

30/100
3
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Sahil
12/12/14

FORM NO. 4
(See Rule 42)IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::::: GUWAHATI

ORDER SHEET

APPLICATION NO ... 220 ... OF 2001

Applicant (s) G. R. Das

Respondent (s) Govt 208.

Advocate for Applicants (s) Mr. B.D. Sharma, U.K. Nair

Advocate for Respondent (s) U.K. Goswami.

KVS.

Notes of the Registry | Date | Order of the Tribunal

18.6.01

This application is in form but not in terms of condonation. Petition is filed and filed vide M.P. No. for Rs. 50/- C.P. IPO/BD No. 69/79/2001 Dated 05.2.2001
 / D. Register 8/6/01

Sri U.K. Nair learned counsel for the applicant states that the major penalty of reduction in rank/ pay was imposed on the applicant without any enquiry. The applicant has also been transferred by way of punishment to KVS, Nirjuli, Arunachal Pradesh, from Missamari, Assam. He prays for stay of the transfer order till disposal of the O.A. Mr. S. Sharma appearing on behalf of the respondents referring to the order dated 29-5-2001 (Annexure 5) submitted that the applicant had admitted the charges framed against him.

The application is admitted. Returnable by 3 weeks.

Issue notice as to why the interim order as prayed for should not be granted. Meanwhile, the order under No. F.29/KVM/2001-2001/178-80 dated 6-6-2001 is stayed till the returnable date.

List on 9-7-2001 for order.

U.C. Sharma
Member

Requisites filed to-day. Notice prepared and sent to DLS for issuing the same by Regd. A.D. Vide D.L.W. 2160 to 2165
 20/6/01 dtg

18/6/01

9.7.2001

⑯ Service report are still
awaited.

By
b.t.01

Copy of order dtd 9/7/01
communicated to the
parties concerned vide
DINo _____
dd _____

for
10/7/01

List on 17-7-2001 as prayed by
counsel for the parties.

In the meantime the respondents may
take necessary step in connection with
filing of the written statement.

List the case alongwith the Misc.
Petition presented by the respondents.
Meanwhile the order 8-6-2001 shall remain
operative.

I C U Shaha

Member

h

Vice-Chairman

bb

17.7.01

Written statement has already been
filed. The case is accordingly posted for
hearing on 3-8-2001.

11.7.2001

W/S on behalf of

Respondent No. 2 to S. No.

been intimated.

I C U Shaha

Member

h

Vice-Chairman

bb

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

I C U Shaha

Member

h

Vice-Chairman

16.8.2001
Copy of the Judgment
has been sent to the
Oppc. for record
The same to the
appellate as well
as to the L Pd.
for the Respond.

SL

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./MAX NO. 220 of 2001 . . .

DATE OF DECISION 3.8.2001

Shri Guna Ram Das

APPLICANT(S)

Mr B.K. Sharma, Mr U.K. Nair and
Mr U.K. Goswami

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

The Union of India and others

RESPONDENT(S)

Mr S. Shyam and

Mrs R.S. Choudhury

ADVOCATE FOR THE
RESPONDENTS.

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

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

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



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.220 of 2001

Date of decision: This the 3rd day of August 2001

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

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

Shri Guna Ram Das,
Working as Head Clerk,
Kendriya Vidyalaya No.1, Missamari,
District- Sonitpur.

.....Applicant

By Advocates Mr B.K. Sharma, Mr U.K. Nair and
Mr U.K. Goswami.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Human Resources,
New Delhi.

2. The Commissioner,
Kendriya Vidyalaya Sangathan,
New Delhi.

3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati.

4. The Principal,
Kendriya Vidyalaya,
Missamari, District- Sonitpur.

5. Shri D.K. Saini,
Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati.

.....Respondents

By Advocates Mr S. Shyam and Mrs R.S. Choudhury.

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 assailing the legality and correctness of the order dated 29/30.5.2001 whereby the applicant was imposed penalty of reduction to lower time scale of pay, grade and post of Lower Division Clerk until he was found fit by the competent authority to be restored

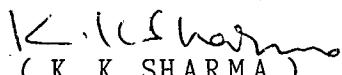
to the next higher post. The impugned order was passed on the strength of a disciplinary proceeding initiated by the respondents under Rule 14 of the CCS (CCA) Rules, 1965.

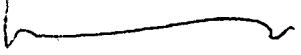
2. By Memorandum dated 23.2.2001 the applicant was served with articles of charges alongwith the statement of imputation of misconduct or misbehaviour in respect of which the enquiry was proposed to be held. The applicant submitted his written explanation against the said Memorandum. As regards the charge No.1 the applicant admitted the charge and requested the authority to issue an order to repay the advance drawn for the purpose of LTC for the block year 1998-2001 in easy instalments. As regards charge No.2 the applicant stated that he attended the Training Programme-cum-Workshop for Head Clerks and Superintendents held at K.V.No.II, Salt-Lake City, Calcutta during July 2000. In his reply he stated that he was to be allowed to avail his both ways journey from Missamari to Salt-Lake City, Calcutta by the class he was entitled to and he agreed to repay the excess/balance amount on receipt of his TA/DA Bills from the office. The applicant did not admit the third charge. The respondents, however, on the basis of the written statement held that the applicant was guilty of committing serious misconduct by his unbecoming behaviour violating Rule 3(I), (i), (ii) and (iii) of the CCS (Conduct) Rules, 1964 and accordingly imposed the penalty of reduction to lower time scale of pay, grade and post of Lower Division Clerk (LDC for short) with immediate effect, until he was found fit by the competent authority to be restored to the next higher post of UDC. The legality of the said order is under challenge before this Tribunal.

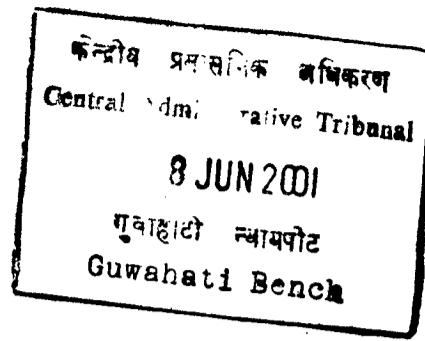
3. We have heard at length Mr U.K. Nair, learned counsel for the applicant and Mr S. Shyam, learned counsel for the respondents, assisted by Mrs R.S. Choudhury, learned Advocate. Mr Nair assailed the legality of the order as well as the order imposing the quantum of punishment. Admittedly, the punishment was imposed on the applicant on the basis of his written statement. The respondents considered the

written statement and treated it as if the applicant made admission into the charges, though we find that as regards charge No.3 the applicant did not make any such admission. The finding arrived at by the respondents that the applicant admitted all the charges framed against him stems from pure non-application of mind and on that ground alone the impugned order dated 29/30.5.2001 cannot be sustained. Mr Nair, in course of the arguments, submitted that on the basis of the materials on record the punishment of reduction in rank of the applicant to the lower time scale of pay, grade and post of LDC until he was found fit by the competent authority to be restored to the next higher post is seemingly unauthorised and arbitrary, apart from being disproportionate. By the said order the applicant was not only placed in the post of LDC, but the said order further reduced his rank till he was found fit by the competent authority to the next higher post, though reduction to a lower time scale of pay can be made with or without directions regarding conditions of restoration to the grade or post or Service from which the Government servant was reduced. Since the reduction of the applicant from the post of Head Clerk to LDC with the condition of restoration after he was found fit, was outside the purview of Rule 6, the submission of Mr Nair has some force. Mr Nair also submitted that in a number of cases there were lesser punishment on similar persons in similar circumstances. Mr Nair, lastly, submitted that even in the matter of minor punishment the authority is to act justly and in conformity of Article 14. We are not, however, inclined to make any comment at this stage since we have set aside the order of penalty, leaving it open to the respondents to impose the penalty as per law after proper consideration of the written statement of the applicant. The impugned order dated 29/30.5.2001 is accordingly set aside. In view of our order setting aside the impugned order, the consequential order dated 6.6.2001 automatically stands quashed.

4. The application is allowed to the extent indicated, leaving it open to the respondents to take action as per law. There shall, however be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

D. A No. 1/2001

BETWEEN

Shri Guna Ram Das,

... Applicant ..

- AND -

Union of India & Ors.

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Filed by
U.K. Goswami
Advocate:

Filed by :
The Applicant &
through Ujjwal Kr. Gourav
Advocate
8/7/2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

O. A No.

/2001

BETWEEN

Shri Guna Ram Das, son Mikir Das,
presently working as Head Clerk,
Kendriya Vidyalaya No. 1 Missamari,
District-Sonitpur.

... Applicant.

- AND -

1. Union of India, represented by the Secretary to the Government of India, Ministry of Human Resources, New Delhi-1.
2. The Commissioner, Kendriya Vidyalaya Sangathan, New Delhi-1.
3. The Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Guwahati.
4. The Principal, Kendriya Vidyalaya, Missamari, District-Sonitpur.
5. Shri D.K. Saini,
Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Guwahati.

... Respondents.

DETAILS OF THE APPLICATION.

1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION IS MADE.

This application is directed against the order issued under Memo No. F:14-1/2001-KVS (GR)/12770-74. dated 29/30th May'2001 by which the Applicant has been reverted to the post of Lower Division Clerk (LDC) from his earlier post of Head Clerk. The Respondent by the aforesaid impugned order

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has also directed to the Applicant impugned order has also directed to the Applicant to report duty at Nerist, Nirjuli with 12.6.2001. Pursuant to that impugned order the Respondents have issued another order dated 6.6.2001 releasing him from K.V. No. 1, Missamari to K.V. Nirjuli (Arunachal Pradesh).

2. LIMITATION

That the Application is declares that the instant application has been filed within the limitation period prescribed under Section 21 of the Central Administration Tribunal Act, 1985.

3. JURISDICTION OF THE TRIBUNAL

The Applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE

4.1 That the Applicant is a citizen of India and as such he is entitled to all the rights and privileges as guaranteed under the Constitution of India and laws framed thereunder.

4.2 That the Applicant is presently working as Head Clerk at Kendriya Vidyalaya No. 1, Missamari in the Sonitpur District and has been discharging his work efficiently to the satisfaction of all concerned.

4.3 That the Applicant begs to state that in the month of

May 2000, the Applicant applied for all India LTC and for the block year 1998-2000 to visit Trivandram along with his family members. After taking necessary permission and leave with effect from 18.6.2000 to 4.7.2000 and accordingly he performed the journey.

4.4 That surprisingly enough the Respondents i.e. the Assistant Commissioner, K.V.S, Guwahati, issued a Memorandum bearing No. 14-1/2001 KVS(GR)/8952-52 dated 23.2.2001 asking explanation from the Applicant. The crux of the charges leveled against the Applicant are regarding the submission of false LTC bill dated 3.8.2000 and attending training programme cum workshop for head clerk and superintendent held with effect from 12.6.2000 to 21.7.2000 at Calcutta by submitting false T.A. bill for which he is not entitled to.

A copy of the aforesaid Memorandum dated 23.2.2001 is annexed herewith and marked as Annexure-1.

4.5 That on receipt of the aforesaid Memorandum the Applicant made his written submission vide his representation dated 7.3.2001 explaining the detailed fact of the case.

The Applicant craves leave of this Hon'ble Tribunal to rely and refer upon the statements made in the aforesaid representation dated 7.3.2001.

Copy of the aforesaid representation dated 7.3.2001 is annexed herewith and marked as Annexure-2,

4.5 That the Applicant begs to state that the Respondents

without considering the aforesaid representation issued a Memorandum of charges vide No. F.14-1/2001/KVS(GR)/11262-63 dated 17.2.2001 by which all together 3 charges have been leveled against the Applicant. It is noteworthy to mention here that while issuing the aforesaid Memorandum of charges dated 17.4.2001, the said Respondent did not mentioned anything regarding the Annexure-2 representation dated 17.3.2001. Till date nothing has been communicated to him regarding the faith of his said representation.

A copy of the Memorandum of charges 17.4.2001 is annexed herewith and marked as Annexure-3.

4.6 That the Applicant begs to state that the Respondent in the aforesaid Memorandum of charges dated 17.4.2001 issued a direction to him to prefer representation admitting/denying the charged leveled against the Applicant in the said Memo. The Applicant thereafter made a request to the Respondents to withdraw the aforesaid charge sheet and acting on such request the Respondent No. 3, i.e. the Assistant Commissioner KVS, Guwahati verbally assured the Applicant regarding such withdrawal/cancellation.

It is pertinent to mention here that the said Respondent also made it known to the Applicant that a lighter punishment like centure/warning would be imposed on him in the event of his admission guilt. The Applicant accordingly preferred a representation dated 4.5.2001 against the chargesheet. In the said representation as per the assurance gives by the Respondents, the Applicant highlighted the fact regarding Article of charge No. and 2

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as per dictation. However, as regards to Article of charge No. 3, the Applicant while highlighting the fact denied the same.

A copy of the representation dated 4.5.2001 is annexed herewith and marked as Annexure-4.

4.7 That in the midst of aforesaid incident the Respondent No. 5 has developed a bad blood against the Applicant. During October 2000 the audit team visited the office of the Respondents and also the K.V. No. 1, Missamari. The Respondent No. 5 entrusted the Applicant the job of arrangement of accommodation to the said audit team. Accordingly the Applicant arranged an official accommodation for the said audit team in the transit camp under Missamari cantonment along with same Army Official. During their stay certain untoward situation happened with those audit team and Army Officials. Finally the entire blame went on the Applicant and the matter has been referred to the Respondent No. 5. These happenings caused some unwarranted cross checking entitling the Applicant and which has resulted issuance of the chargesheet.

4.8 That the Applicant thereafter received a copy of the order bearing No. F.14-1/2001KVS(GR)/12770-74 dated 29/30.5.2001 imposing a penalty of reduction to lower time scale of pay, grade and post of Lower Division Clerk (LDC) with immediate effect until he is found fit by the competent authority. In the said order itself there has been direction to the present Applicant to report for duty as LDC in K.V. Nirjuli (Arunachal Pradesh) within 12.6.2001.

A copy of the aforesaid order dated 29/30.5.2001 is annexed herewith and marked as Annexure-5.

4.9 That the Applicant begs to state that the Respondent have acted illegally in issuing the Memorandum dated 17.4.2001 wherein certain baseless and false allegation against the Applicant has been made. The aforesaid chargesheet does not clearly indicate the charge leveled against him. Same is vague and indefinite and basing on the same no proceeding can be vitiated. However, in the instant case the Respondents have issued the impugned order basing on the said chargesheet without affording him any reasonable opportunity of hearing.

4.10 That the Applicant begs to state that the Respondents while issuing the chargesheet have failed to take into consideration the representation filed by the Applicant on 7.3.2001. Against the memo dated 23.2.2001. On this score alone the entire proceeding is vitiated and same is liable to set aside and quashed.

4.11 That the disciplinary authority i.e. the Assistant Commissioner, KVS, Guwahati while issuing the impugned order dated 29/30.5.2001 did not apply his mind and concluded the proceeding basing on the mainly that charged officer (Applicant) has admitted all the 3 (three) charges. In fact the Applicant was given sufficient assurance by the said Respondent No. 5 with the sole impression to harass him and the Applicant was forced to admit his guilt. Admittedly the Applicant did not placed his admission so far it relates to charge No. 3. But no inquiry was held to find out the truth

of the allegations and some has caused serious prejudice to the present Applicant and th score alone th entire proceeding is liable to be set aside and quashed.

4.12 That the Applicant begs to state that in any view of the matter, the punishment imposed on th Applicant is per-se illegal and same is violative of prescribed rules mentioned in the CCS(CCA) Rules, 1965 and same has got no nexus with the charges. That apart taking into consideration the alleges charges, punishment imposed on the Applicant is too harse and not on accordance with law.

4.13 That as stated above that Respondents while issuing the impugned order has reverted the Applicant from Head Clerk to LDC i.e. two stages below the grade. On the other hand by issuing the said impugned order the Respondents have transferred him K.V. No.1, Missamari to K.V. Nirjuli (Arunachal Pradesh) as a measure of punishment whereas in his present place of posting there are vacant posts of LDC. In pursuant to the aforesaid impugned order now the Principal K.V. No. 1, Missamari issued an order dated 6.6.2001 by which he has been directed to report K.V. Nerist (Arunachal pradesh) immediately.

A copy of the said order dated 6.6.2001 is annexed herewith and marked as Annexure-6.

4.14 That the Applicant presently is working as Head Clerk in K.V. NO. 1 Missamari. However, in view the issuance of the impugned order dated 29/30.5.2001 and the subsequent communication dated 6.6.2001 the Applicant is approached

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that in any moment he may be transferred to K.V. Nerist (Arunachal Pradesh). It is noteworthy to mention here that the Applicant on 5.6.2001 preferred a statutory appeal against the impugned order dated 29/30.5.2001 with a prayer to suspend the operation of the said impugned order. But even during the pendency of the same order the Respondents without waiting for the result of the said appeal issued the order dated 6.6.2001. In that view of the matter the Applicant prays for an interim order directing the Respondents not given effect the impugned orders dated 29/30.5.2001 and 6.6.2001 during the pendency of the OA.

A copy of the appeal dated 5.6.2001 is annexed herewith and marked as Annexure-7.

5. GROUNDS WITH LEGAL PROPROVISIONS

5.1 For that the action/inaction on the part of the Respondents are illegal, arbitrary and violative of the principles of natural justice and hence same is liable to be set aside and quashed.

5.2 For that the Respondent have acted illegally in issuing the Memorandum dated 17.4.2001 wherein certain baseless and false allegation against the Applicant has been made. The aforesaid chargesheet does not clearly indicate the charge leveled against him. Same is vague and indefinite and basing on the same no proceeding can be vitiated. However, in the instant case the Respondents have issued the impugned order basing on the said chargesheet without affording him any reasonable opportunity of hearing.

5.3 For that the Respondents while issuing the chargesheet have failed to take into consideration the representation filed by the Applicant on 7.3.2001. Against the memo dated 23.2.2001. On this score alone the entire proceeding initiated and same is liable to set aside and quashed.

5.4 That the disciplinary authority i.e. the Assistant Commissioner, KVS, Guwahati while issuing the impugned order dated 29/30.5.2001 did not apply his mind and concluded the proceeding basing on the mainly that charged officer (Applicant) has admitted all the 3 (three) charges. In fact the Applicant was given sufficient assurance by the said Respondent No. 5 with the sole impression to harass him and the Applicant was forced to admit his guilt. Admittedly the Applicant did not placed his admission so far it relates to charge No. 3. But no inquiry was held to find out the truth of the allegations and same has caused serious prejudice to the present Applicant and th score alone th entire proceeding is liable to be set aside and quashed.

5.5 For that in any view of the matter, the punishment imposed on th Applicant is per-se illegal and same is violative of prescribed rules mentioned in the CCS(CCA) Rules, 1965 and same has got no nexus with the charges. That apart taking into consideration the alleges charges, punishment imposed on the Applicant is too harse and not on accordance with law.

5.6 For that in any view of the matter the action/inaction on the part of the Respondents is not sustainable in the eye

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of law and liable to be set aside and quashed.

The Applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of this case.

6. DETAILS OF THE REMEDIES EXHAUSTED.

That the Applicant declares that they have exhausted all the possible departmental remedies towards the redressal of the grievances in regard to which the present application has been made and presently they have got no other alternative than approached this Hon'ble Tribunal.

7. MATTER PENDING WITH ANY OTHER COURTS

That the applicants declares that the matter regarding this application is not pending in any other Court of Law or any other authority or any other branch of the Hon'ble Tribunal.

8. RELIEF SOUGHT:

Under the facts and circumstances stand above the Applicant prays that the instant application be admitted, records be call for and upon hearing the parties on the cause or causes that may be shown and on perusal of records be pleased to grant the following reliefs.

8.1 To set aside and quashed the impugned orders dated 29/30.5.2001 and 6.6.2001 with all consequential service benefits.

8.2 To set aside and quashed the interim departmental

proceeding including the Memorandum dated 23.2.2001 ad the charge sheet dated 7.4.2001 with all consequential service benefits.

8.3 Cost of the application.

8.4 Any other relief/reliefs to which the present Applicant are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

During the pendency of this OA the Applicant prays for an interim order directing the rs not to give effect the operation of the impugned order dated 29/30.5.2001 and 5.6.2001 and allow him to continue in his present place of posting as Head Clerk.

10. THE APPLICATION IS FILED THROUGH ADVOCATE:

11. PARTICULARS OF THE POSTAL ORDER :

(i) I.P.O. No.: 66 792090
(ii) Date: 9/5/2001
(iii) payable at Guwahati

12. LIST OF ENCLOSURES :

2

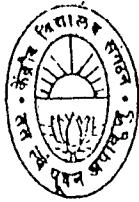
VERIFICATION

I, Shri Guna Ram Das, S/o Late Mikir Das, aged about 46 years, presently working as Head Clerk at Kendriya Vidyalaya No. 1, Missamari in the Sonitpur District do here by solemnly affirm and state that the statement made in this application from paragraph 1 to 3, 4.1 to 4.3, 4.5, 4.6, 4.7, 4.9, 4.10, 4.11, 4.12, 4.15, & 5 to 12 are true to my knowledge and those made in paragraphs 4.4, 4.8, 4.13 are matters records of records informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on 8th day of June 2001.

Signature.

Guna Ram Das



केन्द्रीय विद्यालय संगठन

KENDRIYA VIDYALAYA SANGATHAN

क्षेत्रीय कार्यालय
मालीगाँव चारियाली
गुवाहाटी : 781 012

Regional Office
Maligaon Chariali
Guwahati : 781 012

पत्रांक : No. F. : 14-1/2001-KVS(GR)/8352-52

दिनांक : Dated : 23.02.2001

MEMORANDUM

By Regd. Post

Confidential

It has observed that Shri G.R. Das, Head Clerk, Kendriya Vidyalaya, Missamari while functioning as such at Kendriya Vidyalaya, Missamari has allegedly committed the under mentioned irregularities/misconduct :-

- i) After taking necessary permission/Earned leave from 18/6/2000 to 04.07.2000 (17 days) to avail of All India LTC for the Block year 1998-2000 to visit TRIVANDRUM with seven family members, preferred claim for AC 2 Ticr fare for self and six family members from Missamari to Trivandrum Central vide LTC Bill dated 03.08.2000 falsely.
- ii) For attending Training programme-cum-workshop for Head Clerks and Superintendents held from 12th July to 21st July 2000 at Kendriya Vidyalaya No.2 Salt Lake City, Calcutta, Shri G.R. Das, Head Clerk, Kendriya Vidyalaya, Missamari after attending the course claimed TA for AC-2 fare from Guwahati to Howrah and Mail fare from Missamari to Guwahati. He neither mentioned Ticket numbers with PNR number nor attached Tickets of the journey as per-formed. This shows his claim false.

Shri G.R. Das, Head clerk, Kendriya Vidyalaya, Missamari is hereby directed to explain his position in regard to above allegations within 10 days from the date of receipt of this Memorandum failing which he will render himself liable to be proceeded against under Central Civil Service (Classification & Appeal) Rules, 1965.

To,
Shri G.H. Das,
Head Clerk,
Kendriya Vidyalaya,
Missamari.

(D. K. SAINI)
ASSISTANT COMMISSIONER

✓ Copy to the Principal, Kendriya Vidyalaya, Missamari with the request to handover the original memorandum to Shri G.R. Das, Head Clerk after obtaining his dated acknowledgement.

ASSISTANT COMMISSIONER 23/2

Reed.

28/2/2001

***** 436(B) 1
28/02/2001
Filled: G.R.D.(PF)

80000
May
2001

To

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

Subject:- Submission of explanation against Memo. received
on 28-02-2001 - req.

(Through proper channel)

Sir,

I have the honour to state that in response to your Memo. No: F.14-1/2001-KVS (GR)/8952-52 dated 23-02-2001 issued to me on 28-02-2001 I am submitting my explanation as stated below

1. I am to say that I have visited Trivandrum with 05 members of my family (NOT 7 (SEVEN) as stated therein) with due kind permission to avail LTC (4 yrs, block 1998-2000). As now-a-days, there was no provision of issuing 1st. Class Rail Tickets the person whom I sent to purchase Tickets from Guwahati Railway Reservation Counter had purchased Tickets of 2 A.C. As there was shortage of time I could not cancell those 2 AC Tickets and purchase fresh Tickets for 3 A.C. for which I am eligible. I have availed those 2 AC Tickets for my both ways journey with my family members.

2. Secondly, it is to state that I have attend the Training -cum-Workshop for Head Clerks & Supdts held at KENDRIYA VIDYALAYA, N. Salt Lake City at Calcutta wef. 12-7-2000 to 21-7-2000.

As the course schedule were prosporded such irregularity happened as stated below:-

Sir, I have purchase my Tickets in response to the First intimation received at this Vidyalaya from Railway Reservation Counter. After purchase the Tickets an intimation received stating the prospordment of the Course schedule till further intimation. Then I sent the Tickets as purchased for its cancellation from Reservation Counter at Guwahati. After cancellation of those Tickets I received another intimation for revised Schedule for the aforesaid Course.

As we received the revised schedule very late I reached the Reservation Counter at Guwahati and purchased a fresh Tick from the Current Reservation Counter and handed over it to the T.C. at Howrah Railway Station on completion of my onward journ. Similarly on relieving from K.V. No: II, Salt Lake City on 21/7/2000 I reached the Railway Station, Howrah Jn. and purchased my Ticket from Current Reservation Counter for my Return Journey. On arrival at Guwahati Railway Station, I have handed over the Tickets to the T.C. at the platform door of the Guwahati Rail station.

Under the circumstances above I would like to request you that I may please be allowed the fare as admissible to me for both Journeys in respect of LTC and TA/DA for attending the Inservice Course.

Yours faithfully, G. R. Das 17/3
H/C

Received 02
(TWO) Copies

Principal
Kendriya Vidyalaya
Guwahati

No. F.14-1/2001-KVS(GR)/ 11262-63

Dated: 17-4-2001.

MEMORANDUM

CONFIDENTIAL
BY REGISTERED POST

The undersigned proposes to hold an Inquiry against Sh.G.R.Das H/C. Kendriya Vidyalaya Missamari 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) Sh. G.R.Das, H/C. 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) Sh. G.R.Das, H/C. 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 Sh. G.R.Das, H/C. 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. G.R.Das, H/C 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 CCA (Conduct) Rules, 1964.

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

To,
Sh. G.R.Das, H/C.
Kendriya Vidyalaya
Missamari.

D.K.SAINI
(D.K.SAINI) 17/4/2001
ASSISTANT COMMISSIONER
Asstt. Commissioner

Copy to :-

1. The Principal, Kendriya Vidyalaya, Missamari.
2. The Assistant Commissioner (Admn.), KVS(Hqrs.), New Delhi-16.
3. Office Copy.

(D.K.SAINI)
ASSTT. COMMISSIONER.

000000000

Attested

Nilesh
Advocate

ANNEXURE - I.

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SHRI G.R. DAS,
HEAD CLERK, KENDRIYA VIDYALAYA MISSAMARI

ARTICLE - I.

That the said Shri G.R.Das, Head Clerk, Kendriya Vidyalaya Missamari, while working as such at Kendriya Vidyalaya Missamari during the financial year 2000-2001, submitted a false LTC Bill for self and his family member for the Block year 1998-2001 to visit Trivandrum Central. He submitted the Adjustment Bill claiming Rs. 32,722/- against the amount of advance drawn Rs. 39,500/- towards AC-2 tire fare for onward and return journey including the houney from Missamari to Guwahati for which he did not availed train journey with hisfamily member. He submitted the X-erox copies of the Rly. Tickets Nos. 54565126-PNR No. 621-0702222 and 54565127- PNR No.430-6232557 as evidences, which he had cancelled on 15-6-2000.

Thus the said Shri G.R.Das, by his aforesaid acts has committed a serious misconduct by submitting ~~take~~ false LTC Claim and has thou violated the provision of Rule-3(1).(i), (ii) and (iii) of Central Civil Services (Conduct)Rules,1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - II

That Shri G.R.Das,while working as Head Clerk in Kendriya Vidyalaya Missamari during the financial year 2000-2001 had drawn Rs. 39,500/- as LTC advance for the Block year 1998-2001 vide Cheque No. 440961 dt. 27-5-2000 from K.V. Missamari,which was excess drawal for ingenuize reasons.

Shri. G.R.Das, submitted his false claime towards AC-2 Tire fare for onward and ~~return~~ journey for self and his family member beyond admissible class. He has not refunded the utilized portion of advance along with his claim.

Thus the said Shri G.R.Das,by his aforsaid act has comonitted a misconduct which is violative of Rule 3(1),(i0,(ii) and (iii) of Central Civil Services (Conduct) Rules 1964 as extended to the employees of KVS.

ARTICLE - III

That the said Sh. G.R.Das,while working as Head Clerk in Kendriya Vidyalaya Missamari,during the month of July'2000 after attending Training programme-cum-workshop for Head Clerks and Superintandents held at Salt Lake,Calcutta has claimed and drawn TA for AC-2 Tire fare from Guwahati to Howarah and Mail fare from Missamari to Guwahati for onward andreturn journey. He neither submitted any Tickets/evidences nor mentioned the Ticket numbers with PNR number in the TA bill against the houney as performed which shows his claim false and he drawn the excess TA,beyond his entitlement.

Thus the said Shri G.R.Das,failed to maintain absolute integrity and ~~is~~ tired to cheat the Department by submitting false TA claim and has thus violated the provisions of Rule 3(1),(i), (ii), and (iii) of CCS(Conduct)Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ANNEXURE - II.

STATEMENT OF IMPULSION OF MISCONDUCT IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST SHRI G.R. DAS, HEAD CLERK, KENDRIYA VIDYALAYA MISSAMARI.

ARTICLE - I.

That Shri G.R.Das, Head Clerk while working at Kendriya Vidyalaya Missamari during the financial year 2000-2001, submitted a false LTC claim vide bill dated 03-08-2000 for self and his five family member for the Block year 1998-2001 to visit Trivandrum Central.

He submitted for adjustment Bill claiming Rs. 32,722/- against the amount of advance drawn Rs. 39,500/- towards AC-2 Tire fare for onward and return journey, including the journey from Missamari to Guwahati for which he did not availed any train journey with his family members.

Shri G.R.Das, submitted his false claim along with Xerox copies of the Rly. Tickets Nos. 54565126-PNR No. 621-0702222 for onward journey and No. 54565127-PNR No. 430-6232557 for return journey as evidences, which he had cancelled on 15.6.2000.

Thus the said Shri G.R.Das, failed to maintain absolute integrity and tried to cheat the Department by submitting false LTC claim and has thus violated the provision of Rule 3(1), (i), (ii), (iii) of Central Civil service (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - II.

That Shri G.R.Das, while working as Head Clerk in Kendriya Vidyalaya Missamari during the financial year 2000-2001, has drawn Rs. 39500/- as LTC advance for the Block year 1998-2001 vide Cheque No. 440961 dated: 27-5-2000 from Kendriya Vidyalaya Missamari for AC-2 Tire fare of onward and return journey, which was excess drawal for ingenuine reasons.

Shri G.R.Das, submitted his false claim vide LTC bill dated 03-8-2000, towards AC-2 Tire fare for onward and return journey for self and his family member beyond admissible class. Shri Das has not refunded the un-utilized portion of advance along with his LTC Bill/Claim.

Thus the said Shri G.R.Das, by his aforesaid act has committed a misconduct which is violative of Rule 3(1) (i), (ii) and (iii) of Central Civil Services (Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - III

That the said Shri G.R.Das, while working as Head Clerk in Kendriya Vidyalaya Missamari, was deputed for attending Training Programme-Cum-Workshop for Head Clerks and Superintendents held from 12th. July to 21st. July/2000 at Kendriya Vidyalaya No.2 Salt Lake City, Calcutta. Shri G.R.Das, after attending the said course has claimed/drawn Travelling Allowance by AC-2 Tire fare from Guwahati to Howrah and Mail fare from Missamari to Guwahati for onward and return journey.

:- 2 :-

Shri G.R.Das neither submitted any Tickets/evidences nor mentioned the Ticket numbers with PNR number in the TA bill, against the journey he performed, which shows he was submitted a false claim and drawn excess TA, beyond his entitlement Class.

Thus the said Shri G.R.Das, failed to maintain absolute integrity and tried to cheat the department by submitting false TA claim and has thus violated the provisions of Rule 3(1) (i), (ii) and (iii) as Central Civil Services (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

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27

ANNEXURE : III.

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES ARE PROPOSED
TO BE SUSTAINED AGAINST SHRI G.R. DAS HEAD CLERK, KENDRIYA
VIDYALAYA MISSAMARI.

1. LTC Bill dated 03-8-2000 submitted by Shri G.R.Das, Head Clerk Kendriya Vidyalaya Missamari.
2. X'erox copies of the Rly. Tickets Nos. 54565126 and 54565127, submitted by Shri G.R.Das, Head Clerk.
3. Letter number Nil dt. 13-6-2000, from Shri G.R.Das, Head Clerk regarding permission to avail LTC—regarding.
4. Earned leave application dated 13-6-2000, 06-7-2000 and joining report dated 06-07-2000 of Sh. G.R.Das, Head Clerk Kendriya Vidyalaya Missamari.
5. TA bill for the month of July'2000, submitted by Sh. G.R.Das Head Clerk.
6. Memorandum No. 14-1/2001-KVS(GR)/8952-53 dated: 23-02-2001 issued to Shri G.R.Das.
7. Letter No. PF/GRD(HC)/KVM/2000-01/339 dt. 07-03-2001, submission of reply of Shri G.R.Das.
8. Letter No. C/Misc/Money Receipt/Pt.III dt. 19-02-01 from C.C.M.(General) Maligaon, N.F.Rly., Guwahati.

@ @ @ @ @

ANNEXURE : IV.

STATEMENT OF WITNESSES BY WHICH THE ARTICLES OF CHARGES
ARE PROPOSED TO BE SUSTAINED AGAINST SH. G.R. DAS, HEAD
CLERK, KENDRIYA VIDYALAYA MISSAMARI.

- N I L -

To

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Guwahati Region,
Maligaon Chariali, Guwahati-12

(Through Properchannel)

Subject:- Submission of reply against Memorandum dt.17.4.01

Respected Sir,

In response to your Memorandum No:F.14-1/
2001-KVS(GR)/11262-63 dated 17-4-2001 on the subject cited
above I would like to submit the following against reply of
the aforesaid memorandum.

1. With reference to the Articles No.I & II, I am
admitting the charges enforced upon me and request the
authority to issue an order to repay the entire advance
drawn towards LTC (All India) with family for the block
year 1998-2001 in easy instalments.
2. As regards to the Article-III I am to say that as
you may know that I have attended the Training Programme
cum-Workshop for Head Clerks and Superintendents held at
K.V.No.II, Salt-Lake City, Calcutta during July, 2000, I may
please be allowed to avail my both ways journey from
Missamari to Salt-Lake City by the admissibility Class
for which I am entitle.

I shall refund the excess/balance amount to the
Vidyalaya on receipt my TA/DA Bills from your office.

Under the circumstances above it is my humble
request that I may kindly be grant forgiveness for
which I am assuring you that I shall never repeat such
activities in future failing which appropriate action may
be taken against me.

Yours faithfully,



(G. R. Das)
Head Clerk,
Kendriya Vidyalaya,
Missamari (Assam)

Dated:04-05-2001

दूरभाष / Phone : 571797, 571798
Fax : 571799

30

केन्द्रीय विद्यालय संगठन

KENDRIYA VIDYALAYA SANGATHAN



क्षेत्रीय कार्यालय
मालीगाँव चारियाली
गुवाहाटी : 781 012

Regional Office
Maligaon Chariali
Guwahati : 781 012

रजिस्टरेड पॉस्ट/REGISTERED POST

पत्रांक :
No. F. : No.F. 14-1/2001-KVS(GR) / 12770-74

दिनांक
Dated 29th May '01
30

ORDER

WHEREAS, disciplinary proceedings under rule 14 of Central Civil Service (Classification, Control & Appeal) Rules 1965 were instituted against Shri G. R. Das, Head-clerk, KV, Missamari vide this ^{Office} memorandum No. F. 14-1/2001-KVS(GR/ 11262-63 dated 17/4/2001, on the following Article of charges :-

- (i) that Shri G. R. Das, while working as Head-clerk at KV, Missamari during the financial year 2000-01 submitted a false LTC bill for self and his family members for the block year 1998 – 2001 to visit Trivandrum. He submitted the adjustment bill claiming Rs. 32,722/- against the amount of advance drawn Rs. 39,500/- towards A.C. - 2 tire fare for onward and return journey for which he did not avail train journey with his family members. He has submitted his claim along with the Xerox copies of the railway tickets PNR No. 621-0702222 and No. 430-6232557 as evidences, which he had cancelled on 15.6.2000.
- (ii) He had drawn Rs. 39,500/- as LTC advance for the Block Year 1998-2001, vide cheque No. 440961 dated 27.5.2000 from KV, Missamari, which was excess drawal for ingenuine reasons. He has submitted his claim beyond admissible class and also not refunded the unutilized portion of advance alongwith his claim.
- (ii) That Shri G.R. Das after attending Training Programme-cum-workshop, Held at Salt lake, Calcutta during the month of July, 2000 has claimed and Drawn excess TA, beyond his entitlement class by submitting a false claim.

A statement of imputation of misconduct/misbehaviour on which the Article 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 17.4.2001.

AND WHEREAS, Shri G.R. Das, has submitted his written statement date 4.5.2001 in which he has admitted the charges framed against him vide Memorandum dated 17.4.2001 in Articles- I, II and III. His written statement has been forwarded by the Principal, KV, Missamari vide his letter No.PF./GRD(H/C)/KVM/2001-2002/96, dated 9.5.2001 and received in this office on 17.5.2001.

hosted

11/6/01
Advocate

Contd...2/-



केन्द्रीय विद्यालय संगठन KENDRIYA VIDYALAYA SANGATHAN

क्षेत्रीय कार्यालय
मालीगाँव चारियाली
गुवाहाटी : 781 012

Regional Office
Maligaon Chariali
Guwahati : 781 012

पत्रांक :
No. F. :

दिनांक :
Dated :

(2)

NOW, THEREFORE, after considering the facts and circumstances of the case, the undersigned has come to the conclusion that Shri G.R.Das, Head Clerk, has committed a serious misconduct by his unbecoming behaviour violating rule 3(I), (i), (ii) & (iii) of CCS(Conduct) rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan and hence ends of justice require that the penalty of reduction to lower time-scale of Pay, grade and Post of LDC (Lower Division Clerk) until he is found fit by the competent authority to be restored to the next higher post of UDC.

IT IS, THEREFORE, Ordered that Shri G.R. Das, Head Clerk, Kendriya Vidyalaya, Missamari be imposed the penalty of reduction to lower time scale of pay, grade and post of Lower Division Clerk(LDC), with immediate effect, until he is found fit by the competent authority to be restored to the next higher post.

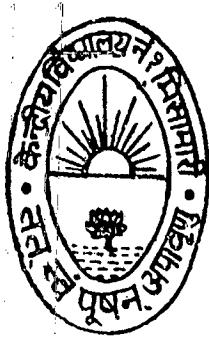
Shri G.R. Das should report for duty at Kendriya Vidyalaya, NERIST, Nirjuli(Arunachal Pradesh) immediately but not later than 12th June, 2001.

D.K.Saini
(D. K. SAINI) 29/5
Assistant Commissioner

To
Shri G.R. Das, LDC
Kendriya Vidyalaya,
Missamari

Copy to :-

1. The Principal, KV, Missamari for information and necessary action.
2. The Principal, KV, NERIST (Arunachal Pradesh)
3. The Assisnt Commissioner(Admn), KVS(HQ), New Delhi.
4. The A.I.O., KVS, RO, Guwahati.



60
① : 442 (Army)

केन्द्रीय विद्यालय नं०-१ मिसामारी
KENDRIYA VIDYALAYA No. 1, MISSAMARI
P.O. - MISSAMARI : PIN - 784506
Dist. - SONITPUR : (Assam)

Ref. No. F.29/KVM/2001-2002/ 178-80

Date 06.6.2001

RELIEVING ORDER

Mr. G. R. Das, Head Clerk on reduction to the post of LDC vide KVS(GR) letter No.F.14-1/21-KVS(GR)/12770-74 dt. 29/30.5.2001 is relieved on 06.6.2001 (A/N). He is advised to report to the Principal K.V. Nerist (A.P) immediately.

To

Mr. G. R. Das, LDC
K. V. Missamari (Assam)

YADAV
(J.S.YADAV)
PRINCIPAL
प्राचार्य/Principal

Copy to :-

1. The Principal
K. V. Nerist (A.P)
2. The Asstt. Commissioner
KVS(GR) Guwahati-12

केन्द्रीय विद्यालय नं०-१
Kendriya Vidyalaya No-1
मिसामारी/Missamari

PRINCIPAL

Attested

W.G

Advocate

To,

Dated 5.6.2001

The Commissioner,
KVS, New Delhi.

Sub : Appeal against the order dated 29/30.5.2001

Sir,

With due respect, I beg to lay before you the few following lines for kind consideration and necessary action thereof.

That Sir, I have preferred the present appeal under CCS(CCA) Rules 1965, against the order dated 29/30.5.2001 with a prayer for cancellation of the same. The brief facts of the case is that I have been serve with a memo dated 23.2.2001 regarding submission of false LTC bills dated 3.8.2000 and submitting T.A. bill for attending training Programmes cum workshop with effect from 12.7.2000 to 21.7.2000 to which I am not entitled to. I preferred detail representation on 7.3.2001 denying the allegations. But surprisingly the Asstt. Commissioner issued the charge sheet dated 17.4.2001 without disposing of the representations indicating the same charges. Under compelling circumstances I had to admit two of the charges but I did not admit charge No. 3. However, no enquiry was made and I have been served with a copy of the order dated 29/30.5.2001. As relates to charge No. 1 and 2 my earlier representation dated 7.3.2001 was very clear an same are not true at all. On the other hand there should have been a detail enquiry into the matter as per CCS(CCA) Rule, but the same was never done and thereby I have been denied my valuable right of defence.

That Sir, I am serving under your organisation

Attested
Utkal
Advocate

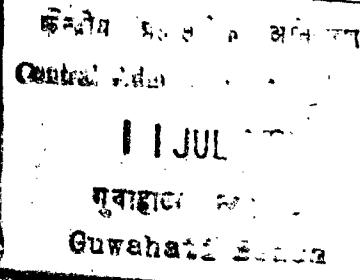
sincerely but without any reason whatsoever I have been forced to get the punishment.

In the circumstances I pray your honour to cancelled the order dated 29.30.5.2001 by which I have been lowered down to two stages illegally. Till finalisation of the appeal, I pray that the above orders may be stayed.

Thanking you.

Yours sincerely

(Guna Ram Das)
Head Clerk KVS No.1 Missamarai



File by *SN*
Atul Jain
through *Suman Shyam*
Advocate for the
Respondent Nos. 2 to 5
2/7/01

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH : GUWAHATI.

O.A. NO. 220 OF 2001

Sri Guna Ram Das. Applicant.

-Versus-

The Union of India & Others.

.... Respondents.

-And-

In the matter of :

Written statement filed on behalf
of Respondent Nos. 2 to 5 in the
abovenote case.

The humble written statement of the
Respondent Nos. 2 to 5 ;

MOST RESPECTFULLY BEGS TO STATE AS FOLLOWS :-

1. That a copy of the application filed in the above-noted case has been served upon the answering respondents and the answering respondents have gone through the same and understood the contents thereof. The respondent No. 3 who is the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati is fully competent and authorised to file this written statement on behalf of the answering respondents Nos. 2 to 5.

Contd....2.

2. That save and except statements that are specifically admitted herein below ~~on~~ those that are borne out of records, all other averments/allegations made in the application are emphatically denied herewith and the applicant is put to the strictest proof thereof.

3. That the instant application is not maintainable in the facts and circumstances of the case and the same in a fit one to be dismissed in limine.

4. That as to the statements made ⁱⁿ paragraphs 4.1 and 4.2 nothing is admitted except those that are borne out on records. As regards the contention of the applicant that he is presently working as Head Clerk at Kendriya Vidyalaya No.1, Missamari, Sonitpur district, the answering respondents categorically denies the correctness of the same. In this connection, it is pertinent to state herein that by an order No.F.14-1/2001-KVS(GR)/12770-74 dated 29/30-5-01, the applicant was transferred from the post of Head Clerk, Kendriya Vidyalaya, Missamari and posted at Kendriya ~~affixing~~ Vidyalaya, NERIST, Nirjuli affecting reduction of rank to the post of Lower Division Clerk. Subsequently by a separate order No.F.29/KVM/2001-2002/178-80 dated dated 6.6.2001, the applicant was relieved from duty with effect from 6.6.2001 and asked to report for duty to the Principal, Kendriya Vidyalaya, Nerist(A.P) in pursuance of the order dated 29/30-5-01.

Contd....3.

Copies of the orders dated 29/30-5-01 and 6.6.2001 are annexed hereto and marked as ANNEXURES-A and B respectively.

5. That as regard the statements made in paragraph 4.3 of the application, it is stated that it is correct that the applicant had applied for all India L.T.C. for the block year 1998-2000 to visit Trivandrum along with his family members. But it is categorically denied that the applicant undertook any journey to Trivandrum with his family members as per his claims made in the LTC bills. It is respectfully stated that the applicant had obtained necessary permission/earned leave for the period from 18.6.2000 to 4.7.2000 in order to avail All India LTC for the block year 1998-2000 purportedly for visiting Trivandrum Central. The applicant had drawn an amount of Rs.39,500/- towards AC-II tier railway fare from Missamari to Guwanati and back, for self and five family members. Later on the applicant submitted a false adjustment bill dated 3.8.2000 claiming an amount of Rs.32,722/- as against the advance amount of Rs.39,500/- drawn earlier, on account of AC-II tier railway fare for onward and return journey from Missamari to Guwahati. Enclose with the bill, the applicant had also submitted photo copies of railway ticket bearing Nos. 54565125 PNR No.620-0702222 and No.54565127 PNR No.430-6232557 as evidences. But these tickets he had cancelled on 15.6.2000, and as such his entire claim is false as he never travelled on the tickets or used them to make the journey.

Contd....4.

38

A copy of the L.T.C. Bill dated 3.8.2000

is annexed hereto and marked as

ANNEXURE-C.

6. That as to the statements made in paragraph 4.4. of the application, it is respectfully stated that the internal audit KVS(GR) had printed out that the applicant had drawn Rs.39,500/- as LTC advance for the Block year 1998-2001 vide cheque No.440961 dated 27.5.2000 which amounted to excess drawal. Further the claim made by the applicant in the LTC bill was also beyond the entitlement of the applicant as he was not entitled to claim fare for AC-II tier. Further the applicant had failed to return the unutilised portion of the advance LTC amount already drawn by the applicant. It was also noticed by the Kendriya Vidyalaya Sangathan authorities that the applicant, after attending a Training Programme-cum-workshop held at Salt Lake City, Kolkata during the month of July, 2000, had claimed and drawn excess T.A. for AC-II tier fare, which is beyond his entitlement class and submitted a false bill claiming railway fare by AC-II tier from Guwahati to Howrah and back and mail fare from Missamari to Guwahati to and fro. It is relevant to state herein that the applicant neither submitted any journey ticket nor did he mention the ticket No./PNR number in his bills. The answering respondents, however, reserve their right to initiate a separate proceeding against applicant for recovery

of the money withdrawn by him against the ~~xxxx~~ aforesaid false bills.

7. That as to the statements made in paragraph 4.5 and 4.5(a), it is respectfully stated that in his representation dated 7.3.2001, the applicant had categorically stated that he had visited Trivandrum with five family members by AC-II tier and that the applicant had availed both ways journey with his family members by availing the AC-II tier tickets. However upon an inquiry made by the answering respondent No.5, the Chief Commercial Manager, NF Rly. by his letter dated 10.2.01 addressed to the respondent No.5 had confirmed that, the Rly. tickets bearing PNR 621-0702222 and No. 430-6232557, against which tickets the applicant herein claims to have availed return journey to Trivandrum Central with his family members on 18.6.2000, had both been cancelled on 15.6.2000 itself and that the parties holding the above tickets did not make their train journey at all, as claimed. In view of such discrepancy in the statements made by the applicant in his written representation dated 7.3.2001 (Annexure-2 to the application) with that of the letter ^{dated} 10.2.01 written by the Chief Commercial Manager, NF Rly. Maligaon, the respondent authorities were compelled to issue a Memorandum of charges dated 17.4.2001 under Rule 14 of the Central Civil Services (Classification, Control and Appeals) Rule, 1965 with a view to unearth the truth.

Contd.....6.

A copy of the letter dated 10.2.01 and Memorandum of charges dated 17.4.01 are annexed hereto and marked as ANNEXURES-D & E.

8. That as regards the statements made in para 4.6 of the application, it is categorically denied that the respondent No.3 had ever made any verbal assurance to the applicant regarding withdrawal/cancellation of the charges levelled against him vide Memorandum of charges dated 17.4.2001. It is further categorically denied that the respondents had ever made it known to the applicant that a lighter punishment would be imposed on him, in the event of admission of guilt. In this context it is respectfully stated upon due application of mind on the facts and circumstances of the case that the disciplinary authorities were compelled to initiate disciplinary proceedings against the applicant as per the provisions of the Central Civil Services (Classification, Control and Appeal) Rules 1965 as extended to the Kendriya Vidyalaya Sangathan employees.

9. That as regards the statements made in paragraph 4.7, it is humbly stated that the statements made therein does not have any relevance with the facts and circumstances of the instant case. It is, however, categorically denied that the respondent No.5 has developed a bad blood against the applicant as

alleged and that the issuance of the charge sheet has got any nexus with the job of arrangement of accommodation of Audit team in the transit camp under Missamari Cantonment.

10. That as regards the statements made in paragraphs 4.9 and 4.10 of the application, it is respectfully stated that in his written reply dated 4.5.2001 the applicant has categorically admitted all the three charges levelled against him in the statement of Article of charges attached to Memorandum of charges dated 17.4.01. In the said written reply dated 4.5.2001, the applicant while un-conditionally admitting the charges in reference to Articles I and II has further made a statement that as regards charges framed in Article-III, the applicant was ready to refund the excess amount to the Kendriya Vidyalaya Sangathan authorities. The applicant has further assured the authorities that he would never repeat such activities in future. In that view of the matter, the question of consideration of the representation dated 7.3.2001 filed by the applicant containing false facts, does not arise at all.

A copy of the reply dated 4.5.01 is annexed hereto and marked as ANNEXURE-F.

11. That as regards the statements made in paragraphs 4.11 and 4.12 of the application, it is categorically denied that the impugned order dated

29/30-5-2001 was issued without application of mind and that the applicant was given sufficient assurance by the respondent No.5 with sole purpose of harrassment and with a view to force the applicant to admit his guilt. In this context, it is respectfully stated that on the face of the categorical/specific admission of charges made by the applicant in his reply dated 4.5.2001, the respondent authorities were of the considered view that no further inquiry ~~was~~ required to be held. Further upon due consideration of the reply as well as representation submitted by the applicant and upon due application of mind on the facts and circumstances of the case, the respondent authorities were of the opinion that the applicant was not only guilty of committing serious misconduct in his service career within the meaning of Rule 3(1) (i) (ii) & (iii) of the Central Civil Service (Conduct) Rules, 1964 but also on account of his unbecoming behaviour and misconduct has brought disrepute to the whole organisation. As such penalty by way of reduction of rank to lower time scale of pay to the post of Lower Divisional Clerk (LDC), was imposed upon the applicant until he was found fit by the competent authority to be elevated to the next higher post.

12. That as regards the statements made in paragraphs 4.13 and 4.14, it is stated that upon due consideration of the facts ^{and} circumstances of the case the penalty of reduction of rank to the grade and post

of Lower Division Clerk was imposed upon the applicant as a punishment for his proven misconduct and the applicant was posted as Lower Division Clerk, Kendriya Vidyalaya, NERIST, Nirjuli by order dated 29/30-5-01 issued by the respondent No. 3. Further by another order dated 6.6.01 issued by the respondent No. 4 the applicant was relieved from duty in the post of Head Clerk, Kendriya Vidyalaya, Missamari with effect from 6.6.01. Be it stated here in that both the orders dated 29/30-5-01 and 6.6.01 had been given effect to prior to filing of the instant application by the applicant. It is, however, categorically denied that the respondent Nos. 3 to 5 had received any appeal filed by the applicant prior to issuance of the order dated 6.6.01 or at any subsequent date.

13. That as regards the statements made in paragraphs 5.1, 5.2, 5.3 and 5.4, the answering respondents while reiterating the statements made in the foregoing paragraphs, most respectfully beg to state that the action taken by the respondents is just, fair and proper and strictly in terms of the provision of law as laid down in Central Civil Service (Conduct) Rules, 1964 as extended to the employees of the Kendriya Vidyalaya Sangathan. In view of the specific admission of charges by the applicant the respondent authorities are fully justified in passing the impugned orders dated 29/30-5-01 and 6.6.01. In this context it is respectfully submitted that the above-named applicant has

suppressed material facts and particulars at the time of filing the instant application. As the applicant has not approached this Hon'ble Tribunal with clean hands, the applicant is not entitled to any of the reliefs claimed in the instant application.

14. That as regards the statements made in paragraphs 5.5 and 5.6 of the application, it is respectfully submitted that the applicant has never denied the charges labelled against him in the Memorandum of charges dated 23.2.2001 nor is it the applicant's case that, he had duly availed the journey in AC-II tire with his family members as per the claim raised in the LTC bill dated 3.8.2000. In that view of the matter there cannot be any legally tenable ground for the applicant to challange the Memorandum of charges dated 23.2.01 or the subsequent orders dated 29/30-5-01 and 6.6.01. As such the instant application is liable to be dismissed in Limige.

15. That as to the statements made in paragraphs 6 to 9 of the application it is respectfully stated that both the orders dated 29/30-5-01 and 6.6.01 have already been given effect to prior to the filing of this application which fact has been deliberately suppressed by the applicant before the Hon'ble Tribunal. Persuant to the order dated 29/30-5-01 and 6.6.01 the applicant had been relieved from duty from the post of Head Clerk, Missamari with effect from 6.6.01 and the applicant has already drawn an amount of Rs.10,383/-

Contd.....11.

vide cheque No.109217 dated 6.6.01 on account of his transfer T.A. towards joining at Kendriya Vidyalaya, NERIST, Nirjuli in the post of Lower Division Clerk.

16. That the answering respondents crave leave of the Hon'ble Tribunal to file additional written statement if required, in the ends of Justice.

17. That under the facts and circumstances of the case as stated/elaborated in the foregoing paragraphs of this written statement the instant application is not maintainable in law as well as in the facts and circumstances and the same is liable to be dismissed.

VERIFICATION

I, Sri D.K. Saini, Son of Sri C.L. Saini, aged about 52 years, by occupation Govt. Service, at present working as Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati, district-Kamrup, solemnly affirm and declare that the statements made in paragraphs 1 to 4, 8, 9, 11 to 15 above are true to my knowledge, those made in paragraphs 5, 6, 7 and 10 are matters of record and information derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this Verification on the 9th day of July, 2001 at Guwahati.

D.K. Saini
(SIGNATURE)

रुमाप / Phone : 571797, 571798
Fax : 571799

46

50
संगठन



केन्द्रीय विद्यालय संगठन

KENDRIYA VIDYALAYA SANGATHAN

केन्द्रीय कार्यालय
मालिगाँव चारियाली
गुवाहाटी : 781 012

Regional Office
Maligaon Chariali
Guwahati : 781 012

रजिस्टरेड पोस्ट/REGISTERED POST

प्राप्तक : No. F. 14-1/2001-KVS(GR)/12770-74

दिनांक : Dated 29th May '01
२००१

ORDER

CONFIDENTIAL

WHEREAS, disciplinary proceedings under rule 14 of Central Civil Service (Classification, Control & Appeal) Rules 1965 were instituted against Shri G. R. Das, Head-clerk, KV, Missamari vide this Memorandum No. F. 14-1/2001-KVS(GR)/11262-63 dated 17/4/2001, on the following Article of charges :-

- (i) That Shri G. R. Das, while working as Head-clerk at KV, Missamari during the financial year 2000-01 submitted a false LTC bill for self and his family members for the block year 1998 - 2001 to visit Trivandrum. He submitted the adjustment bill claiming Rs. 32,722/- against the amount of advance drawn Rs. 39500/- towards A.C. 2 tier fare for onward and return journey for which he did not avail train journey with his family members. He has submitted his claim along with the Xerox copies of the railway tickets PNR No. 621-0702222 and No. 430-6232557 as evidences, which he had cancelled on 15.6.2000.
- (ii) He had drawn Rs. 39,500/- as LTC advance for the Block Year 1998-2004, vide cheque No. 440961 dated 27.5.2000 from KV, Missamari, which was excess drawal for ingenuine reasons. He has submitted his claim beyond admissible class and also not refunded the unutilized portion of advance alongwith his claim.
- (iii) That Shri G.R. Das after attending Training Programme-cum-workshop, Held at Salt Lake, Calcutta during the month of July, 2000 has claimed and Drawn excess TA, beyond his entitlement class by submitting a false claim.

A statement of imputation of misconduct/misbehaviour on which the Article 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 17.4.2001.

AND WHEREAS, Shri G.R. Das, has submitted his written statement date 4.5.2001 in which he has admitted the charges framed against him vide Memorandum dated 17.4.2001 in Articles- I, II and III. His written statement has been forwarded by the Principal, KV, Missamari vide his letter No. PE/GRD(H/C)/KVM/2001-2002/96, dated 9.5.2001 and received in this office on 17.5.2001.

মুদ্রণ / Phone : ৯১৭৮৭, ৯১৭৮৮
Fax : ৯১৭৯৯



কেন্দ্ৰীয় বিদ্যালয় সংগঠন
KENDRIYA VIDYALAYA SANGATHAN

কেন্দ্ৰীয় কার্যালয়
মালীগাঁও চাৰিয়ালী
গুৱাহাটী : ৭৮১ ০১২

Regional Office
Malligaon Chariali
Guwahati : 781 012

দিনাংক :
No. F. :

দিনাংক :
Dated :

(2)

NOW, THEREFORE, after considering the facts and circumstances of the case, the undersigned has come to the conclusion that Shri G.R. Das, Head Clerk, has committed a serious misconduct by his unbecoming behaviour, violating rule 3(i), (i), (ii) & (iii) of CCS(Conduct) rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan and hence ends of justice require that the penalty of reduction to lower time-scale of Pay, grade and Post of LDC (Lower Division Clerk) until he is found fit by the competent authority to be restored to the next higher post of UDC.

IT IS, THEREFORE, Ordered that Shri G.R. Das, Head Clerk, Kendriya Vidyalaya, Missamari be imposed the penalty of reduction to lower time scale of pay, grade and post of Lower Division Clerk(LDC), with immediate effect, until he is found fit by the competent authority to be restored to the next higher post.

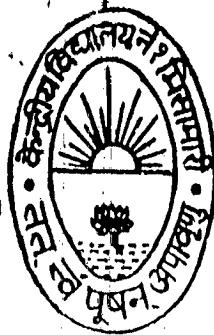
Shri G.R. Das should report for duty at Kendriya Vidyalaya, NERIST, Nirjuli(Arunachal Pradesh) immediately but not later than 12th June, 2001.

D. K. SAINI
(-D. K. SAINI-) 23/5
Assistant Commissioner

To
Shri G.R. Das, LDC
Kendriya Vidyalaya,
Missamari

Copy to :-

1. The Principal, KV, Missamari for information and necessary action.
He is responsible for giving copy to Shri G.R. Das.
2. The Principal, KV, NERIST (Arunachal Pradesh)
3. The Assistant Commissioner(Adm), KVS(HQ), New Delhi.
4. The A.O., KVS, RO, Guwahati.



केन्द्रीय विद्यालय नं०-१ मिसामारी
KENDRIYA VIDYALAYA No. 1, MISSAMARI Annexe
B
 P.O. - MISSAMARI : PIN - 784506
 Dist. - SONITPUR : (Assam)

Ref. No. F. 29/KVM/2001-2002/ 178-80

Date 06.6.2001

RELIEVING ORDER

Mr. G. R. Das, Head Clerk on promotion to the post of
 LDC vide KVS (OR) letter No. F. 14-1/21-KVS (OR)/12770-74
 dt. 29/30.5.2001 is relieved on 06.6.2001 (A/N). He is
 advised to report to the Principal K.V. Norist (A.P)
 immediately.

To

Mr. G. R. Das, LDC
K. V. Missamari (Assam)

(J. S. YADAV)
 PRINCIPAL

Copy to :-

1. The Principal
 K. V. Norist (A.P)
2. The Asstt. Commissioner
 KVS (OR) Guwahati-12

PRINCIPAL

Personal File

10. Particulars of journey(s) performed by road between places connected by rail

Name of places		Class to which entitled	Rail fare
From	To		Rs. P.
MISSAMARI	GUWAHATI	2 A	209=00
GUWAHATI	MISSAMARI	2 A	209=00
			418=00

PART – I

(To be filled in by the Bill Section)

1. The net entitlement on account of leave travel concession works out to Rs 32,722/- in cash charges as detailed below:

(a) Railway/Air/Bus/Steamer fare 32602/- Advt. Rs. 39,500/- Rs. P.
 (b) Less amount of advance drawn vide Vr. No dated Admitted Rs. 32,722/-

2. The expenditure is debitable to.....

Bill Clerk
(Initials)

Drawing and Disbursing Office

(Signature)

Countersigned
Controlling Office
(Signature)

Certified that necessary entries have been made in the Service Book of Shri/Smt /Kum.

(Signature of the officer authorised)

CERTIFIED THAT

1. The information as given above is true to the best of my knowledge and belief : (Signature)

2. That my husband/wife is not employed in Government service/that my husband/wife is employed in Government service and the concerned has not been availed of by him/her separately for himself / herself or for any of the family members for the concerned block of years.....1998.....to.....2000.....

3. That my husband/wife for whom L. T. C. is claimed by me is employed in.....(name of the public sector Undertaking/Corpn./Autonomous body, etc), which provides Leave, Travel Concession facilities but he/she has not preferred and will not prefer, any claim in this behalf to his/her employer, and.....

4. That my wife/husband for whom L. T. C. is claimed by me is not employed in any Public Sector Undertaking/Corpn./Autonomous Body financed wholly or partly by the Central Government or a Local Body, which provides L.T.C. facilities to its employees and their families.

Date.....3/13/2020

Signature of Government Servant

200

Annexure - D

51

N. F. RAILWAY

Office of the
Chief Commr. Manager/Genl.
Maligaon, Guwahati

No: C/Misc/Money Receipt/It. III

dated: 10.2.01

To,

Shri D.K. Saini
Assistant Commissioner
Kendriya Vidyalaya Sangathan
Maligaon, Chariali
Guwahati 781012

Ref: Your letter No. 13-8/04-KVB(OR)/7298
dated 23.11.2000.

Sub: Verification of LTC of the following
PNR Nos.

1. PNR No. 621-0702922 of dt. 18.6.2000
2. " 430-6232657 of 27.6.2000
3. " 631-0606080 of 0.6.2000
4. " 430-6100677 of 26.6.2000
5. " 631-0654926 of 5.7.2000
6. " 430-6194630 of 22.7.2000
7. " 621-0655866 of 5.7.2000
8. " 410-6184191 of 23.7.2000

Sir,

19/2
In response to your letter under reference this
is to inform you that the above PNR Nos. have been enquired and
the details are given below.

O.S. (Selma)

Serial No. 1 & 3 had been cancelled on 18.6.2000
 " 3, 4 " 8.6.2000
 " 5, 6 " 11.6.2000
 " 7, 8 " 11.6.2000

So, in view of the above it is confirmed that the
parties holding above PNRs did not availed their train journey.

20/2/01
for Chief Commr. Manager/Genl.

hp
10.2

KENDRIYA VIDYALAYA SANSTHAN
GUWAHATI REGION

Ref. No. 14-1/2001-KVS(GR)/11262-63

ANNEXURE - E

Dated 17-4-2001.

MEMORANDUM

CONFIDENTIAL
BY REGISTERED POST

The undersigned proposes to hold an Inquiry against Sh. G.R.Das H/C, Kendriya Vidyalaya Missamari 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) Sh. G.R.Das, H/C. 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 charges are not admitted. He should therefore specifically admit or deny each article of charge.

(4) Sh. G.R.Das, H/C. 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 Sh. G.R.Das, H/C. 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. G.R.Das, H/C 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 CCA (Conduct) Rules, 1964.

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

To,
Sh. G.R.Das, H/C.
Kendriya Vidyalaya
Missamari.

(D.K.SAINI)
ASSISTANT COMMISSIONER

Copy to :-

1. The Principal, Kendriya Vidyalaya, Missamari.
2. The Assistant Commissioner (Admn.), KVS(Hqrs.), New Delhi-16.
3. Office Copy.

D.K.SAINI

(D.K.SAINI) 17/4/2001
ASSTT. COMMISSIONER.

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53
ANNEXURE - I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SHRI G.R.DAS
HEAD CLERK, KENDRIYA VIDYALAYA MISSAMARI

ARTICLE - I

That the said Shri G.R.Das, Head Clerk, Kendriya Vidyalaya Missamari, while working as such at Kendriya Vidyalaya Missamari during the financial year 2000-2001, submitted a false LTC Bill for self and his family member for the Block year 1998-2001 to visit Trivandrum Central. He submitted the Adjustment Bill claiming Rs. 32,722/- against the amount of advance drawn Rs. 39,500/- towards AC-2 tire fare for onward and return journey including the journey from Missamari to Guwahati for which he did not availed train journey with his family member. He submitted the Xerox copies of the Rly. Tickets Nos. 54565126-PNR No. 621-0702222 and 54565127-PNR No. 430-6232557 as evidences, which he had cancelled on 15-6-2000.

Thus the said Shri G.R.Das, by his aforesaid acts has committed a serious misconduct by submitting false LTC Claim and has thus violated the provision of Rule-3(1).(1), (ii) and (iii) of Central Civil Services (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - II

That Shri G.R.Das, while working as Head Clerk in Kendriya Vidyalaya Missamari during the financial year 2000-2001 had drawn Rs. 39,500/- as LTC advance for the Block year 1998-2001 vide Cheque No. 440961 dt. 27-5-2000 from K.V. Missamari, which was excess drawn for ingenuine reasons.

Shri. G.R.Das, submitted his false claims towards AC-2 Tire fare for onward and return journey for self and his family member beyond admissible class. He has not refunded the utilized portion of advance along with his claim.

Thus the said Shri G.R.Das, by his aforesaid act has committed a misconduct which is violative of Rule 3(1), (10), (ii) and (iii) of Central Civil Services (Conduct) Rules 1964 as extended to the employees of KVS.

ARTICLE - III

That the said Sh. G.R.Das, while working as Head Clerk in Kendriya Vidyalaya Missamari, during the month of July'2000 after attending Training programme-cum-workshop for Head Clerks and Superintendents held at Salt Lake, Calcutta has claimed and drawn TA for AC-2 tire fare from Guwahati to Howrah and Mail fare from Missamari to Guwahati for onward and return journey. He neither submitted any Tickets/evidences nor mentioned the Ticket numbers with PNR number in the TA bill against the journey as performed which shows his claim false and he drawn the excess TA, beyond his entitlement.

Thus the said Shri G.R.Das, failed to maintain absolute integrity and tried to cheat the Department by submitting false TA claim and has thus violated the provisions of Rule 3(1), (1), (ii), and (iii) of CCS(Conduct)Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

Shri G.R.Das neither submitted any Tickets/evidences nor mentioned the Ticket numbers with PNR number in the TA bill, against the journey he performed, which shows he was submitted with a false claim and drawn excess TA, beyond his entitlement Class.

Thus the said Shri G.R.Das, failed to maintain absolute integrity and tried to cheat the department by submitting false TA claim and has thusxxkm violated the provisions of Rule 3(1) (i&), (ii) and (iii) as Central Civil Services (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

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STATEMENT OF IMPULSION OF MISCONDUCT IN SUPPORT OF ARTICLES OF CHARGES PHAMLD AGAINST SHRI G.H. DAS, HEAD CLERK, KENDRIYA VIDYALAYA MISSAMARI.

ARTICLE - I.

That Shri G.R.Das, Head Clerk while working at Kendriya Vidyalaya Missamari during the financial year 2000-2001, submitted a false LTC claim vide bill dated 03-08-2000 for self and his five family member for the Block year 1998-2001 to visit Trivandrum Central.

He submitted for adjustment Bill claiming Rs. 32,722/- against the amount of advance drawn Rs. 39,500/- towards AC-2 Tire fare for onward and return journey, including the journey from Missamari to Guwahati for which he did not availed any train journey with his family members.

Shri G.R.Das, submitted his false claim along with Xerox copies of the Rly. Tickets Nos. 54565126-INR No. 621-0702222 for onward Journey and No. 54565127-PNR No. 430-6232557 for return journey as evidences, which he had cancelled on 15.6.2000.

Thus the said Shri G.R.Das, failed to maintain absolute integrity and tried to cheat the Department by submitting false LTC claim and has thus violated the provision of Rule 3(1), (i), (ii), (iii) of Central Civil service (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - II.

That Shri G.R.Das, while working as Head Clerk in Kendriya Vidyalaya Missamari during the financial year 2000-2001, has drawn Rs. 39500/- as LTC advance for the Block year 1998-2001 vide Cheque No. 440961 dated 27-5-2000 from Kendriya Vidyalaya Missamari for AC-2 Tire fare of onward and return journey, which was excess drawal for ingenuine reasons.

Shri G.R.Das, submitted his false claim vide LTC bill dated 03-8-2000, towards AC-2 Tire fare for onward and return journey for self and his family member beyond admissible class. Shri Das has not refunded the un-utilized portion of advance along with his LTC Bill/Claim.

Thus the said Shri G.R.Das, by his aforesaid act has committed a misconduct which is violative of Rule 3(1) (i), (ii) and (iii) of Central Civil Services (Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - III.

That the said Shri G.R.Das, while working as Head Clerk in Kendriya Vidyalaya Missamari, was deputed for attending Training Programme-Cum-Workshop for Head Clerks and Superintendants held from 12th. July to 21st. July/2000 at Kendriya Vidyalaya No.2 Salt Lake City, Calcutta. Shri G.R.Das, after attending the said course has claimed/drawn Travelling Allowance by AC-2 Tire fare from Guwahati to Howrah and Mail fare from Missamari to Guwahati for onward and return journey.

ANNEXURE I III.

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SHRI G.R. DAS HEAD CLERK, KENDRIYA VIDYALAYA MISSAMARI.

1. LTC Bill dated 03-8-2000 submitted by Shri G.R.Das, Head Clerk Kendriya Vidyalaya Missamari.
2. X'erox copies of the Rly. Tickets Nos. 84565126 and 84565127, submitted by Shri G.R.Das, Head Clerk.
3. Letter number Nil dt. 13-6-2000, from Shri G.R.Das, Head Clerk regarding permission to avail LTC-regarding.
4. Earned leave application dated 13-6-2000, 06-7-2000 and joining report dated 06-07-2000 of Sh. G.R.Das, Head Clerk Kendriya Vidyalaya Missamari.
5. TA bill for the month of July '2000, submitted by Sh. G.R.Das Head Clerk.
6. Memorandum No. 14-1/2001-KVS(GR)/8952-53 dated 23-02-2001 issued to Shri G.R.Das.
7. Letter No. PF/GRN(HC)/KVM/2000-01/339 dt. 07-03-2001, submission of reply of Shri G.R.Das.
8. Letter No. C/Misc/Money Receipt/Pt.III dt. 19-02-01 from C.C.M.(General) Maligaon, N.F.Rly., Guwahati.

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ANNEXURE I. IV.

STATEMENT OF WITNESSES BY WHICH THE ARTICLES OF CHARGES
ARE PROPOSED TO BE SUSTAINED AGAINST SH. G.R. DAS, HEAD
CLERK, KENDRIYA VIDYALAYA MISSAMARI.

- N I L -

To

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Guwahati Region,
Maligaon Chariali, Guwahati-12

68

(Through Proprietary)

Subject:- Submission of reply against Memorandum dt. 17.4.01
Respected Sir,

In response to your Memorandum No:F.14-1/2001 (GR)/11262-63 dated 17-4-2001 on the subject cited above I would like to submit the following against reply of the aforesaid memorandum.

1. With reference to the Articles No.I & II, I am admitting the charges enforced upon me and request the authority to issue an order to repay the entire advance drawn towards ITC (All India) with family for the block year 1998-2001 in easy instalments.
2. As regards to the Article-III I am to say that as you may know that I have attended the Training Programme cum-Workshop for Head Clerks and Superintendents held at K.V. No. II, Salt-Lake City, Calcutta during July, 2000, I may please be allowed to avail my both ways journey from Missamari to Salt-Lake City by the admissibility Class for which I am entitled.

I shall refund the excess/balance amount to the Vidyalaya on receipt my TA/DA Bills from your office.

*Re. Cess
8/5/01
JAN
pal
1, 2001
Missamari*
Under the circumstances above it is my humble request that I may kindly be granted forgiveness for which I am assuring you that I shall never repeat such activities in future failing which appropriate action may be taken against me.

Yours faithfully,

G. R. Das
(G. R. Das)
Head Clerk,
Kendriya Vidyalaya,
Missamari (Assam)

Dated: 04-05-2001

CC