal and registered as O.A.No. 19/2000 whereby the Suspension order dated 1.6.99 is challenged and the same is still pending for disposal. It is further, stated that the matter in respect of which this application has been made is not pending before any Court or any other Bench of the Tribunal except the aforesaid appeal for which ~~06~~<sup>07</sup> months have already been passed.

8. RELIEFS SOUGHT FOR:-

Under the facts and circumstances stated above the applicant most respectfully prayed that the Hon'ble Tribunal would be pleased to admit this O.A., issue the rule, call for the records of the case and upon hearing the parties and on perusal of the records be pleased to grant the following relief(s):-



- (i) To set aside and quash the impugned order dated 29.5.2000 (Annexure -A4) with all consequential service benefits including back wages.
- (ii) To reinstate the applicant in his original post in K.V, Khanapara with full back wages.
- (iii) Cost of the application.
- (iv) Any other relief(s) to which the applicant is entitled to and as your Lordship(s) may deem fit and proper for the interests of justice.

9. INTERIM RELIEF PRAYED FOR:-

NIL.

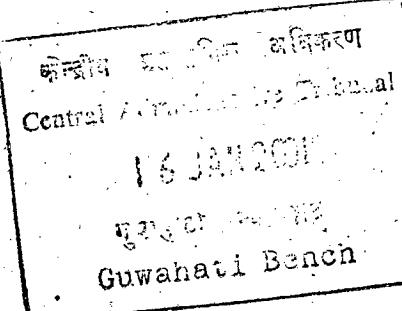
10. That this application is filed through advocate.

11. Particulars :-

i) I.P.O. - OG - 495344

ii) Date:- 26/2/2006

iii) Place:- Guwahati



12. LIST OF ENCLOSURES:-

As stated above.

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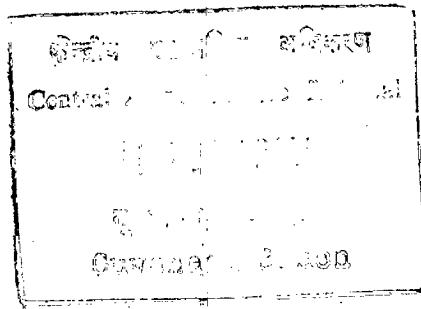
VERIFICATION

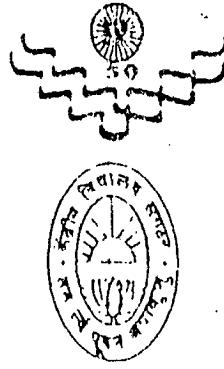
I, Radhey Shyam Maurya, S/o.Sri.Ram Kumar aged about 41 years and resident of Six Mile, Khanapara, Gauhati-22 do hereby verify that the contents of paras 4:1.....4:25 to ..... are true to my personal knowledge and paras .....4:26..... to ..4:29..... are believed to be true on legal advice and that I have not suppressed any material fact.

Date:- 16/01/2001

Radhey Shyam Maurya  
Signature of the applicant,

Place:- Gauhati





केन्द्रीय विद्यालय संगठन  
**KENDRIYA VIDYALAYA SANGATHAN**

स्थानीय कार्यालय  
 मालिगाँव चारियाटी  
 गुवाहाटी : 781 012

Regional Office  
 Maligaon Chariali  
 Guwahati : 781 012

प्राप्ति :  
 No. F : 14-5/99-KVS(GR)/2031 - '93

दिनांक :  
 Dated : 01.6.99

ORDER

WHEREAS a disciplinary proceeding against Shri R.S. Maurya, PGT(Chem), KV, Khanapara is contemplated.

NOW, THEREFORE, the undersigned in exercise of the powers conferred by Sub-rule(i) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said Shri R.S. Maurya, PGT(Chem), KV, Khanapara under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarters of Shri R.S. Maurya should be Kendriya Vidyalaya, Khanapara and the said Shri R.S. Maurya shall not leave the headquarter without obtaining the previous permission of the undersigned.

*Lalit Kishore*  
 ( Dr. Lalit Kishore)  
 Assistant Commissioner

Shri R.S. Maurya,  
 PGT(Chem),  
 Kendriya Vidyalaya,  
 Khanapara. Guwahati  
 Teachers qrs. No.4-B(Top floor).  
 Copy to :-

1. The Principal, KV, Khanapara.

2. The Deputy Commissioner(Admin), KVS(Hqrs), New Delhi.

*True copy  
 Attested  
 Dr. Vijay Prakash Sharma  
 Senior Research Officer  
 Central Silk Board, Guwahati-5  
 1/8/6/2000*

KENDRIYA VIDYALAYA SANGATHAN  
REGIONAL OFFICE  
CHAYARAM BHAWAN : MALIGAON CHARIALI  
GUWAHATI : 12

No. F.14-5/99-KVS(GR)/5251-51

Dated : 09.08.99

CONFIDENTIAL  
BY REGISTERED POST

## MEMORANDUM

The undersigned proposes to hold an Inquiry against Shri R.S. Maurya, PGT(Chemistry), Kendriya Vidyalaya, Khanapara under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. 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 of the imputations of misconduct or misbehaviour in 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).

(2) Shri R.S. Maurya, PGT(Chemistry) is 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 R.S. Maurya, PGT(Chemistry) is further informed that if he does not submit his written statement of defence on 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.

(5) Attention of Shri. R.S. Maurya, PGT(Chemistry), is invited to Rule-20 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 Sh. R.S. Maurya, PGT(Chemistry) 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 CCS(Conduct) Rules, 1964.

(6) The receipt of the Memorandum may be acknowledged.

To,

Shri R.S. Maurya,  
PGT(Chemistry)(Under Suspension)  
Teachers Qrt. No. 4-B (Top Floor),  
Kendriya Vidyalaya, Khanapara,  
Guwahati : 22.

*Lalit Kishore*  
( DR. LALIT KISHORE )  
ASSISTANT COMMISSIONER

Copy to :-

- (1) The Principal, Kendriya Vidyalaya, Khanapara.
- (2) The Assistant Commissioner(Admn.) KVS(Hqrs) New Delhi : 16.
- (3) Guard file.

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SHRI  
R.S. MAURYA, PGT (CHEMISTRY) KENDRIYA  
VIDYALAYA, KHANAPARA

ARTICLE - I

That the said Shri R.S. Maurya, while functioning as PGT(Chemistry) Kendriya Vidyalaya, Khanapara, Guwahati during the academic year 1998-99 went to Kendriya Vidyalaya, Pinjan to conduct practical examination of CBSE, Chemistry for Class XII (Sc.) on 15.02.1999 without permission/relieving by the competent authority.

This act on the part of Shri R.S. Maurya constitutes a misconduct, and thus violated Rule 3(1) (i), (ii) & (iii), Rule 1964 as extended to the Kendriya Vidyalaya Sangathan employees.

ARTICLE - II

That Shri R.S. Maurya, while functioning as PGT(Chemistry) Kendriya Vidyalaya, Khanapara had not conducted the practical classes of Class XI till January'99 and during the cumulative Test 1998-99 examination all students were awarded 30/30 marks in Practical examination of Chemistry.

Thus, Shri Maurya has acted in the manner of unbecoming of KVS employees and thus violated Rule 3(1) (i), (ii) & (iii) of CCS (Conduct) Rule, 1964 as extended to Kendriya Vidyalaya Sangathan employees.

ARTICLE - III

That during the session 1998-99 Shri R.S. Maurya while functioning as PGT(Chemistry),

Kendriya Vidyalaya, Khanapara, has refused to take Practical examination of Chemistry of Class XI(1998-99) and asked the students to bring chemicals for Practical. Shri Maurya also refused to take CBSE(AIISCE) '99 Chemistry Practical examination for Private students.

Thus, Shri Maurya has violated the code of conduct for Teachers as laid down in Education code for Kendriya Vidyalayas in chapter VI and Rule 3(1) (i), (ii) & (iii) of the Central Civil Services (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

#### ARTICLE - IV

That Shri R.S. Maurya while working as PGT(Chemistry) in Kendriya Vidyalaya, Khanapara during the academic year 1998-99, had not submitted session ending question papers in the stipulated date as notified by the Principal.

Thus Shri Maurya, PGT(Chemistry) has violated Rule 3(1) (i), (ii) & (iii) of Central Civil Services(Conduct) Rules, 1964 as extended to the employees of the Kendriya Vidyalaya Sangathan.

#### ARTICLE - V

That the said Shri R.S. Maurya, while working as PGT(Chemistry) at Kendriya Vidyalaya, during the period 1998-99 never attended assemblies, staff meetings called by the Principal thus Shri R.S. Maurya had not obeyed the orders of the Principal.

This act on the part of Shri Maurya constitutes a mis-conduct which is unbecoming to teacher(employee) of KVS in violating of Rule 3(1) (i), (ii) & (iii) of CCS(Conduct) Rules 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - VI

That Shri R.S. Maurya while functioning in the aforesaid capacity at Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had tampered the Official documents.

Thus Shri Maurya, has violated the Rule 3(1) (i), (ii) & (iii) of Central Civil Services (Conduct) Rules 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED AGAINST SHRI R.S. MAURYA, PGT( CHEMISTRY ), KENDRIYA VIDYALAYA KHANAPARA

ARTICLE - I

That Shri R.S. Maurya, while functioning as PGT(Chemistry) Kendriya Vidyalaya, Khanapara during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan(Army) to conduct Practical examination of Class XII(Sc.) CBSE on 15.02.99. He was not relieved/permited by the Principal, Kendriya Vidyalaya, Khanapara for same as per Principal, Kendriya Vidyalaya, Khanapara letter No. F.PF/KVK/98-99/773-76/PB-182, dated 18.02.1999 (Refer Para - 4) and letter dated 05.03.1999(Para-3).

Thus Shri R.S. Maurya, PGT(Chemistry) has committed a serious misconduct and violated Rule 3(i)(ii) and (iii) Rule 1964 as extended to the Kendriya Vidyalaya Sangathan Employees.

ARTICLE - II

That Shri R.S. Maurya, while working as PGT(Chemistry) in Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had not conducted the practical classes of class XI(Sc.)(Chemistry) till January '99 but in the cummulative Test(Half Yearly examination) all students were awarded 30/30 marks in the said practical examination.

<u>Roll No.</u>	<u>Name of Students.</u>	<u>Marks in Chemistry Practical</u>
01	Anjana Das	30
02	Absent	-
03	Banameeta	30
04	Bhaswati	30
05	Bonti Bore	30
06	Kasturi Saikia	30
07	Madhuparna	30

08.	Malita Das	30
09.	Mousomi	30
10.	Monalisa Das	30
11.	Nibedita Sarma	30
12.	Sangeeta	30
13.	Sikhamoni Das	30
14.	Shreeyasi	30
15.	Suranjana	30
16.	Sushila Das	30
17.	Swati Sarma	30
18.	Pinky Prasad	30
19.	Abhinav Pincha	30
20.	Adjhjer Bhuyan	30
21.	Arkander	30
22.	Arup Das	30
23.	Barabjit	30
24.	Chandan	30
25.	Deepjyoti	30
26.	Dhrubajyoti	30
27.	Divy Ninad	30
28.	Farooq Indad	30
29.	Feroj Hussain	30
30.	Gautam Kumar	30
31.	Indraneel	30
32.	Jitu	30
33.	Absent	-
34.	Naval Kishore	30
35.	Nilamani	30
36.	Parish Deka	30
37.	Pralay Roy	30
38.	Praveen J. Vasana	30
39.	Raktim Konwar	30
40.	Rupam	30
41.	Siddnaisha	30
42.	Vikram Jeet Khaund	30
43.	Daisy Khargharia	30

This act on the part of Shri R.S. Maurya constitutes a misconduct and thus violated Rule 3(1) (i.), (ii.) & (iii) Rule 1964 as extended to the Kendriya Vidyalaya Sangathan employees.

ARTICLE - III

That the said Shri R.S. Maurya while working as PGT(Chemistry) in Kendriya Vidyalaya, Khanapara during the academic session 1998-99 has refused to take Practical of XI(Sc.) (Chemistry) final examination on 23rd, 24th, & 25th March'99 and asked the students to bring Chemicals for the Practical examination.

Sl.No. Name of students of Class-XI(Sc.)

01. Anjana Das
02. Bahoneeta Bharali
03. Bharnali Batabye
04. Barti Boro
05. Kasturi Saikia
06. Monalisa Das
07. Malita Das
08. Mousumi Dey
09. Madhuparna Gupta
10. Nibedita Sarma
11. Shikhamoni Das
12. Shryasi Debnath
13. Suvanjana Saikia
14. Vikramjit
15. Arkendu Bhardwaj
16. Arup Das
17. Nilmani Sarmah
18. Rupam Sarmah

Shri R.S. Maury also refused to take CBSE (AISSCE) 1999 Practical examination of (Chemistry), Private students. Due to that the venue of Practical examination of said students has been shifted from Kendriya Vidyalaya, Khanapara to Hindustani Kendriya Vidyalaya on a telephonic request by the Secretary, CBSE Guwahati Regional Office.

Thus, Shri Maurya has violated the code of conduct for teachers as laid down in Education code for Kendriya Vidyalayas in chapter VI and violated Rule 3(1) (i), (ii) & (iii) of the Central

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Civil Services (Conduct), Rules 1964  
as extended to the employees of Kendriya Vidyalaya  
Sangathan.

#### ARTICLE - IV

That Shri R.S. Maurya while working as PGT(Chemistry) in Kendriya Vidyalaya, Khanapara, during the academic year 1998-99 had not submitted the session ending Question papers of Chemistry (his Class) in the stipulated date. As per Notice issued on 03.02.99 the last date of submission of Question papers was 15.02.99.

01. 1st Notice issued to all concerned on 03.02.99 by the Principal, Kendriya Vidyalaya, Khanapara.
02. 2nd Notice (Reminder) issued to Mr. R.S. Maurya on 26.02.99 by the Principal, Kendriya Vidyalaya, Khanapara.
03. 3rd Notice (Reminder) issued to Mr. R.S. Maurya on 02.01.99 by the Principal, Kendriya Vidyalaya, Khanapara.

Thus, Shri Maurya has done insubordination leading to unbecoming behaviour of Kendriya Vidyalaya Sangathan Employees and violated Rule 3(1) (i),(ii) & (iii) of CCS(Conduct) Rule,1964 as extended to the Kendriya Vidyalaya Sangathan Employees.

#### ARTICLE - V

That the said Shri R.S. Maurya while working as PGT(Chemistry) at Kendriya Vidyalaya, Khanapara during the period 1998-99 never attended assemblies in the Vidyalaya, staff meetings called by the Principal, thus Shri Maurya disobeyed the orders of his controlling Officer i.e. Principal, Kendriya Vidyalaya, Khanapara.

This act on the part of Shri Maurya constitutes insubordination, misconduct which is unbecoming to as

teacher(employee) of Kendriya Vidyalaya Sangathan in violating of Rule 3(1) (i),(ii) & (iii) of CCS (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

#### ARTICLE - VI

That, Shri R.S. Maurya, while functioning in the aforesaid capacity at Kendriya Vidyalaya, Khanapara, during the academic year 1998-99 had tempered the Official documents to cover up his late arrival to the Kendriya Vidyalaya, Khanapara at 11.30 A.M. on 08.02.99. Relieving Order issued by the Principal Kendriya Vidyalaya, Narangi vide Ref. No. 4-5/KVN/98-99/ 795-97, dated 06.02.99 Shri Maurya had used peon book against Sl. No. 211 for sending his replies to the Principal, Kendriya Vidyalaya, Khanapara. Thus, Shri Maurya has tempered the Official documents which is a serious misconduct and violation of the Rule 3(1) (i),(ii) & (iii) of Central Civil Service (Conduct) Rule 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SHRI R.S. MAURYA, PGT (CHEMISTRY) KENDRIYA VIDYALAYA KHANAPARA

01. Show cause Notice issued by the Principal, Kendriya Vidyalaya, Khanapara vide Ref.No. F.PF/KVC/98-99/773-76/PB-182, dated 18.02.99 Para-4, and Principal, Kendriya Vidyalaya, Khanapara letter dated 5th March, 1999 addressed to the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, Para-3. ✓

02. (i) Principal, Kendriya Vidyalaya, Khanapara letter KVC/PF/RSM/98-99/ 632-33, dated 27/28.01.99 address to Shri R.S. Maurya, PGT (Chemistry). ✓

(ii) Complaint of guardians of children studying at Kendriya Vidyalaya, Khanapara dated 21.01.99 and publication in Sentinel dated 09.04.1999. ✓

(iii) Practical Note Books of students of Kendriya Vidyalaya, Khanapara

(iv) Copy of the Marks slip of Class XI, A(Science).

(v) Report submitted by the Principal, Kendriya Vidyalaya, Khanapara vide letter dated 21.06.99.

03. (i) Copy of the letter No.KVG/58/XI/ 98-99/868, dated 22.03.99 from Principal, Kendriya Vidyalaya, Khanapara.

(ii) Copy of the letters addressed to the Principal, Kendriya Vidyalaya, Khanapara, by the students of Class XI-A, dated 22.03.99, dated 23.03.99, dated 26.03.99 and 09.02.99.

04. (i) Copy of the letter of Shri U.N. Adhikary, Examination I/C, Kendriya Vidyalaya, Khanapara.

(ii) Copy of Memo dated 26.02.99 issued by the Principal, Kendriya Vidyalaya, Khanapara.

05. (i) Para 5(viii) of the report submitted vide letter dated 21.06.99 by the Principal, Kendriya Vidyalaya, Khanapara.

(ii) Copy of the Notice/Memo dated 05.03.99 of Principal, Kendriya Vidyalaya, Khanapara, addressed to Mr. Maurya.

(iii) Copy of the guardians letter dated 12th Jan'99 with remarks of the Principal, Kendriya Vidyalaya, Khanapara

06. (i) Copy of the Relieving Order No.F.4-5/KVN/98-99/795-97/, dated 06.02.99, issued by the Principal, Kendriya Vidyalaya, Narangi. Copy of Shri R.S. Maurya and copy of the Principal Kendriya Vidyalaya, Khanapara.

(ii) Copy of the Peon Book Sl.No. 210 and 211.

ANNEXURE - IV

STATEMENT OF WITNESSES BY WHICH THE ARTICLES OF  
CHARGES ARE PROPOSED TO BE SUSTAINED  
AGAINST SHRI R.S. MAURYA,  
PGT (CHEMISTRY),  
KENDRIYA VIDYALAYA  
KHANAPARA

(38) 50  
KENDRIYA VIDYALAYA SANGATHAN  
REGIONAL OFFICE : GUWAHATI

Annexure - A 3

No. F.14-5/99-KVS (GR)/490

Dated : 20.04.2000

Conf./Speed Post.

MEMORANDUM

WHEREAS TWO disciplinary proceedings under Rule 14 of CCS (CCA) Rules, 1965 were initiated against Shri R.S. Maurya, PGT (Chem.), (U/S), Kendriya Vidyalaya, Khanapara, vide this office Memorandum No. F.14-5/99-KVS (GR)/5251-54, dated 09.08.99 and he was served the Articles of charge and imputation of Misconducts through the above memorandum.

AND WHEREAS, Shri R.K. Gautam, Principal, Kendriya Vidyalaya, Upper Shillong and Shri P.V.S. Ranga Rao, Principal, Kendriya Vidyalaya, No.1 Tezpur were appointed as Inquiry Officer and presenting Officer respectively to inquire in-to the charges against Shri R.S. Maurya and to present the case.

AND WHEREAS, Sh. R.K. Gautam, Principal, Kendriya Vidyalaya, Upper Shillong and the Inquiry Officer vide his letter No. F.RSM/KV-US/99-2000/1033, dt. 27.03.2000 has submitted report on the charges against Shri R.S. Maurya in which Articles I, II, IV & VI of the charge sheet has been established and Article III Partially Proved.

NOW, THEREFORE, the undersigned forward a copy of Inquiry report submitted by the Inquiry Officer to Shri R.S. Maurya, PGT (Chem.), (U/S), Kendriya Vidyalaya, Khanapara and provide an opportunity to Shri R.S. Maurya to submit his written representation or submission if any, to the undersigned on the report of the inquiring authority within 15 days from the issue of this Memorandum, failing which it will be presumed that Shri R.S. Maurya does not wish to make any written representation or submission and further necessary action will be taken as per CCS (CCA) Rules.

To,

Shri R.S. Maurya,  
PGT (Chem.) (U/S),  
Teachers Qrt. No.4-B (Top Floor)  
Kendriya Vidyalaya, Khanapara,  
Guwahati : 22.

( D. K. SAINI ) 20/4/2000  
ASSISTANT COMMISSIONER  
&  
DISCIPLINARY AUTHORITY

....

**INQUIRY REPORT INTO THE CHARGES FRAMED AGAINST**

**SHRI. R.S.MAURYA. PGT (Chem.) (UNDER SUSPENSION) OF**

**KENDRIYA VIDYALAYA KHANAPARA, GUWAHATI.**

**INTRODUCTION:**

I, R.K.Gautam, Principal, K.V. EAC Upper Shillong was appointed as inquiry officer vide KVS(GR) office order No.14-5/99-KVS(GR)7018-22 dated 13-9-1999 to inquire into the charges framed against Shri. R.S.Maurya, PGT (Chem.) (under suspension), of K.V. Khanapara, Guwahati and the said order was received on 20-9-99. The Disciplinary Authority, the Charged Officer and the Presenting Officer were informed of the appointment of the Inquiry Officer, vide DOS - I of dated 23-9-99 and corrigendum of dated 28-9-99. The Charged Officer was given the opportunity to present himself for preliminary hearing through letters no. RSM KV-US/99-2000/553-57 dated 12-10-99, and No.RSM/KV-US/99-2000/590-94 dated 25-10-99 (through registered post) on 25-10-99 at 11.00 hrs and 4-12-99 at 11.00 hrs. In the office of the Inquiry Officer at K.V.EAC Upper Shillong respectively.

The Charged Officer raised certain objections regarding the conduct of the enquiry and its place, subsistence allowance and security for self and his family through his representation dated 25-11-99 received on 2-12-99 by the Inquiry Officer. The representation of the Charged Officer was disposed off vide letter No.RSM/KV-US/99-2000/683-85(DOS-9) dated 4-12-99, the C.O was provided another opportunity to present himself for preliminary hearing on 28-12-99. (Incidentally the P.O vide letter No.F.C conf. /KVT/99-2000/945-46 dated 31-11-99 has also requested for the deferment of the inquiry on 4-12-99).

Instead of presenting himself the C.O again made two representations dated 15/16-12-99 received by the I.O on 23-12-99 raising objections of criminal conspiracy against officers of KVS, non-payment of subsistence allowance, place of conduct of inquiry & security for himself and his family. Inquiry officer deferred the inquiry till the disciplinary authority ensures the payment of suspension allowances vide letter No.RSM/KV-US/99-2000/579-81 (IX)S-11) dated 28-2-99. The Disciplinary authority vide his letter No.14-5/99-KVS (GR) 8990 dated 5-1-2000 disposed off the representation stating that the payment of suspension allowance can not be and has not been made because the Charged Officer did not submit the certificate under F.R 53(2) to D.D.O. The I.O also being of the opinion that the onus of submission of certificate under FR 53(2) lies on the C.O. The Charged Officer vide office order no. RSM/KV-US /99-2000 /597- 600 dated 13-1-2000 was given the opportunity to present himself and to co-operate with the inquiry on 27-1-2000 as the inquiry was to be conducted on day to day basis at K.V. Maligaon, Guwahati. To facilitate the Charged Officer the inquiry was shifted to K.V. Maligaon, Guwahati at the insistence of the C.O for not being able to attend the inquiry at Shillong, with the instructions that the inquiry shall proceed as Ex-parte if he still decides not to attend it.

Inquiry was conducted at K.V. Maligaon in the office of the Inquiry Officer at 11.00 hrs. Since the C.O did not present himself as such, the order vide letter No.F.RSM/KVM/99-2000/868-69 dated 27-1-2000 was passed to proceed with the Ex-parte inquiry and the Presenting Officer was directed to present the document, for to be taken on record on 28-1-2000 at 10.30 hrs. The C.O was informed of the decision through the letter referred above and telegram dated 27-1-2000. The inquiry was conducted on 28-1-2000 in the office of I.O at 10.30 hrs. Since the C.O did not present himself, the Inquiry Officer

Contd. on page - 2

Waited for the C.O for one hour. When the C.O did not report till 11.30 hrs, the P.O was requested to present the documents on record. The P.O presented the documents and were marked in red as SW-1, SW-2, ... SW-15 in support of the case against Article of charges I to VI. Inquiry Officer vide his order (DOS-15) No. RSM /KVM /99-2000 /883-84 dated 28-1-2000 directed the P.O to complete his presentation of the case on 29-1-2000 and proceedings were resumed at 10.00 hrs. The C.O was also informed of the same through registered post.

The presenting officer presented his case in complete on 29-1-2000. The inquiry officer passed the order dated 29-1-2000 ( DOS -16 ) directing the P.O to send his written brief in duplicate latest by 14-2-2000. The D.A once again vide letter No.14-5/99-KVS (GR)9135 dated 12-1-2000 requested the C.O to send the certificate under FR 53(2) in order to enable the D.D.O to disburse suspension allowance and the same was received by the I.O on 30-1-2000. Inquiry Officer received two representations from the C.O on 31-1-2000 regarding subsistence allowance .His representations were considered and rejected as he did not comply with the rules as laid down under FR 53(2). Submission of certificate under FR 53(2) is the responsibility of the charged officer and not the D.D.O.

Presenting officer sent in his written brief in duplicate as directed through his letter No. PH/PVSR/Principal /KVT/99-2000/1125 dated 5-2-2000 and the same was received by the I.O on 12-2-2000. The charged officer was provided once again with the opportunity as laid down in the rules and the copy of the written brief was sent to the Charged Officer so that he may defend himself even at this stage, if he so desires. This request was made to the C.O vide letter No. RSM/KV-US/99-2000/869-872 dated 16-2-2000 (DOS-19) and the charged officer was requested to send in his defence by 6-3-2000.

Inquiry Officer made all possible efforts under the rules to facilitate the Charged Officer to participate in the inquiry and to defend himself but it seems that C.O. had his own reasons for not participating in the inquiry.

### DEFENCE OF THE CHARGED OFFICER.

Finally in response to the written brief of the P.O, the reply of Charged Officer was received by the inquiry officer by speed post on 13-03-2000 and is disposed off as under.

Para. -1 -Matter of fact.

Para. -2 & 3 -The C.O. has raised the objection that he was not allowed to inspect the original documents as a result he could not submit his written statement. The objection of the charged officer is not maintainable, as Disciplinary Authority vide his letter no. F .14-5 / 99 - KVS ( GR ) / 5897 -900 dated 29-09-99 informed the C.O. that since the I.O. has been appointed in the case, he shall be given opportunity for inspection of documents as per rules, however the C.O chose not to co-operate in the inquiry and avail the opportunity as laid down in the rules.

Para. -4,7 &, 8 -Regarding non-payment of subsistence allowance. The C.O. was informed time and again by Drawing and Disbursement Officer and Disciplinary Authority to furnish certificate under FR 53(2) to D.D.O but he did not comply with it. As such the onus of non-payment of subsistence allowance lies on the C.O. and not the Disciplinary Authority, Inquiry Officer or the Drawing and Disbursement Officer.

Para. -5,9&10. -The Charged Officer has charged the Presenting Officer, of bias and the same

Contd. on page -3

was earlier rejected by the disciplinary authority vide letter no.F.14-5/99-KVS (GR)8990 dated 05-01-2000. Even otherwise the presenting officer cannot be expected to be neutral, as he has to defend the case on behalf of the department.

Para. -6 -The Charged Officer raised objections that he made several requests to conduct inquiry at Khanapara, Guwahati, keeping his sentiments in view the inquiry was conducted and concluded at Kendriya Vidyalaya Maligaon, Guwahati which is just a few kms. away from K.V. Khanapara. He simply did not want to co-operate for his own reasons.

Para.11 -Charges has been denied by the Charged Officer in response to written brief of the presenting officer, which validates the conduct of the inquiry.

Para.12-13 -The charge of the Charged Officer is baseless that a reasonable opportunity has not been given to him. This is his own creation, as whenever he was requested to present and defend himself in the case he chose to stay away. He is to accuse no one other than himself.

## INQUIRY REPORT

The Charged Officer Shri.R.S.Maurya PGT (Chem) (Under Suspension) has been charged of six charges under Article of charges as Article I to VI vide memorandum no.F.145/99-KVS(GR)525-54 dated 9-8-99. The report of inquiry officer in respect of all charges, for the consideration of disciplinary authority and necessary action is as under.

### Article of Charge-I

That the said Shri.R.S.Maurya, while functioning as PGT (Chem) Kendriya Vidyalaya, Khanapara, Guwahati during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan to conduct practical examination of C.B.S.E., Chemistry for Class XII (Sc) on 15-02-99 without, permission/relieving by the competent authority.

This act on the part of Shri.R.S.Maurya constitutes a misconduct, and thus violated Rule 3 (1) (i), (ii) & (iii), Rules 1964 as extended to Kendriya Vidyalaya Sangathan employees.

Analysis of evidence:  
Presenting Officer based his arguments on the documents brought on record as SW-1/1-5. SW-1/4-5 cannot be accepted for to be based for the purpose of evidence because the copy of the same was not given to the charged officer to explain his conduct and also it is not authenticated by any officer of KVS, it is merely a photocopy. The charged officer did not defend his case in-spite of all opportunities given to him. The inquiry officer had no option but to decide on the basis of SW-1/1-3. SW-1/1 is the order of appointment of Shri.R.S. Maurya, PGT (Chem) of Kendriya Vidyalaya Khanapara as practical examiner of Chemistry at Kendriya Vidyalaya, Dinjan.

The question is not who authorised Shri.R.S. Maurya and what C.B.S.E authorities say on his appointment as examiner as put in by the Presenting Officer. Nothing is proved out of this point. On the basis of application of Shri.R.S.Maurya of dated 15-2-99 (SW-1/2) and show cause notice (SW-1/3) it is proved that Shri.R.S.Maurya, PGT (Chem) was given sufficient opportunity to explain his conduct. He was served with the show cause notice through peon book on 18-2-99 at S.No. 182 page 20. (SW-15)

Contd. on page -4

In his application dated 15-2-99 addressed to the Principal (SW-1/2). Shri.R.S.Maurya, wrote, "I am proceeding to Kendriya Vidyalaya, Dindan (Army) to conduct the class XII chemistry practical examination on 15-2-99" shows that he had no respect for rules as laid down for the conduct of an employee. This expression also proves an act of insubordination and disrespect to the chair. It seems that he left his duties without the approval of the competent authority and left the children under his charge, as unattended. This proves that the Charged Officer left his duties and station without the approval of competent authority, which constitutes misconduct on the part of the Charged Officer.

### Finding

Thus this act of Shri R.S.Maurya, PGT(Chem) of Kendriya Vidyalaya, Khanapara, proves the charge of misconduct under rule 3(I), (I), (II) and (III) of CCS Rules 1964 as extended to K.V.S. employees that he left the school without the prior approval of the competent authority.

### Article of Charge-II

That Shri.R.S.Maurya, while functioning as PGT (Chem) Kendriya Vidyalaya, Khanapara had not conducted the practical classes of class XI till January, 99 and during the cumulative Test 1998-99 examination all the students were awarded 30-30 Marks in Practical examination of Chemistry.

Thus, Shri Maurya has acted in the manner of unbecoming of KVS employees and thus violated Rule 3(1), (i), (ii) & (iii) of CCS (conduct) Rule, 1964 as extended to Kendriya Vidyalaya Sangathan employees.

### Analysis of evidence:-

In order to defend his case the presenting officer based his case on documents (SW-2 to SW-9) as already placed on records. Shri.R.S.Maurya, PGT (Chem) has been presumed to be served with a letter (SW-2/1) but it is not proved whether the same had been served to him. SW-2/1 is a photocopy and has not been authenticated by the competent authority. Collective complaints of parents (SW-2/2-3) have not been confirmed through independent witness and also bears no diary no. as such its authenticity is again in question. SW-2/4-8 a copy of the newspaper can be made the base for a fact-finding inquiry but not as the conclusive evidence in a regular inquiry.

SW-3 to SW-6 placed on records are the practical notebooks of, Master Gautam Kumar of XI-A (Sc), Master Deepjyoti Das of XI-A (Sc), Master Aditya Bhuyan of XI (Sc), and Kasturi Saikia of XI respectively. As per the index-page of these notebooks no practical was conducted before 12-1-99, and the subject teacher has initialed the entries on the index-page. It is proved that no practical was conducted in XI (Sc) class before 12, Jan. 99.

SW-7 is the award list of cumulative test for class XI-A (Sc) for 1998-99 giving marks for theory and practical in Chemistry, duly signed by Shri.R.S.Maurya, PGT (Chem). The cumulative test as per KVS schedule is conducted in the month of November during every academic year. It is proved that the marks have been awarded, without conducting practical in the class. Under no circumstance students can get equal marks in practical particularly when weak in theory, it is proved that students at Sl. No.34 & 38 have been awarded 30 marks in practical whereas they have scored 29 and zero marks in theory respectively.

Contd. on page -5

SW-8 cannot be taken as authentic as has not been verified by independent witness. SW-9 can also not be relied upon because it is a report of the Principal to the Assistant Commissioner, KVS (GR) against Shri.R.S.Maurya and Shri Maurya has neither been provided with the copy of complaint nor provided with opportunity to defend himself.

### Finding

SW-3, SW-4, SW-5, SW-6 and SW-7 prove that Mr.R.S.Maurya, PGTChem) awarded marks to children without conducting practical. This is not only dereliction of duty but also a criminal/unethical act on the part of Shri.R.S.Maurya, PGT (CChem). Hence this act on the part of Shri. Maurya constitutes misconduct and proves the charge of misconduct under rules 3(I) (i), (ii) and (iii) of Rule 1964 as extended to KVS employees.

### Article of Charge-III

That during the session 1998-99 Shri R.S.Maurya while functioning as PGT (Chem), KendriyaVidyalaya,Khanapara, has refused to take Practical examination of Chemistry of class XI (1998-99) and asked the students to bring chemicals for practical. Shri.Maurya also refused to take CBSE (AISSCE)' 99 Chemistry Practical examination for private students.

Thus, Shri Maurya has violated the code of conduct for Teachers as laid down in Education Code for Kendriya/Vidyalayas in chapter VI and Rule 3(1) (i), (ii), (iii) of the Central Civil Services (Conduct) Rules, 1964 as extended to the employee of Kendriya Vidyalaya Sangathan.

### Analysis of evidence:-

SW-10/1 cannot form the basis of evidence, as neither it is an authenticated document (a photocopy of the letter written by the Principal to the Asstt.Commissioner, KVS (GR)) nor the copy of the same was endorsed to Mr.R.S.Maurya for the observance of the principle of natural justice. SW-10/2 is a copy of the notice written by Shri R.S.Maurya, PGT (Chem). The copy of the same noted down by Mrs. J. Dasbasu, Principal, K.V.Khanapara shows clearly a violation of conduct rules on the part of the Charged Officer. SW-10/3 was written by Shri.R.S.Maurya, does prove that it had been written by him beyond his competence. SW-10/4 to 9 are the letters written by students. It proves that the Charged Officer did not discharge his duties as directed by the controlling officer.

As regards the refusal of Shri.R.S.Maurya, PGT (Chem) to conduct the CBSE (AISSCE)' 99 practical examination nothing has been placed on record except its mention in the charge sheet and statement made by the presenting officer while presenting the case and in his written brief as such the contention of prosecution is not accepted.

### Finding :-

The charge of misconduct that Shri Maurya has violated the code of conduct for Teachers as laid down in Education Code for Kendriya Vidyalayas in chapter VI and Rule 3(1) (i), (ii), (iii) of the Central Civil Services (Conduct) Rules, 1964 as extended to the employee of Kendriya Vidyalaya Sangathan, is partially proved

Contd. on page -6

### Article of Charge-IV

That Shri.R.S.Maurya while working as PGT (Chem) in Kendriya Vidyalaya Khanapara during the academic year 1998-99 had not submitted session ending questions papers in the stipulated date as notified by the Principal.

Thus Shri.Maurya, PGT (Chem) has violated Rule 3(1), (i), (ii) & (iii) of CCS (Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

#### Analysis of evidence:

SW-11/1 refers to non-submission of question paper by Shri R.S.Maurya by 15-2-99. The said report of dated 23-2-99 by Shri.U.N. Adhikary is addressed to the Principal. This report is about non-submission of question paper by Shri Maurya, as a result question paper could not be sent to the press. It also points out that Mr.Maurya did the same at the time of half yearly exam. This shows that the Charged Officer is habitually irregular in the performance of his duties.

SW-12 is an office order in the Office Order Register on page 1. Through this order the Principal ordered Shri.R.S.Maurya on 26-2-99 to submit the question paper by 3 PM on 26-2-99. Afterwar ls there is nothing to show that he did not submit the question paper of session ending examination by the stipulated date and time.

Shri.Maurya complied with the instructions of dated 26-2-99 as contained in SW-12 on page 1, marked in red ink in box proves that he does not care for rule of law.

#### Finding:

The charge of misconduct that Shri.Maurya, PGT (Chem) has violated Rule 3(1), (i), (ii) & (iii) of CCS (Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan is proved for non compliance of instructions.

### Article of Charge-V

That the said Shri.R.S.Maurya, while working as PGT (Chemistry) at Kendriya Vidyalaya during the period 1998-99 never attended assemblies, staff meetings called by the Principal thus Shri.R.S. Maurya had not obeyed the orders of the Principal.

This act on the part of Shri Maurya constitutes a misconduct which is unbecoming of a teacher (employee) of KVS violating of Rule 3(1) (i) (ii) & (iii) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

#### Analysis of evidence:

As per article of charge Shri.R.S.Maurya, PGT (Chemistry) never attended morning assemblies and staff meetings called by the Principal. The presenting officer has based his arguments on SW-13/1-2 & SW-13/3

Contd. on page -7

SW-13/1-2 relates to request of parents to see the answer scripts as their wards who got unexpectedly low marks in Chemistry in Cumulative exam. On this document the examination In-charge has written that Mr.Maurya and Mr.Dwivedi has not submitted the answer scripts to the examination department. It seems that the parent's grudge is that when their wards got 30/30 in Chemistry practical than how come they got less marks in theory and even does not explicitly relates to the article of charge.

SW-13/3 is a note sent to Mr.Maurya to meet the Principal at 2 PM on 5-2-99. This note appears to have been sent to Mr.Maurya when earlier he did not meet the Principal as he had a class. In this note however the Principal had mentioned that he was free, but the Presenting Officer has not been able to prove either by way of arguments or documents. SW-13/3 is again not an authenticated document being only a photocopy. Of the documents brought on record and the argument presented by presenting officer does not prove the charge as to when did Mr.Maurya not attend the above referred assembly and staff meetings. Neither Mr.Maurya has been served with a show cause notice nor any evidence of his declining to attend the meeting has been brought on record.

#### Finding: -

That the evidence on record does not prove that Shri R.S.Maurya did not obey the orders of the Principal hence the act on the part of Shri Maurya does not constitutes a misconduct which is unbecoming to teacher (employee) of KVS violating of Rule 3(1) (i) (ii) & (iii) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

#### Article of Charge-VI

That Shri R.S.Maurya while functioning in the aforesaid capacity at Kendriya Vidyalaya Khanapara during the academic year 98-99 had tampered the official documents.

Thus Shri Maurya, has violated the Rule, 3(1) (i) (ii) & (iii) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

#### Analysis of evidence: -

SW-14/1 and 2 are copies of the relieving order of Mr.R.S.Maurya, PGT (Chem) from Kendriya Vidyalaya Narangi on the basis of which the Presenting Officer has tried to prove the tampering of records by the Charged Officer. On the personal scrutiny by the Inquiry Officer of the documents it is observed that both the documents are the copies of the same order and clearly show that the time of departure has been written later on to suit the interests of the Charged Officer on the copy of the relieving order submitted in the office thus he not only tampered the records but also cheated the Govt. by way of excessive claim of TA/DA. This proves the misconduct on the part of the Charged Officer.

i) Both the documents (SW-14/1, & SW-14/2) are the carbon copies of the same order but the entries column for writing date of relieving are different in both of them.

ii) Despatch no. has been written in pen on both copies (SW-14/1 and 2) by the same person.

SW-15 is the peon book in which the Presenting Officer has drawn the attention of Inquiry Officer on the receipt columns at Sl.No.182, 184,211,212,219 and 236.

At Sl.No.182 the Charged Officer has written 'Time received (1.45pm) a letter in sealed envelope with unknown content and signed with date. At Sl.No.184 the Charged Officer has written 'received a sealed' envelop with unknown content' (At 12 Noon) and signed with date.

At Sl.No.211 it is the remark of the Principal and not of the Charged Officer as such does not constitute an offence.

At SL. No. 212 the Charged Officer signed and wrote in the column of "by whom delivered" name of the concerned peon is not mentioned

At SL. No. 219 the Charged Officer wrote a note in the peon book regarding submission of employment certificate after his suspension. Similarly at Sl.No.236 he wrote a request to provide the details of subsistence allowance.

As regards the charge of tampering of records by way of changing /addition of time in the relieving order is proved. The use of peon book for correspondence and replies is also an act of misconduct on the part of the Charged Officer. As such the charge of misconduct is proved.

#### Finding: -

That the charge of tampering of official documents is proved as such Shri Maurya, has violated the Rule, 3(1) (I) (II) & (III) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan

#### CONCLUSION: -

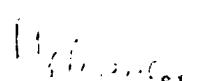
Defence lead by the Charged Officer in response to the written brief of the Presenting Officer is vague and can not accepted as rational defence.

The Charged Officer is found guilty of misconduct under Rule 3(I) (I) (II) and (III) of CCS (Conduct) Rules 1964 in the following Article of charges.

Article I -	Proved
Article II -	Proved
Article III -	Partially proved
Article IV -	Proved
Article V -	Not proved
Article VI -	Proved

It is proposed that the Charged Officer be imposed penalty as under the rules against Article of Charges I, II, III, IV and VI.

Dated:- March 25, 2000

  
 (R.K.GAUTAM)  
 Inquiry Officer & Principal,  
 Kendriya Vidyalaya, EAC Upper Shillong.

KENDRIYA VIDYALAYA SANGATHAN  
 Regional Office  
 Chayaram Bhawan, Maligaon Chariali,  
 GUWAHATI-12

No. F.14-5/99-KVS(GR)/19XX-XX

Dated : 29.5.2000

~~SECRET~~ PBOU

ORDER

WHEREAS disciplinary proceedings under Rule 14 of Central Civil Services (Classification Control and Appeal), Rules, 1965 were instituted against Shri R. S. Maurya, PGT (Chemistry), KV, Khanapara, vide this office Memorandum No. 14-5/99-KVS(GR)/5251-54, dated 9.8.99 on the following Articles of charges : -

(i) That the said Shri R.S. Maurya, while functioning as PGT (Chemistry), Kendriya Vidyalaya, Khanapara, Guwahati during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan to conduct practical examination of CBSE, Chemistry for class XII (Sc) on 15.02.1999 without permission/relieving by the competent authority.

(ii) That Shri R.S. Maurya, while functioning as PGT (Chemistry), Kendriya Vidyalaya, Khanapara had not conducted the practical classes of Class XI till January'99 and during the cumulative Test 1998-99 examination all students were awarded 30/30 marks in Practical examination of Chemistry.

(iii) That during the session 1998-99, Shri R.S. Maurya while functioning as PGT (Chemistry), Kendriya Vidyalaya, Khanapara, has refused to take Practical examination of Chemistry of Class XI (1998-99) and asked the students to bring chemicals for Practical. Shri Maurya also refused to take CBSE (AISSCE) '99 Chemistry Practical examination for Private students.

29/5

True Copy  
 Dr. Vijay Prakash Sharma  
 Senior Research Officer  
 Central Silk Board, Guwahati-5

(iv) That Shri R. S. Maurya while working as PGT(Chem) in Kendriya Vidyalaya, Khanapara during the academic year 1998-99, had not submitted session ending question papers in the stipulated date as notified by the Principal.

(v) That while he working as PGT(Chemistry) at Kendriya Vidyalaya, Khanapara during the period 1998-99 never attended assemblies, staff meetings called by the Principal thus Shri R.S. Maurya had not obeyed the orders of the Principal. Not true

(vi) That Shri R.S. Maurya while functioning in the aforesaid capacity at Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had tampered the official documents.

A Statement of imputations of misconduct/misbehaviour on which the Articles of charges were based, together with a list of documents by which, the charges were proposed to be sustained, were also forwarded to him alongwith the above said Memorandum dated 9.8.99.

AND WHEREAS, Shri R.S. Maurya has failed to submit his written statement of his defence on the above chargesheet within the stipulated time. Accordingly Shri R.K. Gautam, Principal, Kendriya Vidyalaya, EAC Upper Shillong was appointed as Inquiry Officer to inquire into the charges vide Order No.14-5/99-KVS(GR)/9025-29, dated 13.9.99 and Shri P.V.S. Ranga Rao, Principal, Kendriya Vidyalaya No.1, Tezpur was appointed as Presenting Officer, vide Order No.F.14-5/99-KVS(GR)/7018-22, dated 13.9.99.

AND WHEREAS, the Inquiring Officer, vide his letter No.F.RSM/KV-US/99-2000/1033, dated 27.3.2000 gave the findings that Articles-I,II,IV & VI against Shri R.S. Maurya has been established and proved and Article III has partially established & proved.

W.M.11/1/2000  
7/4/00  
Tare 10/10/00  
Attended  
Dr. Vijay Prakash Sharma  
Senior Research Officer  
Silk Board, Guwahati

AND WHEREAS, a copy of the report of Inquiry was sent to Shri R.S. Maurya, vide Memo. No.F.14-5/99-KVS(GR)/490, dated 20.4.2000 and he was given an opportunity of making such submissions in his defence on the report of inquiry as he desired. Shri R.S. Maurya has not made any submission in this regard within the stipulated period.

AND WHEREAS, on careful consideration of the report of the Inquiry Officer and Other records of the case, the undersigned has decided to accept the findings of the Inquiry Officer in respect of Articles I, II, IV & VI as proved and Article III partially proved.

NOW, THEREFORE, after considering the records of the Inquiry and the facts and circumstances of the case, the undersigned has come to the conclusion that Shri R.S. Maurya (i) left his duties without the approval of the competent authority and left the children under his charge, as unattended. (ii) He awarded marks to children without conducting the practical examinations. (iii) He refused to take practical examinations of CBSE(AISSLCE)'99 Chemistry & asked the students to bring Chemicals for practical. (iv) during the academic year 1998-99 had not submitted session ending questions papers in the stipulated date as notified by the Principal. (v) that during the year 1998-99 Shri R.S. Maurya had tampered the official documents and thus committed misconduct under Rule 3(i) -(i), (ii) & (iii) of CCS(Conduct) Rules 1964 as extended to the employees of KVS and hence ends of justice require that the penalty of removal from service with immediate effect which shall not be a disqualification for future employment under the KVS be imposed upon him.

IT IS, THEREFORE, Ordered that Shri R.S. Maurya, PGT(Chem), Kendriya Vidyalaya, Khanapara presently under suspension be imposed the penalty of removal from service with immediate effect which shall not be a disqualification for future employment under the Kendriya Vidyalaya

To  
Shri R.S. Maurya,  
PGT(Chem)(Under Suspension),  
Teachers Qr. No.4-B(Top Floor),  
Kendriya Vidyalaya, Khanapara,  
Guwahati-22

1/8/2001  
Dr. D. K. Saini  
Central Research Officer  
Sanctuary  
Silk Board, Guwahati

( D. K. SAINI ) 25/1  
ASSISTANT COMMISSIONER

Kendriya Vidyalaya Sangathan  
Regional office, Guwahati



No. F.PF/KVG/2000-01/184-87

Dt. 5/6/2000

(50)

(68)

Annexure A5

To

Shri R.S. Maurya,  
PGT (Chem) (Under Suspension),  
Teachers Qr. No. 4-B (Top Floor),  
Kendriya Vidyalaya Khanapara,  
Guwahati-22.

Dated Guwahati, the 5th June/2000.

Sub :- VACATION OF STAFF QUARTER NO. 4(B).  
FOLLOWING REMOVAL FROM SERVICE.

Vide Order No. 14-5/99-KVS(GR)/1977-79 Dt. 29-5-2000 which states your removal from service with effect from 29-5-2000, you are to vacate the staff quarter within 10 (TEN) days of the issue of this letter, (and handover the keys to *Shri J. Das Basu* the undersigned), failing which stringent measures will be taken from our end for occupation of the same. This issues with the approval of the Chairman, VMC Executive Committee, K.V. Khanapara.

*Im/OK*

(MRS. J. DASBASU)  
PRINCIPAL.

प्राचार्य / Principal  
केन्द्रीय विद्यालय,  
Kendriya Vidyalaya

Copy to:-

- 1) The Joint Commissioner (Adm.), Kendriya Vidyalaya Sangathan, New Delhi - 16.
- 2) The Chairman VMC Executive Committee, K.V. Khanapara, Guwahati-22.
- 3) The Asstt. Commissioner, Kendriya Vidyalaya Sangathan Guwahati Region, Guwahati.

(MRS. J. DASBASU)  
PRINCIPAL.

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(51)

69  
Annexure - A6

To,  
The Principal,  
K.V.Khanapara,  
Gauhati - 22.

From:-  
R.S.Maurya,  
PGT (Chemistry),  
K.V.Khanapara,  
Gauhati - 22.

Date:- 7.6.2000.

Subject:- Regarding Vacation of - Staff Quarter No.4 (B).

Reference:- Vide your office letter No. F.PF/KVG/2000-01/  
184 - 87 dated 5.6.2000.

D/Madam,

With due regards and humble submission I am to state the following facts before your goodself for favour of your kind consideration and necessary action.

1. That I beg to submit that in pursuance with the order No. 14-5/99-KVS(GR)/1977-79 dated 29.5.2000 issued by the Disciplinary Authority, there is a provision for "Appeal" under the rules of proceeding which I have preferred before the competent authority.

2. That further, I humbly beg to submit that during the pendency of the appeal, I may kindly be allowed to occupy the instant quarter for the interests of justice.

It is for your kind information and necessary action, please.

Thanking you.

Maurya  
7.6.2000

Contd....2/

Copy to:-

1. The Hon'ble Deputy Commissioner,

K.V.S.(H.Q.),

New Delhi - 16

for kind information and

n/a please.

2. The Assistant Commissioner,

K.V.S.(G.R.),

Maligaon - Gauhati - 12

for kind information and n/a .

*R.S.Maurya*  
Yours faithfully, D7.6.2000

R.S.Maurya,

PGT (Chemistry),

K.V.Khanapara,

Gauhati - 22.

Date:- 7.6.2000.

To,  
 The Hon'ble Deputy Commissioner,  
 Kendriya Vidyalaya Sangathan,  
 18, Institutional Area,  
 Shaheed Jeet Singh Marg,

From:-  
 R.S.Maurya,  
 PGT (Chemistry),  
 K.V.Khanapara,  
 Gauhati - 22.

Date:- 7.6.2000.

Subject:- Prayer (Appeal) for stay of the operation of order dated 29.5.2000.

Reference:- Order No. F.14-5/99-KVS(GR)/1977-79 dated 29.5.2000.

R/SIR,

With due regards and humble submission, I am to submit the following facts before your honour for favour of your kind consideration and favourable action there on:

1. That the appellant humbly begs to state that he was placed under suspension vide an order No. F.14-5/99-KVS(GR)/2091 - 93 dated 01.06.99 issued by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Gauhati - 12.

The copy of the order dated 1.6.99 is annexed herewith and marked as Annexure - 1.

2. That, thereafter, the appellant was served the Memorandum of Charges vide O.M. No. F.14-5/99-KVS(GR)/5251-94 dated 9.8.99 and the appellant submitted representations dated 25.8.99, 13.9.99 and 23.9.99 respectively before the Hon'ble Assistant Commissioner for inspection /procurement of original and additional documents to prepare his proper written statements

to disprove the allegations but the request for the same was not considered and consequently Inquiry Officer (I.O.) and Presenting Officer (P.O.) were appointed without submission of the written statements by the appellants.

3. That the appellant humbly begs to submit that the "Subsistence Allowances" were also not paid to the appellant except July and August ,99 @ Rs.400/- 00 per month only before the conclusion of enquiry and the appellant was running under great "financial stringency" and all the six family members of appellant were reached at the verge of starvation and the learned I.O. conducted the exparte enquiry at Shillong and thereafter at Maitibon by knowing it well that due to financial stringency. The appellant will not be able to face the enquiry. In this connection, the appellant begs to state that he has been requesting the learned I.O. to conduct the proceeding at K.V.Khanapara, Gauhati -22 since all the defence witness and exonerant documents are available but the request of the appellant was not considered and exparte enquiry was conducted which culminated into an adverse enquiry report and the alleged charges levelled against the appellant were allegedly proved without giving the reasonable opportunity to the appellant to defend the case.

4. That, thereafter, the appellant was served the copy of the exparte enquiry report and accordingly the defence reply was submitted to the Hon'ble Disciplinary Authority on 25.3.2000 by Speed Post which was received by the Guardian K.V.S. Office on 26.5.2000 but curiously enough the learned Disciplinary

Authority did not considered the same and consequently passed the order dated 29.5.2000 whereby imposed the penalty of removal from service to the appellant with immediate effect.

The copy of the order dated 29.5.2000 and delivery receipt is annexed herewith and marked as Annexure - 2 and 3 respectively.

5. That the appellant humbly begs to submit that while he is busy in preparing the exhaustive appeal to prefer before your goodself, the learned Principal, K.V.Khanepure served a notice dated 5.6.2000 through Speed Post to vacate the Staff - Quarter No. 4(B) within 10 days of the issue of the letter and also threatened to take stringent measures for vacating the same from her end and therefore it clearly shows the vindictive intention of the instant principal towards the appellant which is not appreciable.

The copy of the letter dated 5.6.2000 is annexed herewith and marked as Annexure - 4.

6. That a great injustice has been caused to the appellant which castes a "Social Stigma" on the entire family of the appellant and due to vacation of the quarter the appellant's family will be on the roads.

7. That there is no other alternative remedy and hence this appeal is filed bonafide for the interests of justice.

In view of the above circumstances and facts it is, therefore, prayed that your Honour would be pleased to admit the appeal and would also be pleased to reinstate the appellant in service to his original post and place as PGT (Chemistry) with all consequential Service benefits by way of staying/suspending the operation of the order dated 29.5.2000 (Annexure - 2) issued by the Disciplinary Authority, K.V.S., Gauhati for the ends of justice.

And for this acts of kindness the appellant is duty bound and shall ever pray.

APPELLANT

Present Address of Correspondence:-

Name:-

R.S. Maurya,

C/o. Universal Book

Depot,

Near Petrol Pump,

Six Mile, Khanapara,

Gauhati - 22.

(Assam).

Radhey Shyam Maurya,

PGT (Chemistry),

K.V. Khanapara,

Gr. No. 4 - B (Top Floor)

(Inside Campus)

Gauhati - 22 (Assam)

Central Administrative Tribunal
19 MAR 2001
Guwahati Bench

25  
filed through  
Advocate  
13.3.2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH  
AT GUWAHATI

ORIGINAL APPLICATION NO. 20/ 2001

R.S Maurya ...Applicant

-vs-

U.O.I & ors..Respondents

The Respondent Nos 2, 3, 4, 5, 6 and 7 beg to file their written statement as follows :

1. That all the averments and submissions made in the original application (in short referred as the application) are denied by the answering Respondents save and except what has been specifically admitted herein and what appears from the records of the case,
2. That with regard to statements made in paragraph 4.1 to 4.4(a) of the application the answering Respondents have no comments as they are matters of record.
3. That with regard to statements made in paragraph 4.4(b) of the application the answering respondents beg to state that regarding honesty, dedication and sincerity which Mr Maurya attributes to himself, these are yet to be ascertained. The Chairman, Vidyalaya Management Committee (in short

VMC) (..... to transfer Mr Maurya out of North East Region. The Assistant Commissioner of the KVS(Guwahati Region) had also strongly recommended his transfer from Guwahati Region .

Mr N D Bhuyan had himself given a full detail of the insubordination and problem creating tendency of Mr Maurya . He was also given necessary instruction to mend his ways by the then Education Officer and Mr D K Srivastav, Jt. Commissioner KVS (HQ) New Delhi.

Copies of letter dated 24th Dec,1999 given by the Chairman VMC is annexed herewith and marked as Annexure-1.

Copies of letter dated 22.3.99 given by the Assistant Commissioner(Guwahati Region) is annexed herewith and marked as Annexure-2.

Copies of letter dated 26.9.98 given by Sri N D Bhuyan,Principal ,KV(),Khanapara is annexed herewith and marked as Annexure-3.

Copies of letter dated 26.8.98 given by Dr E Prabhakar,Assistant Commissioner (offg) is annexed herewith and marked as Annexure-4.

Minutes of Meeting held on 23.8.98 at Circuit House Guwahati with the Jt.Commissioner(KVS Delhi) is annexed herewith and marked as Annexure-5, respectively.

4. That with regard to statements made in paragraph 4.5 of the application the answering Respondents beg to state that because of the ways of functioning of Mr R S Maurya in the different Kendriya Vidyalayas (in short K.V) at Primary, Secondary and Sr.Secondary level all the Principals had to recommend him to be transferred out of the vidyalaya because of his notorious and defiant ways.

Being a Law Graduate, he tried to pressurise all mentally that his knowledge of all legal aspects made him invincible.

Copy of letter dated 19.2.99 given by Mr R.S. Maurya is annexed herewith and marked as Annexure-6.

Few copies of letter dated 10.4.86, 2, 7, 92 and 17.10.96 are annexed herewith and marked as Annexure-7 and 8 and 9 respectively.

5. That with regard to statements made in paragraph 4.6(a) of the application the answering respondents beg to state that the Respondent No.6 that is Ms Jayshree Das Basu, Principal, K.V. Khanapara joined in the capacity of Principal on 16.12.98. After Joining

as Principal, she called a General Staff Meeting. A Circular was issued for conduct of Sports Day. Then another circular was sent to all Departmental Heads (Physics, Chemistry, Biology) calling for requisition for conduct of CBSE practical during February, 1st week. Since the School would close down for winter vacation all the Departmental Heads were informed to submit their requisition since purchase procedure takes time through quotations. So purchase was not the primary factor as Mr Maurya is trying to hint at. Applications for purchase of chemicals was received from the applicant on 23.1.99. Quotations were called on 25.1.99 and last date was fixed on 30.1.99. Purchase of items for chemistry lab was done as per procedure and chemicals were handed over on 3.2.99 to the applicant who acknowledge receipt. The applicants had always insisted on buying chemicals by himself and insisted on ~~paying~~ advance, which was his normal habit as has been stated by previous principal Mr N D Bhuyan which is shown in Annexure-3. The applicant however did not enter the chemicals in the stock register just to harass the Respondent No.6.

Copies of the various notices issued by the Principal KV Khanapara is annexed herewith and collectively marked as Annexure-10, a, b, c d and e.

Copy of letter written by Q sharma T.G.T.Sc is annexed herewith and marked as annex-11

6. That with regard to the statements made in paragraph 4.6(b) of the application the answering Respondents beg to state that the SDA was not stopped (contd...5)

in the month of January, 1999, but kept pending after a meeting was held with them informally in Class X. It was also subject to clarification from KVS(HQ). SDA was immediately released to all entitled which includes the applicant also after receipt of clarification from KVS(HQ) which is still continuing. The applicant was also given SDA as per entitled rates even during his period of suspension i.e. 1.6.99 till his date of termination.

7. That with regard to statements made in paragraph 4.7(a) of the application the answering Respondents beg to state that the applicant had stopped maintaining any stock register of the chemistry Laboratory after an altercation with the previous Principal Mr N D Bhuyan, The applicant had sealed the stock registers in a cloth bag and handed it over to the Principal, as per office information. After that no entries were made though purchases were made. All was apprised to Respondent No.6 when she took over as Principal on 16.12.98 and the sealed parcel was handed over which is still kept as it was earlier. Further the applicant never informed Respondent No.6 about the fact that he has not maintained any stock Register. Only once when the Respondent No.6 called him for signature on the stock register he told her about it. Thereafter two new stock registers were given to him, in which he had not entered chemicals purchased for the chemistry Lab. It was a normal habit of the applicant to create problems and obstacles for all Principals under whom he had worked.

Regarding Ms J Borah, she teaches Phy.chem.Maths in Class IX and X and also manages the junior science Labs so when Lab purchases are made, the junior science teachers are asked if there are any requisition for the junior science Labs. The purchases were made after the applicant submitted his requisition on 23.1.99.

8. That with regard to statements made in paragraph 4.7(b) of the application the answering Respondents had beg to state that the applicant on the contrary/purchas-d-a-noticee pasted a notice on the Board without information and countersignature of Principal on 20.3.99 asking all students to bring Methylated spirit 100 ml and Distilled water 1000 ml or 1 bottle for chemistry practical Annual examination 1998-99. which is illegal and done only to harass the students. The distressed parents highlighted the issue in the sentinel dated 9.4.99. The notice to the children should have been given after 31.3.99 if the Respondent No.6 had refused. Moreover Ms Maurya after asking the children to bring the chemicals and distilled water had again asked for an advance of Rs.1000/- (for only distilled water and spirit) from the Respondent No.6 which is again questionable.

Copies of the extract of the Notice dated 20.3.99 given by Mr Maurya is annexed herewith and marked as Annexure 12.

Copy of the letter published in the sentinel paper on 9.4.99 is annexed herewith and marked as Annexure-13.

9. That with regard to the statements made in paragraph 4.7(1) of the application the answering Respondents beg to state that the applicant was not appointed as External in Chemistry for K V Dinjan but left in defiance, inspite of Respondent No.6 apprising him that CBSE will not send Mr Maurya to Dinjan as per the i/c Regional officers direction. However without informing the Principal and without receiving order Mr Maurya left for K V Dinjan when Respondent No.6 was away on official duty for 2 days (15th and 16th February, 1999)

10. That with regard to statements made in paragraph 4.8 of the application the answering Respondents beg to state that all chemicals were purchased as per KVS purchase procedure, which the applicant wanted to do on his own.

11. That with regard to statements made in paragraph 4.9 of the application the answering respondent beg to state that on 6.11.98 the Respondent No.6 was not the Principal of K V Khanapara. However, a circular was issued by Mr N D Bhuyan that all committees stand dissolved (except Bus and Examination) till further notice.

There was no vested interest in purchase of chemicals which is a false allegation levelled against Respondent No.6. Being the administrative head and

accountable for all expenses, the Respondent No.6 has to be alert regarding purchases made at all level which is made under approval of Executive Committee of VMC.

Copy of Notice dated 22.1.97  
is annexed herewith and marked  
as Annexure-14.

12. That with regard to statements made in paragraph 4.10 of the application the answering Respondents beg to state that deputing externals for practicals is solely at the discretion ~~@@@~~ of the CBSE when Respondent No.6 has no role to play since it is different organisation altogether. Respondent No.6 only receives letters from CBSE informing the vidyalaya the names of the externals.

The good performance of the students will only add to the administration and academic efficiency of ~~the~~ a principal and therefore, harassing the students of the Respondent No.6 own vidyalaya does not arise.

13. That with regard to statements made in paragraph 4.11 of the application the answering Respondents (Res-6) beg to state that the Respondent No.6 was entrusted the work of AHE by the CBSE which she has been carrying on since the ~~last~~ 5/6 years to the full satisfaction of the CBSE authorities. Any lapse would first be detected by CBSE ~~and~~ and not

contd...

the applicant who is neither a teacher of English nor an evaluator of that subject. All evaluations for a particular evaluation centre are fixed by CBSE who report under a particular AHE. All answerscripts are decoded under secrecy.

But it is surprising that the applicant who was under suspension from June, 1999 could fabricate such stories when he was kept out of CBSE due to his suspension. This clearly indicates his underhand methods and planned strategies wherein he has tried to find fault with everybody and every system of working.

14. That with regard to statements made in paragraph 4.12 of the application the answering respondents beg to state that all complaints were received by the Principal not on one day, but gradually when the applicants way of dealing with the students became dictatorial and there was fear psychosis because he threatened them with 30 marks in practicals which he was to award.

A Principal is the upholder of discipline in the Vidyalaya. Not only students and guardians, but teachers also had to lodge complaint about the applicant. In fact the applicant himself during his suspension managed to remove papers from the chemistry Lab with the help of Lab attendant , Mr Ambika Sarma.

Copy of letter dated 11.8.99 written by Sita Rawat PGT chemistry is annexed herewith and marked as annexure-15.

contd....

15. That with regard to statements made in paragraph 4.13 of the application the answering Respondents have no comments as these are matter of fact.

16. That with regard to statements made in paragraphs 4.14 to 4.16 of the application the answering respondents beg to state that Ex-PGT, Kendriya vidyalaya Khanapara was served the Memorandum of charge vide OM dated 9.8.99 and he has asked to submit his defence within 10 days from the date of the receipt of the memorandum.

Sri R S Maurya has submitted a representation for inspection of Original documents and procurement of additional documents for submission of written statement of his defence against the above said chargesheet.

That the competent disciplinary authority in exercise of powers conferred under Rule 14(2) & 5 (C) of CCS (CCA) Rules 1965 has appointed an Inquiry Officer and Presenting Officer to inquire the matter as per procedure laid down in above said rules. The charged Officer never refused to show the documents, how ever it was intimated that the reasonable opportunity will be given for inspection of documents as per extend rules at the time of inquiry vide this office letter No.P.14-5/99-KVS(GR) 5897-900, dt. 29.9.99.

The applicant failed to submit his written statement of his defence within the stipulated time .Hence the disciplinary authority has appointed the inquiry officer and presenting officer to inquire in to the charges levelled against sri R S Maurya as per extended rulss.

16.A. That with regard to statements made in paragraphs 4.17 of the application the answering respondents beg to state that the applicant was directed to submit the required Certificate under F.R. 53(2) to the Principal, Kendriya vidyalaya, Khanapara i.e. to the DDO where his headquarter had been fixed during the suspension period vide this office letter No.14-5-/99-KVS(GR)/3589-90, dt.1-7-99(Under Regd post) The Principal Kendriya vidyalaya, Khanapara i.e. the D.D.O had also asked him to furnish the requisite certificate to her and on or before 20th of every month for payment of subsistence allowance, vide her letter No.PF/KVG/99-2000/253, dt.29.6.99. It was also followed this office letters/ reminders No.14-5/99-KVS(GR)5443-45, dt.10.8.99, dt.20.8.99 and Principals letter dt.13.8.99, 7.9.99 & 7.12.99 on this issue.

But the applicant failed to submit the requisite Certificate to the DDO in time, which may <sup>be</sup> held responsible for delay in payment of subsistence allowance and creation of unwanted financial problems for himself. The disciplinary authority or DDO are not responsible for the same.

17. That with regard to statements made in paragraphs 4.18 to 4.21 of the application the answering respondents beg to state that the applicant was given every opportunity by the inquiry office but he failed / could not attend the inquiry even at Kendriya vidyalaya, Maligaon which was very nearest to his residence. The inquiry officer conducted the Ex.party disciplinary

proceeding against the applicant and submitted the inquiry report.

Further a copy of the inquiry report was sent to Sri R S Maurya vide Memo No.P.14-5/99-KVS(GR)490, dt. 20.4.2000 and he was given an opportunity of making such submission in his defence on the report of inquiry as he desired Sri R S Maurya has not made any submission in the enquiry report within the stipulated period.

It is further submitted that sri R S Maurya has submitted a representation which was received in this office in the A/N of 26.5.2000 by this time the decision to removal of sri R S Maurya from KVS Service has already been taken. The time given to Mr Maurya for submission of his written representation was already expired on 5th May'2000. Therefore, the question of consideration of his written representation did not arise on that stage.

Further the Respondent No.6 submits that the applicant was removed from service with effect from 29.5.2000 after discussions and approval of chairman vidyalaya Management committee and 10 days time was given to him till 15.6.2000. But on 13.6.2000 the Respondent No.6 was informed that Mr Maurya had already left without handing over his keys. On 20.6.2000 a letter written by the applicant dated 13.6.2000 was handed over by his son. Morevoer his letter of appeal which was forwarded to the chairman VMC was not considered.

Copies of letter dated 5.6.2000,  
7.6.2000 , 13.6.2000, 21.6.2000 are  
annexed herewith and marked as  
Annexure-16 a,b,c,d and e.

Copy of letter dated 5.2.2000 is annexed herewith and marked as annexure-17.

18. That with regard to paragraph 4.22 and 4.23 of the application the answering respondents beg to state that the averment made by the applicant is not correct. The appeal submitted by the applicant has been considered by the Appellate authority of KVS. Based on the consideration of facts and circumstances of the case on record and contents in the appeal including the grounds adduced by the appellant, the appellate authority has come to the conclusion that the penalty imposed by the Disciplinary authority ~~is not~~ is commensurate with the misconduct of dereliction of duty as a teacher in refusing to conduct the CBSE practical examination of class XII for private candidates; awarding of marks to the ~~the~~ students in the practical examination of the cumulative test without holding the said examination; non-submission of session ending question papers; tempering of official records and disobeying the lawful authority of the Principal which have been held proved against him and thus his appeal does not merit for reconsideration of the case. It has also been observed and concluded that the appellant had

cond....

Not cooperated with the enquiry proceedings and has @ also failed to avail of the opportunity to defend himself which was given to him by the inquiry officer and to make a representation thereafter as afforded by the Disciplinary authority.

19. That with regard to paragraphs 4.24 of the application your answering respondents beg to state that the averment made by the Applicant in this para is not correct.
20. That with regard to statements made in paragraph 4.25 of the application the answering respondents beg to state that it has already been explained in the preceding paragraphs and hence no comment.
21. That with regard to statements made in paragraph 4.26 to 4.29 of the application the answering respondents have no comments.
22. That under the facts and circumstances stated above it is respectfully submitted that the application filed by the applicant is devoid of any merit and hence liable to be dismissed.

contd...

8

-VERIFICATION-

I, Smti J Das Basu, wife of Sri A K Basu aged about 53 years, presently working as the Principal, Kendriya Vidyalaya, Khanapara do hereby verify that-

The statements made in paragraphs 6, 7, 9, 10, 12, 13, 14 (part) are true to my personal knowledge and those made in paragraphs 3 (part), 4, 5, 8, 11, 14 (part), 16 <sup>16A</sup>, 17, 18 are based on records and nothing material has been concealed therefrom.

Place Guwahati

Date 13.03.2001

Jayshree Basu  
DEPONENT

GOVERNMENT OF ASSAM  
OFFICE OF THE COMMISSIONER OF LOWER ASSAM DIVISION :::: GUWAHATI  
\*\*\*\*\*

NO. GG.4/99/108

Dated, Guwahati, the 24th December, 1999.

To

The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi - 110016.

Sub:

Transfer of Shri R.S.Mourya, PGT(Chemistry),  
Kendriya Vidyalaya, Khanapara, Guwahati.

Sir,

I would like to draw your kind attention to the activities of Shri Mourya, PGT(Chemistry) (under suspension) of Kendriya Vidyalaya Guwahati which has been creating lot of unpleasantness in the campus. Apart from involving himself in a lot of activities unbecoming of a senior teacher, I am informed that he is also taking a lot of private tuition within the campus.

Therefore, I would like to request you to transfer Shri R.S.Mourya, PGT(Chemistry) (under suspension) out of Kendriya Vidyalaya, Khanapara and preferably outside the North-East.

Yours faithfully,

*SD/-*  
( N. K. DAS )  
Commissioner  
Lower Assam Division &  
&  
Chairman  
VMC, Kendriya Vidyalaya  
Khanapara.  
GUWAHATI

Memo No. GG.4/99/108-A, Dated, Guwahati, the 24th December, 1999.

Copy forwarded to:

1. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Chayaram Bhawan, Maligaon Chariali, Guwahati - 12.
- ✓ 2. The Principal, Kendriya Vidyalaya, Khanapara. Guwahati-22.

*N.K.DAS*  
( N. K. DAS )  
Commissioner,  
Lower Assam Division  
&  
Chairman  
VMC, Kendriya Vidyalaya  
Khanapara,  
GUWAHATI.

\*\*\*\*

दूरभाष / Phone : 571797, 571798  
Fax : 571799

केन्द्रीय विद्यालय संगठन

KENDRIYA VIDYALAYA SANGATHAN



केन्द्रीय विद्यालय  
मालीगाँव चारियाली  
गुवाहाटी : 781 012

Regional Office  
Maligaon Chariali  
Guwahati : 781 012

पत्रांक : 10-3/97-KVS (GR)/ 13965-66  
No. F. :

दिनांक : 22.3.99  
Dated : 22.3.99

SPEED POST

CONFIDENTIAL

To

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

Subject : Insubordination and open defiance of  
Mr. R.S. Maurya, PGT (Chem), KV, Khanapara.

Sir,

I am to forward herewith a letter dated 05.3.99  
from the Principal, KV, Khanapara requesting for transfer  
of Mr. R.S. Maurya, PGT (Chem) of her Vidyalaya as Mr.  
Maurya has been creating a lot of problems for the  
Principal to run the Vidyalaya smoothly.

It is, therefore, strongly recommended that  
Mr. Maurya, PGT (Chem) of KV, Khanapara may be transferred  
out of this region.

. Yours faithfully,

(Dr. Lalit Kishore)  
Assistant Commissioner

Copy to The Principal, KV, Khanapara for information.

*Lalit Kishore*  
Assistant Commissioner



केन्द्रीय विद्यालय, खानापारा, गुवाहाटी 561062  
Kendriya Vidyalaya, Khanapara, Guwahati,  
Pin - 781022

Ref. No. F.RSM/KVG/98-99/ 355-57

Date 26/9/1998.....

To

The Asstt. Commissioner,  
KVS(GR), Maligaon,  
GUWAHATI-12.

Sub:-

Chemistry practical at XII class.

Sir,

You letter No. 6-K/95-KVS(G.R) 6121-23 dt 26/8/98  
Do — — — — — 2146-48 dt 22/9/98

With reference to your letter No. even dated 26-8-98, I am to inform you that practical classes for Physics and Biology of both XI and XII has been conducted regularly. However Chemistry practicals were not conducted for the artificial problems created by Shri R.S.Meurya. The Chemistry PGT, Shri Meurya created a lot of problem in the school regarding practicals from 1996 from the period of my predecessors, before my joining. With his habitual instincts behaviour ego, he is always making small thing a issue and creates unnecessary tensions to the parents and students. He instigated even parents and some teacher to create indiscipline. I tried to pacify him with all possible means.

In the last session all PGTs - Physics, Biology and Chemistry were deputed to verify and select Lab. materials and equipments from the firm selected in the quotations. Mr. Meurya, PGT started quarrel with owner of the firm and misbehaved him, when the owner visited for the supply of materials. But again, Mr. Meurya did not receive the articles selected by himself. Mr. Meurya again 2nd time selected some chemicals for supply. As practical classes were delayed to start, I convinced the firm to supply again. Mr. Meurya again created a scene of indiscipline with the owner of the firm second time and still to-day Mr. Meurya has not returned the materials supplied first time. So he delayed the practical class again and again. However by pressuring him, he conducted the practical in the last session.

2. In summer vacation, June 1997, CPWD electrician came for repairing electrical works. So all laboratory was opened for proper maintenance electricity in laboratory. He created again and issue that some chemicals have been taken out by the workers. So workers do not want to work in his laboratory.

3. Here also he campaigned illegally to the parents and Asstt. Commissioner that no chemicals were in the laboratory, so

Contd.....2.



केन्द्रीय विद्यालय, खानापारा, गुवाहाटी 781022  
Kendriya Vidyalaya, Khanapara, Guwahati,  
Pin - 781022

Ref. No. ....

Date .....

:: 2 ::

Chemistry practical were not conducted while Biology and Physics practicals were being conducted smoothly. I asked them by notice to put requisitions of chemicals etc to the office. Both Physics and Biology submitted to the office, but the chemistry, PGT Shri Meurya wanted the sanctioned amount to be paid to him for purchasing by himself of his choice. He also asked the office to give advance Rs. 15,000/- to make purchase. He quarreled with Head Clerk, UDC for this issue and he delayed the practical classes. I referred and asked him to get list of selected items and submit quotation from a registered firm. Then he changed his mind and requested me to make depute him to the firm. I deputed him. But he did not submit the list to the Office. He wanted to submit the preforma bill without showing the lists of item and quotation. Our UDC refused to do violating the KVS purchase procedure. This method, he applied in Mr. Hazarika's firm also.

In this way he wanted to fool every body by campaigning parents to parents and Asstt. Commissioner, KVS(GR), also writing letter to KVS with false, malicious evil method. No principal can allowed such type of senseless activities of teachers, poisoning school academic atmosphere. I informed about this problems to the then Asstt. Commissioner, Dr. Rakesh also. From the record he did something in KVK Rupa as primary teacher and at KV Berjhar as TGT(Sci). Now he told me that he would purchase the things in a preforma bill which Chairman and some parents requested to allow him for the greater interest of the XII class Science students. But it may be a bad procedure to other PGTs also and audit may be object in future.

Being 32 years in Service and last 12 years as Principal in 6 KVS, I never came across such a notorious teacher in other KV. So I hope you will assess the situation as to how a man of ego and notorious back ground created a wrong atmosphere, still he is safe free even beating his colleagues, the PGT(Physics) in 1995-96, in my predecessors period. A case was filed in the local police station, Baisishta, at Guwahati, which harassed the image of the KV Khanapara. No action from the KVS(GR) which gave him a notorious lift.

Contd.... 3.



केन्द्रीय विद्यालय, खानापारा, गुवाहाटी ৭৮১০২২  
Kendriya Vidyalaya, Khanapara, Guwahati,  
Pin - 781022

04

Ref. No. ....

Date .....

3 : 3

Any how I am trying with peaceful tactic to conduct the practicals after the break. I hope you would verify the facts from all teachers also will tell the fact.

Thanking you,

Yours sincerely

✓

(N.D. BHUYAN)  
PRINCIPAL  
KENDRIYA VIDYALAYA  
GANDHARA NAGAR  
AGARTALA/CHITTAGONG

Copy to:-

1. The Joint Commissioner, KVS(HQ), New Delhi for his necessary and immediate action for the greater interest of the academic atmosphere.
2. The Chairman, V.N.C., KV Khanapara, Guwahati-22.

✓

(N.D. BHUYAN)  
PRINCIPAL  
KENDRIYA VIDYALAYA  
GANDHARA NAGAR  
AGARTALA/CHITTAGONG

-0000-

PL

51



केन्द्रीय विद्यालय संगठन  
KENDRIYA VIDYALAYA SANGATHAN

केन्द्रीय कार्यालय      Regional Office  
मालीगाँव चारियाली      Malignaon Chariali  
गुवाहाटी : 781 012      Guwahati : 781 012

पत्रांक : 6-K/95 (KVS(GP))/6121-23  
No. F.

दिनांक :  
Dated : 26.8.98

To  
Shri N. D. Bhuyan,  
Principal,  
Kendriya Vidyalaya,  
Khanapara.

REGISTERED

Sir,

It has been reported to Joint Commissioner(Admn), KVS, New Delhi during the current visit to KVS, Guwahati(Gmp at circuit house, Guwahati) on 24.8.98 by many parents of Kendriya Vidyalaya, Khanapara that practical classes particularly for Board Examination in the Chemistry subject has not been yet started. It is a serious lapse on the part of the Principal and the concerned teacher and hampers the fixture of the Board Exam going students. I have been directed by the Joint Commissioner(Admn) to look in to the matter and to instruct the concerned persons for immediate necessary action.

I, therefore, request you to ~~enlarge~~ <sup>sense</sup> the gravity of the problem and take necessary steps for immediate commencement of the Chemistry practicals without any further delay. Compliance of the instructions may please be intimated to the undersigned immediately for further intimation to Joint Commissioner(Admn), KVS, New Delhi.

Yours faithfully,

*E. Prabhakar*  
( DR. E. PRABHAKAR )  
ASSISTANT COMMISSIONER(OFFG.)

Copy to :-

1. The Joint Commissioner(Admn), KVS, New Delhi with reference to his instructions given to Dr. E. Prabhakar, EO on 24.8.98.
2. Shri Mourya, PGT(Chem), Kendriya Vidyalaya, Khanapara with the instruction for immediate compliance of the instructions and start the practical classes.

.....  
ASSISTANT COMMISSIONER(OFFG)

MINUTES OF MEETING OF A GROUP OF PARENTS OF CLASS XII<sup>TH</sup> K V KHANAPARA, GUWAHATI WITH JT. COMMISSIONER ( K V S DELHI ) AND EDUCATION OFFICER KVS GUWAHATI ZONE ON 23 - 08 - 98 AT CIRCUIT HOUSE GUWAHATI AT (6:15 PM)

A delegation of Five Parents of the Class XII<sup>TH</sup> KV Khanapara met Shri D K Srivastava Jt. Commissioner K V Sangathan who was on an Inspection Tour of North East on 23-08-98 at the Circuit House Guwahati, at about 6:15 PM. Dr. Prabhakar Rao, Education Officer, K V S Guwahati and Principal K V Maligaon were also present in the meeting. The Parents delegation consisted of the following persons :

1. Dr. B K Thapliyal
2. Shri M K Das
3. Shri G C Goswami
4. Dr. G R Sharma
5. Shri D K Bora

The delegation presented a copy of the Minutes of the Meeting of Parents with the Principal K V Khanapara on 1<sup>ST</sup> August 1998 and also verbally apprised of the difficulties faced by the students of Class XII<sup>TH</sup> Science students as it is their most crucial year of schooling. In response to the facts presented by the delegation, the reaction of the Jt. Commissioner and his assurances along with instructions to the Ed. Officer KVS Guwahati were as follows:

1. Sympathising with the problems put forth by the delegation, he stated that the instructions have already been issued to the Principal to engage a Qualified Physics teacher on Contract basis. Waving the B.Ed. Qualification is not as per the CBSE rules.
2. He instructed the Ed. Officer to visit the school and get the First Hand report the matter related to Chemistry Teaching & Practicals by discussing with Students personally and also check the inspection reports on the teacher.
3. About providing minimum four fans in the class room, he instructed the Ed. Officer to take immediate action. He also asked him to inspect the Chemistry Lab and take necessary steps to correct them and provide necessary items to resume Practicals.
4. He also categorically instructed the Ed. Officer that at the time of Practical Examination ( final ) the incumbent should be kept out and a teacher from neighbouring K V should be deputed.
5. The Jt. Commissioner also mentioned that he has called a meeting of Principals of K Vs of Guwahati and he will issue suitable instruction to the concerned Principal.
6. At the end of the meeting he assured that all matters will be inquired and appropriate action will be taken so that the study of the children is not affected.

This is for information of all concerned.

Signed by the members of Delegation

Copy for circulation :

1. Shri D K Srivastava, Jt. Commissioner, K V S, Delhi.
2. Dr. Prabhakar Rao, Ed. Officer, K V S, Guwahati.
3. Chairman, Local Management Committee KV Khanapara, Guwahati.
4. Principal, K V Khanapara, Guwahati.
5. All Parents of Class XII<sup>TH</sup> Science, K V Khanapara, Guwahati.
6. President, Guardians Committee, K V Khanapara, Guwahati.

TA 39-80

ANNEXURE  
LIST OF PARENTS PRESENT IN THE MEETING

1. B K Thapliyal
2. Mrs. Minu Bhattacharyya
3. D K Nag
4. M R Saikia
5. Mrs. R Saikia
6. D Sinha
7. B K Deb Ray
8. D M Lal
9. A K Barman
10. M Rahman
11. K L Das
12. K K Dutta
13. A C Das
14. M K Das
15. B K Hazarika
16. Dr. P D Baruah
17. B L Sharma
18. J P Goswami
19. A Purkayastha
20. Kamleswar Baruah
21. G C Goswami
22. R M Deka
23. A K Haloi
24. Dr. G R Sarma
25. A Srujitkar
26. D K Bora

OFFICIALS PRESENT

27. Principal K V Khanapara
28. R S Maurya Chemistry Teacher, K V Khanapara
29. M R Bora (Dy. Sec. Edn. Dept., Govt. of Assam)  
Representative of Chairperson, Local Managing Committee.

\*\*\*\*\*

R. S. Maurya

M.Sc. M.Ed. L.L.M.

P.G.T. (Chemistry)

E.V. KHANAPARA

Ref. To

The Principal,

K. V. Khanapara

Ghy-22

Date 19<sup>th</sup> Feb, 1999

Subject - Extension of time for one week to file W.S.

Reference - Vide your ref. No. F. PF / KVG / 98-99 / 773-  
76 / PB - 182 dated 18/02/1999

Dr Madam,

With reference to aforesaid letter,  
I may kindly be extended "one week  
more time" from the stipulated date  
i.e. 20.02.99 to file W.S. in a laudable  
manner based on the principle of equity & justice.  
It is for your kind intimation  
and n/a please.

R. S. Maurya  
19/02/99  
( R. S. Maurya )

R. S. Maurya  
(M. Sc. M.Ed. L.L.M.)  
P. G. T. (Chemistry)  
E.V. Khanapara

Date 19th Feb, 1999

F.Per/RSM/KVR/85-86/

10-4-86

29  
A-7  
(40)

MEMORANDUM

It has been brought to my notice by some parents and students of Class V that Sh. R.S. Maurya gave a project in Mathematics for 3rd term, 'the preparation First Aid Box.' Nearly 10 to 15 students submitted their Project Work in First Aid alongwith the medicines. I have also been told that Sh. R.S. Maurya collected the medicines & returned the empty First Aid Boxes of some students keeping a few with him. In this context let the undersigned know what mathematical terminology the children have learnt from this project of First Aid Box. Why the medicines alongwith the First Aid Boxes were not returned to each students? Where have you kept all those medicines collected by you.

You are advised to submit your explanation today i.e. 10th April, 86 before the Vidyalaya closes.

To  
Shri R.S. Maurya  
PRT

*Nikunj*  
(R.P. SINGH)  
Principal/ प्राची  
Kendriya Vidyalaya  
केंद्रीय विद्यालय  
Roura/ रुरा  
Arunachal/ अरुणाचल

14A

400

A-8

CONFIDENTIAL

P.Per/RSN/KV/NBQ/92-93/ 139-41

02-07-92

To  
Shri R. S. Maurya, PRT  
Kendriya Vidyalaya,  
New Dangaigaon (Assam)

Sub: Misbehaviour with the Principal in the Principal chamber  
on 02-07-92 at 11.30 A.M.

Sir,  
I have requested you through Shri Rampal Balmiki, Gr. "D" to come in the Principal office for knowing your willingness for request transfer because you have applied for both Inter regional and Intra regional transfer for the year 92-93. You have submitted the application form for both on 2-7-92 at 11.20 a.m. intentionally though I had requested to submit the same latest by 30-6-92 so that the same may be sent within the time limit to Regional office KVS, CR, Gauhati. I and Shri N. K. Sarma, LDC were doing the same work in the Principal office. Meanwhile you came in the Principal office and you uttered the following things in front of Shri N.C. Kalita, UDC and Shri N. K. Sarma, LDC.

1. You have blamed me that you have been harassed by me by sending your medical bill to A.C. office.
2. You did not talk on related matters but you have talked about unwanted and unrelated matters in the office itself.
3. You shouted so loudly that all parents and guardians who were present in the campus on the occasion of admission test were looking to the Principal's office.
4. Your shouting and behaviour were watched by the parents and guardians which established the type of school in the mind of them.
5. You threaten so many times with loud voice by showing your education.
6. You went to that extent which challenged my post as Principal and capability and rights.
7. You said that you go through the circular and findout the meaning of the circular.
8. You uttered that I was not efficient and able Principal to run the Vidyalaya.
9. You always disturb me on the so many occasions which are available in your records.
10. You are having no cordial relation either with me the Principal or other teachers and students.
11. Last year you indirectly refused to teach the Science subjects on the basis of that you are only one qualified Science teacher of this Vidyalaya. This was indirectly threatening to the authority.

Contd.....Page 2.

..... 2 .....

123 Any types of bills submitted by you in the office you always distract the office by saying so many unrelated things.

124 You always referring the name of our respectable officer Dr. P.C. Bhatt about the oral instructions given by him about your personal matter which are not covered by any rules. That is also one type of threatening.

125 One complaint was lodged by you previously which was dropped by our Education officer Shri R.M. Singh on the basis of negotiation when he inspected the Vidyalaya.

126 Just to-day you have threatend me that you will serve a advocate notice if your request transfer for both will be not sent.

127 Your pose, posture and behaviour showed in my office were not appreciable because two subordinate clerks were present at that time.

128 You always misbehaved with the students in the class which were reported me by the students orally.

129 You did not behaved like a teacher with me. So many unappreciable things were created by you which can not be enumerated. When all these behaviours come together it is out of question to tolerate to such extent. By seeing your age, education and future prospect I could not do anything against you. But now I am feeling helplessness due to unbearable talk of you. It is my humble request and advise to you that you do not repeat such type of things which defame the name and fame of the Vidyalaya. You have been already served a paper in which the code and conduct of a teacher is written, but you are not minding such type of things which is framed by KVS.

To-day's behaviour showed in the Principal office to the Principal is totally against the code and conduct of a teacher. So again you are advised to correct yourself for the benefit of the Vidyalaya and the students.

With thanks

Yours faithfully,

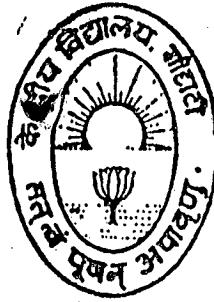
*16.7.92*  
(S. P. Sinha)  
Principal  
Prinzipal  
Kendriya Vidyalaya  
New Bongaigaon  
Kendriya Vidyalaya  
New Bongaigaon

Copy to:

1. The Chairman, VMC, Kendriya Vidyalaya, N.F.D.I.Ly., Bongaigaon for information and necessary action.

2. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati-Region, Guwahati-3 for information and necessary action.

*16.7.92*  
(S. P. Sinha)  
Principal  
Kendriya Vidyalaya  
New Bongaigaon  
Kendriya Vidyalaya  
New Bongaigaon



केन्द्रीय विद्यालय, गुवाहाटी

561062

—26—  
Kendriya Vidyalaya Guwahati

KHANAPARA GUWAHATI

Pin : 781022

102  
A—9.

Ref. No. KVG/Misc./39/1996-97/

Date 17.10.96

The Asstt. Commissioner,  
Kendriya Vidyalaya Sangathan,  
Guwahati Region,  
Maligaon.

Sir,

Sub:- Cases of assault by Mr. R.S. Maurya,  
PGT( Chemistry) to Mr. M. Govindan,

I have the honour to inform you that Mr. R.S. Maurya, PGT( Chemistry) of this Vidyalaya has assaulted Mr. M. Govindan, PGT( Phy) at quarter yesterday ( 16.10.96) at about 6.30 P.M. as reported. Mr. M. Govindan has get injury on his head and filed a F.I.R. in the Basistha Police Station. In this connection, enclosed please find the copy of the complaint lodged by Mr. M. Govindan PGT( Phy). for your information.

I had received many complaints against Mr. R.S. Maurya from Mr. D.K. Jha and his family, copy of the same is also enclosed herewith. I verbally warned Mr. R.S. Maurya not to repeat such incidents in the school campus, but in vain.

Mr. Maurya has encouraged private tuition in the school quarter which spoiled the environment and discipline in the school campus in the evening. I issued official orders to the staff members as well as appeal to the parents to stop the practice of private tuition but I failed to stop this.

Under the above circumstances I would like to request you to kindly transfer Mr. R.S. Maurya immediately to avoid further incident and maintain peace in the school.

This is for your kind information and necessary action. Regarding the F.I.R. cases lodged by both the teachers I may kindly be instructed for necessary action from my end.

Thanking you.

Yours faithfully,

( M.N. Hazgika )

Copy to :- The Commissioner, KVS, New Delhi,  
for information.

(10 a, b, c, d, e)

103

Members present for 1st meeting with Principal 16/12/97

- 1.
2. d(G)lu. — (R.K. The)
3. (R. B. Muni) — (S.K. Kushwaha)
4. R. & Manya (Raju's)
5. U. S. Adhikary (B)
6. K. Bajpai (Rajiv Park)
7. S. K. Chintawadi (8th Std.) 16/12/98
8. R. M. Sankal (S)
9. Bheem Singh (Bhansingh)
10. Mr. J. S. Elizens. (S)
11. Mr. K. D. Dabholkar (S)
12. A. N. Dabholkar (S)
13. B. C. Das (S)
14. Namita Deb (S) 16/12/98
15. Rupali Senkia (R) 16/12
16. Mrs. Bina Devi Bora (S) 16/12
17. Jyoti Bora (S) 16/12
18. Mrs. M. Talukdar (S) 16/12
19. Mrs. S. Tiwari (S) 16/12
20. Mrs. Menaka Kalita (S) 16/12
21. N. Rombali Devi (S) 16/12/98
22. S. Ahmed (S) (M)
23. Miss Suglia (S) 16/12/98
24. S. Ch. Dhruv - Sushil Chaudhury (S) 16/12/98
25. Queenie Borne (S) 16/12/98
26. Ajanta Senkia (S) 16/12
27. Davinder Kaur (S) 16/12/98
28. Mary Gopi (S) 16/12/98
29. S. K. Bajpa (S) 16/12/98
30. Nirosh Kaur (S) 16/12/98

✓

NOTICE

8-1-88

Mrs. U.N. Aothekar, i/c Exams to see that  
all Hy papers are seen by children &  
feedback maintained.

Meeting will be held on 16/2/88

15/1/88

16/1/88

NOTICE

16/12/98

3.37 | C1 | 21

This is for info. to all members of K.V. Khanapara  
that I have joined my duties as Principal of  
this Nidhikanya w.e.f. today 16/12/98 F/N.

Mr. All members are requested to assemble in the Library today at 2:30 PM to discuss our introduction

Library today at 2.30 pm to discuss win & introduction

Intoxic

16/12/28

ग्रन्थानुसार  
संस्कृत वाचन  
संस्कृत वाचन  
संस्कृत वाचन

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*Scamme*

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1998-01-01 1998-01-01

(2)

NOTICE - 2

16/12/98

Mr. D. Sen Gupta P.E.T. & Mr. BV Singh is  
is to see to the normal functioning of  
the Sports Day on 21.12.98.

Mr. B. V. Singh (or)

Mr. P. K. Das. (or)

Mr. D. Sen Gupta to assist R. Sen -

Mr. Bhim Singh — do — by

DMSK

16/12/98

over to P. J. Jaiswal  
to the Director  
Sports Function  
with P. K. Das

NOTE - 3

NOV/10/E 7/3  
(FOR CBSE & ANNUALS)

16/12/98

To all Staff members

Oct 10th, 1896 Bronx?

Mr. President, C. O. M. 3

~~Mr. R. S. Villeneuve~~

Mr. L. T. Selvan (B)

Yours, requested to submit details of item for purchase  
for year ending 1999 March before L.W.D. to  
facilitate smooth purchase procedure.

John Saxe

16/12/98

GASTRO, P. 1990

ପ୍ରକାଶ ପ୍ରକାଶକ୍ତି

## ବିଜ୍ଞାନ ବିଦ୍ୟାରେ

卷之三

J. Schwan. Ph. T. B. d.

To

The Principal,  
Kendriya Vidyalaya Khanapara,  
GUWAHATI-22.

Sub:- Non-Entry of Chemicals in Chemistry Stock Register.

Madam,

As Stock verifier of Chemistry Laboratory (i/c Mr. R.S.Meurya, PGT Chemistry) during April end I have found that chemicals supplied by M/s Appichem vide Bill No AE/187/98-99 dated 3.2.99 was not entered in the stock Register by Mr. R.S.Meurya, for reasons best known to him.

This is for your kind information and necessary action please.

Thanking you,

Yours faithfully

Sarma  
(Queenie Sarma)

T.G.T. Sc.

Encle:-Xerox copy of  
Appichem Bill.

Mrs. Q. Sarma:  
to enter following Suspension  
of Mr. Kampa after taking  
over charge of Chem Lab ~~28-0-0~~  
from Principal w.e.f. 28.6.99.

Sarma

(written by Mr. R. S. Manya)

A-12

As taken down from the Notice Board (pasted)  
without sign and countersignature of the Principal

109

It is for general information to all the students  
of cl XI (Sc) that their practical examination in  
Chemistry (1989 - 99) will be held on 23rd, 24<sup>th</sup> and  
25<sup>th</sup> March 1999 at 10 AM. They are requested to  
report in the concerned dept. They have to bring the  
following articles with them:

- ① Methylated spirit (100 ml).
- ② Distilled water (1000 ml) or 1 bottle
- ③ Apron
- ④ Practical record and Project

(\* Project is already submitted in the Dept.)

Batch	Date
Roll No 1 - 13	23.3.99
Roll No 14 - 26	24.3.99
Roll No 27 - 41	25.3.99.

By Order

Sd

25/3/99

(R. S. Manya)

PGT (Chem)

KV Kharghar.

Date 20/03/99.

~~Not down yet~~  
~~Indra Das~~  
~~Ch. P.~~

LETTERS TO  
THE EDITOR

**Teacher  
Terrorizes  
Students**

Through the columns of your esteemed daily, we, the guardians of children studying at Kendriya Vidyalaya (KV), Khanapara, want to express our concern about the teacher of Chemistry, Mr R S Maurya and his attitude towards our children. Our children are very scared of him because he threatens them and uses undesirable, rude language. At the beginning of the session, he threatened the newcomers to leave the school within 15 days or they will fail in his subject.

In the previous year and also for the previous batches, no practicals were conducted at Class XI level. Also for Class XII, the practicals were conducted a few days before the final Board Exams and that also everyday and throughout the day. Due to that, the students had to miss their important classes. This year also, he started the Chemistry practicals in December, and to everyone's surprise, the Chemistry teacher asked our wards to bring chemicals for practical examination which according to other teachers was not correct. We pay school fees for our children and also other kind of fees which we believe includes science, games etc. When we did not give our sons and daughters money for science material, we were told by our children that Mr Maurya refused to take the practical examination. This had created much

worry and tension among our children just before the result of the final exams.

Finally, we would like to request the present Principal to look into these irregularities and see that our innocent children do not suffer. We also request the higher authorities of the KVS to take necessary steps and stop such activities of this particular teacher.

Some Guardians,  
Kendriya Vidyalaya,  
Khanapara,  
Guwahati.

Verified  
Babu

**THE SENTINEL**  
DT 09.4.99.

22/01/97

Very well

(A-14)

It is for general information  
all committees except by Committee  
has been dissolved till further notice  
inquiries of any committee will be forwarded  
as the Committee till further notice  
New Committee will forward promptly  
paper on.

Inchangs of Preachers will be  
responsible for any losses. No charge  
will be allowed to increase the  
attendance of any class  
Class teachers from class I to XII are  
to calculate the percentage of all  
of the students. They are to submit  
report of attendance of their class.

For 2 P.M.

Class teachers of class I to XII  
must submit progress report to  
the principal by 27/01/97, previous  
Examined if is regular in  
this regard.

Done

25/01/97  
R. D. N.  
Head of Department  
S. S. P. T. C.  
Mysore Vidyalaya  
Mysore & Environs

Application.

AV-15

dt. 11/8/99

To,

The Principal,  
K.V. Khanapura  
C.W.Y - 22.

Respected Sir,

I would like to bring this to your notice that Chemistry Lab. Assistant (Mr. Ambika) has taken all the paper materials (like chemical purchasing salesman cards, some paper (new) cuttings, timetables, notices issued etc.), kept on the lab. office table without my permission & submitted to Mr. R.S. Maurya (ex. P.T. chemistry).

Unfortunately, he asked him to get all that paper being kept during his teaching session.

So kindly see the matter with anticipation.

Thanking You.

Ambika Sharma  
11.8.99

Sincerely Yours  
Rawat  
11/8/99  
SITA RAWAT  
P.T. - CHEMISTRY



No. F. PF/KV6/2000-01/84-87

Dt. 5/6/2000

(A - 16, a, b, c, d, e.)

Shri R.S. Manjya,  
PGT (Chem) (Under Suspension),  
Teachers Qu. No. 4-B (Top Floor),  
Kendriya Vidyalaya Khanapara,  
Guwahati-22.

Dated Guwahati, the 5th June/2000.

Sub :- VACATION OF STAFF QUARTER NO. 4(B).  
FOLLOWING REMOVAL FROM SERVICE.

56.

Vide Order No. 14-S/99-KVS (GR)/1977-79 Dt. 29-5-2000 which states your removal from service with effect from 29-5-2000, you are to vacate the staff quarter within 10 (TEN) days of the issue of this letter, (and handover the keys to Indor the undersigned), failing which stringent measures will be taken from our end for occupation of the same. This issues with the approval of the Chairman, VMC Executive Committee, K.V. Khanapara.

Indor  
(MRS. J. DASBASU)  
PRINCIPAL.

Copy to:-

- 1) The Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan, New Delhi - 16.
- 2) The Chairman VMC Executive Committee, K.V. Khanapara, Guwahati-22.
- 3) The Asstt. Commissioner, Kendriya Vidyalaya Sangathan Guwahati Region, Guwahati.

Indor  
(MRS. J. DASBASU)  
PRINCIPAL.

प्राचार्य / Principal  
केन्द्रीय विद्यालय,  
Kendriya Vidyalaya  
गुवाहाटी/Guwahati-22

8/6

\*\*\*\*\*

— 40 —

Reef 10/6/2K  
150 pm  
Day  
The  
K, V,  
Goldsby

EDUCATION -  
R. S. Maurya,  
PGT (Chemistry),  
K. V. Khanapara,  
Gachet 1 - 22.

Date - 7.6.2000.

Subject:- Regarding Vacant of - Staff Quarter No.4(B).

Reference:- Vide your office letter No. F.PF/KVG/2000-01/  
184 - 87 dated 5.6.2000.

D/Madam,

With due regards and humble submission I am to state the following facts before your goodself for favour of your kind consideration and necessary action.

14. That I beg to submit that in pursuance with the order No. 14-3/99-KVS(GR)/1977-79 dated 29.5.2000 issued by the Disciplinary Authority, there is a provision for "Appeal" under the rules of proceeding which I have preferred before the competent authority.

2. That further, I humbly beg to submit that during the pendency of the appeal, I may kindly be allowed to occupy the instant quarter for the interests of justice.

It is for your kind information and necessary  
action, please. *(Signature)* 7-6-22

Thanking you.

Contd...2/

To

The Chairman,  
VMC Executive Committee,  
K.V. Khanapara,  
Guwahati-22.

Dated Guwahati, the 5th June/2000.

Sub :- OCCUPATION OF STAFF QUARTER. IN RESPECT OF  
MR. R.S. MAURYA, PGT(CHEM.) UNDER SUSPENSION.

Sir,

I wish to inform you that vide letter No. 14-5/99-KVS(GR)/1977-79 Dt. 29-5-2000, Mr. R.S. Maurya. PGT(Chem.) Under Suspension has been removed from service w.e.f. 29-5-2000.

In this connection, the quarter occupied by him is also to be vacated to accommodate the next teacher.

As the Vidyalaya Management Committee should be informed of the day to day offices of the Vidyalaya, your valuable guidance is required by the undersigned for further action in this regard. For your kind perusal, a Xerox copy of the order of removal in respect of Mr. R.S. Maurya from Kendriya Vidyalaya Sangathan is enclosed herewith.

This is for your kind information and necessary action please.

Thanking you,

Yours faithfully,

J. Das  
(MRS. J. DASBASU)  
PRINCIPAL.

Comments

As discussed, Mr. R.S. Maurya  
can be given notice that the  
allotment of quarter to him is cancelled.  
(for days)  
He should be given 10 days notice to  
vacate the quarter.  
Mr. N.K. Das,  
Chairman, VMC, K.V. Khanapara.

N.K.Das  
Commissioner of Law, Assam Govt  
& Chairman VMC K.V. Khanapara

\*\*\*\*\*

To,  
The Principal,  
(Atten. in : Mrs. J. Das Basu),  
K.V. Khanapara,  
Gauhati - 22.

Date : - 13.6.2000.

Subject : - Vacant of Staff Quarter No. 4(B).

Reference : - Your office letter No. F.PF/KVG/2000 - 01/184-87  
dated 5/6/2000.

D/Madam,

In compliance with your office order under reference dated 5.6.2000, I was asked to vacate the Quarter No. 4(B) within 10 days from the date of issue of the said letter, otherwise stringent measures will be taken by your end. In pursuance with the letter dated 5.6.2000, I represented the matter before your good office vide my letter dated 8.6.2000. And on getting no response, the said quarter was vacated under compelled situation due to threats before the scheduled timing fixed but unfortunately till date none of your representatives approached to take over the charges and now therefore your goodself is requested to receive the key of the quarter as desired.

Kindly acknowledge the receipt of the same.

Date : - 13.6.2000

R.S. Maurya  
Applicant 13.6.2000

R.S. Maurya,  
PGT (Chemistry),  
K.V. Khanapara,  
Gauhati - 22.  
(Assam).

*Mr. C.A. Pathak  
to take<sup>to</sup> charge of the Qtr.  
before taking over of the Qtr.  
25/6/2000*

GOVERNMENT OF ASSAM  
OFFICE OF THE COMMISSIONER OF LOWER ASSAM DIVISION: GUWAHATI.

NO.GG.4/99/203

Dated Guwahati, the 21st June/2000.

To

✓ The Principal,  
Kendriya Vidyalaya,  
Khanapara, Guwahati.

Sub:- Vacation of Staff Quarter by Shri R.S.Mourya, Ex-PGT(Chem), K.V.Khanapara.

Ref:- Your letter NO.P.PF/KVG/2000-01/218 dated 13/6/2000.

Madam,

Please refer to your letter quoted above, I request you to kindly inform Shri R.S.Mourya, Ex-PGT(Chem), K.V.Khanapara to appeal before the appellate authority who is authorised to hear his appeal to consider his case to retain the quarter as prayed for. We cannot give him any consideration unless his appeal has been accepted.

Therefore, he should vacate within 7(Seven) days from the date of the issue of the letter from your end.

Yours faithfully,

( N.K.DAS )  
Chairman  
VMC, K.V.Khanapara  
Guwahati - 22.

&amp;

Commissioner  
Lower Assam Division  
Guwahati.

Memo No.GG.4/99/203-A

Dated Guwahati, the 21st June/2000.

Copy to:-

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional area, Shaheed Jeet Singh Marg, New Delhi-110016.
2. The Assistant Commissioner, Kendriya Vidyalaya Sangathan(GR) Maligaon, Guwahati-21.

( N.K.DAS )  
Chairman  
VMC, K.V.Khanapara, Guwahati-22

&  
Commissioner  
Lower Assam Division, Guwahati.

CS.21/6

Kendriya Vidyalaya Sangathan  
18, Institutional Area  
Shaheed Jeet Singh Marg  
New Delhi 110 016.

F. No. 9-14/2000-KVS (Vig.)

05/02/2001  
Dated: 23-01-2001

**ORDER**

WHEREAS the penalty of 'Removal was imposed upon Shri R.S.Maurya ex-PGT[Chemistry], Kendriya Vidyalaya Khanapara, by the Assistant Commissioner, KVS Regional Office, Guwahati, being the Disciplinary Authority, vide order no.F.14-5/99-KVS[GR] dated 29.5.2000.

WHEREAS the said Shri R.S.Maurya filed an appeal against the said order of the Disciplinary Authority to the Dy. Commissioner, KVS, which has been considered by Joint Commissioner, KVS, being the Appellate Authority.

AND WHEREAS Based on the consideration of facts and circumstances of the case on record and contents in the appeal including the grounds adduced by the appellant, the Appellate Authority has come to the conclusion that the penalty imposed by the Disciplinary Authority commensurate with the misconduct of dereliction of duty as a teacher in refusing to conduct the CBSE practical examination of Class XII for private candidates; awarding of marks to the students in the practical examination of the cumulative test without holding the said examination; non-submission of session ending question papers; tampering of official records and disobeying the lawful authority of the Principal which have been held proved against him and thus his appeal does not merit a re-consideration of the case. It has also been observed and concluded that the appellant had not cooperated with the enquiry proceedings and has also failed to avail of the opportunity to defend himself which was given to him by the Inquiry Officer and to make a representation thereafter as afforded by the Disciplinary Authority.

*b7c*  
7/2

NOW, THEREFORE, the undersigned, being the Appellate Authority, confirms the penalty imposed by the disciplinary authority and disposes of the appeal of Shri R.S.Maurya ex-PGT [Chemistry] accordingly.

*Puran Chand*  
[PURAN CHAND]  
JOINT COMMISSIONER

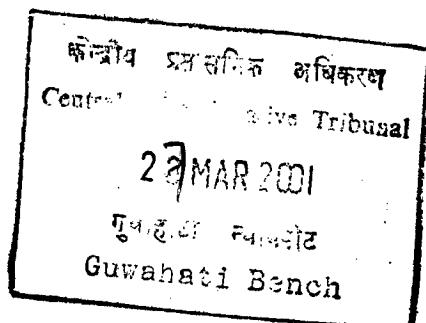
Copy for information to:

1. Shri R.S.Maurya ex-PGT[Chemistry], C/O Universal Book Depot, Near Petrol Pump, Six Mile, Khanapara, Guwahati-781022[Assam]
2.  The Assistant Commissioner, KVS Regional Office, GUWAHATI

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI :: GAUHATI BENCH

265  
27/3/01

119  
O.A.No. 20/2001



Radhey Shyam Maurya,

..... Applicant.

- Vs -

Union of India and others (K.V.S.),

..... Respondents.

REJOINDER

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Filed by:-

...I. Longam...  
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI : GAUHATI BENCH

Manoj

O.A. No. 20/2001.

Radhey Shyam Maurya,

..... Applicant.

- Vs -

U.O.I. and ors. (K.V.S.),

..... Respondents.

REJOINDER

1. That all the averments and submissions made in the counter - affidavit ( in short ~~referred as~~ Affidavit) are denied by the applicant save and except ~~what~~ has been specifically admitted herein and what appears from the records of the case.
2. That with regard to para - 2 of the affidavit the applicant offers no comment as they are matter of record.
3. That the statement made in para - 3 are denied . In this connection, the applicant states that the allegations levelled against the applicant in Annexures - 1,2,3 and 5 are in no way related with the Articles of Charges . It is further stated that the copies of these documents have also not been served upon the applicant on earlier occasion for the observance of principle of natural justice as because the said documents have been doctored and their authenticity is also questionable . In connection with Annexure - 4 , it is stated that the reply of the same has already been sent to the respondent No.4 vide letter dated 24.9.98. Further, in

connection with para - 2 of the Annexure -5 , the applicant states that the inspection reports related to Chemistry teaching and practicals have also not been shown till date to the applicant by the concerned officials . Moreover, the monthly report of the teaching of Chemistry as well as the C.B.S.E. Board result in the year 1998 - 99 itself is self explanatory .

4. That the statements made in para - 4 of the affidavit are also denied . In this connection, the applicant states that the Annexures - 6,7,8 and 9 are also in no way connected with the Articles of Charges levelled against the applicant. Moreover, the Annexure - 9 has also been doctored without serving the copy to the applicant and therefore the same is not authentic and can not be relied upon in the instant matter. It is further stated that the former Principal namely Sri. M.N.Hazarika has expressed his consent and happiness vide his letter dated 28.11.95 for the posting of the applicant to K.V.Khanapara in the capacity of P.G.T.Chemistry .

The copy of the letter dated 28.11.95  
is annexed as Annexure - 1.

5. That the statement made in para - 5 are denied . In this connection, the applicant states that just after joining of the respondent No. 6 as Principal in K.V.Khanapara on 16.12.98, first of all the general staff meeting for introduction and discussion was not called as is evident from the Annexure - 10A on page 29 of W.S., wherein the signature of only Thirty-Seven (37) members are available and further it is stated that the notices were issued to the sports department, along with S.U.P.W. boys , Exam I/C. and the P.G.T.'s I/C of different laboratories . Be it stated that the notice dated 16.12.98 on page 33 of W.S. clearly states that the same is related to facilitate smooth purchase procedure but, curiously enough it was avoided as is also evident from the audit inspection

report as well as other documents referred in the O.A. etc. It is also stated that pursuance to notice dated 16.12.98 the applicant submitted the requisition of 22.12.98 wherein requested / suggested to the respondent No.6 to make the purchases from the Govt. approved shops having ISI marks which was disliked by the respondent No.6. Thereafter, the applicant vide an application dated 23.1.99 applied for the sanction of advance of Rs.5000/- for purchase of Chemicals and other necessary stationary items for the smooth conduct of Class XII C.B.S.E. Chemistry Practical Examination, 1998 - 99. But, curiously enough the letter was not responded and again on 2.2.99, the applicant filed a reminder for the same, then on 3.2.99, the respondent No.6 at about 3.10 p.m. handed over some of the Chemicals of inferior quality having no ISI marks that too of higher rates etc. along with the purchase bill for immediate stock entry, which was not possible by the applicant due to simple unawareness with the purchase process. Although quotations were called on 25.1.99 and last date was fixed on 30.1.99 but, being the Head of the Chemistry Depart. the applicant was neither informed nor the signature of the applicant was taken on the quotation etc. It is also stated that the applicant never insisted on buying the Chemicals by himself rather the cumbersome position during the Practical hours in the laboratory compelled the applicant to take initiative to buy the standard quality chemicals ~~to~~ in experimentation for better and accurate results via the formation of a Standing Purchase Committee, from the Govt. Approved shops. In connection with Annexure - 11 page 34 of W.S. the applicant states that the statement of the respondents are itself contradictory with respect to Annexure - V and VI on pages 25-26 of O.A. 19/2000. It is pertinent to mention herein that the respondent No.6 has shown the stock entry in the stock register on 3.2.99 itself while the said statement is refuted at other places.

The copies of letters are annexed  
as Annexures - 2,3 and 4 respectively.

6. That the statement made in para - 6 of affidavit is strongly denied . In this connection, the applicant states that the respondent No.6 knowingly stopped the S.D.A. in the month of January, 99 which was continued by the previous principal through making enquiry in several ways . It is stated that after a denial by the respondent No.6 to receive the representation dated 8.2.99 , the same was sent by Regd. Post but, curiously enough it was not responded . It is also pertinent to mention herein that the Hon'ble Tribunal Gauhati vide its order dated 22.2.2001 has directed the respondents to make the payment of the S.D.A. , arrears etc. forthwith but, curiously enough no response has been made from the concerned end till date. It is further stated that the applicant was given S.D.A. only for the month of May'99 and during Suspension it was paid only for the month of July'99 and August'99 and therefore the statement made by the respondents that the S.D.A was paid to the applicant during his period of Suspension that is 1.6.99 till his date of Termination is totally misleading and untrue.

7. That the statement made in para - 7 are also denied. In this connection, the applicant states that the stock register of the Chemistry Department was deposited to the Principal under seal cover in a cloth bag in lieu of Summer Vacation along with the keys and the same was taken back to the Department. It is also stated that the stock entry of the Chemicals were made in the new stock register but the same was not signed by the respondent No.6 as because the purchases were made by the previous principal who was forcibly relieved without any prior information of <sup>his</sup> transfer on 16.12.98. The applicant further states that on 24.4.99 the sealed registers were handed over to the respondent No.6 in the Vice - Principal's chamber and as such the old stock registers were in the custody of the applicant till 24.4.99 and the new registers were in the custody till 7.5.99 but, curiously enough the respondents No.6

showed the stock entry in the Bill on 3.2.99 itself by Mrs.Q. Sharma who herself has lodged a complaint regarding non - entry of the Chemicals supplied by M/s. Appichem which is also supported by respondent No.6 but, without mentioning any date .(Please refer Ann. - 11 page 34 of W.s.)

The copy of letter dated 7.5.99 is annexed as Annexure - 5.

It is further stated that Mrs.J.Bora is in no way related with the purchase of the Chemicals etc. as Mrs. R.Saikia is the I/C of Junior Science Lab.

8. That the statement made in para - 8 are also denied . In this connection, the applicant states that since, no notification regarding the conduct of Annual Examination in Chemistry Practical was issued by the Respondent No.6 for Class - XI th students so the counter signature of the respondent No.6 on notification for internal Examination is not necessary rather it is a part of the daily routine work of the applicant being the Head of the Department of Chemistry. On seeing the plight and welfare of the Children as well as by keeping in view the decision of the parents published in the Assam Tribune dated 10 Sept.'98 the applicant was duty bound to issue the said notification but, curiously enough the respondent No.6 being the principal of the institution could have cooperated with the applicant for the smooth conduct of the Annual Examination rather the students were instigated not to participate in the said Practical Examination. Not only this a complaint was also dictated to the girl students. Although the applicant conducted the said examination by clubbing the students with one spirit lamp and <sup>by</sup> using ordinary waters . Pursuance to a notification dated 31.3.99 issued by the respondent No.6 , the applicant again filed an application for the sanction of advance for Rs.1000/= for purchase of spirit and distilled water in respect of Class XII private students

but the same was also not responded and hence the applicant could do nothing in the instant matter. (Please refer Ann.XI, page 51 of the representation ). The applicant further states (in connection with Annexure - 13 of the W.S. on page 36 ) that the rejoinder has already been published in the Sentinel, dated 25.4.99 and no criticism / counter has come out by anyone. (Please refer Ann.-20 on page 66 of representation).

9. That the statement made in para - 9 is strongly denied . In this connection, the applicant states that being the Head of an Institution, the principal is duty bound to make the arrangement of ~~External~~ External Examiners for the smooth conduct of the Practicals in respect of concerned school with proper intimation to the C.B.S.E. office and as such the principal ,K.V.Dinjam vide his letter dated 3.2.99 appointed the applicant for conduct of Chemistry Practical as an External Examiner with proper notification to the respondent No.6 and C.B.S.E. office. It is also stated that the applicant was appointed as External Examiners for Chemistry Practical vide a C.B.S.E. letter dated 8.1.99 for K.V,C.R.P.F. as well as K.V,Narangi with a direction to relieve the applicant to conduct the practical on/before 15.2.99. Pursuance to the letters referred above the applicant filed an application dated 10.2.99 before the respondent No.6 requesting for relief orders but , the same was not responded. Thereafter, being the P.G.T. Chemistry as well as seeing the welfare of the student followed by the instructions of C.B.S.E, the applicant conducted the Chemistry Practical Examinations as per the schedule fixed by the concerned principals with prior /proper intimation to the respondent No.6 (Please refer anns- 13,14,15,16 and 17 on pages 57 - 62 respectively of representation.)

10. Same as in para - 5 .

11. That the statement made in para - 11 are also denied. In this connection, the applicant states that a standing purchase committee was operational till the date of formation of new committee as because the said committee was formed on 6.11.98 by the previous principal and the same was okayed by the respondent No.-6 also and the notification in this regard was also issued by office order .

12. That the statement made in para - 12 are also denied. In this connection, the applicant states that the respondent No.6 was very alert regarding purchases at all level but , curiously enough there was <sup>no</sup> existence of Executive Committee of V.M.C. and the said committee came into K.V.S. vide a letter dated 24.4.99 . It is also stated that Annexure - 14 dated 22.1.97 was out dated and the same was issued just after joining of Sri.N.D.Bhuyan in K.V.Khanapara on 11.1.97 .

13. That the statement made in para - 12a is also denied. In this connection, the applicant states that the Externals for Practicals are deputed at the discretion of C.B.S.E. but, in the instant case the respondent No.5 and 6 have played a key role to appoint the respondent No.7 as External in Chemistry due to personal approach in C.B.S.E. office . It is obvious when the respondent No.7 could not get appointment as External Examiner in the subsequent year . It is true ~~that~~ that the good performances of the students add to the administration and academic efficiency of a principal but the same should be practised by free,fair and just means .

12X  
Dwarka  
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14. That the statement made in para - 13 is denied. In this connection, the applicant states that the respondent No.6 is interested in the work of A.H.E. by the C.B.S.E. authorities, but, the coordinators are appointed by the A.H.E. amongst the examiners. The respondent No.6 appointed the coordinators in contravention with Rule 4.23.3 who were asked to work on the dotted lines of the respondent No.6 and mal practices were prevailing when the teachers whose wards appeared in the Board Examinations were engaged in the co-ordination work. It is also stated that since the joining of the applicant in K.V.Khanapara the mal practices prevailing in C.B.S.E. Exam came into knowledge when he was also compelled for the same but, he could not co-operate in the said matter. It became crystal clear when the applicant was under suspension and the Class XII English mark topped in the region and this matter became a subject of critical analysis and experimentation.

15. That the statement made in para - 14 is stoutly denied. In this connection, the applicant states that there was doctored complaints at the instance of the respondent No.6 and Mrs.J.Bora ,T.G.T. whose interests were hampered in purchases due to the applicant. It is also stated that there was no fear psychosis and threatening of 30 marks in Practical which is awarded by the External . More so, no parent/students and teachers had ~~had~~ lodged complaints against the applicant till the joining of respondent No.6 i.e., on 16.12.98. Not only this, the respondent No.6 also doctored a false complaints vide Annexure - 15 by the contractual P.G.T. Chemistry Namely, Sita Rawat . Be it stated that the real facts and dictated language of the complaint was reported by the students to the applicant in writing .

The copy of the complaints is  
annexed as Annexure - 6, 12

16. That with regard to para - 15 of the affidavit the applicant offers no comment as these are matter of fact.

17. That the statement made in para - 16 are strongly denied. In this connection, the applicant states that after serving the Charge Sheet dated 9.8.99 which was received on 19.8.99 by the applicant , he immediately filed a representation before the respondent No.4 (Disciplinary Authority) on 25.8.99 for the inspection /procurement of original as well as additional documents but the same was not responded from the concerned end. Thereafter the applicant filed reminder No.1 on 13.9.99 and reminder No.2 on 23.9.99 to the Disciplinary Authority but, curiously enough the Disciplinary Authority did not give opportunity to the applicant for the inspection/procurement of the documents sought for submitting proper and effective representation. It is further stated that the Disciplinary Authority vide a letter dated 29.9.99 intimated the applicant that the Charged officer will be given an opportunity for inspection of documents as per Rules laid down for conducting of enquiry but, the same was denied. It is further stated that without waiting for the written statements of the applicant which could have been only filed after receipt / inspection of the documents referred above, the Hon'ble Disciplinary Authority appointed I.O. and P.O. to enquire into the allegations made against the applicant vide a letter dated 13.9.99 and as such the applicant could not submit the representation of defence.

The copy of the letters dated 25.8.99 , 13.9.99 and 23.9.99 are annexed as Annexures - 7, 8 and 9 respectively.

18. That the statements made in para - 16-A of affidavit are also strongly denied. In this connection, the applicant states that he is not in receipt of letter dated 1.7.99 and he submitted F.R.53(2) certificate for the payment of Subsistence Allowances to the Hon'ble Assistant Commissioner (Disciplinary Authority) on 15.6.99 by Regd. Post earlier than 29.6.99. Thereafter, the applicant approached to the respondent No.6 in pursuance to a letter dated 29.6.99 for the submission of the said certificate in question several times but curiously enough the respondent No.6 did not receive the same and consequently the said certificate was send to the Disciplinary Authority on 22.7.99 by Regd. Post with a request for service to the competent authority for the payment of Subsistence Allowances. Pursuance to letters dated 10.8.99, 20.8.99 the applicant also responded but, the said certificate was not received by the respondent No.6 and as such under compelled situation and on finding no alternative remedy, the applicant used to send the F.R.53(2) certificates for the timely payment of Subsistence Allowances to Disciplinary Authority but, curiously enough the respondent No.4 (Disciplinary Authority) served the said certificate to the respondent No.6/D.D.O in respect of July and August '99 only <sup>and 4</sup> the Subsistence Allowances for two months were paid to the applicant before the conclusion of ex-parte enquiry. Thereafter, the Subsistence Allowances were fully stopped and it causes a great financial hardships to the applicant and his family members including four school going children. Although, respondent No.6 sent letters dated 13.8.99, 7.9.99 and 7.12.99 but, the same was just to observe official procedure and the real fact is this that there was total denial to receive the F.R.53(2) certificate in question as such it is obvious that the applicant submitted the said certificates in question by Regd. Post / Speed Post timely to the respondent No.4 but, it was not respondend .Thereafter,

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the said certificates were returned to the applicant and when the responded No.6 was on long leave and Mr.D.K.Jha, I/C Principal was in charge then the applicant sent the returned certificates by Speed Post to the I/C Principal, K.V.Khanapara on 4.5.2000 but, curiously enough the respondent No.6 did not pay the Subsistence Allowances at the enhanced rate .

The copy of the letter dated 21.7.99, 13.9.99, 4.5.2000 and the postal receipts are annexed as Annexures - 10,11,12 and 13 (a,b,c) respectively.

19. That the statements made in para - 17 are also denied. In this connection, the applicant states that he was prevented to attend the enquiry even at K.V,Maligaon and Shillong due to non-payment of the Subsistence Allowances which causes a great financial hardships to the applicant and having seen the plight of his six family members , the applicant was put to great distress and in mental tension and was compelled to count even a penny for sustenance of his family and at that stage the applicant was asked to attend the enquiry at Shillong and then to Maligaon by the learned Inquiry officer. Knowing fully well that the applicant will not be able to attend the enquiry at any other place except in K.V.Khanapara as the Inquiry Officer was informed by the applicant about his acute financial condition and venue,even then, the ex-parte enquiry was conducted by the I.O. and the adverse enquiry report was sent to the applicant on 20.4.2000 for making representation/ submission. Thereafter, the applicants sought for 20 days time for submission of his reply and simultaneously also requested to furnish the documents vide letter dated 5.5.2000 but it was not responded and under great difficulty the applicant filed his representation assailing the enquiry

report and sent the same on 25.5.2000 to the Assistant Commissioner by the Speed Post which was received by the learned Disciplinary Authority on 26.5.2000 but, curiously enough the said representation was not considered by the Disciplinary Authority on the ground that it was received after expiry of the stipulated time and passed the impugned order dated 29.5.2000 where by imposed the penalty of removal of the applicant from the service. The applicant further submits that if the stipulated date expired on 5.5.2000 then the impugned order of removal ought to have been passed earlier but, it is manifest from the impugned order dated 29.5.2000 that the order of removal was passed after receipt of the said representation on 26.5.2000.

Further, the applicant states that pursuance to the removal, the respondent No.6 served a letter dated 5.6.2000 for the vacation of the Quarter by way of misleading the then Chairman and did not consider the application of the applicant dated 7.6.2000.

The copy of letter dated 5.5.2000  
is annexed as Annexures - 14 & 15 respectively.

20. That the statement made in para - 18 of affidavit is strongly denied. In this connection, the applicant respectfully submits that he submitted a part appeal vide his letter dated 7.6.2000 (Annexure - 7 of O.A. on page 53 - 56) for the stay of the operation of order dated 29.5.2000. Thereafter, the .....

Contd ....13.

applicant submitted the exhaustive appeal dated 9.6.2000 by Speed Post on 12.6.2000 which was received by the Hon'ble Deputy Commissioner(Appellate authority) K.V.S., New Delhi-16 on 14.6.2000 . Pursuance to the appeals , the applicant sent two reminders namely reply paid telegram dated 20.7.00 followed by Internet Message dated 12.12.2000 (Please refer Annexure - 2 and 3 on page 20-21 of M.P. 40/2001), But, curiously enough the same was not responded till 5.2.2001 . Meanwhile, the applicant filed the said O.A. 20/2001 on 16.1.01 assailing the impugned order etc., and thereafter the appellate authority disposed off the said appeal whereby confirmed the penalty imposed by the disciplinary authority (Please refer Annexure-4 on page 22 of M.P.40/2001 ).

21. That the statement made in para - 19 are stoutly denied. In this connection, the applicant states that the respondents filed the W.S. of O.A. 19/2000(T) to the applicant on 9.3.2000 before the Hon'ble Tribunal but did not submit the Annexures and the applicant was asked by the learned S/C ,K.V.S. to receive the same from his residence but the same was denied. on finding no alternative remedy , the applicant approached to the Hon'ble Tribunal by way of filing M.P.131/2000 for the submission of Annexures but, curiously enough the learned S/C did not present himself even after passing an order dated 10.4.2000 by the Hon'ble Tribunal and consequently submitted the Annexures on 8.6.2000 after passing the impugned order of removal dated <sup>29.5.2000</sup> with the intention that the said O.A. becomes infructuous .

22. That the statement made in para - 20 of the affidavit is also denied . In this connection, the applicant states that he belongs to a very poor family and he is the only earning member to look after his family consisting of Six members.

23. That the statement made in para - 21 of the affidavit is totally accepted by the respondents .(Please refer para- 4.26 to 4.29 of O.A. on page 15-b).

24. That under the facts and circumstances stated above it is respectfully submitted that the counter-Affidavit filed by the respondents is misleading ,misconceived and devoid of any merit and hence the same is liable to be dismissed.

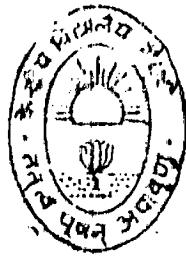
#### VERIFICATION

I, Radhey Shyam Maurya, S/o.Sri.Ram Kumar aged about 41 years and resident of Six Mile, Khanapara, Gauhati-22 do hereby verify that the contents of para ....?.....  
..... to .....<sup>22</sup>..... are true to my personal knowledge and para<sup>23</sup>.....  
to .....<sup>24</sup>..... are believed to be true on legal advice and that I have not suppressed any material fact.

Date:- 26.03.2001

Radhey Shyam Maurya  
Signature of the applicant.

Place:- Gauhati.



15  
केन्द्रीय विद्यालय, गौहाटी

61002

Kendriya Vidyalaya Sangathan

KHANAPARA GAUHATI

Pin : 781022

Annexure - 1

Ref. No. KVGP32/Establish/95-96/ 608

Date 28.11.95

The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Chayaram Bhaban,  
Maligaon.

Sir,

With reference to your telephonic  
enquiry regarding the posting of Sri R.S. Maurya,  
PGT(Chem) to this Vidyalaya, I express my consent  
and happiness for the same.

Thanking you.

Yours faithfully,

(M.N. Hazarika)

Principal.

Principal  
Kendriya Vidyalaya  
Khanpara, Guwahati—28

Annexure-22  
135

To

The Principal,  
Kendriya Vidyalaya Khanapara,  
GUWAHATI-22.

Sub:-

Non-Entry of Chemicals in Chemistry Stock Register.

Madam,

As Stock verifier of Chemistry Laboratory (i/c Mr. R.S.Meurya, PGT Chemistry) during April end I have found that chemicals supplied by M/s Appichem vide Bill No AE/187/98-99 dated 3.2.99 was not entered in the stock Register by Mr. R.S.Meurya, for reasons best known to him.

This is for your kind information and necessary action please.

Thanking you,

Yours faithfully

Satna  
(Queenie Sharma)

TGT. Sc.

Encle:-Xerox copy of  
Appichem Bill.

Mrs. Q. Sharma.  
to enter following suspension  
of Mr. Meurya after taking  
over charge of Chem Lab  
from Principal w.e.f. 28.6.99.

Inder

## APPICHEM ENTERPRISE

of Chemicals &amp; Quality Scientific Instruments)

JALU ROAD • UZANBAZAR • GUWAHATI-781 001  
GRAM : APPICHEM PHONE : 541970

To,

Principal, Kendriya Vidyalaya, R.S.T.

Khanpara,

Guwahati.

CHALLAN NO.	1363 dtg. 03.02.98
ORDER NO.	KVG/20/Sci/5899/676
DATE	03.02.98
BILL NO.	AE/187/98-99
DATE	25.2.98 3.2.99

DESCRIPTION OF GOODS	Quantity	Rate Rs. / P.	Per	Amount Rs. / P.
Deptt. of Chemistry.				
1. Nessler reagent. (10-11)	10x10ml.	100.00	100ml.	1000.00
2. Cetric am. nitrate. (120-121)	2x100gm	334.00	100gm	668.00
3. Silver nitrate. (20-21)	2x25gm	468.00	25gm	936.00
4. Pot. Iodide. (64-65)	1x250gm	7.10.00	250gm	710.00
5. Sodium carbonate (114-115)	4x500gm	80.00	500gm	320.00
6. M. spirit. (116-117)	10 lit	70.00	lit	700.00
7. Litmus paper, red & blue. (118-119)	12 pkts.	68.00	pkt	816.00
				5150.00
(1) Original bill is sent for Mr. R. S. Manjula (with copy for Mr. D. L. Deka) by name Mr. D. L. Deka on 25.2.98. ...				412.00
(2) Stock entries in Received the articles in good condition and entered them in the stock register above under page no. mentioned above Date 3/2/99				
	Net Total	Rs.	5150.00	
	Tax	(-)	412.00	
		(-)	4738	
① Cheque No. 868167 = Rs. 4738 at 9/2				
② Youself (868168 = for Tax. at 9/2				
				R.A.I.D.

Rupees: Five thousand five hundred and forty six.

Dated 5562.90

E. &amp; O. E.

A.G.S.T.-A-412, Central Sales Tax No. 1405 dt. 1-7-67

For APPICHEM ENTERPRISE

Our risk and responsibility ceases on delivery of the goods on Rail, Steamer or Carriers.  
No complain will be entertained if not lodged within 3 days from receipt of goods. Interest  
@ 25% per annum will be charged on all bills unpaid within one month.

এ পি কে ম এ টো ব থাইজ

S. D. Deka

Muthuram

16/2/79

Please note,

As per allocation of fund for the year  
1978-79 under the Head of

(a) Science Consumable Rs. 20,000/-  
(b) Science Non-Consumable Rs. 30,000/-  
Total - Rs. 50,000/-

An amount of Rs. 50,000/- has already  
been spent through Mr. R. S. Mantri, P.T. Chem.  
The item what we have purchased not yet  
settled; no store entry. So:

~~From~~ A bill from M/s Appichem Enterprise  
amounting Rs. 5562/- is received for payment

But, no fund is available now under the  
Head of Science.

~~From~~ (or now) note from Mr. P.T. Chem.  
That the bill is not paid, store  
entry is also not made.

Please see for payment of Rs. 5562/-  
and advise it in this regard.

JB  
16/2

No complaint will be entertained if not lodged within 3 months of receipt of goods. Interest  
25% per annum will be charged on all bills unpaid after 3 months.

PRISE

To WHOM IT MAY CONCERN

Received the <sup>sealed</sup> stock Registers  
 (i.e. consumable & non-consumable)  
 from the Dept. of Chemistry, K.V.  
 Khanapara along with sealed  
 envelope containing two (02) keys  
 only.

Sign of Teacher

Manjre  
 07/05/99

C.R. S. Manjre

P.G.T. (Chem)

K. V. Khanapara

Ganhati - 22

Date - 07<sup>th</sup> May, 1999

Sign of Principal

7/5/99  
 Principal  
 Kendriya Vidyalaya  
 Khanapara,  
 Guwahati - 22

To

Mr. Narayan  
 P.G. II Chemistry  
 K.V. Kharapurra  
 26/3/99

Sir,

Since you have asked us to give in writing, that is why we are giving the application.

In the notice board you had written that we have to bring chemicals. Our parents did not give us money, because we pay science fund. Therefore on 23/3/99 we came to school at 10 o'clock without any chemicals to give practical.

Y. Sir, you told Shikha Kanti Das, Bordi Bodo, Shreyashi Delmath, Nilodita Das that you will not take practical because we didn't bring chemicals. We waited till 12 o'clock and after that left school after telling principal madam.

Our class friends (boys) told us you took their practical without chemicals. We request you to give us — girls students (Roll no 1-13) a date so that we can all come together.

\* NOTE - This letter is dictated by Mr - Thanking you  
 EXCERPT  
 principal madam under coercion - Yours obediently  
 & dearest.

Monalisa Das  
 Nilodita

Class XI  
 Please, I am  
 Yours sincerely

PROGRESSIVE EDUCATION  
 COLLEGE OF EDUCATION & RESEARCH  
 UNIVERSITY OF KALYANI  
 KALYANI, GOURPUR, 741232

140

(20-b)

Name of the student Sonali Singh

1) Sikha Meni Das Sikha meni das. 26.3.99

2) Kasturi Sarker Kasturi Sarker 26.3.99

3) Madhuparna Gupta Madhuparna Gupta 26.3.99

4) Nivedita Sarma Nivedita 26/3/99

5) Banakrita Bhattacharya Banakrita 26/3/99

6) Monalisa Das Monalisa Das  
26/3/99

*Allelele  
peeing*

To,

Date:- 25/8/99

The Assistant Commissioner,  
 Kendriya Vidyalaya Sangathan,  
 Gauhati Region,  
 Gauhati-12,  
Assam.

See para 4.4  
 2. OA

Subject:- i) Inspection of original documents .

ii) Inspection & procurement of additional  
 documents etc. ,

Reference :- Vide your office even letter No.F.14-5/99-KVS(GR) //  
 5251-54 dated 09.08.99

Sir,

With reference to your aforesaid letter bearing Memo No.  
 F.14-5/99-K.V.S(GR)/5251-54 dated 09.08.99 , I am to inform-you  
that I want to inspect / procure the following relevant  
documents for the submission of written statements in defence  
against the charges levelled against me .

01. Show cause Notice issued by the Principal , Kendriya  
 Vidyalaya , Khanapara vide Ref.No. F.PF/K.V.C./ 98-99/  
 773-76 /PB-182 , dated 18.02.99 para-4, and Principal.  
 Kendriya Vidyalaya ,Khanapara letter dated 5th March .  
 1999 addressed to the Commissioner , Kendriya vidyalaya  
 Sangathan ,New Delhi , Para -3.

02. (i) Principal ,Kendriya Vidyalaya , Khanapara letter KVC/  
 PF/RSM/98-99 /632-33, dated 27/28.01.99 address to  
 Shri R.S.Maurya,PGT (Chemistry).  
 (ii) Complaints of guardians of children studying at  
 Kendriya Vidyalaya ,Khanapara dated 21.01.99 and  
 publication in Sentinel dated 09.04.1999.  
 (iii) Practical Note Books of students of Kendriya  
 Vidyalaya ,Khanapara .  
 (iv) Copy of the Marks slip of Class XI , A(Science).  
 (v) Report submitted by the Principal,Kendriya Vidyalaya ,  
 Khanapara vide letter dated 21.06.99.

03. (i) Copy of the letter No.K.V.G/58/XI/ 98-99/868, dated 22.03.99 from Principal, Kendriya Vidyalaya, Khanapara.

(ii) Copy of the letters addressed to the Principal, Kendriya Vidyalaya ,Khanapara , by the students of Class XI- A,dated 22.03.99,dated 23.03.99 , dated 26.03.99 and 09.02.99.

04. (i) Copy of the letter of Shri U.N.Adhikary, Examination I/C, Kendriya Vidyalaya,Khanapara .

(ii)Copy of Memo dated 26.02.99 issued by the Principal, Kendriya Vidyalaya ,Khanapara .

05. (i) para 5(viii) of the report submitted vide letter dated 21.06.99 by the Principal ,Kendriya Vidyalaya, Khanapara .

(ii) Copy of the Notice / Memo dated 05.03.99 of Principal, Kendriya Vidyalaya , Khanapara ,addressed to Mr.Maurya .

(iii) Copy of the guardians letter dated 12th Jan'99 with remarks of the Principal ,Kendriya Vidyalaya , Khanapara .

06. (i) Copy of the Relieving Order No.F.4-5/KVN/98-99/ 795-97/, dated 06.02.99 ,issued by the Principal, Kendriya Vidyalaya , Narangi .Copy of Shri R.S.Maurya and copy of the Principal Kendriya Vidyalaya, Khanapara .

(ii) Copy of the Peon Book Sl.No.210 and 211.

**(B) ADDITIONAL DOCUMENTS :**

1. Letter ~~ma~~ of Sri .A.Singh ,Principal ,K.V.Dinjan written to the Principal ,K.V.Khanapara for the appointment as External Examiner in Chemistry for Class XII practical 1998-99 .

2. Letter of refusal by the said P.G.T. Chemistry of K.V.Khanapara given to the Principal ~~XXX~~ in r/o Class XI (1998-99) Chemistry Practicals.

*Original 1998-99*

3. Letter of P.G.T.Chemistry written to the Principal , regarding refusal to conduct class XII C.B.S.E. Chemistry Practical 1999 in r/o Private Students .
4. List of all I/Charges of different dapartments of K.V.Khanapara in hiararchy.
5. List of I/C Examination including name , designation and capacity to rule over a P.G.T.
6. Letter of all the notices circulated by Principal , K.V.Khanapara regarding staff meetings with appropriate agenda and minutes of the meeting duly complete in all respects .
7. Letters of conducting subject committee meeting in all subjects /convenors /assembly etc., issued by the principals and follow up actions taken in this regard and duly completed in all respects .
8. Appoinment letter of Mrs.J.Das Basu as Principal in K.V.S.
9. Application for transfer of Mrs.J.DasBasu to K.V .Khanapara .
10. Transfer order of Mrs.J.Das Basu ,Principal from K.V.Umroi Cantt. to K.V.Digaru.
11. Relieving order of Mrs.J.Das Basu from K.V.Umroi Cantt..
12. Joining Report of Mrs.J.DasBasu ,Principal in K.V.Digaru.
13. Transfer Application of Mrs.J.DasBasu ,Principal from K.V.Digaru to K.V.Khanapara .
14. Transfer order from K.V.Digaru .
15. Relieving order from K.V.Digaru .
16. Joining Report of K.V.Khanapara .
17. Caste Certificate in/ r/o the said Principal ,Mrs.J.DasBasu .
18. Permanent Address of Mrs.J.DasBasu , at the time of first joining in K.V.S.
19. Letters/circulars regarding stoppage /continuation of S.D.A. to K.V.S.employees & eligibility criteria there of .
20. Guidelines of Transfer/Tenure of a K.V.employee (Principal etc.,) at a particular station /Vidyalaya /Region .
21. Purchase Bills in r/o Chemistry Department/laboratory after 16.12.99.
22. Payment of Bills regarding repair of electrical fittings

in the Dept. of Chemistry /laboratory .

23. Notice issued by the Principal ,K.V.K.dated 03.02.99.

24. Remander notice issued by the Principal ,K.V.Khanapara on 26.02.99 to R.S.Maurya .

25. 3rd Notice dated 02.01.99 issued by the Principal ,K.V.Khanapara to R.S.Maurya .

26. Rules /guidelines regarding communications of grienvances of the employee to the Principal on wilfull denial by the principal to receive any representation .

27. Aim and objectives of the Peon Book .

28. Agencies of communication of grievances of a suspended employee to his immediate superior.

29. Guidelines /instructions to the I/C of Chemistry Dept. in purchases /conduct of Practicals etc.

30. Cause of non-relieving the P.G.T.(Chemistry) to conduct C.B.S.C. XII Chemistry Practical Examination of 1998-99.

31. Time-table copy of 1995 -99 till date along with split up periods including appointment of convenors of Time -table .

32. The guidelines /Instructions regarding setting of the Question Papers inr/o Class XI&XII Science students .

33. The lists of Practicals conducted in BIOLOGY/PHYSICS during the year 1998-99 in ClassXI & notebooks etc.

34. List of V.M.C./E.C. of K.V.Khanapara and guidelines /Instruction for the formation of same of 1997-98 and 1998-99 and after 16.12.98 till date .

35. Reasons of appointment of Mr.G.S.C.Basu Babu as an External in Chemistry Practical in K.V.Khanapara .

36. The circular of K.V.S. containing the name of competant appointing authority for P.G.T's before 1993 and after 1993 w.s.r. , to 1995 .

37. Guidelines /Instructions regarding appointment /selection of Class teachers etc.

38. Circulars regarding the exemption granted to the Principal for not putting sign in the attendance with timing (Arrival/ departure ) .

39. Relieving orders of the P.G.T.'s & centre supretendent

appointed by C.B.S.E 1998/99.

40. Appointment order of Mrs.J.Das Basu ,Principal , K.V.Khanapara as centre ~~supmindedent~~H.E./Examiner for marking scheme etc.for 1998-99.

41. The leave application of Mrs.J.Das Basu ,Principal ,K.V.- Khanapara of her absence during July till 08th August 1999 including Station leave permission and joining report there of.

42. The circulars authorising the Principal of a K.V.Khanapara to open the department /laboratory during long Summer Vacation by breaking the seal .

43. The list of inventories prepared by the Magistrate /Experts including the names ,designation,degree etc., of the experts .

44. Results Analysis of Class XII 1998-99 Science .

45. Results of Class XII ,ENGLISH 1998-99 marks of a critical analysis .

46. Result Analysis of Class XI Science 1998-99.

47. List of guardians who submitted reports for Publication of Editorial in the Sentinel .

(R. S. Manoya )  
25/8/99

P.G.T. Chem  
K.V. Khanapara

25/8/99

(26)

Annexure-8

REMINDER NO. 1

✓ To

✓ The Assistant Commissioner,  
K.V.S. (G.R.), Maligaon  
Gauhati -12 Assam

Dated-  
13.9.99

Subject...- Inspection of original documents regarding, along with  
some additional documents.

Reference..1. Vide your office letter no.F-14-5/99-K.V.S.(GR)/  
5251-5254 dated 9.8.99.

2. Vide my representation dated 25.8.99 sent to you  
by a Registered post letter NO.-5519.

Sir,

Most respectfully and humbly I beg to submit that I am  
not in receipt of any communication/ response from your  
good office in reference to my above said letter till  
date even after the lapse of about 17 (seventeen) days  
time.

Therefore, your honour is hereby requested  
to expedite the matter at your kind end for the interests  
of justice.

Thanking you.

Copy to.

The Commissioner,

K.V.S., 18, Institutional Area

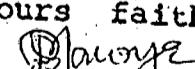
Shaheed Jeet Singh Marg,

New Delhi- 16 for kind

kind information and

necessary action.

Yours faithfully,

  
( R.S. MAURYA ) 13.9.99

P.G.T. (CHEMISTRY)

M.Sc., M.Ed., LL.M.  
K.V. KHANAPARA

Gauhati- 22  
Assam.

REMINDER NO:-2**To,**

The Assistant Commissioner,  
 Kendriya Vidyalaya Sangathan,  
 Maligaon, Gauhati-22.  
 (Assam).

**From:-**  
 R.S.Maurya,  
 P.G.T.(Chemistry),  
 K.V.Khanapara,  
 Gauhati-22

**Date:-** 23/9/99.

**Subject:-** Inspection of documents regarding.

**Reference:-**

- (i) My letter dated 25/8/99.
- (ii) My letter dated 13/9/99. (Reminder No.1).
- (iii) Your Office ~~MEMORANDUM~~ Memorandum dated 9/8/99.
- (iv) Your Office Order No.F:14-5/99-K.V.S (GR) / 7018-22 dated 13/9/99.
- (v) Your Office order No.F:14-5/99-K.V.S (GR) / 7025-29 dated 13/9/99.

R/Sir,

Most humbly, I am to invite your attention to the subject/references quoted above and to state that following points before your goodself for your kind information and necessary action there on:-

1. That, vide references marked as No.1,2 and 3, I am not in receipt of any communication till date from your good office even after my several repeated requests/ reminders as well as after the lapse of about 25 days time.
2. That, vide references marked as No.4 and 5, I do hereby express my willingness to know about the academies/ ~~professionals~~ professionals backgrounds as well as expertise of the Inquiry Officer(I.O.) and Presenting Officer (P.O.) appointed by your goodself in the instant matter.

In this connection, I further request your goodself that I may kindly be permitted for the inspection of documents /proofs regarding the matter in question as earliest as possible.

Thanking You.

Copy to:-

The Hon'ble Commissioner,  
K.V.S. (H.Q.) New Delhi-16,  
for kind information  
and n/a through Proper  
Channel i.e., A.C./KVS/GR.

*R.S.M.* 23/9/99  
Yours faithfully,

R.S. Maurya,  
P.G.T. (Chem.),  
K.V. Khanapara.

29  
R. S. Maurya

M.Sc, M.Ed, L.L.M.

P. G. T. (Chemistry)

K. V. KHANAPARA

Ref.

To

Annexure - 10

29

Date 21.07.99

O/C

R. S. Maurya

The Assistant Commissioner,  
R. V. S. (G. R.)  
Gauhati - 7812 (Assam)

With due regards, I am inviting your kind attention towards the following facts for your kind information and action:

- (1) That vide your office order no. F 14-5199-KR/1681/12091-93 dated 01.6.99, I was placed under suspension on the pretext of contemplated disciplinary proceeding.
- (2) That under the rule of proceeding, I was supposed to get "subsistence Allowances" but the same has been denied.
- (3) That I am enclosing herewith the "Unemployment certificate" with a request for service to the competent authority as per "Rule of Law", who does not receive any paper/ reminder/ representation etc. submitted by me.

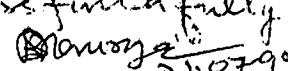
It is for your kind information and also for the interests of justice.

Thanking you.

Enclosure:

- (1) Unemployment Certificate in original for service

yours faithfully:

  
(R. S. Maurya)

P. G. T (Chem)

R. V. Khanapara  
Date 21.07.99

Reminder No.1

To,

The Assistant Commissioner,  
K.V.S.(G.R.), Maligaon,  
Gauhati - 12.Assam.

From:-

R.S.Maurya,  
M.Sc., M.Ed., LL.M.  
P.G.T.(Chemistry).  
K.V,Khanapara.  
Gauhati - 22. Assam.

Dated:- 13.9.99

Subject:- Regarding submission of representation / documents to the Principal, K.V,Khanapara regarding.

Reference:- Vide my representation dated 28.8.99 sent to your good office by Regd. Post letter No. 10102.

Sir,

I have the honour to inform you that I am not in receipt of any standing order from your good office directing the Principal, K.V,Khanapara to receive the representation/ documents etc. for the redressal of grievances of the undersigned. Moreover, I approached three times to her but she blatantly denied to receive my Non-employment certificate for the payment of Subsistence Allowances for the month of September'99. Further, I am to state that till date I have not been paid the Subsistence Allowances for the month of June'99 for which I had already sent the required certificate to your good office vide Registered letter No.4098 dated 15.6.99 and my Subsistence Allowances are never paid timely, the reason for the same is not known to me. In this respect, once again I would like to request your honour please guide me about the agencies by which means I should send my papers/ documents /representations etc. to the Principal, K.V? Khanapara.

Therefore, due to her denial for receiving, I am

P.T.O. ...

compelled to send my Non - employment certificate to your good office with a request to serve the same to the competent authority for the timely and proper action .

Thanking You.

Sd/-

Copy to:-

The Commissioner,

K.V.S., for his kind information  
and necessary action.

Yours faithfully,

R.S.Maurya,  
P.G.T.(Chemistry),  
K.V.Khanapara,  
Gauhati - 22.  
Assam .

(32)

SPEED POST

Annexure-12

To,

Date:- 04.05.2000

The D.D.O./ Principal

K.V.Khanapura,

Gauhati - 22.

Subject:- Submission of FR 53(2) Certificates for the payment of Subsistence Allowances regd.

R/Sir,

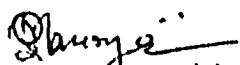
Please find enclosed herewith the FR 53(2) certificates in original for the payment of Subsistence Allowances in respect of September/99, October/99, November/99, December/99, January/2000, February/2000 and March/2000 respectively which are duly returned by the D.A. with direction to submit the same to D.D.O.

It is for your kind information and n/o please.

Enclosures:-

As stated above.

Yours faithfully,

  
R.S. Maurya, 04/05/2000

P.G.T.(Chemistry),

K.V.Khanapura,

Gauhati - 22

Date:- 04.05.2000.

33  
Postal Receipts for submission of F.R. 53 (2)certificates

57

June, 99

वीमा नहीं NOT INSURED	
सापें गये डाक टिकटों का मूल्य	रु. 18/- P.
Amount of Stamps affixed	Rs. 18/- P.
Received a Registered	Dr. L. Kishore
पारेवाले का नाम	Dr. L. Kishore
Addressed to	Dr. L. Kishore
Receiv. Date	June 12
Signature of Receiving Officer	K. V. Soni
क्रमांक	No. 4098
Date Stamp	15/6/99

वीमा नहीं NOT INSURED	
सापें गये डाक टिकटों का मूल्य	रु. 17/- P.
Amount of Stamps affixed	Rs. 17/- P.
Received a Registered	Dr. L. Kishore
पारेवाले का नाम	Dr. L. Kishore
Addressed to	Maligaon
Receiv. Date	July 12
Signature of Receiving Officer	Maligaon
क्रमांक	No. 2523
Date Stamp	17/7/99

July, 99

वीमा नहीं NOT INSURED	
सापें गये डाक टिकटों का मूल्य	रु. 1/- P.
Amount of Stamps affixed	Rs. 1/- P.
Received a Registered	Dr. L. Kishore
पारेवाले का नाम	Dr. L. Kishore
Addressed to	Maligaon
Receiv. Date	Aug. 12
Signature of Receiving Officer	Maligaon
क्रमांक	No. 6284
Date Stamp	18/8/99

August, 99

वीमा नहीं NOT INSURED	
सापें गये डाक टिकटों का मूल्य	रु. 1/- P.
Amount of Stamps affixed	Rs. 1/- P.
Received a Registered	Dr. L. Kishore
पारेवाले का नाम	Dr. L. Kishore
Addressed to	Maligaon
Receiv. Date	Aug. 12
Signature of Receiving Officer	Maligaon
क्रमांक	No. 10102
Date Stamp	19/8/99

September, 99

CHAMANPADA, S.O. 11, C.R.T. 1

REG. NO.

NAME: DR. L. KISHORE,

CITY: GUY 12

00012

INC FOR Rs. 0/- P. STAMPS  
AMT: 17.00/ 00.00/- 11/12/99

October, 99

34

Ann-13 (b)

53

Postal Receipts for submission of F.R. 53 (b)  
certificates

**SPEED POST**

RECEIPT      DATE 12/11/99

No. 344700

To: Dr. K. S. Murugesu The Head, Communication K. M. V. College, Sivagangai Madras		Sender: K. S. Murugesu K. V. V. K. Venkatesu G. V.
Speed Post Charges Rs. <u>5/-</u>		
DATE	STAMP	OFFICER IN CHARGE

November, 99

**SPEED POST**

RECEIPT      DATE 16/12/99

No. 284411

To: Dr. K. S. Murugesu The Head, Communication K. M. V. College, Sivagangai Madras		Sender: K. S. Murugesu K. V. V. K. Venkatesu G. V.
Speed Post Charges Rs. <u>5/-</u>		
DATE	STAMP	OFFICER IN CHARGE

December, 99

**SPEED POST**

RECEIPT      DATE 1/1/2000

No. 284524

To: Dr. K. S. Murugesu The Head, Communication K. M. V. College, Sivagangai Madras		Sender: K. S. Murugesu K. V. V. K. Venkatesu G. V.
Speed Post Charges Rs. <u>5/-</u>		
DATE	STAMP	OFFICER IN CHARGE

January, 2000

35

Ann- 13 (C)

Postal Receipts for Submission of F.R. 3(2)  
Certificates

**EMS SPEED POST**

RECEIPT DATE 25/2/00

No. 384211

TIME	Sender
	R. S. MISTRY Kharar
Speed Post Charges	Rs. 15/-

DATE STAMP OFFICER INCHARGE

February, 2000

**EMS SPEED POST**

RECEIPT DATE 18/3/00

No. 384354

TIME	Sender
	R. S. MISTRY Kharar
Speed Post Charges	Rs. 15/-

DATE STAMP OFFICER INCHARGE

March, 2000

**EMS SPEED POST**

RECEIPT DATE 1/4/00

No. 38462

TIME	Sender
	R. S. MISTRY Kharar
Speed Post Charges	Rs. 15/-

DATE STAMP OFFICER INCHARGE

April, 2000

May, 2000

From:-

R.S.Mukhya,  
P.G.T.(Chemistry),  
K.V.Khanapara,  
Gauhati - 22.

Date:- 5/5/2000.

The Disciplinary Authority,  
K.V.S.(GR), Maligaon,  
Gauhati - 12.

Subject:- "Supply of Relevant Documents" (Original and Additional) in reference with my representation dated 25/8/99 along with the present supplementary lists of documents of others.

Reference:- Vide your Office Memorandum dated 20/4/2000.

R/Sir,

Most respectfully and with due regards I beg to submit the following facts before your honour for your kind information and favourable necessary action there on:

1. That I am in receipt of a Memorandum under reference dated 20.4.2000 issued by your goodself whereby I am asked to submit my representation/submission if any before your goodself. In this connection I intend to write that for the preparation of the reply of the said Memorandum dated 20.4.2000, I urgently needed the documents (original and additional) as listed in my representation dated 25.8.99 sent to your good office. Thereafter, some other developments have taken place and ex parte proceedings have been conducted by the Inquiry Officer. During the ex parte and proceeding, the I.O. has recorded some documents and marked as SW 1,..... SW 15 in his D.O.S. No.15 dated 28.1.2000 but none of the said documents of either D.O.S. No.15, or listed documents dated

*5/5/2000*

- 2 -

25/8/99 have been supplied to me. Therefore, I am facing difficulty to prepare my reply of the instant Memorandum in question and therefore your goodself is requested to supply the aforesaid documents within 10 days from today so that I can prepare my reply properly and I can send the same to your good office within the prescribed time.

2. That I further beg to submit that I also require some more documents which are ~~not~~ mentioned in the supplementary list annexed herewith and marked as Annexure-1.

In the above premises I would like to request your honours to supply the aforesaid documents within 10 days from today so that I can prepare the reply of the said Memorandum properly for the interests of justice.

Enclosure:-

Supplementary list  
of documents (Annexure-1)

Yours faithfully,

  
R.S. Maurya, 05/05/2000

P.G.T. (Chemistry),

K.V. Khanapara,

Gauhati - 22.

SUPPLEMENTARY LIST OF DOCUMENTS:-

1. The practical records note books of first 5 position holders from class 9th till class 12 th in the year 1999-2000.
2. The question papers of Physics, Chemistry and Biology in respect of class XI th Science students of Cumulative tests and Session Ending Examination 1999/2000 as well as in respect of class XII th students Cumulative tests and pre-Boards.
3. The marks slip of Session Ending, Annual Examination of class XI th and XII th in particular and of class 9th and 10 th students in general with special reference to Science subjects.
4. The result register in respect of class XI th and XII th Science students.
5. The names/designation with subjects of the Co-ordinators appointed in class XII th English C.B.S.E. examination evaluation commenced from 24 th March till 25 th May/2000 and the names of A.H.E. in the said evaluation.
6. The names and designation of the contractual P.G.T's/ T.G.T.'s teachers who were assigned the evaluation work in C.B.S.E. at K.V.Khanapara and the reasons there of.
7. The attendance of Mrs.J.Das Basu, Principal/A.H.E. during the entire period of evaluation since 24th March till 25th May/2000.
8. The attendance register of staff members of K.V.Khanapara.
9. The details of the amount received by the disposal of the answer scripts etc. from the examination department since 1995 till date by Mr. U.N. Adhikari.
10. The Unit Test copies of first 5 position holders in class XI th and XII th in the year 1999/2000 in Physics, Chemistry and Biology.

11. The details of the enhanced fee structures collected by Mrs. J. Das Basu, Principal, K.V. Khanapara along with relevant documents and reasons thereof.

12. Purchase bills in respect of Chemistry department 1999/2000.

13. The name of the paper setter of class XI th Session Ending Examination paper in Physics/Chemistry subjects and the blue prints thereof.

*Planned 05/10/2009*

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Annexure - 15

To

The Disciplinary Authority

K.V.S. (G.R.) , Gauhati- 12  
Maligaon (Assam)

Date- 08 /05/2000

Subject:- Prayer to extend time for 20 days w.e.f- 5/5/2000.

Reference:- Vide Memorandum No. F. 14-5/99-KVS (GR)/490 dtd-  
20/4/2000.

R/Sir,

Most respectfully I beg to submit that I was served a Memorandum under reference dated 20/4/2000 in connection with the expatg disciplinary proceeding whereby I was asked to submit my representation/ submission before your honour within 15 days from the date of issue.

Therefore , in pursuance with the said Memorandum I would like to request your honour to accord sanction for 20 days more time to file the said representation / submission for the ends of justice.

Thanking you.

*R. S. MAURYA*  
Yours faithfully,

R. S. MAURYA

P.G.T. (Chemistry)

K.V. KHANAPARA

GAUHATI-22