

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No.....267/01.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet.....S.A.....267/01.....Pg.....1.....to.....2.....D/A.....DD 20/8/01
.....M.P. 262/01 Pg.....1.....D/A.....21/12/01

2. Judgment/Order dtd.....20/07/01.....Pg.....No Separate Order.....to.....

3. Judgment & Order dtd.....Received from H.C/Supreme Court

4. O.A.....267/01.....Pg.....1.....to.....57.....

5. E.P/M.P.....262/2001.....Pg.....1.....to.....3.....

6. R.A/C.P.....Pg.....to.....

7. W.S.....Pg.....to.....

8. Rejoinder.....Pg.....to.....

9. Reply.....Pg.....to.....

10. Any other Papers.....Pg.....to.....

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendment Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI, BENCH :::: GUWAHATI.

ORDER SHEET

Original APPLICATION NO. 267 OF 2001

APPLICANT (s) Smti Namita Pandey

RESPONDENT (s) U.O.T & Ors

ADVOCATE FOR APPLICANT(s) M. Chanda, H. Datta, Mr. N. D. Goswami

ADVOCATE FOR RESPONDENT(s) S. Sarma K.V.S. G. N. Chakraborty

Notes of the Registry	dated	Order of the Tribunal
Copy of Petition is forwarded for hearing and the application Petition is duly registered vide V.P. No. C.P. for Rs. 50/- deposited vide IPO/BQ No 5642427-1 Dated.....12/6/2001 <i>By Register</i>	20.7.01	<p>present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman The Hon'ble Mr K.K. Sharma, Administrative Member.</p> <p>This is an application under Section 19 of the Administrative Tribunals Act 1985 assailing the order dated 19/25.6.2001 passed by the Assistant Commissioner imposing penalty of reduction in the time scale of the applicant for a period of two years with cumulative effect. Admittedly the order is appealable under CCS(CCA) Rules 1964. As a matter of fact the applicant has already preferred an appeal before the authority as is reflected in Annexure IX of the O.A. Mr M.Chanda, learned counsel for the applicant has however submitted that though appeal is preferred there is no bar for entertaining an application under Section 19 by the Tribunal when the impugned order was passed in violation of the principles of natural justice.</p> <p>Upon hearing Mr M.Chanda, learned counsel for the applicant at length and also Mr S.Sarma, learned counsel</p>

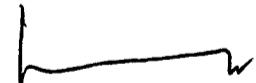
contd..

20.7.01 for the respondents we are however not inclined to entertain this application at this stage solely on the ground that there is an alternative remedy provided by the statute. We are of the opinion that since the appeal lies and the appellate authority has the full power to examine the legality of the order of penalty and is competent to assess and evaluate the facts, the proper forum is the appellate authority and the said appellate authority should be provided with full opportunity to examine the legality and validity of the order. Mr Chanda submits that since the order of penalty is already imposed an interim order need be passed by the Tribunal protecting the interest of the applicant till disposal of the appeal. We are not inclined to pass any such order. However, it would be open to the applicant to make such prayer before the appellate authority as per law. We also feel that the matter should be disposed of expeditiously and accordingly we direct the appellate authority to examine the appeal and dispose it off with utmost despatch preferably within 2 months from today.

The application stands disposed of accordingly. No order as to costs.

K. L. Ghosh

Member



Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

(An Application under Section 19 of the Administrative
Tribunals Act, 1985)

2
Filed by the applicant
through S. N. Chakravarty
Advocate
on 18-7-2001

Title of the case : O.A. No. 267 /2001

Shri Namita Pandey : Applicant

- Versus -

Union of India & Others : Respondents.
INDEX

SL. No.	Annexure	Particulars	Page No.
01.	----	Application	1-13
02.	----	Verification	14
03.	I	Letter dated 20.04.99	15-16
04.	II	Application dated 30.4.99	17-20
05.	III	Application dated 15.6.99	21-22
06.	IV	Memorandum of Charge Sheet dated 31.01.2000	23-29
07.	V	Application dated 22.2.2000	30-33
08.	VI	Inquiry Report dated 28.7.2000	34-40
09.	VII	Forwarding Letter dated 17.4.2001. Representation dt. 26.4.01 - 41A to 41-L	41
09.A	VII-A		
10.	VIII	Impugned Order dated 19/25.6.2001	42-43
11.	IX	Appeal dated 17.7.2001	44-57

Date : 18.7.2001

Filed by

Advocate

Namita Pandey

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No...../2001

BETWEEN

Mrs. Namita Pandey,
Primary Teacher,
Kendriya Vidyalaya,
Duliajan

.....Applicant

-AND-

1. The Union of India,
(Through the Secretary to the
Govt. of India, Ministry of
Human Resource Development,
Sastri Bhawan, New Delhi-1.)
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016
3. The Asstt. Commissioner,
K. V.S., Regional Office,
Hospital Road,
Silchar-788001.

4. Shri P.R.L. Gupta,
Education Officer,
(the then Officiating A.C.),
Kendriya Vidyalaya Sangathan,
Regional Office,
Silchar.
5. Shri R. C. Katiyar,
Ex-Principal,
Kendriya Vidyalaya,
Umrangshu.
6. Shri K. Rjendran,
(Presenting Officer),
Principal, Kendriya Vidyalaya,
Tinsukia.
7. Shri M. Subramanium,
(Enquiry Officer),
Principal, Kendriya Vidyalaya,
Silchar.

.....Respondents.

PARTICULARS OF THE APPLICATION

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

This application is made against the impugned order No.3-4/99-2000/KVS(SR)4126-28 dated 19/25.6.2001 issued by the Respondent No.3 imposing punishment on the applicant by way of reduction of pay by two lower

Shadley

pay by two lower stages in the time scale of pay of Rs.4500-7000/- for a period of two years with cumulative effect and ordering further that the applicant will not earn increments of pay during the period of reduction, in an arbitrary manner.

2 Jurisdiction of the Tribunal.

The applicant declares that the subject matter of the order against which this application is made is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicant further declares that the application has been filed within the prescribed time limit under the Administrative Tribunals Act, 1985.

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, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant entered into the service under the Kendriya Vidyalaya Sangathan(KVS) as Primary Teacher (PRT) and joined at Kendriya Vidyalaya, Umrangshu on 07.04.97 where she worked as PRT till 09.04.99. Thereafter she was transferred to Kendriya Vidyalaya, Duliajan and has been continuing there till the time of filing of this application.

4.3 That while serving in Kendriya Vidyalaya, Umrangshu, the KVS authorities instituted a concocted enquiry against the applicant resting on a transfer order issued in favour of the applicant vide one order

No.F.33-18/98-KVS/(Estt-III) dated 12.10.1998 transferring her to Kendriya Vidyalaya, CCI, Gandhinagar, Ranchi. It was alleged that the said transfer order was fake and that it was the applicant herself who got the order issued by

Handy

dated 12.10.1998 transferring her to Kendriya Vidyalaya, CCI, Gandhinagar, Ranchi. It was alleged that the said transfer order was fake and that it was the applicant herself who got the order issued by fraudulent manipulation. Accordingly a prima facie inquiry was conducted on 08.12.98 which was sought to be established on the basis of one impugned written statement submitted by Shri R. C. Katiyar (Respondent No.5), the then in charge Principal, Kendriya Vidyalaya, Umrangshu making the aforesaid allegation.

4.4 That on the basis of the fact finding inquiry conducted on 08.12.98 at Kendriya Vidyalaya, Umrangshu by Shri P.C. Parashar, Principal, Kendriya Vidyalaya, Panchgram and Shri M. Ravi Kumar, Principal, Kendriya Vidyalaya, Masimpur, the Respondent No.3 vide his letter No.3-4/98-KVS(SR)/11451 dated 20.04.99 addressed to the applicant wanted certain clarifications against which parawise reply was submitted by the applicant vide application dated 30.04.99 sent through proper channel followed by another continuation letter sent under Regd. Receipt No.396 & 397 dated 15.06.99.

(Copy of letter dated 20.04.99, application dated 30.04.99 and dated 15.06.99 are annexed hereto as Annexure-I, II and III respectively.)

4.5 That eventually, the KVS authorities, in spite of having no substantial material in support of their allegation of fake/fraudulent transfer order, proposed to hold a formal inquiry against the applicant and served a memorandum of charge sheet upon the applicant vide letter bearing No.F.3-3/98-KVS(SR)16774-75 dated 31.01.2000 under rule 14 of the CCS (CCA) Rules, 1965.

Surprisingly, where the fact finding inquiry conducted on 08.12.98 against the applicant contained only one charge i.e. the charge of fake/fraudulent transfer

Handy

order, the respondents while issuing the aforesaid memorandum of charge sheet dated 31.01.2000 levelled two nos. of charges, thus incorporating a new charge with the sole purpose of accentuating the gravity of charges, making their intention clear that they are determined to harass the applicant by any means. It is relevant to mention here that the second charge relates to occupation of residential accommodation which was already investigated and disposed of long back. The memorandum of charge sheet dated 31.01.2000 contained two charges and the article of charges are quoted below :-

" Article-I

Mrs. Namita Pandey, while working as a Primary Teacher at Kendriya Vidyalaya, Umrangshu arranged to issue fake transfer order No.F.33-18/98-KVS(Estt-III) dated 12.10.1998 for posting to Kendriya Vidyalaya, CCI, Gandhinagar, Ranchi in her favour.

Mrs. Namita Pandey, Primary Teacher has therefore done fraudulent manipulation in violation of item 34 of code of conduct for teacher envisaged in chapter VI of the Education Code and thereby contravened Rule 3(I)(II) of CCS (Conduct) Rules, 1964. She has therefore rendered herself liable to disciplinary action under CCS(CCA) Rules, 1965 as extended to KVS employee.

Namita Pandey

Article-II

Mrs. Namita Pandey, while working as Primary Teacher at Kendriya Vidyalaya, Umrangshu unauthorisedly took occupation forcefully by breaking the lock of the residential accommodation of the said Kendriya Vidyalaya on 25.07.97. Mrs. Namita Pandey, PT has thus failed to exercise devotion and reasonable care in the discharge of her official duty and has violated item 22 of the Education Code and she has thereby contravened Rule 3(I)(II) of the CCS (Conduct) Rules, 1964 and therefore rendered herself liable to disciplinary action under CCS(CCA) Rules 1965 as extended to KVS employees".

(Copy of Memorandum of charge sheet dated 31.01.2000 is annexed hereto as Annexure-IV)

4.6 That the applicant replied against the aforesaid charges and submitted her reply vide application dated 22.02.2000. Subsequently a preliminary inquiry was conducted on 26.04.2000 and 12.07.2000 by Shri M. Subramanium (Respondent No.7), Principal, Kendriya Vidyalaya, Silchar as Enquiry Officer and Shri Rajendran Katiyal (Respondent No.6), Principal, Kendriya Vidyalaya, Tinsukia as Presenting Officer. But surprisingly, in spite of all efforts of the applicant, the report of Preliminary inquiry was not given to the applicant and none of the charges could be substantiated in the inquiry.

(Copy of application dated 22.02.2000 is annexed hereto as Annexure-V)

4.7 That the final hearing of the inquiry was held on 24.02.2001 at Kendriya Vidyalaya, Lumding with cross-examinations and the proceedings were recorded



with detailed evidential statements. But the Enquiry Officer submitted his inquiry report vide his No.3-1(conf)/KV-SIL/2000 dated 28.07.2000 even before the cross examination dated 24.02.2001 to the Respondent No.3 a copy of which was forwarded to the applicant vide No.3-4/94-IVS(SR)/647-49 dated 30.03.2000/17.04.2001. *The applicant submitted detailed representation dtb. 26.4.2001 against the memorandum dtb. 30.3.2000/17.4.2001.*
 (Copy of Inquiry Report dated 28.07.2000 and forwarding letter dated 17.04.2001 are annexed hereto as Annexure-VI and VII and representation dtb. 26.4.2001 respectively).

4.8 That on receipt of the inquiry report dated 28.07.2000 vide letter dated 17.04.2001 the applicant submitted representation dated 26.04.2001 to the Respondent No.3 assailing the inquiry report which was not in conformity with the evidences (oral and documentary) recorded at the time of inquiry. It is pertinent to state that the imputation of allegations and the statements made in the cross examination are inconsistent to each other but the Enquiry Officer, without taking due cognizance of the evidential statements/records, formed the Enquiry report arbitrarily with malafide findings although none of the charges could be established at the inquiry.

4.9 That pursuant to the biased and arbitrary inquiry report dated 28.7.2000, the respondent No.3 imposed punishment upon the applicant vide his impugned order No.3-4/99-2000/KVS(SR)/4126-28 dated 19/25.06.2001 in a planned and pre-determined manner ignoring all representations of the applicant and factual positions as revealed during the hearing/cross examination.

(Copy of the impugned order dated 19/25.06.2001 is annexed hereto as Annexure-~~III~~.VIII)

Nanday

4.10 That on receipt of the order of punishment dated 19/25.06.2001, the applicant submitted an appeal vide application dated 12.07.2001 to the Appellate authority of the KVS i.e. the Commissioner, KVS, New Delhi (Respondent No.2) detailing all facts and circumstances and praying for setting aside of the impugned order dated 19/25.06.2001 and for exonerating her from the alleged charges after examining the records of the inquiry proceeding.

(Copy of the representation of appeal dated 12.07.2001 is annexed hereto as Annexure-IX).

4.11 That the applicant begs to state that the entire inquiry as stated above was conducted in a biased manner and without any application of mind. Whereas the charge brought through Article-I was sought to be established on the basis of a statement dated 8.12.98 made by Sri R.C. Katiyar, the then Principal in charge, Umrangshu, the same was fully inconsistent with the subsequent statements made by Sri Katiyar during the cross examination held on 24.2.2001. Further the written statement of Sri N. Shankar, TGT (Bio) although shown as listed document in the Memorandum of Charge Sheet dated 31.1.2001 was not annexed to the memorandum of charge sheet and none of the listed documents were examined in the inquiry proceeding as was required under the relevant rule of CCS (CCA) Rules, 1965. However the statement of Shri N. Shankar also contradicted the charge under Article-I which only supports the contention of the applicant. None of the vital materials were either examined at the time of inquiry or reflected in the inquiry report and as such the entire inquiry was marked by infirmities. As such, none of the charges brought against the applicant could be proved/established during the inquiry but the Enquiry officer, most arbitrarily and with mala fide intention prepared the inquiry report dated 28.7.2000 at his own

Asanday

imagination and made concocted conclusions without having any link with the factual position revealed at the time of inquiry.

Further, it is surprising that while the cross examination and ultimate inquiry proceeding was held on 24.2.2001, the inquiry officer already prepared his inquiry report as back as on 28.7.2000 i.e. about 7 months before the completion of the inquiry which clearly reflects not only the validity of the inquiry report but also discloses the pre-determined motive of the Enquiry Officer which is against all laws known in the arena of justice and as such the said inquiry report is void-ab-initio.

Most shockingly, the Disciplinary Authority too, behaving in the similar ^{arbitrarily} way, shamelessly acted upon the said inquiry report dated 28.7.2000 in a pre-planned manner ignoring the serious infirmities and irregularities of the inquiry proceedings as stated above and imposed punishment upon the applicant vide his order dated 19/25.6.2001.

4.12 That the applicant states that although there is a provision of appeal against the impugned order dated 19/25.6.2001, but CCS (CCA) rules have not conferred any power in the Appellate Authority to stay the order appealed against and as such the same appellate provision is not an alternative and efficacious remedy and under such circumstances the applicant has no other way but to approach this Hon'ble Tribunal without waiting for any result for her appeal dated 11.07.2001 else the punishment inflicted upon the applicant will be taken into effect causing irreparable loss and injury to the applicant.

4.13 That your applicant further begs to state that the Hon'ble Principal Bench in Charan Singh Vs. U.O.I. and Ors. (ATR 1986 (2); 643) directed that in case of absence of power to stay the order of Appellate Authority, the Tribunal may

Handley

entertain and grant interim order. This Hon'ble Tribunal also in O.A. No. 177/94 (Sri Sunil Das Vs. U.O.I.) had admitted and passed order granting interim order by way of staying the impugned order before submitting the appeal to the Appellate Authority under the CCS (CCA) Rules on the ground that the rules did not provide any provision to stay ^{impugned order by} the Appellate Authority.

4.14 That finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of her legitimate rights and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the interests of the applicant by setting aside the impugned order dated 19/25.6.2001 which have been issued arbitrarily, capriciously and with a pre-planned motive.

4.15 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

- 5.1 For that none of the charges levelled against the applicant having been substantiated in the inquiry proceedings, the Disciplinary Authority erred in imposing punishment upon the applicant vide the impugned order dated 19/25.6.2001 and as such the same is liable to be set aside and quashed.
- 5.2 For that the inquiry authority conducted the inquiry with a pre-determined action plan and made his conclusions out of his sheer imagination and not based on facts and evidences revealed in the inquiry.
- 5.3 For that the inquiry authority prepared his report of inquiry on 28.7.2000 making all conclusions whereas the cross examination

Handley

and the ultimate proceeding was held on 24.2.2001 and as such the whole inquiry proceeding is void-ab-initio.

- 5.4 For that the Disciplinary Authority acted illegally, arbitrarily, mala fide and in violation of the principles of natural justice as well as of rule 14 of the CCS (CCA) Rules and as such the impugned order dated 19/25.6.2001 is liable to be set aside and quashed.
- 5.5 For that the applicant being an innocent person did not having committed the charge on any other misconduct, the impugned order is liable to be set aside and quashed.
- 5.6 For that there is no scope of remedy by way of appeal since the CCS (CCA) Rule have not conferred any power in the Appellate Authority to stay the order appeal against and as such the applicant is left with no other option but to approach this Hon'ble Tribunal for justice.

6. Details of remedies exhausted.

That the applicant preferred an appeal on 12.7.2001 against the impugned order of penalty dated 19/25.6.2001 but since there is no power vested with the Appellate Authority to stay the operation of the penalty order, in such compelling circumstances, the applicant approaching this Hon'ble Tribunal with a prayer to stay the impugned order of penalty dated 19/25.6.2001 during the pendency of this appeal as an interim measure.

7. Matters not previously filed or pending with any other court.

Sandeep

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

8. Reliefs sought for :

Under the facts and circumstances stated above, the applicant humbly prays that your Lordships be pleased to grant the following reliefs :

- 8.1 That the impugned order dated 19/25.6.2001, (Annexure-VIII) imposing punishment upon the applicant be set aside and quashed.
- 8.2 That the respondents be directed not to give effect of the impugned order of penalty dated 19/25.6.2001 (Annexure-VII) till disposal of appeal dated 12.7.2001 (Annexure-IX)
- 8.3 Costs of the application.
- 8.4 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal; may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following reliefs :-

- 9.1 That the Hon'ble Tribunal be pleased to direct the respondents that the operation of the impugned order dated 19/25.6.2001 be stayed till this application is disposed of.

Ranadev

9.2 That the respondents be directed to dispose of the Appeal dated 12.7.2001 preferred by the applicant against impugned order of penalty dated 19/25/6/2001 at the earliest.

0.

This application is filed through Advocate.

1. Particulars of the I.P.O.

i) I.P.O. No. : 56 424271
ii) Date of issue : 12-6-2001
iii) Issued from : G.P.O., Guwahati.
iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.

Handley

VERIFICATION

I, Smti Namita Pandey, wife of Shri Shekhar Kumar Pandey, Presently working as Primary Teacher, Kendriya Vidyalaya, Duliajan, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this the19.....day of July, 2001.

Namita Pandey
SIGNATURE

ANNEXURE-I

KENDRIYA VIDYALAYA SANGATHAN

Regional Office
Hospital Road
Silchar-788001

File No. 3-4/98-KVS(SR)/1145

Dated : 20.4.99
Registered Post
Confidential

MEMORANDUM

Whereas a fake transfer order transferring Smt. Namita Pandey, Ex.-PRT, KV, Umarangsho now posted to Kendriya Vidyalaya, Duliajan under forged signature of Shri V.K.Tupta was issued in favour of the above mentioned teacher.

Whereas a fact finding enquiry was conducted on 8.12.98 at KV, Umrangsho by Shri P.C. Parashar, Principal, KV, Panchgram and Shri M. Ravi Kumar, Principal, K.V. Masimpur.

Whereas the fact finding enquiry report did not rule out the involvement of Mrs. N. Pandey, PRT in securing fake transfer order as mentioned above in her favour.

Now therefore, the undersigned directs Smt. Namita Pandey, to clarify the following points :-

a) Mrs. Namita Pandey, PRT during the course of Fact Finding enquiry submitted that she had been receiving anonymous letters for quite sometime past. If the situation was such whether she had informed the matter either to police or her higher authority. If not the reason should be clarified. She is required to clarify the point with the proof of having received the anonymous letter earlier.

b) She confessed during the course of Fact Finding Enquiry that she had not applied for transfer. On the other hand she asked the Principal I/c repeatedly to relieve her by showing a copy of the transfer order marked to AC Patna. She is therefore, required to clarify as to how she received the copy of the transfer order marked to Assistant Commissioner, Patna Region.

certified to be true copy
Savitri Shash
Advocate

26

c) When Mrs. N. Pandey, PRT had admitted that she did not apply for her transfer, the reason for pressuring the Principal I/c by herself as well as by her husband for relieving from KV, Umrangsho should be clarified.

d) The fake transfer order was issued on request although Mrs. Namita Pandey, PRT did not apply for request transfer. The reason of not bringing this fact to her higher authorities need to be clarified. Moreover, knowing the above fact that transfer order was received by her for which she did not apply, without, bringing the matter to the higher authority she put pressure on Principal I/c as well as on this office for her relief. The reason should be clarified.

e) As per statement given by Mrs. Namita Pandey that she made a telephone call to her husband on 31.10.98 regarding the receipt of her transfer order and her husband arrived at Umrangsho on 3.11.98.

As per eye witness her husband was at KV, Umrangsho even before 3.11.98. Smt. Namita Pandey, PRT is therefore required clarify the position.

f) It has also been revealed that the fake transfer order was posted from Sonpur, Bihar and not from New Delhi. It is an established fact that the order relating to Inter regional transfer order are issued from KVS (Hqrs.), New Delhi. As such the fact should have been brought to the higher authorities by her. The reason should be clarified.

Her clarification must reach this office within 10 days from the date of receipt of this memorandum.

To

Mrs. Namita Pandey
Primary Teacher
KV, Duliajan,

Sd/-
(S.P.BAURI)
Assistant Commissioner

Copy to :

Principal, KV, Duliajan for information. He is requested to get the clarification as above from the teacher concerned and send to this office.

Assistant
Commissioner

७ रापा ८०

स्वराष्ट्रक उत्तमता ।

कौ. वि. संगठन, सिलगर नगर

सिलचर (झारखण्ड) ।

द्वारा :- प्राची (कौटिल्य द्वारा जाना जाता है) ।

विषय :— शापने पत्रांक 3-4/98-KVS (SR) / 11451/कांक —
 20.04.99 का आलोक विषयक विवरण।

गाहागाय

⑨ मेरे बाप से दुष्ट गुणाम् उपरोक्तोऽपि ताप्ति तु रम
ते त्वा द्वै च उत्तमा रात्रि भाति गाति. प्रत्यक्षं रात्रि ते
लग्ना गीतिम् आ। उग्री दृक्षां गीतं गात्राम् उपरोक्तम् (१/८)
मौरेष तीरं पर अन्त योग्यं तो उत्तमां दुर्द वा वा। तीन
दुर्द यमां दुर्द वा। तात तात दुर्द वा के द्वादश दुर्द
वा
हां। अतः इन वाचोऽतां वा उपरोक्तस्त वा वा वा वा
राम त्वे वा लात्तम् वा। अतः गीतो वा वा वा वा
संग्रीते के दृश्याम् द्वितीया वा वा वा वा वा वा वा

⑥ रानीं रामानगरण के लिए नामी कार्ड लावड़ना। १०) ताजा अल्प
आठ ३०.१०.१४ को मर पत्ते पर उक्त रामानगरण लावड़ना के लिए
एक photo copy आई (प्रियम् A.C. Patha Region पर लिए गए
गति का) तो मैं लैन लै लावड़ना की ३.१) लाना नहीं देते
प्रश्नात् (I/c) के द्वितीय पूछा था कि "सर, क्या यह बाला,
कुर्जी जगह में उड़ा लगा दिया रखा है?" ३.१) जाप दिया गया
कि नहीं, "तो यहां पर्याप्त रामानगरण यहां नहीं है।"
इसका अनुवाद है।" अपने आपकी जवाब (I/c) के द्वारा मैं लै

18. राजा के लिए वे बातें जाते रहनी चाहीं हैं। यह बहुत अच्छी बात है। यह बहुत अच्छी बात है। यह बहुत अच्छी बात है। 31.10.43 ॥ ३८ राजनीति
अद्यता वे यह जानें (18). यह पर बहुत है। यह बहुत है। यह बहुत है। यह बहुत है। यह बहुत है। ॥ ३८ राजनीति ॥

कृष्ण श्रीमान् (१/१) ने नियमित रूप से विद्या-
प्राप्ति photo. copy लाई एवं वे श्रीमान् विद्यार्थी (student)
कर्त्ता का नाम विद्यार्थी का नाम श्रीमान् विद्यार्थी (student)
श्रीमान् (१/१) ने विद्यार्थी का नाम विद्यार्थी का नाम विद्यार्थी (student)
प्राप्ति विद्यार्थी का नाम विद्यार्थी का नाम विद्यार्थी (student)

ਕਿ ਲੋਰੇ ਗੁਪਤ ਤ ਹੋ ਗੁਲਾਬੀ (੧/੮) ਬਿਨੈਂ ਕੋਈ ਵਿਵਾਹ ਨਹੀਂ
ਕੋਈ ਪ੍ਰਕਾਸ਼ ਨਹੀਂ ਹੈ ਪਰੈਂ ਹੋਰੀ ਵੀ ਨਹੀਂ ਹੈ ਕਿ ਜੇ ਹੋਵੇ
ਗੁਲਾਬੀ (੧/੮) ਵੀ ਕਲੋਂ ਹੋਰੇ ਅਤੇ ਸਮਝ ਕੀਤੇ ਜਾਣੇ ਵਾਲੇ ਹੋਣਾ
ਕੀਵੇਂ ਹੋਰੇ ਹਮੇਸ਼ਾ।

347 रायाना-तरण बिंदूर के शहर (2/1)
 के रायाना के लाद वा गुलै ग्राम रायाना ग्राम तोड़ वा लोड़ा (2/1)
 के शहर (1/1) तरण रायाना-तरण बिंदूर के रायाना ग्राम तोड़ वा लोड़ा
 वा गुलै ग्राम वा लोड़ा। ग्राम 300 वर्ग अकड़ी बिंदूर के शहर

41. π q^T , π q^T 1

ଫର୍ମାନାମାନିକା

W. N. Andley

(Mrs. Nonita Panigrahi)
PKT

Tricht = 33.44.99

କାନ୍ତି, ପଦ୍ମନାଭ ପ୍ରକଳ୍ପ

(ЗИКРУН)

प्रतिविर्द्धि, वर्तमान विविधता त्रिंशिंश सं, अस्तीति लोकानाम्, इति वार
प्रति विविर्द्धि, वर्तमान विविधता त्रिंशिंश सं, अस्तीति लोकानाम्, इति वार

Received
13/5/99

11571

(Mrs. Nomita Pandey)

Annexure-III

From
 Mrs. Nomita Pandey
 PRT
 KV, Duliajan.

To

The Assistant Commissioner
 Kendriya Vidyalaya Sangathan
 Silchar Region, Silchar
 (Assam)

Subject : Regarding Memorandum alleging forged transfer order.

Sir,

In continuation of my previous letter, I have to say that my husband Shri Shekhar Kumar Pandey was not present at

K.V., Umrangsho on the 31st Oct. 1998 as said in the Memorandum, F.No. 3-4/98-KVS (SR) 11451 dated 20.4.99.

In support of the statement made by my in the previous letter, I am sending an authenticated document which will establish the fact that my husband was not present at K.V., Umrangsho on the 31st Oct. 1998.

Thanking you,

Yours faithfully,
 Sd/-

(Mrs. Nomita Pandey)
 Dumka, Bihar.

certified to be true copy
 Brijlalshah
 Advocate

Annexure-III (Contd).

DISTRICT TREASURY, DUMKA (BIHAR)

Ref No. 333/Try

Date - 03.06.99

TO WHOM IT MAY CONCERN

Certified that Sri Shekhar Kumar Pandey, Asstt. Accountant, Dumka Treasury, was on duty during the month of Oct '98 & Nov. '98 except Earn Leave from 2.11.1998 to 15.11.1998.

Sd/-

Illegible
Treasury Officer.

2X

KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE : SILCHAR-1
HOSPITAL ROAD : SILDHAR-788001

F. No. 3-3/98-KVS(SR)/16474-75
Date : 31.01.2000

MEMORANDUM

The undersigned proposes to hold an inquiry against Smt. Namita Pandey Primary Teacher, Kendriya, Vidyalaya, Duliajan, under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965, as extended to the employees of Kendriya Vidyalaya Sangathan. The substance of the imputations of misconduct or misbehaviors in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Articles of charges (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, a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2. Smt. Namita Pandey, Primary Teacher, Umrangsho now at Kendriya Vidyalaya Duliajan is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to State whether she desires to be heard in person.

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

4. Smt. Namita Pandey, Primary Teacher is further informed that if she does not submit her written statement or defence on or before the date specified in para, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 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 her ex-parte.

Certified to be true copy
Savitri
Advocate

5. Attention of Smt. Namita Pandey Primary Teacher is invited to Rule 20 of the Central Civil Services (Conduct) rules, 1964 under which no Govt. Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to her 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 Smt. Namita Pandey, Primary Teacher is aware of such representation and that it has been made her instance and action will be taken against her for violation of Rule 20 of CCS (CONDUCT) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

To

Smt. Namita Pandey,
Primary Teacher
Formerly at Kendriya Vidyalaya,
Diliajan.

Sd/-

(S.P.BAURI)
Asstt. Commissioner

Annexure-IV (Contd.)

Statement of Article of Charges framed against Smt Namita Pandey, Primary Teacher at Kendriya Vidyalaya, Umramgshu, Duliajan

ARTICLE -I

Mrs. Namita Pandey, while working as a Primary Teacher at KV Umramgshu arranged to issue fake transfer order No. F.

33-18/98-KVS (Estt-III) dated 12.10.1998 for posting to Kendriya Vidyalaya, CCI, Gandhi Nagar, Ranchi in her favour.

Mrs. Namita Pandey, Primary Teacher has therefore done fraudulent manipulation in violation of item 34 of Code of conduct for teacher envisaged in Chapter VI of the Education Code and thereby contravened Rule 3(I) (II) of CCS(Conduct) Rules, 1964. She has therefore rendered herself liable to disciplinary action under CCS(CCA) Rules, 1965 as extended to KVS employee.

Article-II

Mrs. Namita Pandey, while working as Primary Teacher at Kendriya Vidyalaya, Umramgshu unauthorisedly took occupation forcefully by breaking the lock of the residential accommodation of the said Kendriya Vidyalaya on 25.07.97. Mrs. Namita Pandey, Primary Teacher has thus failed to exercise devotion and reasonable care in the discharge of her official duty and has violated item 22 of the Education Code and she has thereby contravened Rule 3(I) (II) of the CCS(Conduct) Rules, 1964 and therefore rendered herself liable to disciplinary action under CCS(CCA) Rules 1965 as extended to KVS employees."

Annexure -IV (Contd.)

Statement of imputation of misconduct or misbehaviour in support of the articles of Charge I framed against Smt.

Namita Pandey, Primary Teacher formerly at Kendriya Vidyalaya, Umrangshu, now at Kendriya Vidyalaya, Duliajan.

A fake request transfer order No. 06/98 vide letter No. F. 33-18/98-KVS(Estt.III) dated 12.10.98 under the forged signature of Shri V.K. Gupta, Assistant Commissioner (Admn.), Kendriya Vidyalaya Sangathan, New Delhi was issued in favour of Smt. Namita Pandey, Primary Teacher formerly at Kendriya Vidyalaya, Umrangshu now at Kendriya Vidyalaya, Duliajan. In the aforesaid transfer order Smt. Namita Pandey, Primary Teacher was the lone beneficiary for which she did not apply earlier. As per statement of Smt. Namita Pandey, Primary Teacher her husband applied for her transfer but in support of her statement she failed to submit any documentary evidence.

Moreover, Smt. Namita Pandey, Primary Teacher submitted a copy of the transfer order marked to Asstt. Commissioner, KVS, R.O., Patna to the Principal, KV Umrangsho on 28.10.98 requesting him to relieve her although she received the fake transfer order on 30.10.98 without revealing the fact that she did not apply earlier for transfer to her choice place.

Later on, on querry, Smt. Namita Pandey, Primary Teacher submitted that she had been receiving anonymous letters for quite sometime past. Smt. Namita Pandey, Primary Teacher never brought this fact to the notice of any authority and she was surprised to receive the transfer order. Her statement indicates that the fake transfer order was not issued by any authority of the KVS and in spite of knowing this fact she insisted the Principal on 28.10.98 and 5.11.98 for her relieving. Such act.... and act to get relieved speaks of her involvement in the fraudulent manipulation of procuring the fake transfer order in her favour.

As per statement of Mrs. Namita Pandey, Primary Teacher, she made telephone call to her husband on 31.10.98 on receipt of her transfer order and her husband came to Umrangshu on 3.11.98. Her statement contradicts with the statement of witness she has provided to the effect that her husband was at Umrangsu even before 03.11.98. More so in spite of receiving the fake transfer order on 28.10.98 by Smt. Namita Pandey, Primary Teacher she made the telephone call to her husband only on 31.10.1998 at 7.30 P.M. whereas she was asking Principal since 28.10.98 to relieve her and also she started disposing off her house hold good. Her fabricated statement speaks of her involvement in procuring the forged transfer order.

Smt. Namita Pandey made a confession that the fake transfer order under forged signature of Shri V.K. Gupta, Assistant Commissioner (Admn.) was posted from a place i.e. 'SON' and obviously not posted from New Delhi. She was also surprised to receive the fake transfer order. In spite of realising the facts, her repeated insistence on the principal to relieve her gives a clear indication of her involvement in fraudulent manipulation to procure fake transfer order dated 5/12.10.98 under forged signature in her favour with mala fide intention.

Smt. Namita Pandey, Primary Teacher has thus involved herself in fraudulent manipulation for procuring fake transfer order under forged signature in her favour with mala fide intention which is violative to item 43 of the code of conduct for teacher as envisaged in the Education Code.

Smt. Namita Pandey, Primary Teacher has thereby contravened Rule 3(I) (II) of the CCS (Conduct) Rules, 1964 and thus rendered herself liable to Disciplinary Action under CCS (CCA) Rules, 1965 as extended to employees of Kendriya Vidyalaya Sangathan.

Annexure-IV(Contd.)

Statement of imputation of Misconduct or misbehaviour in support of Article of Charge II framed against Smt. Namita Pandey.

The residential accommodation of Kendriya Vidyalaya, Umrangshu was locked on 16.7.1997 after vacating by another teacher. Mrs. Namita Pandey, Primary Teacher forcibly took accommodation of the said quarter by breaking the lock of the quarter on 26.7.97. Such an unauthorised occupation is violative of item 22 and 34 of the Code of Conduct for teachers as envisaged in the Chapter VI of the Education Code.

Mrs. Namita Pandey has thus contravened Rule 3(I) (II) of the CCS (Conduct) Rules, 1954 and rendered herself liable to disciplinary action under CCS (CCA) Rules 1965 as extended to employees of Kendriya Vidyalaya Sangathan.

Annexure-III

List of Documents by which articles of charge framed against Mrs. Namita Pandey, Primary Teacher are proposed to be sustained.

1. Forged transfer order No. 06/98-99 vide KVS (HQ) letter No. F. 33-18/98-KVS(Estt-III) dated 5/12-10-98.
2. Written statement dated 8.12.98 of the Principal, KV, Umrangshu, and Shri W. Shankar, TGT (BIO)
3. Letter No. F.1/PF NP(KVJ)97-98/357 dated 26.7.97.

Annexure-IV

List of witness by whom the articles of charges framed against Mrs. Namita Pandey, Primary Teacher formerly at KV Umrangshu now at KV Duliajan.

1. Shri Ramesh Chandra Katiyar, PGT, (Hindi).
2. Shri K. Shankar, TGT (Bio)

F-II/PP.NP /97-98/357

Date 28.7.98

To

Mrs. Namita Pandey, PRT,
KV Umrangsho.

Sub : Unauthorised Occupation of quarter No. E-40-A and explanation thereof.

The Vidyalaya has locked the quarter on 16.7.97 on vacation by Mrs. Nanda Upadhaya, PRT. As per your statement and on verification you have entered in to the quarter by breaking the lock of the quarter on 25.7.97.

You are therefore, asked to explain how you have broken the lock of the Govt. quarter and How you have entered into the quarter, it a clear cut violation of rule of discipline. Explain the fact. Further it is ordered to vacate the quarter within 2 days. Otherwise it will a clear insubordination and disobedience and case will be referred to the Asstt. Commissioner and other higher authorities for further necessary action.

Sd/-
(S.L.Jain)
Principal

4612/45 3712/94

कौ० शि० संगठन, सिलचर संभाष

। संलग्न २

द्वारा, मार्गी, महादेव को फूलियामानी।

विषय: — जापन प्राक F-3-3/98-K VS (SR) 16474-45,
दिनांक 31.01.2000 द्वा लोक द्वारा प्रवर्ती की।

४१८१३१२१

सावन-मध्य १.१९८८ के मात्र अपने प्राप्त - F-3-3/98/KVS
 (SR) - १६४७६-७५ के अन्तर्गत मी ने अपना स्पृह करना दे दिया है।
 मात्र में यह भी उत्तराखण्ड करना चाहूँगी को इसके पावे २A
 में: राजस्थान समाज द्वारा प्रुषित पत्र प्राप्त - ३-४/१९८४-KVS(S)
 - ११४५१ दिनांक - २०-०४-९९ के प्रबन्धने अपने विवरणों के सहित
 द्वारा पर दिनांक - ०१-०५-९९ की को दिव्यांशु द्वारा जाने के आधार से
 प्रुषित किया गया। इसके साथ ही मी ने ३१५१ पात्र के विवरण
 से (३१०१०.९८ तक उनकी उपस्थिति, उनके विवाह में) राजस्थान
 प्रमाणपत्र ३४००६४८ द्वारा कर दिनांक - १५-०६-९९ का को दिव्यांशु द्वारा
 (राजस्थान समाज, नवीन को ६० द्वारा जाने को भी मिला गया। प्रति
 मी ३१५१ द्वारा पत्र (१६४७६ - ०१-०५-९९) नवीन ३१५१ पात्र के कामों
 - लघु के प्रमाणपत्र को फौली प्राप्ति करना अपने रावा में प्रदूष
 वर रही है।

Article I का प्रयोगः — आप एवनान्नरण पर (प्राप्ति - F.3
— 18/98 - KVS (EST T III) द्वारा 5/12/10/98 की अपनी नाम से
गारी क्रमांक में दी हाय नहीं है। युवा पर्याप्त असमिया
लागू हो रहा है तथा नामांकन हुआ है। इसकी दो
कुटी गारी की उपलब्धि की दो दोषान्तरण नाम से की
नियमित एवनान्नरण की दी गयी है। मेरा अनुरोध है कि आपने
नामांकन कर सिफारी को 2462 कर दिया दो असमिया
दरों के।

Reed & Co

कार्यालय / PRINCIPAL
केन्द्रीय / Kendriya
कालेज / Daulajan

certified to be true ^{ગુરૂપાણિ} / Duliajan
Gyan
Surilchand
Advocate

हूँ कि यदि मरा उस जाली स्पानान्तरण परम से कोई संबंध होता तो क्या ऐसी रोची कौन किए CCL में रिक्त पदों की स्थिति जी जानकारी हासिल नहीं करती ? अभी तक बाद में कौन किए ऐसी CCL के प्राचार्य महादेव ने अपने पत्र में यह स्पष्ट किया था कि उनके विद्यालय में कोई भी पद रिक्त नहीं है। इस बात की खुचना मुझे कौन किए उमरांगसी के कार्यालय से बाद में गिए। गोने २४. १०. ९४ को या कभी भी प्राचार्य महादेव

(I/c) का relieve करने की नहीं कहा। 30.10.98 को 3 बजे
 स्पानिन्सरण की एक कोलो प्रतिलिपि (जिसमें A.C. परना रखा गया था) निश्चिह्नित (उसी गद्दा पर) डाक द्वारा आई थी। जिसे प्राचीन महात्मा ने अपने हाथों लिया है। सहित आए डाक थी।

Anonymous letters कुछ लिखने से पुरुष भित्ति
आर इस बात को नियोगिता के लिये ग्राहक (I/C)
के संग्रह में बार-बार लाभ भा। इसी विषय
में लाता दिया भा। इस अवधि तुम्हें जरा भी राष्ट्रिया
पत तो मैं अविद्या तो इसी दृष्टि में प्रसाद भा रहा।
अतः इन बेनागी पतों को भी नियोगिता नहीं लिया गया।
नहीं तो इन देश की जीवन पत के अधिक पर शुद्धि
करने के लिये देश लाला।

मिली पुनः अपार १५ त०५ दूसरी वर्षीय की मर्दी
टेलीफोन पर अदेश गालन के बाद मर पाते ०३-११-१९९८
उमरोंसों आए | ३ वर्षीय ३५१ वर्षीय दूसरी वर्षीय की ३१-१०-१९९८
तक रही है | इस बात की पुष्टि कि वह उनके जीवनमें आ
प्रभावपूर्ण पुनः मलबा कर रही है | ११ वर्षीय २५/११/१९९८ वर्षीय
की लाली और relieve करने की वाह कहा वाली वर्षीय २५/११/१९९८
अलंद से जल्द relieve करने पर अगाधा वर्षीय |

मन 35 से किसी भी वर्ग सामान का न
तो बिंदा न ही उसी को दिया हो रहा न ही उसी प्रकार की
पार्किंग ही की भी । गर सार सामान उसी प्रकार उपयोग स्थित
जैसे पहल रहा करते ही सारे लगार गए आरोप
इन 35 वे उनियाँ हैं ।

प्राचीन महादेव (I/C) ने अपने हानिकारक लोक दूर्योग (फार) की साथ में अलावा ही उस समय तक भूमि न तो उसके

लिफाला देखा था, नहीं उसपर रील देखी बी और नहीं था।
 Hon. Shri V.K. Gupta के हस्ताक्षर से ही पारिचय भी। गोपनीय समिति ने मुझसे वो लिफाला 8.12.98 को देखा था। पर जिसपर "SOLO" की अस्पष्ट रील थी। इस तथ्य से 8.12.98 के पूर्व तक मैं अनुमान भी नहीं की थी स्थानान्तरण पर जाली है।

अतः मैं अपना कब्जतब्द पुनः दर्शाती हूँ कि मैं गोपनीय शास्त्रीय महादेव (I/C) पर relieve करने के लिए कोई भी दबाव नहीं डाला था। मैं वही लिपा जो तुम प्रधानमंत्री ने देखा डालकर देखा। मुझे relieve करने की सारी लाभवाही की फैल उठी ही नहीं की।

मुझसे पर जिसने भी उमाराप लगाए गए हैं वह सभी व्यक्तिगत गत भाव के दृष्टिकोण से नहीं इस अद्यभी तो आदि भी उसा कार्य नहीं किया है जिसके लिए पुनः कोई सजा मुगलानी पड़े।

मैं अधिकार से नहीं निवेदन करना चाहती हूँ कि इस विषय में अल्द से अल्द दानवीन अ. अ. च. अ. को सामने लाया जाये तो वो गोपनीय तनाव से पुकार कर कृतज्ञ बरन की कृपा करे। इसके लिए नहीं पुनः प्रधानमंत्री पर अपना रूपरेकरण किसी भी Inquiry Committee द्वारा Person का देन को तत्पर है।

Article II का प्रदर्शन -

गोपनीय 25.7.97 को लिए आवास का ताला नहीं तोड़ा। बल्कि वह आवास से बिना ताल के (Unlocked) रूपमें पड़ा था। मैं अपनी भूल के लिए हृदयगत से लज्जित हूँ तथा आग्रहाती हूँ कि उस आवास (E-40-A) में जो बिना लियी थी 31.3.97 के दिन वार्षिक परिवासी से भ्रातृ द्वारा दूर करवायी गयी थी। उस दिन वार्षिक परिवासी नहीं आवास छोड़ते नहीं किया जाता था। उन विषम परिवासी द्वारा वार्षिक दूर करवाया जाता था। अन्य कोई उपाय नगर नहीं जाना।

लेकिन अपनी गतिविधि की शास्त्रिलाला में से को-

उत्तर प्राप्त फ. B / AF. NP / KV (N) U / 97-98 / 357 - dtd - 26-7-97 के संदर्भ में दिया गया। उसकी भीतर प्रतिलिपि श्रीमान क सम्मानार्थ प्रवित कर, रही है। मेरी उक्त मूल के स्वीकार कर लेने पर श्री जैन चारू ज मुक्ते भासा भी उदान किया था, साथ ही भविष्य में इसाज करने की चेतावनी भी दी गई। [प्राप्त]

L. No - F. B. 3 / KV (N) U / 97-98 / 440 / - dated - 12/8/97।

लिए श्रीमान से मैं भूमा - दाती हूँ। मैं उन श्रीमान से विनम्र निवादन कर रही हूँ कि संस्था प्रमुख तथा, केलचर संभाग के उपनियांक नाम गरी बालों पर चाहीन रखते हुए गुजरात में कृषि करें।

१९२९। स. भाजिंका

दिनांक - 22.02.2000

N. P. D.

(Mrs. Nomita Pandey)

P.R.T

Kendriya Vidyalaya
Dudhwa

ENCLOSURES

① बापन प्राप्त - 3-4/98-KVS(SR) 1451 / दिनांक - 20.4.99 के अलावा मैं स्पष्टीकरण प्राप्तिलिपि (01.05.99)।

② कार्यालय दुमका (District Treasury, DUMKA) Ref. No - 333 / T. S. Y दिनांक - 03-06-99।

③ Letter No - F. 33-18 / 99-KVS (EST 111) दिनांक - 5/12/10/98 का प्राप्त (E/C) कारा चालूकरि प्राप्त भीतर प्रतिलिपि।

④ बापन प्राप्त - F - B / P. F. NP / KV (N) U / 97-98 / 354 दिनांक - 26-7-97 के संदर्भ में स्पष्टीकरण प्राप्तिलिपि (30.07.97)।

⑤ Letter No - F. B. 3 / KV (N) U / 97-98 / 440 / - दिनांक - 12/8/97।

प्रतिलिपि सहायता आवश्यक के बाबत संगठन, संघर्ष कार्यालय, केलचर संभाग, केलचर का वृचालन रुप ३/१९९८ वर्ष का वाली है।

प्राप्तिलिपि / PRINCIPAL
केलचर संघर्ष कार्यालय / Kendriya Vidyalaya
दुधवाली / DUDHWA

(Mrs. Nomita Pandey)

ANNEXURE-VI

38

KENDRIYA VIDYALAYA Silchar
 Dist. Cachar, Assam (Opposite to Doordarshan Kendra,
 Silchar)
 Pin - 788 003

No. 3-1(Conf)/KV-SIL/2000
 Date 28.7.2000

To

The Assistant Commissioner
 Kendriya Vidyalaya Sangathan,
 Silchar Region, Silchar-1.

Sub Departmental enquiry against Smt. Namita
 Pandey, PRT, KV,
 Duliajan.

Sir,

I submit the detail account of above case to your kind
 notice and necessary action.

I. INTRODUCTION: The Assistant Commissioner, Silchar
 Region, Silchar appointed me as the Inquiry Officer
 vide office order No. F.3-3/99-2000/KVS(SR) dated
 2000, under rule 14 of CCS (CCA) Rules, 1965, to hold
 an Inquiry against Mrs. Namita Pandey, Primary Teacher,
 K.V. Umrangso, at present at K.V. Duliajan. In the same
 order Shri Rajendran Kamaul, Principal, K.V. Tinsukia
 is nominated as Presenting Officer (P.O.) to present
 the case in support of the charges.

The Preliminary hearing was held on 26th April,
 2000, at K.V. Silchar duly attended by the Charged
 Officer (C.O.) and the Presenting Officer. The
 Inspection of documents was completed on the same day.

The Presenting Officer presented the related documents
 during Inquiry. At the close of enquiry the Charged
 Officer requested for time to submit the evidences
 against the charges and 12th July, 2000 was fixed as
 the date of final hearing at K.V. Lumding, convenient
 to both C.O. and P.O. attended the enquiry. The briefs
 received both in preliminary and final hearing have
 been placed in folder below :

Certified to be true copy
Savitribai
Advocate

II. CHARGES FRAMED AND INQUIRED INTO : The imputation of Namita Pandey involved herself in fraudulent manipulation for procuring fake transfer order under the forged signature of Shri V.K. Gupta, Asstt. Commissioner (Admn.) KVS, New Delhi in her favour with mala fide intention, and forceful occupation of K.V. accommodation by Mrs. Namita Pandey by breaking the lock on 16.7.97. The charges framed against Mrs. Namita Pandey vide Annexure-I & II to the charge sheet memorandum are enclosed with this report.

III. FACTS AND DOCUMENTS ADMITTED : The broad facts of the case relating to manipulation of fake transfer order to get relieved from K.V. Umrangshu by C.O. and forceful occupation of K.V. accommodation by breaking the lock had not been admitted by Charged Officer both is preliminary enquiry and final enquiry. The copies of the enquiry proceedings in both cases have been enclosed.

IV. THE CASE OF DISCIPLINARY AUTHORITY : The Presenting Officer presented the documents in support of charges made against Charged Officer and also cross examined the case in support of charges. The briefs received from Presenting Officer have been placed in folder No.2. The arguments drawn by P.O. thoroughly established evidence in support of charges of contravention of Rule 3 (i) (ii) of CCS (Conduct) Rules.

V. DEFENCE ARGUMENTS OF THE CHARGED OFFICER : The charged Officer Mrs. Namita Pandey submitted her defence against two article of charges through written briefs placed in the relevant folder (No.3). The defence plea is briefly summarised in the following paragraphs.

The Charged Officer suspects the role of I/C Principal, K.V., Umrangshu, Shri Katiyar behind the birth fake transfer order and later on story due to her bad personal relations with him.

The Charged Officer also argues that once settled another quarter dispute by regular Principal Shri S.C. Jain was reopened by Shri Katiyar to trouble her.

II. CHARGES FRAMED AND INQUIRED INTO : The imputation of Namita Pandey involved herself in fraudulent manipulation for procuring fake transfer order under the forged signature of Shri V.K. Gupta, Asstt. Commissioner (Admn.) KVS, New Delhi in her favour with mala fide intention, and forceful occupation of K.V. accommodation by Mrs. Namita Pandey by breaking the lock on 16.7.97. The charges framed against Mrs. Namita Pandey vide Annexure-I & II to the charge sheet memorandum are enclosed with this report.

III. FACTS AND DOCUMENTS ADMITTED : The broad facts of the case relating to manipulation of fake transfer order to get relieved from K.V. Umrangshu by C.O. and forceful occupation of K.V. accommodation by breaking the lock had not been admitted by Charged Officer both in preliminary enquiry and final enquiry. The copies of the enquiry proceedings in both cases have been enclosed.

IV. THE CASE OF DISCIPLINARY AUTHORITY : The Presenting Officer presented the documents in support of charges made against Charged Officer and also cross examined the case in support of charges. The briefs received from Presenting Officer have been placed in folder No.2. The arguments drawn by P.O. thoroughly established evidence in support of charges of contravention of Rule 3 (i) (ii) of CCS (Conduct) Rules.

V. DEFENCE ARGUMENTS OF THE CHARGED OFFICER : The charged Officer Mrs. Namita Pandey submitted her defence against two article of charges through written briefs placed in the relevant folder (No.3). The defence plea is briefly summarised in the following paragraphs.

The Charged Officer suspects the role of I/C Principal, K.V., Umrangshu, Shri Katiyar behind the birth fake transfer order and later on story due to her bad personal relations with him.

The Charged Officer also argues that once settled another quarter dispute by regular Principal Shri S.C. Jain was reopened by Shri Katiyar to trouble her.

The Charged Officer submitted xerox copies of fee receipt in support of Shri Khatiyal misdeeds - which is absolutely irrelevant to present case.

VII. ASSESSMENT OF THE EVIDENCE, BOTH ORAL AND DOCUMENTARY AND THE INQUIRY OFFICER'S FINDINGS ON THE POINTS

REGARDING DETERMINATION :

From the assessment of the evidence, both documentary and oral, the following points emerge :
 1. The Charged Officer confuses herself to stand on the statements given in preliminary enquiry in final hearing.

2. She admits her husband applied for her transfer but fails to produce a copy of it (or) its through proper channel copy of her husband office or her office. To apply for spouse transfer without following official formalities and not keeping a personal copy by both educated and employed couple is doubtful. Her argument of her innocence is doubtful.

3. She failed to produce evidence the way she get the copy of transfer order marked to Asstt. Commissioner, Patna Region. But she get it and requested the Principal to relieve.

4. The Charged Officer argues that I/C Principal pressurised her to get relieve. But fails to produce any oral or written evidence in support of it.

Her application to Principal to relieve her is presented by Presenting Officer which indicates she brought Official pressure upon Principal to relieve her.

5. The Charged Officer argues that threatening letters received by her are destroyed by I/C. Principal - She failed to produce any evidence during enquiry to such grave act.

6. The written documents produced by her in support of her arguments of non-selling of her house hold articles to neighbours are irrelevant. She failed to submit any relevant document. The evidence in support of charge are produced by the Presenting Officer.

7. The Charged Officer admits that she visited the Regional office with her husband to talk with Asstt. Commissioner only about the I/C. Principal's plan to get rid off her by relieving. The purpose of her visit to R.O. Silchar and her discussion with the Asstt. Commissioner or any matter were not recorded. Hence her argument of accusing the I/C Principal in the foul play is only known to them Offg. Asstt. Commissioner Shri P.R.L. Gupta. Statement from Shri P.R.L. Gupta is required in this connection of her argument.

8. The charged officer failed to convene the Inquiry Officer or Presenting Officer with the evidence as her husband was not at Umrangshu on or before 03.11.98. Records shown by Presenting Officer established the fact her husband's presence.

9. The Charged Officer tries to blame the I/C, Principal for all of her charges and submitted a brief report/complaint to Inquiry Officer on 12.7.2000, without any evidences related to charges. At the end, Inquiry Officer concludes that all charges framed in Articles I though denied by the Charged Officer, enquiry fails to grap any evidence from C.O. in support of her argument of innocence.

ARTICLE OF CHARGES - II : Forceful occupation of K.V. accommodation by Charged Officer. The article of charges did not stand any value because the Charged Officer was warned and given chance not to repeat such act in future by regular Principal Shri S.L. Jain, letter 3/KV(N)U/97-98/440 dated 12.8.97 in response of C.O. response to Memo issued by In charge Principal dated 26.7.97.

VII. FINDING OF THE INQUIRY OFFICER ON THE CHARGE FRAMED AGAINST THE C.O.

In the light of the assessment of the evidence and determination of the points made in the previous paragraph, my finding are that :-

1. The charged officer failed to provide any kind of evidence in support of her argument of her innocence,

result all charges mentioned in Article I in seven paragraphs have been established.
2. The charge mentioned in Article-II has not been established since it is unwise to open the closed file on this charge.

Yours faithfully,

Sd/-

(M. SUBRAHMANIUM)
Inquiry Officer
Principal, KV, Silchar.

REPORT OF CROSS EXAMINATION OF WITNESS BY ACCUSED OFFICER -
MRS. NOMITA PANDEY, PRT.

Cross examination of witness, Shri R.C. Katiyar, PGT,
K.V. No. 3 Guwalior
and once Incharge Principal of K.V. Umrangshu by the accused
officer Mrs.
Namita Panedy, PRT is summarised below :

PROCEEDINGS :

Cross examination was conducted at K.V. Lumding on 24.2.01 from 11.30 A.M. The prosecuting officer of the case, Sri K. Rajendran, Principal, K.V. Tinsukia, Shri R.C. Katiyar witness and Mrs. Nomita Pandey the accused officer attended the proceedings.

The accused officer cross examined the witness by means of a questionare prepared by her (hand written copy is enclosed; annexure-I two pages), and submitted to Enquiry Officer to lead the process. The Enquiry Officer wrote the same questions on separate papers to give scope to witness to answer. The witness answered the questions and they in turn had gone through the presenting officer and accused officer. The cross examination process is enclosed in annexure-II (3 pages).

The cross examination was concluded after the accused officer and presenting officer expressed their satisfaction by going through the answers given by witness and acknowledged the same. This is noted in daily order sheet - Annexure-III.

CONCLUSIONS :

The accused officer failed to prove any kind of charges made against the in charge Principal, Shri R.C. Katiyar in connection with suspecious transfer order - The incharge Principal need not be doubted in this incident. He simply discharged the duties of Principal.

The In charge Principal received the office copy of Mrs. N. Pandey transfer only on 2.11.1998. But she submitted the copy to Principal on 28.10.98 and requested him to

(certified to be true copy)
digitshash
Advocate

relieve her. This is revealed in cross examination and accepted by accused officer, contrary to her earlier statement as the In charge Principal only pressurised her to get relieve.

Regarding the Camp of Mrs. N. Pandey husband at Umrangshu prior to 31.10.98 is established in the cross examinations (contradictory to her version in enquiry). The accused officer herself revealed her husband's arrival to Incharge.

It is also established that she disposed some of her house hold articles prior to relieve, which was accepted by accused officer in the cross examination.

The In charge Principal acted as per the instructions of Regional Office to operate the transfer order. The cross examination did not reveal any evidence to stand the allegations of accused officer as In charge Principal harassed her or pressurised her to relieve.

The cross examination did not substantiate any allegations made by accused officer to prove her innocence in getting and operating the transfer order, which was suspected as fraud at Regional Office level.

Thus the accused officer failed to defend the charges made against her and established sufficient ground of master plan behind the transfer order.

Sd/-

(M. SUBRAHMANIUM)
ENQUIRY OFFICER

Annexure-VII

KENDRIYA VIDYALAYA SANGATHAN

Regional Office
Hospital Road
Silchar-788001

F. No. 3-4/94-KVS(SR)/647-49
Dated 30.03.2001/17.4.01

Regd/Confidential

MEMORANDUM

Whereas on careful consideration of the Inquiry Report
(Copy enclosed) the

undersigned has provisionally come to the conclusion that
the gravity of the charge is such as to warrant the
imposition of major penalty on Smt. Namita Pandey, Primary
Teacher, Kendriya Vidyalaya, Duliajan and accordingly the
undersigned proposes to impose on her penalty of reduction
to lower stage (s) on the time scale of pay Rs. 4500-7000
with cumulative effect.

NOW, THEREFORE, Smt. Namita Pandey Ex-primary teacher,
KV Umrangshu now working as Primary teacher at KV Duliajan
is hereby given an opportunity of making representation on
the penalty proposed above. Any representation which she may
wish to make against the penalty proposed will be considered
by the undersigned. Such representation if any should be
made in writing and submitted so as to reach the undersigned
not later than 15 (fifteen) days from the date of the
receipt of this memorandum by Smt. Namita Pandey, Primary
Teacher, KV Duliajan.

The receipt of this memorandum should be acknowledged.

Sd/-

(S.P. Bauri)
Assistant Commissioner

Enclo :-

Enquiry report in 07 pages

Certified to be true copy
Sujitshesh
Advocate

To,
The Assistant Commissioner (Disciplinary authority),
Kendriya Vidyalaya Sangathan,
Regional Office,
Hospital Road,
Silchar – 788001

Sub : Submission of Representation against the memorandum bearing letter No.3-4/94-KVS(SR)/647-49 dated 30.03.2001/17.04.2001 against the proposed imposition penalty of reduction to lower stage (s) on the time scale of pay Rs.4500-7000 with cumulative effect.

Ref : Your memorandum issued under letter No.3-4/94-KVS(SR)/647-49 dated 30.03.2001/17.04.2001.

Respected Sir,

Most humbly and respectfully I beg to state that the aforesaid memorandum proposing imposition of Penalty of reduction to lower stage(s) on the time scale of pay Rs.4500-7000 with cumulative effect, the aforesaid memorandum is duly received by the undersigned only on 20.04.2001 and I have carefully gone through the same, and understood the contents thereof.

I therefore like to draw your kind attention to the following fact for your kind attention to the following fact for your kind consideration before taking any adverse decision as proposed in the memorandum dated 30.3.2001/17.4.2001.

That Sir, the memorandum of charge sheet served upon the undersigned vide your letter bearing No. F. 3-3/98-KVS (SR)16774-75 dated 31.1.2000 under rule 14 of the CCS(CCA) Rules 1965 with the following article of charges quoted below :-

"Article -I

Mrs. Namita Pandey, while working as a Primary Teacher at KV Umrangshu arranged to issue fake transfer order No. F. 33-18/98-

KVS (Estt-III) dated 12.10.1998 for posting to Kendriya Vidyalaya, CCI, Gandhi Nagar, Ranchi in her favour.

Mrs. Namita Pandey, Primary Teacher has therefore done fraudulent manipulation in violation of item 34 of Code of conduct for teacher envisaged in Chapter VI of the Education Code and thereby contravened Rule 3(I) (II) of CCS(Conduct) Rules, 1964. She has therefore rendered herself liable to disciplinary action under CCS(CCA) Rules, 1965 as extended to KVS employee.

Article-II

Mrs. Namita Pandey, while working as Primary Teacher at Kendriya Vidyalaya, Umramgshu unauthorisedly took occupation forcefully by breaking the lock of the residential accommodation of the said Kendriya Vidyalaya on 25.07.97. Mrs. Namita Pandey, Primary Teacher has thus failed to exercise devotion and reasonable care in the discharge of her official duty and has violated item 22 of the Education Code and she has thereby contravened Rule 3(I) (II) of the CCS(Conduct) Rules, 1964 and therefore rendered herself liable to disciplinary action under CCS(CCA) Rules 1965 as extended to KVS employees."

That the charges brought against me through article-I with the allegation that the undersigned has arranged to issue fake transfer order No. F. 33-18/98-KVS (Estt-III) dated 12.10.98 for posting to Kendriya Vidyalaya, CCI, Gandhi Nagar, Ranchi in my favour and it is further alleged that due to this act of fraudulent manipulation in violation of item 34 of Code of Conduct for teacher envisaged in chapter VI of the education Code and thereby contravened Rule 3(I) (II) of CCS (Conduct) Rules, 1964 and the aforesaid misconduct of misbehaviour is sought to be sustained/established on the basis of a statement made by Sri R.C. Katiyar the then in-charge Principal, Umrangshu which is made at the time of prima

facie inquiry conducted on 8.12.98 by the authority. The said statement made by the then Principal on 8.12.98 and the other written statement of Sri N. Shankar, TGT (Bio) but the statement of Sri N. Shankar although shown as listed document in the memorandum of charge sheet dated 31.1.2001 but the same was not annexed in the aforesaid memorandum of charges. Moreover, none of the listed documents were examined in the enquiry proceeding as was required under the relevant rule of CCS(CCA) Rules 1965. It is further categorically submitted even the sole listed document relating to article to charge No.1, has not been examined. It is relevant to mention here that the written statement of the then Principal, Umrangshu which is relied in the memorandum of charge sheet in order to sustain the article of charge No. 1 now the said statement of Sri R.C. Katiyar went contrary to his own statement made during the cross-examination in the enquiry proceeding held on 24.2.2001 wherein in a reply to a question Sri R.C. Katiyar stated as follows, the relevant portion of the proceeding dated 24.2.2001 is quoted below :

**"CROSS EXAMINATION OF THE NAMITA PANDEY AT K.V.
LUMDING AT 11.30 A.M. ON 24.2.2001.**

**Questions given by Mrs. Namita Pandey Vs. Answers by Sri
R.C. Katiyar.**

1. When and how you have received this fraudulent order (a) transfer and posting of me ?

Sir, Madam N. Pandey Ex. (PRT) of K.V Umrangshu showed me her transfer copy on 28.10.98 and requested me to relieve her but I refused to relieve because I (As a Principal) did not receive her transfer order. I received transfer order on 02.11.98 on the next day I. order U.D.C. to prepare L.P.C. & relieving order."

2. How did you come to know that the order of transfer dated 5/12.10.98 is fraudulent ?

Sir, I got telephonic message from the Education Officer (Officiating A.C.) on 03.11.98 that he had doubts about this transfer order. He (Sh. P.R.L. Gupta, Sir) called me at Silchar Regional Office along with the documents. He told me that he was making enquiry of this transfer orders.

3. After receipt of the transfer order what steps you have taken?

Sir, after receipt of transfer order of Mrs. N. Pandey I ordered U.D.C. to prepare L.P.C. & relieving order but after getting telephonic message from Hon'ble A.C. (Officiating) Sir I stopped it.

4. How did and when did it strike to your mind that I have arranged to issue the fraudulent order of transfer?

Sir, it did not strike me that she has arranged her transfer order. I came to know the doubt when A.C. Sir told me that it might be the fraudulent transfer.

5. How did you come to know that my husband has reached Umrangshu prior-to 31.10.1998 and what was your reliable source on that ?

Sir, I came to know that the husband of Mrs. Nomita Pandey arrived prior to 31.10.1998 through Mrs. Pandey two and ad-hoc lady teachers.

6. What was the distance of your quarter from the quarter of me at Umrangshu ?

Sir, it is Approx 2500 meters.

7. How did you know that I have disposed of my house hold articles and what was the source of your information ?

Sir, I came to know from two ad-hoc teachers.

8. What has prompted to reach such conclusion that I have arranged to issue the fraudulent transfer order ?

Sir, I have not prompted to reach such conclusion that she has arranged to issue the fraudulent transfer order. A.C. Sir told me that it might be fraudulent transfer.

9. Is that any evidence or materials available with you to establish that the fraudulent letter was issued by me ?

Sir, No, I have not any evidence or materials available with me to establish that the fraudulent letter was issued by Mrs. Nomita Pandey (PRT).

10. Do you believe this certificate of leave dated 03.06.1999 issued by the employer of my husband regarding leave of absence from his office ?

Sir, I do not know.

11. Is there any private accommodation available within the NEEPCO campus of Umrangshu for private hire accommodation ?

41-F

57

Sir, I do not know.

Sd/- Illegible	Sd/- Illegible	Sd/-
Illegible		
24.02.2000	24.02.2000	14.02.2000
(R. C. Katiyar)	(K. Rajendran)	H. Subramanian)
	P.O.	E.O.

In view of the above statement of Sri R.C. Katiyar the then Principal of KV Umrangshu stated in the enquiry proceeding held on 24.2.2001 is contrary with the written statement dated 8.12.1998 as such the written statement dated 08. 12 .1998 cannot sustain the charges brought against me under article of charge no. I.

It is further submitted that the statement of Sri N. Shankar which is not annexed with the memorandum of charge sheet dated 31.01.2000 but supplied to me by the enquiry officer does not support the charges brought against me under article No.I. The statement of Sri N. Shankar dated 08.12.1998 also support the contention of the undersigned. The statement of Sri N. Shankar is quoted below :-

It is quite clear from the above statement of Sri N. Shankar that the husband of the undersigned came to Umrangshu after receipt of the order of transfer dated 12.10.1998, therefore the above statement also establishes that the written statement of Sri R. C. Katiyar dated 08.12.1998 is contradictory with the written statement of Sri N. Shankar.

That Sir, it is further stated that the written statement of Sri R. C. Katiyar is also contrary to the certificate of leave issued by the District Treasury Office, Dumka (Bihar) which establishes the correctness of the fact that my husband Sri Shekhar Kumar Pandey, Assistant Accountant, Dumka treasury was on leave with effect from 02.11.1998 to 15.11.1998 therefore statement of Sri R. C. Katiyar that my husband came to Umrangshu earlier to 03.11.1998 is false and misleading as because my husband under took journey by Rail from Dumka and he reached at Umrangshu only on 03.11.1998 at about 11 a.m. My husband started his journey with effect from 01.11.1998 (Sunday) via Bhagalpur. But the certificate dated 03.06.1999 which was produced by the undersigned before the inquiry proceeding and the same was also got examined by the undersigned while cross examining Sri R. C. Katiyar the than Principal Umrangshu in the hearing proceeding held on 24.02.2001 and on reply which would be evident from the order sheet of cross examination dated 24.02.2001 quoted above, has not been denied by Sri R. C. Katiyar, as such it is categorically submitted that in the so called inquiry proceeding which is initiated in pursuance of the memorandum dated 31.01.2000 nothing could be proved against the undersigned regarding the charges leveled against me through article No.1 as well as no evidence could be made available before the Enquiry Officer either by the presenting officer or by the witness Sri R. C. Katiyar who was examined in the enquiry proceeding as was relied upon in the memorandum of charge sheet dated 31.01.2000. It is further submitted that Sri N. Shankar TGT (BIO) listed witness relied upon in the aforesaid

memorandum of charges also not examined before the enquiry proceeding by the departmental side as required under the rule and the written statement of Sri N. Shankar, categorically support the ~~cross examination~~ stated above.

~~cross examination~~ evidence or statement of witnesses supported the charges brought against me under article 1 of the memorandum of charge sheet dated 31.01.2000.

It is further submitted that the undersigned submitted documentary evidences before the inquiry proceeding and also during the cross-examination such as certificate issued by the employees of NEEPCO Ltd. Regarding non disposal of household articles dated 10.12.98 and Pass issued in NEEPCO Gate dated 11.4.99 issued by Security Manager NEEPCO Ltd. Umrangshu dated 11.4.1999 and the certificate of Truck Owner dated 11.4.1999 carrying the Household articles from Umrangshu to Duliajan after my transfer and leave certificate dated 3.6.99 was also sent by Regd. Post to the Assistant Commissioner (Disciplinary Authority) as was promised by the undersigned on 15.6.99 against the reply submitted by me in terms of the memorandum issued under letter No. 3-4/98-KVS(SR)/11451 dated 20.4.99, but surprisingly none of the documentary evidence taken into consideration by the enquiry officer as required under the rules.

That the enquiry report bearing letter No. 3-1(CONF)/KV-SIL/2000 dated 28.7.2000 served upon me along with the memorandum dated 31.3.2001 17.4.2001. A bare perusal of the enquiry report, it would be evident that the same has been prepared in a most arbitrary and unfair and illegal manner without taking into consideration the factual position of the enquiry proceeding. There is no discussion at all made by the enquiry officer of the recorded statement of Sri R.C. Katiyar the then Principal in-charge, Umrangshu Kendriya Vidyalaya when Sri R.C.

Katiyar categorically denied that there is no evidence or material available with him regarding issuance of fake letter by me but surprisingly in the enquiry report it is state by the enquiry officer in the conclusion part that the cross-examination does not substantiate any allegation made by the accused officer to prove her innocence in getting and operating the transfer order which was suspected as framed at Regional Office level and thus the accused officer failed to defend the charges made against her and established sufficient ground of Master Plan behind the transfer order.

It is further stated the enquiry officer in his enquiry report in concluding paragraph that " It is also established that she disposed some of her household articles prior to relieve, which was accepted accused officer in the cross examination."

The above conclusion of the enquiry officer is totally false and misleading. In this connection the undersigned beg to rely upon the daily order sheet of the proceeding and enquiry officer is put to strictest proof of the fact that the charged officer has accepted the household articles prior to relieve rather documentary evidence submitted by me regarding non-disposal of household articles not considered at all by the enquiry officer but the same has been rejected in a very arbitrary and unfair manner without any discussion on the aforesaid evidences produced by me, which would be evident in paragraph 6 of the assessment of evidence in the enquiry report, wherein it is held by the enquiry officer that those documents arguments are irrelevant and it is further held that the undersigned is failed to submit any relevant document. Surprisingly it is further held that the evidence in support of charges are produced by the Presenting Officer but in reality not a single document or evidence neither produced by the Presenting Officer

nor examined before the Enquiry Proceeding by the Presenting Officer. As such entire finding of the Enquiry Officer is highly arbitrary and unfair and a mere reading of the finding and conclusion of the enquiry report. It would be evident that the Enquiry Officer has prepared, the enquiry report in total violation of Sub-section (i) and Sub-section (ii) of Sub rule 23 of rule 14 of the CCS (CCA) Rules, 1965.

It is categorically submitted that the enquiry report has been prepared without taking into consideration the defence put forwarded by the undersigned in respect of article of charges. It would further be evident that no assessment of the evidence is made in respect of the article of charges and particularly findings as well as the conclusion reached by the enquiry officer in respect of article of charge no. I is totally irrelevant and contrary to the records of the enquiry proceeding. No discussion on evidence particularly relating to the crucial hearing which took place on 24.2.2001 at Lumding did not find place in the enquiry report. No discussion is made by the enquiry officer in the recorded statement of Sri R.C. Katiyar who was cross-examined by me on 24.2.001. It is relevant to mention here that Sri R.C. Katiyar the sole witness cross-examined in the enquiry proceeding who categorically denied regarding availability of any documentary evidence to sustain the charges brought under article of charge no. I. As such, the entire finding and conclusion of the enquiry officer not based on any evidence and the aforesaid enquiry report has been prepared with a pre-determined notion to impose penalty upon me although no evidence or statements of any witness relied upon by the departmental side, supported the charges brought against me, as such on that score alone the proceeding is liable to be dropped.

That Sir, it is further categorically submitted that the charges particularly the article of charge No.I has not been enquired into rather the enquiry officer, enquired into a different charge in respect

of fake transfer order. A mere reading of the paragraph-II i.e the charges framed and enquired into is altogether different than the article of charge no. I brought under memorandum dated 31.1.2000. The Enquiry Officer enquired into " the imputation of **Namita Pandey involved herself in fraudulent manipulation for procuring fake transfer order under the forged signature of Sri V.K.Gupta, Assistant Commissioner (Admn), KVS, New Delhi in her favour with mala fide intention**" whereas article of charge no. I is quite different as leveled against me in the memorandum dated 31.1.2001. On that score alone the entire enquiry proceeding is liable to be set aside and quashed.

In paragraph V of the enquiry report the defence arguments of the charged officer which is discussed did not reflect the actual/factual position. It is also evident that the documents of misdeeds of Sri R.C. Katiyar which was submitted by me in the enquiry proceeding has been arbitrarily rejected by the enquiry officer holding the same as irrelevant without assigning any valid reason.

It is stated that no assessment of evidence both oral and documentary is made and further no discussion is made on evidences as required under the rule.

Finding assessment of evidence conclusion of the enquiry proceeding made by the enquiry officer as evident from the enquiry report is quite contrary to the record of the proceeding, it appears that the enquiry officer acted in a very arbitrary manner in total violation of Rule 14 of CCS(CCA) Rules 1965 and further reached to the findings and conclusion in the enquiry report in total violation of Sub-section (i) and (ii) of Sub-section -23 of Rule 14 of CCS(CCA) Rules 1965 and as such the entire enquiry proceeding which is conducted in pursuance of the memorandum dated 31.3.2001 are liable to be set aside and quashed and therefore

41-L

88

penalty proposed under memorandum dated 31.3.2001/17.4.2001 also liable to be dropped in the interest of justice and fair play.

I, therefore like to draw your kind attention to the above stated fact for your kind consideration before taking any adverse decision as proposed in the memorandum dated 30.3.2001/17.4.2001 and further be pleased to drop the Memorandum of charges dated 31.3.2000 in view of the above stated contradictions, infirmity in the enquiry proceeding and also be pleased to revoke/cancel the Memorandum dated 30.3.2001/17.4.2001 proposing penalty under intimation to the undersigned.

Date : 26.04.2001

Place : Duliajan

Yours faithfully,

(NAMITA PANDEY)
PRT, KV, Duliajan

Copy to,

Principal, K.V., Duliajan, for information only.

(NAMITA PANDEY)
PRT, KV, Duliajan.

To
 Smt. Namita Pandey, PRT,
 K.V. Duliajan.

ANNEXURE-VIII

KENDRIYA VIDYALAYA SANGATHAN

Regional Office
 Hospital Road
 Silchar-788001

Dated
 19/25.6.2001

F. No. 3-4/99-2000/KVS(SR)/4126-28

Regd/Confidential

Whereas disciplinary proceedings under Rule 14 of the Central Services (Classification central and Appeal) rules, 1965 were instituted against Smt. Namita Pandey, Ex-Primary Teacher, Kendriya Vidyalaya, Umrangshu, now working at Kendriya Vidyalaya, Duliajan in regard to the charges framed against her vide Memorandum No. 3-3/98-KVS(SR)/647-75 dated 31.1.2000.

2. Whereas Shri M. Subrahmanium, Prindipal, Kendriya Vidyalaya, Silchar who was appointed as Inquiry Officer to inquire into the charges framed against the said Smt. Namita Pandey, Primary Teacher has submitted his report and was sent to said Smt. Namita Pandey, Primary Teacher vide Memo of even No. dated 17.4.2001.

3. Whereas proposal for imposing penalty was sent to Smt. Namita Pandey, Primary Teacher alongwith the enquiry report vide Memo of even No. dated 17.4.2001 giving her opportunity to make representation if any against the proposed penalty.

4. Whereas Smt. Namita Pandey, Primary Teacher made representation dated 26.4.2001 has been examined by the undersigned.

5. Whereas after taking into consideration the representation dated 26.04.2001 submitted by Smt. Namita Pandey, PRT and the record of enquiry and having regard to all the facts and circumstances, the undersigned is satisfied that the findings of the Inquiry Officer is acceptable and that good and sufficient reasons exist for

Certified to be true copy
Surjithash
Advocate

imposing penalty of reduction of two lower stages in the time scale of pay Rs. 4500-125-7000 for a period of two years with cumulative effect.

6. Now, therefore, the undersigned accordingly orders that the pay of Smt. Namita Pandey, PRT will be reduced by two lower stages in the time scale of pay Rs. 4500-125-7000 for a period of two years with cumulative effect. Smt. Namita Pandey will not earn increments of pay during the period of reduction and that on expiry of this period, the reduction will not have effect of postponing her future increments.

Sd/-

(S.P. BAURI)
ASSISTANT COMMISSIONER

To

Smt. Namita Pandey, Primary Teacher,
Kendriya Vidyalaya,
Duliajan.

Copy to :

1. The Principal, KV, Duliajan, for giving effect of the penalty order.
2. The education officer, (Vig), KVS, New Delhi - for information please.

/
Assistant Commissioner

To

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

(Through Proper channel).

Sub : An Appeal against the order of Penalty imposed
vide order Issued under letter No. 3-4/99-
2000/KVS(SR) 4126-28 dated 19/25.6.2001.

Respected Sir,

I like to draw your kind attention on the subject cited
above and further beg to state that the impugned order of
penalty dated 19/25.6.2001 is duly received by the
undersigned only on 28.6.2001 and thereafter carefully gone
through the same and it appears that the order of reduction
of pay by two lower stages and the time scale of pay Rs.
4500-125-7000 for a period of two years with cumulative
effect and further ordered that the undersigned will not
earn increments of pay during the period of reduction and on
expiry of this period, the reduction will not have effect of
postponing future increments.

That the above penalty has been imposed upon the
undersigned in a very arbitrary manner in total violation of
Rule 14 of CCS (CCA) Rules 1965 and further reached to the
findings to the conclusion by the disciplinary authority
contrary to the evidence recorded in the proceeding.

I therefore like to draw your kind attention to the
following fact for your kind consideration and also urge
upon you to set aside the impugned order of penalty dated
19/25.6.2001 by exercising the power conferred on you under
sub-rule 2 of Rule 27 of CCS (CCA) Rules, 1965.

Certified to be true copy

S. S. S. S.
Advocate

That Sir, the memorandum of charge sheet served upon the undersigned vide your letter bearing No. F. 3-3/98-KVS (SR)16774-75 dated 31.1.2000 under rule 14 of the CCS(CCA) Rules 1965 with the following article of charges quoted below :-

Article -I

Mrs. Namita Pandey, while working as a Primary Teacher at KV Umramgshu arranged to issue fake transfer order No. F. 33-18/98-KVS (Estt-III) dated 12.10.1998 for posting to Kendriya Vidyalaya, CCI, Gandhi Nagar, Ranchi in her favour.

Mrs. Namita Pandey, Primary Teacher has therefore done fraudulent manipulation in violation of item 34 of Code of conduct for teacher envisaged in Chapter VI of the Education Code and thereby contravened Rule 3(I) (II) of CCS(Conduct) Rules, 1964. She has therefore rendered herself liable to disciplinary action under CCS(CCA) Rules, 1965 as extended to KVS employee.

Article-II

Mrs. Namita Pandey, while working as Primary Teacher at Kendriya Vidyalaya, Umramgshu unauthorisedly took occupation forcefully by breaking the lock of the residential accommodation of the said Kendriya Vidyalaya on 25.07.97. Mrs. Namita Pandey, Primary Teacher has thus failed to exercise devotion and reasonable care in the discharge of her official duty and has violated item 22 of the Education Code and she has thereby contravened Rule 3(I) (II) of the CCS(Conduct) Rules, 1964 and therefore rendered herself liable to disciplinary action under CCS(CCA) Rules 1965 as extended to KVS employees.''

That the charges brought against me through article-I with the allegation that the undersigned has arranged to issue fake transfer order No. F. 33-18/98-KVS (Estt-III) dated 12.10.98 for posting to Kendriya Vidyalaya, CCI, Gandhi Nagar, Ranchi in my favour and it is further alleged that due to this act of fraudulent manipulation in violation of item 34 of Code of Conduct for teacher envisaged in chapter VI of the education Code and thereby contravened Rule 3(I) (II) of CCS (Conduct) Rules, 1964 and the aforesaid misconduct of misbehaviour is sought to be sustained/established on the basis of a statement made by Sri R.C. Katiyar the then in-charge Principal, Umrangshu which is made at the time of prima facie inquiry conducted on 8.12.98 by the authority. The said statement made by the then Principal on 8.12.98 and the other written statement of Sri N. Shankar, TGT (Bio) but the statement of Sri N. Shankar although shown as listed document in the memorandum of charge sheet dated 31.1.2001 but the same was not annexed in the aforesaid memorandum of charges. Moreover, none of the listed documents were examined in the enquiry proceeding as was required under the relevant rule of CCS(CCA) Rules 1965. It is further categorically submitted even the sole listed document relating to article to charge No.I, has not been examined. It is relevant to mention here that the written statement of the then Principal, Umrangshu which is relied in the memorandum of charge sheet in order to sustain the article of charge No. I now the said statement of Sri R.C. Katiyar went contrary to his own statement made during the cross-examination in the enquiry proceeding held on 24.2.2001 wherein in a reply to a question Sri R.C. Katiyar stated

as follows, the relevant portion of the proceeding dated 24.2.2001 is quoted below :

“CROSS EXAMINATION OF THE NAMITA PANDEY AT K.V. LUMDING AT 11.30 A.M. ON 24.2.2001.

Questions given by Mrs. Nomita Pandey Vs. Answers by Sri R.C. Katiyar.

1. When and how you have received this fraudulent order (a) transfer and posting of me ?

Sir, Madam N. Pandey Ex. (PRT) of K.V Umrangshu showed me her transfer copy on 28.10.98 and requested me to relieve her but I refused to relieve because I (As a Principal) did not receive her transfer order. I received transfer order on 02.11.98 on the next day I. order U.D.C. to prepare L.P.C. & relieving order.”

2. How did you come to know that the order of transfer dated 5/12.10.98 is fraudulent ?

Sir, I got telephonic message from the Education Officer (Officiating A.C.) on 03.11.98 that he had doubts about this transfer order. He (Sh. P.R.L. Gupta, Sir) called me at Silchar Regional Office along with the documents. He told me that he was making enquiry of this transfer orders.

3. After receipt of the transfer order what steps you have taken?

Sir, after receipt of transfer order of Mrs. N. Pandey I ordered U.D.C. to prepare L.P.C. & relieving order but after getting

telephonic message from Hon'ble A.C.
(Officiating) Sir I stopped it.

4. How did and when did it strike to your mind that I have arranged to issue the fraudulent order of transfer?

Sir, it did not strike me that she has arranged her transfer order. I came to know the doubt when A.C. Sir told me that it might be the fraudulent transfer.

5. How did you come to know that my husband has reached Umrangshu prior-to 31.10.1998 and what was your reliable source on that ?

Sir, I came to know that the husband of Mrs. Nomita Pandey arrived prior to 31.10.1998 through Mrs. Pandey two ad-hoc lady teachers.

6. What was the distance of your quarter from the quarter of me at Umrangshu ?

Sir, it is Approx 2500 meters.

7. How did you know that I have disposed of my house hold articles and what was the source of your information ?

Sir, I came to know from two ad-hoc teachers.

8. What has prompted to reach such conclusion that I have arranged to issue the fraudulent transfer order ?

Sir, I have not prompted to reach such conclusion that she has arranged to issue the

fraudulent transfer order. A.C. Sir told me that it might be fraudulent transfer.

9. Is that any evidence or materials available with you to establish that the fraudulent letter was issued by me ?

Sir, No, I have not any evidence or materials available with me to establish that the fraudulent letter was issued by Mrs. Nomita Pandey (PRT).

10. Do you believe this certificate of leave dated 03.06.1999 issued by the employer of my husband regarding leave of absence from his office ?

Sir, I do not know.

11. Is there any private accommodation available within the NEEPCO campus of Umrangshu for private hire accommodation ?

Sir, I do not know.

Sd/- Illegible Sd/- Illegible Sd/- Illegible
24.02.2000 24.02.2000 14.02.2000

(R. C. Katiyar)(K. Rajendran)
H. Subraman

ian)
P.O. E.O.

In view of the above statement of Sri R.C. Katiyar the then Principal of KV Umrangshu stated in the enquiry proceeding held on 24.2.2001 is contrary with the written statement dated 8.12.1998 as such the written statement dated 08.12.1998 cannot sustain the charges
1. Right to be in charge of charge no. I.

It is further submitted that the statement of Sri N. Shankar which is not annexed with the memorandum of charge sheet dated 31.01.2000 but supplied

P.I.O

to me by the enquiry officer does not support the charges brought against me under article No.1. The statement of Sri N. Shankar dated 08.12.1998 also support the contention of the undersigned. The statement of Sri N. Shankar is quoted below :-

१० दि. अप्रैल शंकर ई. जी. टी. (बाबी)
 २५ जून सम्पादित करता हूँ कि
 मैंने नमिना पापु के पास भी पापु जी को
 २५ दिन से भी उनके स्थानान्तरण के उपर्युक्त देखा
 था। "

१० नवं - २/१२/१२

०८ अप्रैल शंकर
 ई. जी. टी. (बाबी)

It is quite clear from the above statement of Sri N. Shankar that the husband of the undersigned came to Umrangshu after receipt of the order of transfer dated 12.10.1998, therefore the above statement also establishes that the written statement of Sri R. C. Katiyar dated 08.12.1998 is contradictory with the written statement of Sri N. Shankar.

That Sir, it is further stated that the written statement of Sri R. C. Katiyar is also contrary to the certificate of leave issued by the District Treasury Office, Dumka (Bihar) which establishes the correctness of the fact that my husband Sri Shekhar Kumar Pandey, Assistant Accountant, Dumka treasury was on leave with effect from 02.11.1998 to 15.11.1998 therefore statement of Sri R. C. Katiyar that my husband came to Umrangshu earlier to 03.11.1998 is false and misleading as because my husband under took journey by Rail from Dumka and he reached at Umrangshu only on 03.11.1998 at about 11 a.m. My husband started his journey with effect from 01.11.1998 (Sunday) via Bhagalpur. But the certificate dated 03.06.1999 which was produced by the undersigned before the inquiry proceeding and the same was also got examined by the undersigned while cross examining Sri R. C. Katiyar the than Principal Umrangshu in the hearing proceeding held on 24.02.2001 and on reply which would be evident from the order sheet of cross examination dated 24.02.2001 quoted above, has not been denied by Sri R. C. Katiyar, as such it is categorically submitted that in the so called inquiry proceeding which is initiated in pursuance of the

Certified to be true copy
 Sujithash
 Advocate

memorandum dated 31.01.2000 nothing could be proved against the undersigned regarding the charges leveled against me through article No.I as well as no evidence could be made available before the Enquiry Officer either by the presenting officer or by the witness Sri R. C. Katiyar who was examined in the enquiry proceeding as was relied upon in the memorandum of charge sheet dated 31.01.2000. It is further submitted that Sri N. Shankar TGT (BIO) listed witness relied upon in the aforesaid memorandum of charges also not examined before the enquiry proceeding by the departmental side as required under the rule and the written statement of Sri N. Shankar, categorically support the contention of the undersigned as stated above.

Therefore no evidence or statement of witnesses supported the charges brought against me under article I of the memorandum of charge sheet dated 31.01.2000.

It is further submitted that the undersigned submitted documentary evidences before the inquiry proceeding and also during the cross-examination such as certificate issued by the employees of NEEPCO Ltd. Regarding non disposal of household articles dated 10.12.98 and Pass issued in NEEPCO Gate dated 11.4.99 issued by Security Manager NEEPCO Ltd. Unrangshu dated 11.4.1999 and the certificate of Truck Owner dated 11.4.1999 carrying the Household articles from Unrangshu to Duliajan after my transfer and leave certificate dated 3.6.99 was also sent by Regd. Post to the Assistant Commissioner (Disciplinary Authority) as was promised by the undersigned on 15.6.99 against the reply submitted by me in terms of the memorandum issued under letter No. 3-4/98-KVS(SR)/11451 dated 20.4.99, but surprisingly none of the documentary evidence taken into consideration by the enquiry officer as required under the rules.

That the enquiry report bearing letter No. 3-1(CONF)/KV-SIL/2000 dated 28.7.2000 served upon me along with the memorandum dated 31.3.2001 17.4.2001. A bare perusal

*Certified to be true copy
Srijit Bhattacharya
Advocate*

of the enquiry report, it would be evident that the same has been prepared in a most arbitrary and unfair and illegal manner without taking into consideration the factual position of the enquiry proceeding. There is no discussion at all made by the enquiry officer of the recorded statement of Sri R.C. Katiyar the then Principal in-charge, Umrangshu Kendriya Vidyalaya when Sri R.C. Katiyar categorically denied that there is no evidence or material available with him regarding issuance of fake letter by me but surprisingly in the enquiry report it is state by the enquiry officer in the conclusion part that the cross-examination does not substantiate any allegation made by the accused officer to prove her innocence in getting and operating the transfer order which was suspected as framed at Regional Office level and thus the accused officer failed to defend the charges made against her and established sufficient ground of Master Plan behind the transfer order.

It is further stated the enquiry officer in his enquiry report in concluding paragraph that "It is also

established that she disposed some of her household articles prior to relieve, which was accepted accused officer in the cross examination."

The above conclusion of the enquiry officer is totally

false and misleading. In this connection the undersigned beg to rely upon the daily order sheet of the proceeding

and enquiry officer is put to strictest proof of the fact that the charged officer has accepted the household articles

prior to relieve rather documentary evidence submitted by me regarding non-disposal of household articles not considered

at all by the enquiry officer but the same has been rejected in a very arbitrary and unfair manner without any

discussion on the aforesaid evidences produced by me, which would be evident in paragraph 6 of the assessment of

evidence in the enquiry report, wherein it is held by the enquiry officer that those documents arguments are

irrelevant and it is further held that the undersigned is failed to submit any relevant document. Surprisingly it is

further held that the evidence in support of charges are produced by the Presenting Officer but in reality not a

single document or evidence neither produced by the Presenting Officer nor examined before the Enquiry Proceeding by the Presenting Officer. As such entire finding of the Enquiry Officer is highly arbitrary and unfair and a mere reading of the finding and conclusion of the enquiry report. It would be evident that the Enquiry Officer has prepared, the enquiry report in total violation of Sub-section (i) and Sub-section (ii) of Sub rule 23 of rule 14 of the CCS (CCA) Rules, 1965.

It is categorically submitted that the enquiry report has been prepared without taking into consideration the defence put forwarded by the undersigned in respect of article of charges. It would further be evident that no assessment of the evidence is made in respect of the article of charges and particularly findings as well as the conclusion reached by the enquiry officer in respect of article of charge no. I is totally irrelevant and contrary to the records of the enquiry proceeding. No discussion on evidence particularly relating to the crucial hearing which took place on 24.2.2001 at Lumding did not find place in the enquiry report. No discussion is made by the enquiry officer in the recorded statement of Sri R.C. Katiyar who was cross-examined by me on 24.2.001. It is relevant to mention here that Sri R.C. Katiyar the sole witness cross-examined in the enquiry proceeding who categorically denied regarding availability of any documentary evidence to sustain the charges brought under article of charge no. I. As such, the entire finding and conclusion of the enquiry officer not based on any evidence and the aforesaid enquiry report has been prepared with a pre-determined notion to impose penalty upon me although no evidence or statements of any witness relied upon by the departmental side, supported the charges brought against me, as such on that score alone the proceeding is liable to be dropped.

That Sir, it is further categorically submitted that the charges particularly the article of charge No. I has not been enquired into rather the enquiry officer, enquired into

a different charge in respect of fake transfer order. A mere reading of the paragraph-II i.e the charges framed and enquired into is altogether different than the article of charge no. I brought under memorandum dated 31.1.2000. The Enquiry Officer enquired into ' the imputation of Namita Pandey involved herself in fraudulent manipulation for procuring fake transfer order under the forged signature of Sri V.K.Gupta, Assistant Commissioner (Admn), KVS, New Delhi in her favour with mala fide intention' whereas article of charge no. I is quite different as leveled against me in the memorandum dated 31.1.2001. On that score alone the entire enquiry proceeding is liable to be set aside and quashed.

In paragraph V of the enquiry report the defence arguments of the charged officer which is discussed did not reflect the actual/factual position. It is also evident that the documents of misdeeds of Sri R.C. Katiyar which was submitted by me in the enquiry proceeding has been arbitrarily rejected by the enquiry officer holding the same as irrelevant without assigning any valid reason.

It is stated that no assessment of evidence both oral and documentary is made and further no discussion is made on evidences as required under the rule.

Finding assessment of evidence conclusion of the enquiry proceeding made by the enquiry officer as evident from the enquiry report is quite contrary to the record of the proceeding, it appears that the enquiry officer acted in a very arbitrary manner in total violation of Rule 14 of CCS(CCA) Rules 1965 and further reached to the findings and conclusion in the enquiry report in total violation of Sub-section (i) and (ii) of Sub-section -23 of Rule 14 of CCS(CCA) Rules 1965 and as such the entire enquiry proceeding which is conducted in pursuance of the memorandum dated 31.3.2001 are liable to be set aside and quashed and therefore penalty proposed under memorandum dated

31.3.2001/17.4.2001 also liable to be dropped in the interest of justice and fair play.

It is further submitted that the enquiry report was prepared even before completion of the proceeding which would be evident from the enquiry report served upon me through letter bearing No. 3-1(Conf)/KV-SIL/2000 dated 28.7.2000, whereas cross-examination and further enquiry proceeding in fact held on 24.2.2001. But surprisingly the Disciplinary Authority acted upon the said inquiry report dated 28.7.2000 and also without considering the other infirmities and irregularities which were took place during the course of the enquiry proceeding although the same were brought to the notice of the Disciplinary Authority vide my representation dated 26.4.2001 against the enquiry report dated 28.7.2000. But in spite of all these infirmities and irregularities and in contrary to the evidence recorded in the proceeding the Disciplinary Authority arbitrarily reached to the conclusion that the charges have been established and further imposed penalty upon the undersigned vide impugned order issued under letter dated 19/25.6.2001 whereby my pay is reduced by two lower stages in the time scale of pay of Rs 4500-125-700 for a period of two years with cumulaltive effect, and also further ordered that the undersigned will not earn increments of pay during the period of reduction and that on expiry of this period, the reduction will not have effect of postponing my future increments.

In the circumstances stated above and also in view of large scale infirmities and irregularities as stated above, your honour would be pleased to set aside the impugned order of penalty issued under letter dated 19/25.6.2001 and further be pleased to pass necessary order exonerating the undersigned from the Memorandum of charges brought against the undersigned vide memorandum dated 31.1.2000 and further be pleased to pass any other order or orders as deem fit and proper after examining the records of the enquiry proceeding.

INTERIM PRAYER

It is humbly prayed that during the pendency of the appeal the impugned order of penalty dated 19/25.6.2001 be stayed till final disposal of this appeal otherwise the appellant will suffer irreparable loss.

Date : 12.7.2001

Yours faithfully,

Place : Duliajan

(NOMITA PANDEY)

PRT, KV, Duliajan