

70/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judi.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 27/2001

... Sukhendu Bhusan Paul ... Applicant.
 versus

Union of India & Ors. . K.V.S. . . . Respondents.

For the Applicant(s): Mr. S. Dutta
 Mrs. L. Dutta
 Mr. S.K. Goswami

For the Respondents. K.V.S.

NOTES OF THE REGISTRY

DATE

O R D E R

23.1.2001 Present: Hon'ble Mr Justice D.N. Chowdhury,
 Vice-Chairman

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

Heard Mr S. Dutta, learned counsel
 for the applicant and also Dr B.P. Todi, learned
 counsel for the respondents. The application
 is admitted. Call for the records.

Issue notice as to why the order dated
 9.1.2001, Annexure 5, issued by the Deputy
 Commissioner (Admn.), shall not be suspended.
 Notice is returnable by two weeks.

List for orders on 26.2.01. Meanwhile
 the operation of the order dated 9.1.2001 shall
 remain suspended until further orders.

Dr Todi accepts notice on behalf of
 the respondents. The applicant to furnish copies
 of the application to Dr. Todi and obtain receipt
 thereof. The applicant need not take any
 fresh steps.

A copy of the order be furnished to
 Dr. Todi during the course of the day.

I C U Shaha

Member(A)

Vice-Chairman

nkm

NS
24/01/01

26.2.2001. Adjourned to 28.2.2001.

M/s
Abir
26.2

28.2.2001 Four weeks time allowed to the respondents to file written statement. List it on 4.4.01 for orders. Interim order shall continue.

No written statement has been filed.

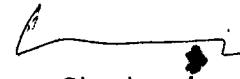
By
3.4.01

nkm

KS
2/3/01


Vice-Chairman

4.4.2001 Four weeks time allowed to the respondents to file written statement. List for orders on 2.5.01.


Vice-Chairman

nkm

2.5 - Pendency to 11.5.2001.

M/s
AKZ
2.5

11.5 - There was a reference.
List on 18/5/2001.

M/s
AKZ
11.5

5.6.2001

18/5 Adjourned to 20.6.2001.

AO
KS.

w/s has been submitted by the Respondent Nos. 2, 3, 4 and 5

Paro.

20.6.01 Written statement has been filed. The applicant may file rejoinder if any within two weeks. List on 20.7.01 for orders.

I C Usha
Member

28.6.2001

w/s has been submitted by the Respondent No. 5.

Paro.

No. rejoinder has been filed.

Paro
28.6.01

lm

20.7.01

Written statement has been filed. The case may now be listed for hearing on 29.8.2001. Applicant may file rejoinder, within two weeks from today.

bb 11.5.01

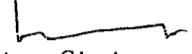
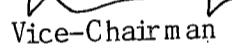

Vice-Chairman

OA

27/2001

M

8

Notes of the Registry	Date	Order of the Tribunal
	29.8.2001	List again on 14.9.01 for hearing in order to enable Mr S. Sarma, learned counsel for the respondents to obtain necessary instructions in the matter.
	nk m	 Vice-Chairman
<u>30.8.2001</u> W/S has been submitted by the Respt. No. 2, 3, 4 and 5.	14.9.01	List on 28/9/01 to enable the respondents to obtain necessary instructions.  Vice-Chairman
<u>30.8.2001</u> W/S has been submitted by the Respt. No. 5.	28.9.2001	Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is allowed. No order as to costs.
<u>10/10/01</u> Copy of the Judgment has been sent to the office. for issuing the same to the applicants as well as to the L/Advocate for the respondents.	nk m	 Vice-Chairman

OA 27/201

Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./XXX. NO. . 27 OF 2001

DATE OF DECISION 28.9.2001

Shri Sukhendu Bhusan Paul

APPLICANT(S)

Mr S. Dutta, Mrs U. Dutta and

ADVOCATE FOR THE APPLICANT(S)

Mr S.K. Ghosh

- VERSUS -

The Union of India and others

RESPONDENT(S)

Dr. B.P.Todi and Mr S. Sarma

ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE

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



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.27 of 2001

Date of decision: This the 28th day of September 2001

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

Shri Sukhendu Bhusan Paul,
Working as SDPW Teacher,
Kendriya Vidyalaya, Kumbhirgram,
District: Cachar, Assam.

.....Applicant

By Advocates Mr S. Dutta, Mrs U. Dutta and
Mr S.K. Ghosh.

- versus -

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Education,
New Delhi.

2. The Kendriya Vidyalaya Sangathan,
Represented by its Chairman,
New Delhi.

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

4. The Deputy Commissioner (Admn.),
Kendriya Vidyalaya Sangathan,
New Delhi.

5. Shri Yash Pal Singh,
Principal,
Kendriya Vidyalaya, Kumbhirgram,
District: Cachar, Assam.

.....Respondents

By Advocates Dr B.P. Todi and Mr S. Sarma.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

This application under Section 19 of the Administrative Tribunals Act, 1985 is directed against the impugned order of transfer dated 9.1.2001 transferring the applicant from Kendriya Vidyalaya, Kumbhirgram to Kendriya Vidyalaya, AFS Nalia in Gujarat. The impugned order of transfer reads as follows:

"The transfer of the under mentioned employee is hereby ordered with immediate effect in public interest:-



Sl.No.	Name	Transferred	
		From K.V.	To K.V.

1.	Sh. S.B. Paul, WET	Kumbhigram	AFS Nalia
----	--------------------	------------	-----------

(One case only)

The above employee is entitled to TA, joining time etc. as per KVS Rules.

This issues with the approval of Commissioner, KVS."

From the very order it appears that it was not a routine transfer order, but an order passed with a view to transfer the applicant from Kumbhigram, without awaiting posting or replacement. The order also indicated that the Principal of the school was ordered to relieve the incumbent immediately and the applicant's date of relief was to be immediately intimated to the Deputy Commissioner. No reasons were assigned as to why such an order had to be passed. The respondents in the written statement only stated that it was within their jurisdiction and competence to pass an order of transfer. Howsoever wide the discretion may be, such discretion under the Constitution is to be exercised lawfully, justly and fairly and the discretion is to be exercised with due regard to the consequence.

2. The respondents filed two sets of written statement - one on behalf of respondent Nos.2, 3, 4 and 5 verified by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Maligaon, Guwahati Region and the other also by the same officer, though respondent No.5 was the Principal himself. In the first written statement the respondents stated that the transfer of the applicant was for organisational reason and on administrative ground. No such administrative ground is shown, save and except that the applicant was serving for ten years at the same station and at the same Kendriya Vidyalaya Region. But that did not mean that such transfers were to be made to a far away place like Nalia. There is also no indication in the written statement as to why the transfer order was passed in isolation. In the other written statement which was filed on behalf of the Principal, the Assistant Commissioner stated about the poor performance of the applicant. It was mentioned that the transfer proposal was submitted by the respondent No.5, the Principal, Kendriya

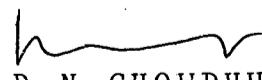
Vidyalaya.....

Vidyalaya based on the reports of the officials. In the written statement the Assistant Commissioner enclosed the copy of the Memorandum dated 20.11.2000 about the performance of the applicant and requested him to transfer the applicant.

3. The impugned transfer order was passed on the report of the Principal dated 20.11.2000. The materials also indicate similar other reports implicating all including the Principal as was referred in the written statement. From the Annual Academic Inspector Report itself it seems that the concerned authority acted on the ex parte report without taking the applicant into confidence or at least making any further enquiry and seemingly passed the impugned order of transfer, that too, to a far-off place. The impugned order of transfer seemingly appears to be arbitrary and is liable to be set aside. The same is accordingly set aside.

4. Mr S. Dutta, learned counsel for the applicant, also submitted that the applicant is serving in Kumbhigram for more than ten years and the authority should instead consider his posting in an around Silchar town as per the policy of choice posting. I have also heard Mr S. Sarma, learned counsel for the respondents. From the materials on record, it is difficult to pass any direction from this end. However, the applicant is directed to submit a representation before the concerned authority for consideration of his case for posting him in and around Silchar. If such representation is made the respondents shall fairly consider the same and dispose of the same as per law.

5. Subject to the observation made above the application is allowed. There shall, however, be no order as to costs.


(D. N. CHOWDHURY)
VICE-CHAIRMAN

केन्द्रीय न्यायालय, गुवाहाटी
 Central Administrative Tribunal
 37
 23 JAN 2001
 गुवाहाटी न्यायालय
 Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI.

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

Title of the Case : O. A. No. 27 /2001

Name of the Parties : Sri Sukhendu Bhushan Paul

..... Applicant

- Vs -

Union of India and others.

..... Respondents.

I N D E X

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Filed by

Swagat Dua
 Advocate.

Sukhendu Bhushan Paul.

File by:—
Shrawanit Datta
Advocate
23.01.2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

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

O.A. NO. 27 /2001

Between

Shri Sukhendar Bhushan Paul

Son of Sri Dinabandhu Paul

Working as SUPW Teacher

Kendriya Vidyalaya, Kumbhigram

District : Cachar, (Assam)

PIN - 788109

.....

Applicant

- AND -

1. Union of India

Through the Secretary to the

Government of India

Ministry of Education

New Delhi-11.

2. The Kendriya Vidyalaya Sangathan

Represented by its Chairman

18, Institutional Area,

Saheed Jeet Singh Marg

New Delhi - 16.

3. The Commissioner

Kendriya Vidyalaya Sangathan

18, Institutional Area

Saheed Jeet Singh Marg
New Delhi-16

Sukhendar Bhushan Paul.

4. The Deputy Commissioner (Admn.)

Kendriya Vidyalaya Sangathan

18, Institutional Area

Saheed Jeet Singh Marg

New Delhi -16.

5. Shri Yash Pal Singh

Principal,

Kendriya Vidyalaya, Kumbhigram,

District : Cachar (Assam)

PIN 788109.

Respondents

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

The application is made against the impugned No.

F. 3-1(18)/99-KVS(E.IV) dated 9.1.2001 issued by the Respondent No.4 under influence of the Respondent No.5 with malafide intention and in violation of existing guidelines of the respondents regarding transfer and posting of its employees as well as in - total disregards to the option exercised by the applicant or his choice station posting.

2. Jurisdiction.

The applicant declares that the case is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicant further declare that the case is within the period of limitation prescribed under Section 21 of Administrative Tribunal Act 1985.

Contd.....

Sukhendu Bhutan Paul.

4. Facts of the Case

4.1 That the applicant is a Citizen of India and as such he is entitled to the rights and privileges guaranteed under the Constitution of India and other laws of the land.

4.2 That the applicant is a teaching staff working under the respondents. His condition of service are governed by the Education Code and Finance Code of the respondents apart from various other circulars and guidelines issued from time to time. The sangathan has been issuing various transfer guidelines from time to time every year on adopting policy regarding transfer and posting of its employees.

4.3 That the applicant joined in the said Vidyalaya during the month of July 1990 in pursuance of his appointment as Socially useful productive work Teacher, for short SUPW Teacher in the scale of TGT made by the competent authorities and since then has been serving with utmost sincerity, integrity and devotion to the satisfaction of all concerned. During his tenure of his service since 1990, he has served under a number of Principals, all of whom had always appreciated his sincier service. As a result, his services were also utilised in various other activities which are not germane to the post of SUPW Teacher.

4.4 That the applicant has always tried to render the best of his service and has always lived upto the expectations of his superiors. But unfortunately, the things changed fast with the joining of Respondent No. 5 in the year 1998. The Respondent No.5, since his joining had resorted to accusing the applicant and the other staff of the Vidyalaya on flimsy grounds just to prove his superiority in service hierarchy and to establish

his unlimited ego. It is stated the Respondents No.5 is basically a man indulging himself in corrupt practices by using his official power. It is further stated that the applicant being the SUPW Teacher, is the virtual authority of maintenance of school premises. As the applicant had never yielded to corrupt and illegal requests of the Respondent no.5, and because vocal against such acts, he earned a lot of misfortune for him.

4.5 That the applicant could not imagine that the Respondent no.5 would sit in a fall finding mission against him so as to cause undue harassment to him by issuing baseless memorandum, order etc on trifling matters. In fact the Respondent no. 5 had tried several means to harass the applicant but each of his foul attempts was fended off by the higher authority's investigations and the applicant was proved untainted.

The following are few of such instances which would show the malafide and illegal acts of the respondents no.5 leveled against the applicant only to harass him :-

(a). On 4 10.2.99, the Principal issued a memo to the applicant seeking his explanation as to why he could not attend the school in Scouts Dress on 9.2.99. The applicant immediately replied to this on the same day explaining the reasons stating inter alia that on the previous night he had to attend one of relations who was admitted in Silchar Medical College and as he was getting late in the morning, he came to the school directly from the Medical College. On receipt of the said reply, the matter was dropped there. But subsequently, on 25.2.99, the Principal issued an office order directing the applicant to get the repairing of electrical switches and fitting of ceiling fans in the class rooms done by 4.3.99. It was also alleged

Sukhendu Bhutan Paul.

that due to the absence of the applicant, the works abovementioned could not be undertaken. The applicant states that the allegations levelled against him were utterly false inasmuch as it would be evident from the certificate dated 26.2.99 issued by the acting Principal that the fitting of ceiling fans could not be done as the hooks were not mounted in the ceiling and therefore the fans could not be hung.

(b). During the month of August 1999 his wife was admitted in the Nursing Home as she was in advanced stage of pregnancy. On 6.8.99, her condition suddenly deteriorated and thus the applicant was prevented by the circumstances from attending his duties in the Vidyalaya. He therefore, informed the Principal on 6.8.99 over telephone that he would not be able to attend the Vidyalaya on that day for abovestated reason. Nevertheless, subsequently on 7.8.99, he submitted an application for grant of Casual Leave. Similarly, due to the above circumstance, the applicant could not attend his duties on 13.8.99 (Friday) and as such an application for grant of Casual Leave was submitted on 16.8.99 (Monday). The Principal was fully aware of the facts and circumstances leading to absence of the applicant from duty as he was informed over telephone on the respective day itself. Nonetheless, on 17.8.99 he issued a suggestion note thereby suggesting the applicant to apply well in advance before availment of leave in future.

(c). On 13.10.99, the Principal Sri Y.P. Singh issued a Memo to the applicant asking for his explanation as to how and why a student of class-XII could make an announcement in the morning assembly. The applicant instantly replied to this querry

on the same day. It was categorically stated in the reply that by convention and practice, the senior students of the Vidyalaya make announcements in the morning assembly and therefore there was nothing unusual in it. However, it seems that the Principal was not satisfied with the explanation given and therefore issued the warning letter directing the applicant not to authorise anybody for making announcement in the morning assembly without his concurrence. The applicant on receipt of the said warning dated 28.10.99 submitted his reply on the same day. The applicant craves leave of this Hon'ble Tribunal to refer to the documents/letters etc. abovementioned and produce the same before this Tribunal at the time of hearing, if need be.

4.6 The applicant states that from what have been narrated above, it is clear that the Principal has been acting with malice and malafide intention to the applicant only to make him suffer. It is also stated that since some time back although memos the Principal had stopped issuing ~~names~~ orders etc on flimsy grounds to the applicant, he had resorted to giving threats to the applicant that he would be transferred out on administrative ground. It is further stated that by his illegal and arbitrary actions, the Principal was causing undue harassment to the applicant as a result of which it became difficult for the applicant to render his service peacefully.

4.7. That the applicant states that he has completed more than 10 years stay in the same station and as such is entitled to be posted to a place of his choice as per the existing guidelines of Kendriya Vidyalaya Sangathan. The petitioner hails from Silchar town and his wife is also working as a teacher in Sister

Sukhendu Bhutan Paul.

Sister Nivedita Girls School at Silchar . Therefore, with a view to stay together with his family, the applicant applied for choice station posting at # Silchar in the year 1995 on completion of 5 years stay at Kumbhirgram. But, the respondents did not consider his case and as such the applicant continued to work at Kumbhirgram. He, however, has been applying for choice station posting since 1995. In all the occasions, his applications were duly forwarded but to no result. The applicant although does not annex herewith the copies of such letters forwarding his applications for choice station posting, he however, craves leave of this Hon'ble Tribunal to refer to, rely upon and/or produce the same at the time of hearing, if need be.

4.8 That the applicant states that earlier there was no fixed tenure of service for the teachers upto PGR level. The earlier transfer guidelines # also provided that transfer would normally be effected during summer vacation and not after 31st of October. Moreover, the teachers upto the level of TGT and identical scale will not be posted outside the region where/in which they were selected. It was also stipulated that while making transfer, priorities will be given to the transfer of spouses to join the family. Such conditions of transfer were incorporated in all the transfer ~~and~~ posting guidelines since the year 1989-90 and like conditions continued to appear in the transfer guidelines of all the subsequent years. However on 25.1.2000, the respondent Sangathan issued a fresh transfer guidelines in respect of its employees for the year 2000-2001 . Be stated that in this circular all the earlier conditions were almost retained as unchanged. Nonetheless, this instant circular, for the first time introduced

Sukhendar Bhushan Paul .

a tenure of 5 years stay for teachers seeking choice station posting. Be that as it may, the applicant being eligible applied for choice station posting in terms of the circular. As already stated above, although his application was duly forwarded, the respondent no.5 threatened him to post him outside the region.

A copy of the transfer guideline for the year

2000-2001 is annexed herewith as Annexure -1 and

a copy of the letter dated 17.2.2000 forwarding the application of the applicant is annexed herewith as Annexure - 2.

4.9 That the applicant states that after exercising his option for choice station posting in the year 2000, he thought that something favourable would come his way although the respondent no.5. threatened the applicant to transfer outside the region only to fulfill his evil design. But, the applicant could not dream even as to what the destiny had in store for him. It is stated that the respondent no.5 left for Delhi in the last week of December 2000 and came back on 16.1.2001. On 18.1.2001, the respondent no. 5 called the applicant in his official chamber and asked him to sign the acknowledgment of an order ~~xxk~~ relieving the applicant from Kendriya Vidyalaya, Kumbhirgram. The applicant then asked the respondent no.5 as to why he was being relieved to which latter replied that he had been transferred from Kendriya Vidyalaya, Kumbhirgram. The respondent no.5, however refused to give any copy of the transfer order to the applicant and insisted him to sign on the acknowledgment of the relieve order prepared by the respondent no.5 and to hand over the charge and stock to him at once. At this stage, the applicant requested the respondent no. 5 to allow him time to hand over the charge and asked for a

Subhendu Bhutan Paul.

copy of the transfer order allegedly issued against him. To this, the respondent no.5 became furious and started abusing the applicant with filthy words. As the applicant objected to this and tried to come out of the room in order to avoid any ugly scene the respondent no. 5 jumped on him and holding the collar of his shirt started to punch him at his chest with fists and flows. The applicant somehow managed to get himself free from the hands of the respondent no.5 and ran towards the main gate of the School. But, the respondent no.5 ordered the peons to catch hold of the applicant to which they did not comply with and thus the respondent no.5 himself rushed to the applicant and thrashed him in the verandah of the School in front of the other teachers, students and other staffs of the school. The applicant, however, could get him free when the Chairman of the Vidyalaya Management Committee arrived at the School.

4.10 That after the aforesaid incident, the applicant immediately rushed to the nearby police station, lodged an ezaar and got himself treated at Udharbond Public Health Centre. He also informed the matter to the respondent no.3 vide representation dated 22.01.2001 praying, inter alia, for cancellation of the transfer order, if any, issued against him.

A translated copy of the F.I.R. dated 19.1.2001 is annexed herewith as Annexure-3 and a copy of the representation dated 22.01.2001 is annexed herewith as Annexure - 4.

4.11 That the applicant states that although he was not given the copy of the transfer order, he has been able to obtain a copy of the same on 22.1.2001 and has come to know that he has been transferred to Airforce Kandriya Vidyalaya, Nalia, at

Sukhendu Bhupan Paul.

Gujrat. The applicant has further come to know from a reliable source and reasonably believes that the Respondent No.5 was instrumental in getting him transferred to Gujrat in as much as the Respondent no.4 was influenced by Respondent no.5 while issuing the transfer order. Therefore, the impugned order, having been ~~unknowingly~~ actuated by malafide, is liable to be set aside and quashed.

A copy of transfer order dated 9.1.2001 is annexed herewith as Annexure - 5.

4.12. That the applicant states that the above incident of torture subjected to him by the Respondent No.5 has created a sensation in Kumbhirgram and has been reported in the ~~local~~ reading local Lailies. It is stated that in protest of such an incident students of the Vidyalaya have sage strike.

The applicant annexes here with a copy of the paper cutting publishing therein the report of the above incident and same as been marked as Annexure -6.

4.13. That the applicant states that from what have been narrated above, it is evident that the Respondent No.5 has been acting with vested interest and with malafide intention to harass the applicant has become instrumental in getting the applicant transferred out so as to fulfil his sinister object. It is further stated that there is no public interest involve in issuance of impugned transfer order rather it is in the nature of inflicting punishment upon the applicant for no fault of him.

4.14. That the applicant states that he has been subjected to hostile discrimination and differential treatment at the hands of the Respondents without any justifiable reason or objective

Sukhendu Bhushan Paul.

criteria. In view of the fact that he has been continuously making his request seeking transfer to a place of his choice (namely, Silchar or Srikona or Masimpur) in terms of the existing guidelines, there was no earthly reason on the part of the respondents in not considering his request. The respondents therefore duty bound to justify their action to issuing the impugned transfer order before this Hon'ble Tribunal.

4. 15. That the applicant states that in view of exercise of his choice in accordance with the existing guidelines of Sangathan after serving for more than the tenure prescribed, he is entitled as of right to be considered and transferred to his place of choice in terms of the transfer and posting guidelines. The Respondents are required to scrupulously observed the guidelines while ordering transfer and posting but, they appears to have given a complete go by to the guidelines and arbitrarily transferred and posted at Gujarat. It is pertinent to mention that surprisingly no person has been brought and posted to the post held by the applicant consequent to his transferred. The entire action of the respondents is in infraction of the guidelines, arbitrary and malafide and therefore liable to be struck down.

4.16. That this is a fit case wherein this Hon'ble Tribunal can interfere with the impugned order dated 9.1.2001 and restrain the Respondent from giving effect to the same till disposal of this application and or till the case of the applicant for transfer to his choice place is considered. It is stated that the post held by the applicant at Kendriya Vidyalaya, Kumbhirgram has not been filled up by any person and as such there is no impediment in allowing the applicant to continue at Kumbhirgram.

Sukhendu Bhawan Paul.

4.17 That this application is made bonafide and for the interest of justice.

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

5.1 For that, the impugned order dated 9.1.2001 is illegal, arbitrary and liable to be set aside.

5.2 For that, the applicant having completed more than five years service i.e. more than the tenure prescribed has acquired a valuable right for his choice posting at Silchar in conformity with the transfer and posting guidelines.

5.3 For that, in view of the transfer and posting guidelines of the respondents and the fact that the applicant's wife is working at Silchar, they are duty bound to observe the guidelines scrupularly and consider the case of the applicant for his choice posting at Silchar, but that having been violated has rendered the impugned order bad in law and liable to be set aside.

5.4 For that, the impugned order has been issued in complete disregard to the provisions laid down in the transfer and posting guidelines of the Sangathan, rather the same has been issued with an ulterior motive and malafide intention to harass the applicant with a view to deny his bonafide claims of choice station posting at Silchar and therefore the impugned order is liable to be struck down.

5.5. For that, the applicant having duly exercised his ~~dux~~ option seeking posting at ~~Sixte~~ Silchar since

Subhendu Bhutan Paul.

since 1995, is entitled to be posted at his place of choice interms of the transfer and posting guidlines on completion of fixed tenure.

5.6 For that, in any view of the matter the impugned order of transfer is bad in law and liable to be set aside and quashed.

6. Details of remedy exhausted.

The applicants beg to state that there is no other alternative remedy under any rule available before the applicant then to approach the Hon'ble Tribunal by way of filing this Original Application.

7. Matter not pending before any other Court/Tribunal.

The applicant further declares that he 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 of law or any other authority or any other Bench of the Tribunal and/or any such application writ petition or suit is pending before any of them.

8. Relief (s) sought for :

Under the facts and circumstances of the case, the applicant prayer for the following relief.

8.1 That the impugned order of transfer issued under number F.3-1(18)/99-KVS(E.IV) dated 9.1.2001 transferring the applicant from K.V. Kumhirgram to K.V. APS, Nalia be set aside and quashed.

Sukhendu Bhupan Paul.

8.2 That the Respondents be directed to consider the case of the applicant for his choice posting at Silchar in terms of the transfer and posting guidelines.

8.3 Costs of the application.

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

9. Interim relief (s) prayed for :

During pendency of this application the applicant prays for the following interim relief (s) :

9.1 That the operation of the impugned order dated 9.1.2001 be stayed till disposal of this application.

9.2 That the respondent be directed not to release the applicant from his present place of posting i.e. K.V. Kumbhigram till disposal of this application.

9.3 That the respondents be directed to allow the applicant to continue at Kendriya Vidyalaya, Khumbhigram till disposal of this case.

10.

This application is filed through Advocate.

11. Particulars of Postal order :

i. I.P.O. No : 6G 771773

ii. Date of Issue : 27.12.2000

iii. Issued from : G.P.O., Guwahati.

iv. Payable at : G.P.O. Guwahati.

12. List of enclosures : As stated in the Index.

Sukhendu Bhunjan Paul.

-15-

VERIFICATION

I, Shri Sukendu Bhushan Paul son of Sri Dinabandhu Paul aged 37 years resident of Ambica Patty, Silchar-4, Cachar, Assam and working as SUPW Teacher, Kendriya Vidyalaya, Kumbhirgram applicant in this original application do hereby verify that the statements and declare that the statements made in paragraphs 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 verification on this the 23rd day of January, 2001 at Guwahati.

Sukhendu Bhushan Paul.

Signature.

KENDRIYA VIDYALAYA SANGATHAN
10, INSTITUTIONAL AREA
SHAHEED JEET SINGH MARG,
NEW DELHI-110016,

No. F. 1-1/99-KVS (ESTT.III)

Dated: 25.1.2000

To,

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
All Regional Offices.

Sub:- Annual Transfer applications in respect of Kendriya Vidyalaya employees for 2000-2001.

大清嘉慶六年

S.I.R./Madam,

In continuation to the zerox copied Draft Annual Request Transfer application (2000-2001) set already sent to you, I am to forward herewith 2 sets of printed application sets for information and necessary action.

All the Vidyalayas have been supplied with 3sets of transfer application sets without transfer guidelines. You are request to send zerox copies of Transfer Guidelines sets to all the Kendriya Vidyalayas for wider publicity among the staff.

It may kindly ensured that the filled in forms are forwarded to Kendriya Vidyalaya Sangathan (KVS), New Delhi by 29.2.2000.

Yours faithfully,

(S.B. CHATURVEDI)
DEPUTY COMMISSIONER (ACAD.)

F. 2-41/99-KVS (S/R) 2-13
Aug 28 1970

Dated :- 07.02.03.

All Principals, Kendriya Vidyalayas (Silchar Region)
Sub: Forwarding Transfer Guidelines.
Sir/Madam, Sir,

A copy of transfer guidelines is enclosed herewith for your information, guidance & necessary action.

Encl:- As stated.

Yours faithfully,
(G. Rabb) (S. J. M.)
ADMINISTRATIVE OFFICER.

TRANSFER GUIDELINES

In supersession of existing guidelines/orders on the subject, it has been decided that transfers in the Kendriya Vidyalaya Sangathan will hereafter be made as far as practicable in accordance with the guidelines indicated below:

2. In these guidelines unless the context otherwise requires:
 - i) "Commissioner" means Commissioner, Kendriya Vidyalaya Sangathan including any officer thereof who has been authorised or delegated to exercise all or any of the powers and functions of the Commissioner;
 - ii) "Performance" means
 - a) Where the Annual Confidential Report(s) is/are available in the concerned Regional office, the assessment of teacher as reflected in the Annual Confidential Report for the last three years preceding the year in which transfers are taken up;
 - b) Where the Annual Confidential Report(s) for last three years or any of the last three years is/are not available in the concerned Regional Office for whatever reason, the assessment by the Assistant Commissioner of the Region from where transfer is being sought on the work and conduct of the teacher for the year(s) in respect of which the ACR(s) is/are not available.
 - iii) "Sangathan" means the Kendriya Vidyalaya Sangathan.
 - iv) "Service" means the period during which a person has been holding charge of the post in the Sangathan on a regular basis.
 - v) "Station" means any place or a group of places within an urban agglomeration.
 - vi) "Stay" means service at a station excluding the period or periods of continuous absence from duties exceeding 30 days (45 days in case of N.E. Region, Sikkim and A&N Islands) at a stretch other than on training or vacation.
 - vii) "Teacher" means all categories of teachers in the employment of Sangathan and includes Vice-Principals and Principals but does not include Education Officers and above.
 - viii) "Tenure" means a continuous stay of three years in North Eastern Region, Sikkim, A&N Islands and listed hard stations. (Note: While calculating the aforesaid stay of three years, the period or periods of continuous absence from duties exceeding thirty days (45 days in case of N.E. Region, Sikkim and A&N Islands) at a stretch other than on maternity leave, training or vacation shall be excluded.)

ix) "Year" means a period of 12 months commencing on 1st April.

(i) Unless the context otherwise indicates:

- words importing the singular number shall include plural number and vice-versa;
- words importing the masculine gender shall include the feminine gender.

3. In terms of their all India transfer liability, all the employees of the KVS are liable to be transferred at any time depending upon the administrative exigencies/grounds, organisational reasons or on request, as provided in these guidelines. The dominant consideration in effecting transfers will be administrative exigencies/grounds and organisational reasons including the need to maintain continuity, uninterrupted academic schedule and quality of teaching and to that extent the individual interest/request shall be subservient. These are mere guidelines to facilitate the realization of objectives as spelt out earlier. Transfers cannot be claimed as of right by those making requests nor do these guidelines intend to confer any such right.

4. The maximum period of service at a station shall generally not exceed three years in the case of Assistant Commissioners and five years in case of Principals/Education Officers. They are, however, liable to be transferred even before completion of the aforesaid period, depending upon organisational interest or administrative exigencies, etc. Principals with outstanding record in terms of their performance as reflected in ACRs and CBSE results may be retained in a Kendriya Vidyalaya even after completion of five years as aforesaid to promote excellence in the Vidyalaya.

5. Apart from others, the following would be administrative grounds for transfers.

- A teacher is liable to be transferred on the recommendation of the Principal and the Chairman of the Vidyalaya Management Committee of the Kendriya Vidyalaya.
- Transfer of spouse of a Principal to a Kendriya Vidyalaya at the station where the Principal is working or nearby, but not the Vidyalaya where he is a Principal.

6. As far as possible, the annual transfers may be made during summer vacations. However, no transfers, except those on the following grounds shall be made after 31st August.

- Organisational reasons, administrative grounds and cases covered by para 5;
- Transfers on account of death of spouse or serious illness when it is not practicable to defer the transfer till next year without causing serious danger to the life of the teacher, his/her spouse and son/daughter.

iii. Mutual transfers as provided in para 12.

7. Priority for transfers on request shall follow the descending order of combined weightage to be calculated in terms of entitlement points for organisational reasons/interests as also the individual needs and request of the teachers seeking transfers in accordance with para 8 below:

Provided that transfers sought on account of death of spouse within a period of two years of death and medical grounds as per para 9 will be placed en bloc higher than others listed in para 8 of these Guidelines.

8 (i) Organisational reasons/interest shall be classified and assigned entitlement points as under:

(a) Transfer from places where tenure is involved (see para 2(viii) of these Guidelines)	20
(b) Performance:	

RATING OF PERFORMANCE

ENTITLEMENT POINTS

Outstanding	10 for each year
Very Good	6 for each year
Good	4 for each year
Average	0 for each year
Unsatisfactory	(-10 for each year)

(ii) Needs denoted by the following reasons shall be assigned entitlement points as given against each:

S.No.	REASONS/GROUND	ENTITLEMENT POINTS
-------	-----------------------	---------------------------

A. Blind and orthopaedically handicapped persons. The standards of physical handicap will be the same as prescribed by the Govt. of India for sanction of Conveyance allowance.

15

B. **SPOUSE CASES**

(i) Where spouse is a Sangathan employee

20

(ii)	Where spouse is a Central Government employee	18
(iii)	Where spouse is an employee of autonomous body or PSU under Central Government.	15
(iv)	Where spouse is an employee of State Government or its autonomous body or PSU	12
(v)	Other spouse cases	10

Note for 'Spouse Cases' :

The aforesaid points will be awarded only where the teacher seeks transfer to a station (a) other than the one where he/she is currently posted and (b) where his/her spouse is posted or nearby. This condition, i.e. (b) will, however, not apply in those cases where the spouse of the teacher is posted to a non-family station provided the transfer is sought to a place nearest to the station where his/her spouse is posted.

C.	Unmarried/divorced/judicially separated/widowed ladies	12
D.	General Cases which are not covered by A-C above.	10
E.	Stay at the station from where the transfer is being sought;	1 for each year of stay exceeding three years subject to a maximum of 20 points

OR

Teachers who have less than 2 years to retire.

9. For the purpose of calculation of entitlement points in respect of medical grounds as mentioned in the Proviso to para 7 of these Guidelines, such illnesses of teacher himself/herself or his/her spouse and dependent son/daughter alone as may be prescribed by the Commissioner will be considered as medical ground for transfer.

Note: A son will be deemed to be dependent till he starts earning or attains the age of 25 years, whichever is earlier or suffers from permanent disability of any kind (physical or mental) irrespective of age limit. A daughter will be deemed to be dependent till she starts earning or gets married irrespective of age limit.

10(1) Where transfer is sought by a teacher under para 8 of the guidelines after continuous stay of 3 years in NE & hard stations and 5 years elsewhere at places which were not of his choice, or by teachers falling under the Proviso to para 7 of these Guidelines, or very hard cases involving human compassion, the vacancies shall be created to accommodate him by transferring teachers with longest period of stay at that station provided they have served for not less than five years at that station. Provided that Principals who have been retained under para 4 to promote excellence, would not be displaced under this clause.

(2) While transferring out such teachers, efforts will be made to accommodate lady teachers at nearby places / stations, to the extent possible and administratively desirable.

(3) In cases where a vacancy cannot be created at a station of choice of a teacher under this clause because no teacher at that station has the required length of stay, the exercise will be repeated for the station which is the next choice of the teacher seeking transfer.

Note: The 'transfers' proposed under this rule shall be placed before a Committee consisting of Additional Secretary (Education) Chairman, Commissioner, Member and Joint Commissioner (Admn) KVS as the Member Secretary

11. In order to effect transfers in terms of para 8 and 10 of these Guidelines, two priority lists shall be prepared and operated as under:

(a) First priority list shall list all the applications received for transfer in terms of paras 7 and 8 showing the entitlement points against each applicant. This priority list shall be operated against the vacancies available during normal course for being filled up.

(b) Second priority list will be maintained in respect of cases of transfer in terms of para 10 of the guidelines listing all the applications as also the entitlement points of each applicant in terms of priorities given in para 8 of the guidelines. The applicants included in this priority list alone will be accommodated by transferring teachers with the longest period of stay at that station provided they have served for not less than 5 years from the date of joining at that station. For this purpose, a list of persons who have served for 5 years or more at the stations shall be prepared by the Assistant Commissioners of the respective regions and displayed.

12. Mutual transfer may be permitted on satisfaction of the Commissioner but such cases will be taken up on completion of annual transfers as per clause 8 and completed by 30th September.

13. Intra and inter-regional transfers may, as far as practicable, be made simultaneously.

14. Upon promotion or direct recruitment as Principals/ Education Officers/Assistant Commissioners, an officer shall necessarily be posted to a different State other than the one where he is posted or domiciled, as the case may be, subject to availability of vacancies. Subject to availability of vacancies and other administrative reasons those who are due to retire within next three years may not be posted outside their home state if their service at the same station prior to promotion does not exceed three years.

15. A teacher on promotion shall necessarily be posted out of the Region where he is currently posted. However, a lady teacher may on probation be posted within the same Region but a district or two away from the existing place of posting, subject to availability of vacancy.

16. Transfer TA will be regulated as per orders of the Government of India on the subject.

17. Assistant Commissioner will be competent to change the headquarters of a teacher on administrative grounds to any place within the region as deemed fit and direct him to discharge his duties there. The Assistant Commissioners shall report forthwith the case with full facts to the Commissioner for confirmation or directions.

18. Notwithstanding anything contained in these guidelines,

- a teacher or an employee is liable to be transferred to any Kendriya Vidyalaya or office of the Sangathan at any time on short notice on grounds mentioned in clause 5 and 6 (i) of these guidelines;
- the Commissioner will be competent to make such departure from the guidelines as he may consider necessary with the prior approval of the Chairman;
- the request of a teacher may be considered for transfer to a station in respect of which no other person has made a claim or request even if such teacher has not submitted the application in the prescribed proforma at the time of annual transfer or within the time limit prescribed for the purpose;
- following cases will not be considered for transfer:
 - cases of Education Officers/Assistant Commissioners for transfer without completing three years' stay at the place to which they were posted upon promotion.
 - cases where a teacher, Education Officer, or Assistant Commissioner was transferred on grounds mentioned in paras 5(i), 6 and 7 of these guidelines will not be considered for transfer without completing 5 years' stay at the station to which they were so posted.

(iii) Principals, Education Officers and Assistant Commissioners will not be transferred back to the same station from where they were transferred earlier on completion of period as specified in para 4 above unless a period of three years has elapsed.

(iv) cases of fresh postings whether on direct recruitment or on promotion unless they complete three years of stay at the place of their posting except that, in case of women teachers, the request for posting to a place of choice can be considered after stay of one year. This will not, however, be applicable in cases covered by para 5, 6, and 7(i) of these Guidelines.

19. These Guidelines shall mutatis mutandis apply to non-teaching staff to the extent applicable.

20. If any difficulty arises in giving effect to these guidelines, the Commissioner may pass such orders as appears to him to be necessary or expedient for the purpose of removing such difficulty.

21. If any question arises as to the interpretation of these guidelines, it shall be decided by the Commissioner.

22. The attention of all the employees is invited to Rule 55(27) of the Education Code and rule 20 of the CCS(Conduct) Rules which provide as under:

(i) As per Rule 55(17) of Education Code:

"No teacher shall represent his grievance, if any, except through proper channel, nor will he canvass any non-official or outside influence or support in respect of any matter pertaining to his service in the Vidyalaya."

(ii) As per Rule 20 of CCS(Conduct) Rules:

No Govt. servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under KVS.

If the above provisions as mentioned at (i) and (ii) above are contravened, the following actions shall follow:

(a) That the name of the applicant will be removed from the priority list and he/she will be debarred for three years from being considered for transfer without any further reference to the teacher.

(b) That the teacher will be open to disciplinary proceedings as per rules.

REGISTERED

8-7/KVK/99-2000/1662

17-02-2000

To

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

Sub :- Annual Request Transfer in respect of Teaching & Non-Teaching Staff of this Vidyalaya for Intra Regional Transfer - Reg.

Sir,

With ~~reference~~ reference to KVS(HQ) letter No.F.1-1/2000-KVS(Estt.III) dated 30-12-1999 On the subject cited above, please find enclosed herewith the Intra Regional Transfer application in respect of the following teaching and Non-Teaching employees of this Vidyalaya. ✓✓

<u>Sl. No.</u>	<u>Name of the Employee</u>	<u>Designation</u>
01.	Miss Rita Bhattacharyya	TGT(Eng.)
02.	Miss Jaya Deb	PRT
03.	Mr. Sukhendu Bhushan Paul	SUPW Tr.
04.	Mr. Srimanta Nath	UDC

This is for your kind necessary action and onward transmission please.

Thanking You,

Yours faithfully,

(Y.P. SINGH)
PRINCIPAL

KENDRIYA VIDYALAYA
GUMBHIRGRAM, ASSAM

Encl :- As above.

Certified to be true copy
Bisweshwar
Deka
Advocate

ANNEXURE - 3

(TRANSLATED COPY OF THE F.I.R.)

To,
The Officer-in-Charge
Udharbond P.S., Udharbond.

Informant : Sri Sukhendu Bhushan Paul
son of Sri Dinabandhu Paul
resident of AmbicaPatty,
P.O.&P.S. Silchar, Dt.Cachar (Assam)

Accused : Sri Yash Pal Singh, Principal,
Kendriya Vidyalaya, Kumbhirgram.
Father's Name : Unknown to the Informant
P.S. Under Silchar P.S., Dt. Cachar.

Witnesses: Would be found during spot investigation.

Sir,

I have the honour to state that I am a Teacher working in the Kumbhirgram Kendriya Vidyalaya. Yesterday, on 18.01.2001 at about 1 PM the accused Principal called me in his office, and told me that I had been transferred to elsewhere and therefore directed me to hand over the charge and stock to him within 1½ hour. I prayed for two days time to hand over the stock to which he started abusing me in filthy language and therefore I was about to come out of his office. But, the accused caught hold of me and confined me in his chamber and started beating me with fists and blows and injured me. The accused also had broke my wrist watch and torn off my dress.

I would, therefore, request you to kindly investigate into the matter and take necessary action.

This ezahar has been written at my dictation and I hereby sign it.

Yours faithfully

Sd/= Sukhendu Bhushan Paul
19.01.2001

Written by :
Safiqur Rahman, s/o late Masaid Ali
Dayapur - II, Udharbond.

Received

Sd/= Illegible
19.1.2001
..... of UDB P.S.

Udharbond P.S. Case No. 08/2001
Dt. 19.01.2001

*Certified to be true copy
Sushil Singh
Advocate*

To
 The Commissioner
 Kendriya Vidyalaya Sangathan
 18, Institutional Area,
 Saheed Jeet Singh Marg,
 New Delhi-16.

SUB: PHYSICAL ASSAULT WITH FILTHY WORDS ON SRI SUKHENDU BHUSAN PAUL, TEACHER OF KUMBHIRGRAM K.V. BY SRI YASH PAL SINGH, PRINCIPAL OF KUMBHIRGRAM K.V. AT ABOUT 1 P.M. ON 18.01.2001 -PRAYER FOR JUSTICE AND IMMEDIATE NECESSARY ACTION- CANCELLATION OF THE TRANSFER ORDER ;

Revered Sir,

I feel constrained to bring to your kind notice with broken heart and pains the following facts for favour of your kind immediate necessary action to meet the end of justice to your poor Teacher and also to save the prestige of the Teachers and the prestigious institute of K.V.

1. That Sir, I have been serving as SUPW (Socially Useful productive Work) Teacher in K.V. Kumbhirgram (District of Cachar, Assam)
2. On 18.01.2001, at about 1 P.M. I was called by the Principal of Kumbhirgram K.V. Sri Yash Pal Singh to his Office chamber and asked me to sign & acknowledge the relieving order at once. When I sought from him as to what reason, I am to sign and acknowledge the Relieving Order', he stated that I have already been transferred. Whereas, I did not receive any Transfer order or any copy of the same from the Principal Despite this, I requested him to allow me two daytime to prepare my charge papers with details of the store materials and relevant Files held by me to handover charge and then to sign and acknowledge the 'Relieving Order so that no complications for any discrepancy crop up subsequently. If I am at all required to be posted out. Even then, Principal Sri Singh started forcing me to sign the 'Relieving Order' -when I expressed my unwillingness, he became furious and started using filthy words at me and without any rhyme or reason and suddenly raising from the seat of his Chair, he jumped on me, held up my color of the shirt and started punching at my chest with fists and blows. I was befooled and

*Carried to the
Supt. of the
District
Office*

and perplexed at that unexpected behaviour and physical assault on a Teacher by a Principal of a prestigious Educational Institute of Central Govt. - and came out of the room of the Principal hurriedly and proceeded towards the school Gate to save me and to avoid further scandalous scene in front of the Students, Teachers and other staff of the school. But the Principal Sri Singh ordered the Peons of the school to catch hold of me and to take me to his room. When the Peons did not comply with, the Principal himself thrashed me and dragged me to the Verandah of the school catching hold of my body. Even then, I restrained myself from any anger.

3. Meanwhile, the Principal Sri Singh made a phone call to the Chairman of the Vidyalaya Management Committee(VMC) Roj Assey. Chairman reached the school immediately and asked me to sign the 'Relieving Order' as instructed by the Principal. I apprised the Hon'ble Chairman that since I have not received any Transfer order and have been holding charge of store materials, and other relevant Files and papers etc., I should be given atleast two daytime to prepare these uptodate for handing over to the Teacher to take charge of the same to avoid subsequent complications as happened in earlier occasions in similar manner during the tenure of the existing Principal. Of course, Hon'ble Chairman, after hearing my say, did not impress for signing the 'Relieving Order'.

4. Sir, I accepted the teaching profession in prestigious K.V. of Central Govt. with the honest motive to lead a simple life with honour and dignity and not to learn vulgarism & hooliganism or to be abused with filthy and vulgar words and assaulted physically by anybody in the Institute and that too by the Principal of the same Institute.

Being completely upset and morally broken down at the unprecedented & uncalled for hooliganism caused on me by the Principal during school hours, when I left the school after school hours, I lodged F.I.R. in Udharbond P.S and got medical check-up by Govt. Doctor at Udharbond as to the Physical torture caused on me.

= 3 =

38

In the fitness of facts and circumstances stated above, I pray that your honour to be kind enough to take an immediate necessary action to meet the end of justice to your poor Teacher and also to save the honour and dignity of prestigious Central Govt. Educational Institute. I also request you kindly to cancel my transfer order since out of conspiracy Principal of the K.V. Kumbhirgram misled your honour for getting my transfer order issued on unfounded complaint basis and that too without affording any reasonable opportunity to me. The Principal is acting accentuated with bias which becomes evident from the unfortunate incident narrated hereinabove.

With heartiest regards.

Yours faithfully,

(SUKHENDU BHUSAN PAUL)

Teacher (SUPW),

Kumbhirgram Kendriya Vidyalaya
C/O Sri Dinabandhu Paul,
Ambicapatty, Silchar-788004,
Assam.

Copies for favour of kind information, perusal and needful action to :-

1. The Deputy Commissioner (Finance) & Central Grievance Officer, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Bahadur Jeet Singh Marg, New Delhi -16;
2. The Asstt. Commissioner, K.V.S. Regional Office, Hospital Road, Silchar -1.

(SUKHENDU BHUSAN PAUL)

Kumbhirgram Kendriya Vidyalaya,
C/O. Sri Dinabandhu Paul,
Ambicapatty, Silchar-788004,
ASSAM.

KENDRIYA VIDYALAYA SANG
(ESTT. IV SECTION)
10, Institutional Area
Shahbad Jant Singh Mai,
NEW DELHI - 110 016

ANNEXURE-5

NO. F. 3-1(18)/99-KVS(E.IV)

DATED: 9/1/2001

OFFICE ORDER

The transfer of the under mentioned employee is hereby ordered with immediate effect in public interest:-

Sl. No.	Name	Transferred From K.V.	To K.V.
---------	------	-----------------------	---------

1.	Sh. S.B. Paul, WET	Kumbhigram	AFS Nalia
----	--------------------	------------	-----------

(One case only)

The above employee is entitled to TA, joining time etc. as per KVS Rules.

This is issued with the approval of Commissioner, KVS.

Omkar
(M.K. RAO)
BY. COMMISSIONER (ADM.)

Copy to:

1. Individual concerned.
2. The Principal, KV, Kumbhigram alongwith the copy of transfer order in respect of above employee with the direction to hand-over the copy to him dated signature may please be obtained. He may immediately be relieved. He may be paid TA etc. as per KVS Rules. His date of relief should immediately be intimated to the undersigned.
3. The Asstt. Commissioner, KVS, ROs, concerned.
4. The Principal, KV, AFS Nalia. The date of joining in respect of above employee should promptly be intimated to the undersigned.
5. Guard file.

*Attested
S. R. Patel
Advocate
23.01.2001*

1990

The Frontier Sun

ANNEXURE-6

The Energy Era

A MULTI-FACETED
NEWS PAPER ON
ENERGY SECTOR
Published From

SONAR CAGAR GROUP

Postal Regn No. : PMG-36. VOL 14 ISSUE 346 • Rs. 2.00 • SILCHAR • FRIDAY 19 JANUARY 2001

Internet : www.login-india.com/frontier_sun E-mail address : sonaka@dtc.vsnl.net.in

Kutras kill more soldiers

the militant attack on it late last night, the spokesman said.

Although no one was injured in the militant attack on the camp, it is suspected that militants had laid a trap to target the BSF officer, he said.

Two of the jawans succumbed to their injuries while being shifted to hospital.

The condition of four other injured soldiers was stated to be critical.

He said, militants had planted the land-mine on the road-side and was hidden under cow-dung.

The blasts triggered by militants within half-an-hour of each other is considered as the third major strike by ultras within five days in Kashmir valley, where Jammu and

Kashmir Chief Minister Farooq Abdullah survived a militant grenade attack on Sunday and an attempt of militants to storm Srinagar Airport was foiled on Tuesday.

The injured Ranjeet Roy and Gopal were shifted to the Army base hospital in critical condition, the spokesman said.

Minutes after the major incident, the militants struck again on the Srinagar-Jammu National highway at Chechkote-Chursoo near Awantipora, by carrying out another powerful land-mine explosion which extensively damaged an Army bus car-

rying soldiers to Jammu, the spokesman said.

Twelve soldiers suffered injuries in the blast, which was triggered around 10.05 am on the highway, 30 km from Srinagar, he said.

Official sources said the militants detonated a powerful improvised explosive device at Khaleel near Tral in Pulwama district, about 40 km from here, around 9.30 am.

Three BSF jawans died and three others, including Mr Budhiyal, were injured critically when the vehicle in which they were travelling was blown up. Mr Budhiyal later died on way to hospital, source said. The condition of two other injured jawans was stated to be critical.

Sources said militant detonated an improvised explosive device at Keygam near Awantipora, about 30 km from here, in the same district around 10.30 am. Three army men were killed and eight others injured when their bus was blown up.

Students, teachers, public grieve Kumbhirgram-K V Principal punches teacher

SPECIAL CORRESPONDENT, SILCHAR, JAN

18 : One popular teacher of Kendriya Vidyalaya, Kumbhirgram, Sukhendu Bhushan Paul was seriously beaten up by the Principal of the same school Yash Pal Singh in the school premises at about 1 this afternoon. The reliable sources confirm that the principal Y.P. Singh is unprecedently unscrupulous and dug in rampant corruptions. The hard knot sincere and popular SUPW teacher

afternoon, the SUPW teacher S. B. Paul was called in the chamber of the principal Y.P. Singh and Mr. Paul was asked to sign the relieving orders at that moment itself. Mr. Paul politely explained the principal why he could not take the decision of signing the orders at once. Mr. Singh got infuriated at this and punched at his chest. The teacher Mr. Paul having unexpected mortal blow hurried out of the chamber and made his way towards

the school gate to save himself. But the principal ordered the school peons to seize Mr. Paul. The peons did not comply with. By the time, the principal himself pounced upon Mr Paul and thrashed him up. Mr. Paul was dragged onto the verandah of the school. Mr. Paul resisted his anger and did not retaliate any.

However, S. B. Paul being totally upset as for such untoward action of the principal upon him, after the break-up of the school came to Udharbond Police Station and lodged an FIR and he had also got medical checkup by Govt. Doctor Udharbond PHC Dr. Ashim Das and physical tor-

ture administered upon him was found and written in the medical report. This correspondent made a prompt probing into

the monstrous action of the principal Y.P. Singh and unearthed breathtaking, heart-pounding diametrically opposite behaviour and action of the principal who silently tortured and demoralized students and teachers alike. For his vested interest without minding improvement of the school, he has been doing whatever he can 'ka a total lunatic', alleged a lady teacher.

A good number of students, guardians and teachers have informed this correspondent about the beastly nature of the principal Y.P. Singh and they seek sharp action to be taken against him.

This correspondent has in the meantime tried hard to contact the principal Y.P. Singh, this evening to know his version but the principal was found uncannily absent from all possible addresses.

Proper use of MRT demanded

to you
by
Certified by
Lokeshwar
Sarkar

filed through
P. Baru-
Advocate
5/ 5.6.01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI
BENCH AT GUWAHATI

ORIGINAL APPLICATION NO.27/2001

Sri Sukhendu Bhusan Paul

...Applicant

-vs-

Union of India & ors

....Respondents

The respondents No.2,3 ,4 and 5 above
named beg to file their written state-
ment as follows -

1. That the averments and submissions made by applicant in the Original application (herein after in short referred to as application) are denied by the answering respondents save and except what has been specifically admitted herein and what appears from the records of the case.
2. That with regard to statements made in paragraph 4.1 to 4.3 of the application the answering respondents have no comments as they are matters of records.
3. That with regard to statements made in paragraph 4.4 to 4.6 of the application the answering respondents have no comments.

contd.....

4. That with regard to statements made in paragraph 4.7 and 4.15 of the application the answering respondents beg to state that there is no fixed tenure of posting at a station for the staff below the level of Principal in Kendriya Vidyalaya Sangathan (in short referred to as KVS) However as per clause 10(1) of transfer guidelines those teachers who have completed 3 years continuous stay in North East Region and hard stations and 5 years at places which was not of his /her choice or very hard cases involving human compassion, the vacancies shall be created to accommodate him /her by transferring teacher with longest period of stay at that station provided they have served for not less than 5 years at that station. In this ^{case} the Petitioner had joined at Kendriya vidyalaya, Kumbhigram which may not be termed as a non choice station for him to consider his choice for transfer under the clause 10(1) of the K.V.S. transfer guidelines.

5. That with regard to the statements made in paragraph 4(8) of the application the answering respondents beg to state that the transfer of the Petitioner is for organisational reasons and administrative grounds which is as per the time schedule prescribed in para 6 of the transfer guidelines which is applicable in this instant case as per article 49 (K) of the Education code and clause 18(a) of the existing transfer guidelines

contd.....

the service~~o~~ holders of K.V.S. are liable to be transferred to any Kendriya vidyalaya of the Sangathan at any time on short notice on orgaingational reasons or administrative exigencies. Whereas in this instant case the Petitionere has been transferred after his service of 10 years at at the same Kendriya vidyalaya Region.

6. That with regard to the statements made in paragraph 4(9) and 4(10) of the application the answering respondents have no comment.

7. That with regard to the statements made in paragraph 4(11) of the application the answering respondents beg to state that the averments made by the Petitioner is not correct. The copy of the transfer order dtd. 22.1.2001 meant for the Petitioner was issued by post . Moreover the transfer of the Petitioner is in conformity with the existing transfer guidelines . Hence there is no malafide and the application is very much maintainable .

8. That with regard to the statements made in paragraph 4(12) of the application the answering res- pondents beg to state that the action of the Peti- tinaer in making the ~~statements~~ students his tool to stage strike against his transfer is unbecoming of a teacher and his purpose was to create a sensation.

9. That with regard to the statements made in paragraphs 4(13) of the application the answering

respondents beg to state that the transfer of the applicant has been made in accordance with the existing guidelines and there is no vested interest or malafide intention of Respondent No.5 involved in it.

10. That with regard to the statements made in paragraph 4(14) of the application the answering respondents beg to state that the request transfer of the applicant may not have been considered for want of clear vacancies at his choice place.

11. That with regard to the statements made in paragraph 4(16) of the application the answering respondents beg to state that since the transfer of the applicant is made in accordance with the existing transfer guidelines, and as such, his Petition is not maintainable and liable to be dismissed.

12. That with regard to the statements made in paragraph 4(17) of the application the answering respondents beg to state that there is no injustice in transferring the applicant which is as per KVS transfer guidelines.

13. That under the facts and circumstances of the case, it is respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the application with costs.

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✓

-VERIFICATION-

I, Shri D K Saini, son of shri C.L. Saini, aged about 51 years presently working as the Assistant Commissioner, Kendriya vidyalaya Sangathan, Maligaon, Guwahati Region do hereby verify that the statements made in paragraph 4, 5, 7, 9, 10 are true to my knowledge and those made in paragraphs are based on records and nothing material has been concealed therefrom.

Place - Guwahati

Date : 5/6/2001

D K Saini
DEPONENT

U/s
Filed by : Kendriya
Vidyalaya Sangathan
through : D. Dr.
Advocate.

28/06/2001

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal 28 JUN 2001 गুৱাহাটী বিধুভূষণ ADMINISTRATIVE Guwahati Bench	TRIBUNAL:AT GUWAHATI GUWAHATI BENCH
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ORIGINAL APPLICATION NO. 27/2001

Sri Sukhendu Bhushan Paul

...Applicant

-vs-

Union of India & ors

...Respondents

The respondent No.5 above
named begs to file his written
statement as follows :

1. That all the averments and submissions made by the applicant in the Original application (hereinafter referred to in short as the application) are denied by the answering respondents save and except what has been specifically admitted herein and what appears from the records of the case.

2. That with regard to statements made in paragraph 4.1 to 4.3 of the application the answering respondent have no comments as they are matters of record.

contd....2

3. That with regard to statements made in paragraph 4.4 of the application the answering respondent begs to state that the submissions made by the applicant is baseless . There was no corrupt practices by the respondent as alleged The audit reports covering the period of the respondent are enclosed which clearly shows that there was no corrupt practices.

Copy of the audit reports for the period from 1.4.97 to 31.3.2000 and for the period from 23.10.2000 to 25.10.2000 are annexed herewith and collectively marked as Annexure-1

4. That with regard to statements made in paragraph 4.5 of the application the answering respondent begs to state that the respondent is i.e. the principal never tried to harass the applicant in any way. The Principal wanted the "proforma for supervision of written work and assignments of students" within one week, but the applicant Sri S B Paul submitted an incomplete proforma and that too without any copy of students.

The teacher's Diary was never submitted by Sri S B Paul. Further the Vidyalaya Annual Inspection team has also remarked that the Teacher's Diary of Sri S B Paul was not maintained properly and

contd...

the work done was not upto the mark. A Senior teacher also remarked in his report that the teacher's diary of Sri S B Paul was not upto date, the correction of written work is done sometimes only. Morevoer the guardians raised a querry in the P.T.A. meeting that the students do not know the full form of S U P W nor the syllabus of SUPW.

Further adverse report of different officials prove that Sri S B Paul has totally failed to discharge the duties of a teacher. The different reports are given by -(i) The Education Officer Sri P L Gupta (ii) The Education Officer Shri R V Singh (iii) Dr A K ~~the~~ member of Vidyalaya Annual Inspection team (iv) The senior teacher of the Vidyalaya (v) The Guardians in a P.T.A. meeting (vi) The Chairman, Vidyalaya Management committee.

The transfer proposal submitted by the respondent No.5 that is the Principal Kendriya vidyalaya, Kumbhigram was based on the reports of the above officials. It was not a malafide intention of respondent No.5.

Copy of the supervision of written work and Home assignments, Principals observation and comments, A brief class observation report, remarks of the senior teachers, and the guardians querry are annexed herewith and marked as as Annexure.2, 2A, 2B, 2C and 2D respectively.

contd...

Copy of the report dated 20.11.2000
and inspection report dated 10.7.2000 &
10.7.2000 are annexed herewith and
marked as annexure 3 and 4 respectively.

5. That with regard to statements made in paragraph 4.5 (a) of the application the answering respondents begs to state that a scout teacher should always attend scout parade in scout dress. But the applicant Sri S B paul attended scout ~~pre~~ parade without scout dress not only on 10.2.99 but also on the day of vidyalaya inspection that is on 10.7.2000.

Further the applicant failed to carry out the office order dtd. 25.2.99 .Therefore another office order dated 18.3.99 was passed.

Copy of office order dated 25.2.99
and 18.3.99 are annexed herewith
and marked as Annexure 5 and 6 respectively.

6. That with regard to statements made in paragraph 4.5(b) of the applicantion the answering respondents begs to state that the leave submitted by the teacher was regularised in time and no salary was deducted but Mr Paul was suggested to apply well in advance so that leave arrangement can be made in time.

7. That with regard to statements made in paragraph 4.5(c) of the application the answering respondents begs to state that the applicant Sri S B paul

had authorised a student to announce the morning assembly, who was not a member of the Vidyalaya Scout team.

Mr Paul also tried to mislead the Principal that "earlier also on many occasions similar announcements was made by senior students" But when asked the applicant could not reply satisfactorily but simply said "I do not have date at present" Such works and conduct of the teacher has deteriorated the performance of morning assembly and Vidyalaya discipline.

Copy of office order No. PF-SBP/
KVK/99-2000/905 dtd 13.10.99
explanation given by Mr S B Paul
dated 13.10.99 ,warning letter
No. PF-SBP/KVK/99-2000/938 dtd
28.10.99 and reply of S B Paul
dtd 15.11.99 is annexed herewith
and marked as annexures 7,8,9 and
10 respectively.

8. That with regard to statements made in paragraph 4.6 of the application the answering respondent beg to state that the Principal has never acted with malice and malafide intention nor has he threatened to transfer him out on administrative grounds.

9. That with regard to statements made in paragraph 4.7 of the application the answering respondent beg to

contd....

state that actions are taken by the department on such applications subject to the availability of the vacancy.

10. That with regard to statements made in paragraph 4.8 of the application the answering respondent begs to state that there were no vacancy of the SUPW teacher in Silchar region.

11. That with regard to statements made in paragraph 4.9 of the application the answering respondent begs to state that the Principal never threatened the teacher ~~to-be-in~~ regarding transfer. The Principal had to bring the poor performance of the applicant to the notice of the departments. By an office order dtd 18.1.2000 the applicant was informed but he did not comply the office order.

The applicant refused to comply the instructions of the office order. He also refused to take the transfer order and the relieving order. The Principal then consulted the matter with the Chairman Vidyalaya Management committee (in short VMC) and the Chairman after going through the papers informed the applicant that the transfer order is legal. The applicant even refused to the chairman. Therefore the chairman consulted the Asstt Commissioner KVS R O Silchar and as per suggestion of the Asstt. Commissioner the ~~matter~~ orders were sent by registered post to the residence of S B Paul. The registered post was returned back as the applicant refused to receive it from the post man.

contd...

As regards the allegations that the applicant was attacked by the Principal, the submissions are not correct. As the applicant became very nervous on being given the transfer order, the Principal tried to sublimate his excitements and persuaded him not to be nervous. He brought back the applicant upto the chair by holding his hand.

Copy of the notesheet dated 18.1.2001, copy of the A/D card bearing No. RL 3553 dtd 18.1.2001 are annexed herewith and marked as Annexures 11 and 12 respectively.

12. That with regard to statements made in paragraph 4.10 of the application the answering respondents begs to state that the FIR was lodged on false grounds

13. That with regard to statements made in paragraph 4.11 of the application the answering respondent begs to state that submissions made by the applicant are not correct. Respondent No. 5 never influenced the respondent No. 4 to issue the transfer order. Further the applicant Sri S B Paul refused to receive the copy of the transfer order, relieving order and the office order in presence of the chairman. He also refused to accept the registered

contd...

post of transfer order and relieving order. In such a case only the applicant knows from where he had received the copy of the transfer order.

14. That with regard to statements made in paragraph 4.12 of the application the answering respondent begs to state that the applicant Sri S B Paul had influenced the local dailies and some students. A complaint was lodged by some local people stating that they are the guardians of the students. But the office record shows that none of them were guardians of students of the said Vidyalaya.

15. That with regard to statements made in paragraph 4.13 to 4.16 of the application the answering respondent have no comments.

16. That this affidavit is made bona fide and for the ends of justice.

17. That under the facts and circumstances of the case it is respectfully prayed that the Hon'ble Tribunal may be pleased to dismiss the application with costs.

cibtd..

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9

VERIFICATION

I, Deokishan Saini, S/O C. Saini, aged about 52 years, presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Maligaon Regional office, Guwahati, do hereby solemnly affirm and verify that the statements made in the paragraphs ..1.2.6.10.12.13.15..... are true to my knowledge and those made in paragraphs ..4.5.3.9.10.11.... are matters of records which I believe to be true and the rests are my humble submissions before the Hon'ble Tribunal and I have not suppressed any material facts of the case.

And I sign this verification on this the 28th day of June, 2001.

Place : Guwahati

Date :

Deokishan Saini
D E P O N E N T

KENDRIYA VIDYALAYA SANGATHAN,
REGIONAL OFFICE :: SILCHAR-1.

Internal Audit Inspection Report on the Accounts
of the Kendriya Vidyalaya, Kumbhirgram.

The Accounts of the Kendriya Vidyalaya Kumbhirgram
were test audited for the period from 01-04-97 to 31-03-2000
during the period from 23-10-2000 to 25-10-2000.

Incumbancy :- The following Officers held the charges during
the period covered by audit :-

- (1) Shri M.V.R.K. Sastry, Principal - Upto 03-06-97
- (2) Shri K.S.R. Reddy, I/C Principal - From 04-06-97
to 09-10-97
- (3) Shri Y.P. Singh, Principal - From 10-10-97 to
till date.

Part - I

Previous Internal Audit Report

The following paras are lying outstanding till the
date of audit.

Sl. No. Period Para

(1)	91-92	14 Sl. No. 3	- Recovery of Rs 900.00 from Shri A.K. Singh, TGT against his LTC bill availed during the period from 15-09-92 to 17-9-92. The claim of inward journey in respect of his parent is not admissible.
(2)	92-94	1(ii)	- Recovery of Rs 50/- each from Shri M. Mariappan, PGT and Shri A.K. Biswas, U.D.C. in respect of admission fee.
		2(a)	- Rs 1105.00 (Sl. Nos. 4, 5 & 6) paid on account of repairing repairing of furniture without submitting the bill was not in order.
		3	- Want of acknowledgement.
		7	- Recovery of over payment of Rs 218.00 from Shri A.K. Biswas, U.D.C. and Rs 600.00 from M. Roy Choudhury, PGT.

Contd..... 2/P.

- 2 -

Sl. No. Period - Para

(3) 94-97

2 (c) -

Recovery of Rs 7500.00
from the K.V. Masimpur in
connection with Sports Meet.

12

Recovery of excess pay-
ment of Rs 110.00 from M/S
Sharma Bros. & Scientific Ins-
trument, Silchar.

Immediate steps may be taken to settle the outstanding
Paras as mentioned above.

Part - II

Current Account

Para - 1 - Records

Register of audit observation and follow-up
action may please be opened which has not ^{been} ~~which has not been~~ been
maintained by the Vidyalaya, under intimation to audit.

Para - 2 - Advance T.A. on transfer

The advances as per details given below were
paid to the employees on account TA on transfer, but the said
advances are lying out standing till the date of audit. Imme-
diate steps may be taken to recover the advances under inti-
mation to audit.

<u>Sl. No.</u>	<u>Name of employee</u>	<u>Date of Payment</u>	<u>Amount</u>
(1)	Shri P.P. Pandey, PRT	23-10-97	Rs 15,000/-
(2)	Shri H.R. Jha, TGT	15-12-99	Rs 13,550/-
(3)	Shri G.K. Pal, PGT	10-01-2000	Rs 29,500/-

Para - 3 - Scooter Advance

As per advance register, Rs 5,800.00 as on 01-04-
2000 was lying out-standing in the name of Shri M.V.R.K. Sastry
Ex. Principal in respect of Scooter advance and on amount of
Rs 2400.00 was refunded during the month of April '2000. No fur-
ther instalment has been refunded till date of audit. Steps
may be taken to recover the instalment without any lapse.

Para - 4 - LTC Advance

An amount of Rs 900.00 was paid to Shri S.R. Koiri,
Group 'D' on 07-04-98 as LTC advance and the said advance is
lying unsettled till the date of audit. It is stated that no
adjustment bill was submitted. The entire amount along with

Contd....3/P.

- 3 -

Panel interest from the date of Payment may please be recovered under intimation to audit.

Para - 5 - Medical Advance

Medical advance pf Rs 1000.00(Rupees one thousand only) was paid to Shri Dilip Bansfor,Group 'D' on 23-06-98 and the said advance is lying outstanding till the date of audit. It is stated that no adjustment was submitted. The entire amount along with penel interest from the date of payment may please be recovered under intimation to audit.

Para - 6 - Cash Purchases

The following advances were paid to the teachers out of the P.F. Account for purchasing the materials in cash. Allowing to purchase the materials by single hand by giving such huge amount of advance is against the purchase procedure.

<u>Sl.No.</u>	<u>Name of teacher</u>	<u>Date of Payment</u>	<u>Amount</u>	<u>Purpose</u>
01.	Shri A. Chitranshi, TGT	06-8-96	Rs 4500.00	Purchased of Toys. (Mr. No. 9)
02.	Shri K. R. Rao, PGT	26-12-96	Rs 5180.00	Annual Day (Vr. No. 59)

Reasons for not following the Purchase Procedure may be justified.

Para - 7 - Transport Allowance

Transport Allowance is not admissible during leave/tour/training etc. exceeding 30 days at a stretch. As such transport allowance is also not admissible to the vacational Staff during vacation period. But transport allowance was paid to the vacational staff during vacation period in the year, 1998 i.e. May/June which may please be worked out and recovered under intimation to audit.

Further transport allowance is also not admissible to the employees providing accommodation within the campus of defence/project/K.V. where the school is situated irrespective of distance. This may please be confirmed that no transport allowance was paid to such of the employees providing accommodation within the campus.

Contd....4/p.

Para - 8 - Stock Verification Certificate

As per stock verification certificate of furniture dated 05-02-99 available in the file, it is seen that the following articles were shown as shortage.

SlNo.	Name of article	Nos.	Sl.No.	Name of article	Nos.
(1)	Desk	-	76	(2) Bench	-
(3)	Chair with arm	29	(4)	Office Chair with arm	- 09
(5)	Stool	04	(6)	Black board	- 05
(7)	Lab. Table	02	(8)	Dustbin	- 05
(9)	Teacher table	03	(10)	Notice board	- 03
(11)	Map Stand	01	(12)	Lecture Stand	- 01
(13)	Single Chair	09	(14)	Lab. Stool	- 09
(15)	Single Desk	03	(16)	Wooden chair (Small size)	- 01

But the Principal, Kendriya Vidyalaya Kumbhirgram forwarded the following items of furniture for condemnation to the Regional Office, Silchar vide letter No. F.49/KVK/96-97/890 dated 08-01-97.

(1) Desk - 25 Nos. (2) Desk & Bench - 113 Nos. (3) Banches - 35 Nos. (4) Black Board - 10 Nos. (5) Dust bin - 04 Nos. (6) Teachers Table - 07 Nos. (7) Notice Board - 02 Nos. (8) Map Stand - 02 Nos. (9) Lab Stool - 07 Nos. (10) Chair with arm - 12 Nos.

This may please be ascertained whether the articles which were sent for condemnation as stated above were also included along with the list of shortage of furniture as mentioned above.

If it is so, the Nos. of articles shown as shortage is not correct. This may please be ascertained and the cost of actual Nos. of shortage of furniture may be worked out and recovered from the concerned staff after fixing the responsibility.

Para - 9 - Non-recovery of Penal Interest

An amount of Rs 72000/- was received by Shri A.S.K. Dwivedi, TGT(PCM) from 12 different KVs (including K.V. Kumbhirgram) for escorting the participants to the Youth Adventure Camp, held at Nainital in the month of April, 1999.

Contd....5/P.

The unutilised amount of Rs 31392/- was refunded on 14-10-2K nearly after ~~maxx~~ 05 months instead of within one month from the date of completion of return journey.

This may please be justified as to why penal interest was not charged from the concerned staff on unspent amount from the date of payment.

Para - 10 - Out Standing Advance

An amount of Rs 1000.00(Rupees One thousand) only was paid to Shri Anil Das, Group 'D' as medical advance on 10-03-2000. The said advance is lying out standing till the date of audit. Steps may be taken to settle the out standing advance under intimation to audit.

Other minor irregularisation have been discussed and dropped on the spot on discussion.

Date :- 25-10-2K.

25/10/2K
(A. K. SARMA)
SUPDT. OF ACCOUNTS,
KVS, R.O. SILCHAR.

KENDRITA VIDIAERI : KUNIYUKI

SUPERVISION of WRITTEN WORK AND HOME ASSIGNMENTS

Name of the Teacher :- S. B. Paw
Designation :- SUPW Teacher

Ist term II term

1. Has teacher's Diary submitted : No. Why hasn't he submitted ?
2. No. of teacher leaves taken other than C.L. : 15 days Paternative leave
2 days E.L.
3. No. of days late coming if any :
4. Teachers Signature : (D)

Contd... 2/

	<u>Ist Term</u>	<u>II Ind Term</u>	<u>III Ind Term</u>
--	-----------------	--------------------	---------------------

- 1. Maintenance and upkeep of the exercise books :
- 2. - Whether index maintained properly :
- II. Whether work done is adequate :
 - Frequency of assignments.
- III. Quality of the work done by students :
 - Neatness
 - Dates
 - Methodical Work
 - Whether evidence of copying from the books or original composition.
- IV. Quality of Checking :
 - Follow-up of correction and suggestions.
 - Quality of assignment.
 - Suggestions made to improve educationally backward children.
 - Suggestions made for the gifted children.
 - Frequency of checking.
 - General remarks suggestions etc.

Submittal

Copies

No

Students

Signature of the Teacher

Date :-


PRINCIPAL

A brief class observation report
Name of KV : K.V. Kumbhigram

Dated	Name of the teacher with designation	Class	Subject with topic	Observations made	Suggestions given
10.07.24	Sh. Swapnil Patel (Art teacher)	VIII	Still life	<p><u>Strong points</u> :- The object was drawn on the B.B. and the students were asked to draw the same with the view to involve students.</p> <p>The teacher was taking care of each student.</p> <p><u>Weak points</u> :-</p> <ul style="list-style-type: none"> - Tone and pitch of voice was low. - The lesson plan had to synthesise the activities. 	<p><u>Suggestions</u> :-</p> <ul style="list-style-type: none"> - Teacher should change his technique of teaching. - The terms must be made clear with the help of illustrations. <p style="text-align: right;">Swpn. 11/8/24</p>
15. 07. 24	Sh. Sanket Bhushan Patel SVPW Tr.	IV	SVPW (Paper Cutting)	<p><u>Strong points</u> :-</p> <ul style="list-style-type: none"> - He was able to express the skill. <p><u>Weak points</u> :-</p> <ul style="list-style-type: none"> - Teaching method was effective. - Teacher's diary was not maintained properly. - The work done was not upto the mark. 	<p><u>Suggestions</u> :-</p> <ul style="list-style-type: none"> - Teacher should develop his communication skill. - Must change his method of teaching. - Keen interest should be taken in his work.

ANNEXURE

ANNEXURE

KENDRIYA VIDYALAYA

CLASS ROOM OBSERVATION BY THE PRINCIPAL/V.P./H.M.

1. Name of the teacher & designation _____
2. Class observed & Period _____
3. Has the teacher covered the syllabus as per split up plan? _____
4. Is the teacher diary update? _____
5. Has the frequency been kept for written work at least once for _____ Secondary and twice for Middle and Primary section? Comments on quality _____
6. Evaluation of project work and Comments regarding the type of Projects given. _____
7. Specific observation about the class room teaching and methodology management _____
8. Has the teacher identified Slow & Bright learners and specific Remedial action taken _____
9. General observation regarding Punctuality of the teacher to class _____
10. Any other observation about the Teacher _____

Signature of the Principal/V.P./H.M.

Date :

12 B

16

28/11/2K

1. Sh. S. B. Paul Su.pw.

2. V B II

3. Yes.

4. NO.

5. Some time.

6. Craft-work of local material were made and the paper cutting and pasting work is taught and

7. Some more projects should be kept to improve the beautification of the school building. It includes the outer and inner corners of the class room. The garden need more equipment.

8. No. Such list is submitted so far

9. Good and practical in his makes

10. The beautification of the campus of the school building is the most important work in teaching and learning process, so the flower and plants should be maintained in a proper way.

28/11/2K

(1) The guardian (Sqn. Ldr. Dr. S. P. Chaturvedi) asked
(a) students does not know the full form of S.U.P.W.
(b) The Syllabus of S.U.P.W.
Ans. The Principal requested the S.U.P.W. teacher Shri S.B. Paul to clarify the points. Shri S.B. Paul gave his reply, then after the Principal inform the guardian that I bring the syllabus from Head Quarters on my personal efforts and syllabus is very much in Vidyalaya.

(2) The guardian (Mrs. G. Assey) asked why two teachers are teaching mathematics in a class VII and VIII.
Ans. The Principal reply that the P.G.T. (Maths.) was not on roll in Vidyalaya and new P.G.T. (Maths.) has joined, so by this time only one teacher will be arranged in one class to teach one subject.

(3) One guardian said the cyclostyle copy of class-wise time table be given to primary classes.
Ans. The Principal accepted the views of guardian and in future either cyclostyle copy will be provided or class teacher will be instructed to write in the diary of students.

(4) The guardian (Sgt. R. S. Tewari) asked to the Principal, whether the Computer will be for all or selected students.
Ans. The Principal said, it for all for class I to X, and in XI and XII it will be an elective subject.

(5) The guardian suggested to conduct the P.T.A. meetings at least thrice in a year.
Ans. The Principal immediately accepted the proposal.

(6) The guardian (Shri Subash Dutta Choudhury) requested to pay full attention on teaching of class X and XII. Some teachers like P.G.T. (Eng.) and T.G.T. (S.St.) may be employ from P.T.A. & Fund, till the regular/ Contractual teachers report on duty. No class and subject be remain w/o without teaching in the Vidyalaya.

(7) The guardian (Mrs. G. Assey) asked the Principal
(A) Is K.V. Hindi Medium Vidyalaya ?
(B) Some teachers rudely behave with the students.
Ans. The Principal replied.
(A) K.V's are bilingual. Equal attention are paid on English and Hindi. However regional language teaching provision also there subject to the availability of students.
(B) Care will be taken in future and teachers will be guided to deal with the students politely.

CONFIDENTIAL

KENDRIYA VIDYALAYA KUMBHIRGRAM

Dt 2 Nov 2000

To

The Asstt Commissioner
Kendriya Vidyalaya Sangathan
Regional Office- Hospital Road
Silchar-1

Sub:- Poor performance of Shri SB Paul W.E.T

Sir,

I am to bring to your kind notice that the performance of Shri SB Paul W.E.T and interest in the Vidyalaya activities is not satisfactory.

1. The teacher is very casual in preparation of lesson plan and writing of teachers' diary. He was supplied teachers diary in April 98 with instruction to submit monthly but after the warning and persuasion by office order- PF-SBP/KVK/98-99/1066 dt 18-03-99, He submitted an incomplete diary on the last date of the academic session Mar 99.

2. Annual Academic Inspection Team(10 & 11 July 2000) had also noted observations as under.

Weak Points:-

1. Teachers diary was not maintained properly.
2. The work done was not up to the mark.

Suggestions:-

1. Teacher should develop his communication skill
2. Keen interest must be taken in his work.
3. Must change his method of teaching to make effective teaching.

3. He was supplied "Performa for supervision of written work and home assignment of students " with the instructions to submit within one week . But he submitted , an incomplete Performa without any written copy of students , with a note that " There is no practice to submit this type of Performa in this vidyalaya "

4. The teacher has been given instructions to attend vidyalaya in Scout Uniform on every Scout parade day i.e. Wednesday but he never attend the Scout parade in Scout uniform. His explanation was asked vide Memo No F-SBP/KVK/98-99/878 DT 10-02-99 regarding Scout Uniform but he replied. " I have had to attend a close relative of mine at hospital for whole night so I could not be able to wear the Scout dress".

5. Annual academic Inspection team (10,11-7-2000) had noted his observations.

a) Shri SB Paul W.E.T- Scout Teacher was with out Scout uniform on Scout parade on 10 Jul 2000.

b) He was advised to take his job sincerely.

6. One day MES persons came in vidyalaya for fitting of fans and repairing of electric switches, but the teacher remain absent with out information on 24 Feb 99. Items viz. fans, wires etc were locked in his room. Parents in PTA meeting express their dissatisfaction on the services of fans and tube lights etc on every PTA meetings. He was issued warning vide No PF/SBP/98-99/985 Dt 25-02-99, but no improvement in his work and conduct.

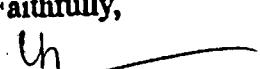
7. The performance of PA system and light in the Vidyalaya Annual function and other functions had always been below average inspite of advances given to him as per his requirements.

8. Shri SB Paul W.E.T is resident of Silchar, being a local teacher he is always busy in the local commitments vis -a - vis Vidyalaya assignments are on his second priority and obviously neglected.

Your honour is requested to transfer Shri SB Paul W.E.T from KV Kumbhirgram to any other Kendriya Vidyalaya in the welfare of students of this Vidyalaya.

Thanking You,

Yours Faithfully,


(YP Singh)
Principal

Inspection report of KV, Kumbhirgram
Dated: 10th & 11th July, 2K.

The Vidyalaya was inspected on 10.7.2K and 11.7.2K by the undersigned with Shri N.D.Joshi, Principal, KV, Srikona and Dr.A.K. Jha, Principal, KV, Karimganj. The following is the brief report regarding inspection of Vidyalaya.

Infrastructure (Building & Campus):- The building is provided by the Airforce authorities. Though the building is old one but it is properly white/colour washed, maintenance is good. The Campus of Vidyalaya is beautiful with flower pots and beautiful plants. Class rooms are decorated very well as per requirement. Library laboratories and Computer rooms are maintained nicely. There is need of developing area/ground for conducting Morning Assembly. The matter may be put up before VMC Chairman.

The Principal has sent Drawing design and estimates for construction of new building to KVS(HQ). Follow up action may be taken by the Principal to expedite the matter at the earliest.

Sports and CCA:- The games teacher seems to be energetic. Children are enthusiastic and keen to learn. There is a lack of House spirit among the students. The teacher should involve himself more with the students in conducting games/sports. There is need of strengthening of house system. Inter-house competitions be encouraged and taken in right spirit. The Drawing Teacher is quite creative. His beautiful work could be seen on the walls of art room and in verandas of the Vidyalaya. He is advised to identify more students who are talented/gifted and then groom/nurture/train them in order to bring out their hidden talent. Music teacher is talented and takes keen interest. Many children are being trained. She should involve more children in playing music instruments such as Harmonium and record of it must be maintained. The SUPW teacher is advised to take his job sincerely. He was without Scout Uniform on Scout parade on 10.7.2K as he is a Scout teacher. Principal is asked to take appropriate action on this lapse on the part of teacher.

Academics:- The academic plan of the Vidyalaya is good. Lesson plan prepared by most of the teachers is reasonably good. The Class environment is upto the mark. Various drafts relevant to the Class room teaching are displayed. The result of class-X of year 2008 remained good but class-XII is a matter of concern. Children got very poor marks in almost all subjects. On asking the reason Principal apprised about the shortage of many PGTs which could be understood the main reason for poor performance. Now by joining of regular/contractual teachers the result must improve tremendously. Principal is suggested to supervise classes more frequently. Class work/Home work given and correction and follow up carried out by the teacher be checked regularly. Though the Principal is quite vigilant and motivating teachers by applying various techniques.

Audio-visual aids and other teaching aids are being used in various classes by the teachers. There is no librarian in the School but services of a teacher is being taken to run the Library, effectively in a planned way. Though the library has sufficient books and but there is need to purchase more magazines.

Computer room is fully equipped but there is no Computer teacher. Principal is making effort to get the teacher.

On checking CN/HW note books it is felt that teachers are casual in correction work. Teachers were pulled up and impressed upon them the consequences of repetition of such lapses and further instructed that they should devote more time for CN/HW correction work and there should be marked improvement by the next visit.

Contd...P/2.

The teachers teaching Physics, Chemistry in Sr. Classes must change their method of teaching as suggested after inspection to make the process effective. The Maths teacher must take keen interest in teaching and plan of work. Though he has good knowledge of the subject. Principal is advised to check the classes of these teachers and a monthly report be sent to the Regional Office. Physics and Chemistry and Biology laboratories are functional with sufficient equipments and materials. There is no PGT(Bio) in the school. Principal himself is taking classes now and then. Efforts should be made to appoint a Biology teacher. Supw teacher should take up more projects.

Suggestions for further improvement.

- * Frequency of checking CW/MW be increased. Follow up action by the teachers be checked by the Principal regularly.
- * Cross checking of CW/MW be introduced.
- * Targets for teachers be fixed.
- * Principal should take undertaking from Xth and XIIth class teachers about:
 - (i) Requirements, if any.
 - (ii) Tentative result for 2001.
 - (iii) Steps/measures to be taken to achieve fixed target etc.

etc.
Notice Board for Career Guidance with relevant information
be prepared separately and be fixed up at appropriate place.
More stress be given for science practicals.

* More stress be given for science practicals.

Highest Class - XII
Total Strength - 515

Enclosure: A brief class observation report of teachers.

Ranvir Singh

11/20/1991

for 117
Noted
fishine

Noted
m² -

Black

noted

1

42

~~Noted~~

1/12/89/15-97/85

15

3/2/89

10

Office Order

Yesterday one MES person came to School for repairing of electrical switches & fitting of ceiling fans in the class rooms. But you were absent on duty on 24/2/89 without any information. Your Keys were also with you & room was locked. The undersigned faced a difficulty in your absence & unable to get the work done by MES person.

You are hereby instructed to get repairing of electrical switches & fitting of electrical fans either at your level or through MES workers, but get it done latest by 4/3/89.

(Abdul)

(Y. P. SINGH)

O/C

PRINCIPAL

ABM COLLEGE OF EDUCATION
13, BIRLA ROAD, KANPUR

To Mr. S. B. Paul, SUPWTR.
K.V. Kumbhalgarh.

After thought

Dear Doctor

DT - 25/2/89

KENDRIYA VIDYALAYA : KUMBHIRGRAM (AFS)

No. F. PF-SBP/KVK/98-99/1066

Date : 18-03-99

OFFICE ORDER

Instructions of under mentioned Orders are yet to comply
at your end.

Sl.No.	Office Order No. and date	Regarding	Remarks
01.	01-08-98	Submission of proforma for supervision of written work and home assignment of students.	Due date was 08-09-98, but not submitted till date.
02.	02-02-99	Submission of Teacher's Diary and plan of tea- ching.	Due date was 04-02-99, but not submitted till date.
03.	Order No. PF-SBP/ 98-99/985 dated 25-02-99.	Repairing of electrical switches and fittings of Ceiling Fans in the class room.	Due date was 04-03-99, but Fans are still stores in your room, while students are facing difficulty in day time due to hot weather.

You are hereby instructed to complete the work mentioned
in above XXXXXXXX referred order and submit a work completion report
latest by 20-03-99.

To

Mr. S. B. Paul, SUPW teacher,
K. V. Kumbhirgram.

(Y. P. SINGH)

PRINCIPAL.

PRINCIPAL
KENDRIYA VIDYALAYA
KUMBHIRGRAM. 15562

Enc 17

(76)

PF-SBP/KVK/99-2000/905

13-10-99

M A M O

Today dated 13-10-99 Master Shaun Dominic Assey - XIX has announced in morning assembly " Scouts & Guides come out". This announcement deteriorate entire morning assembly performance.

The undersigned provide you an opportunity to explain before 14-30 hrs.

(A) Is Master S. Assey a member of Vidyalaya scout team ?

(B) Had you authorised him to make this announcement ?

(C) Had you discussed the matter of this announcement with the undersigned ?

To

Shri S. B. Paul,
Scout Master, SUPW Tr.
K.V. Kumbhirgram.

Dr

Y.P. SINGH
(Y.P. SINGH)
PRINCIPAL.
KENDRIYA VIDYALAYA
KUMBHIRGRAM, ASSESSOR

Recd Book No. 64 Dtd. 13/10/99

433
14/10/99

18

78

To

The Principal
K.V. Kumbhirgram

Sir,

With reference to your memo no. FPF-SBP/
KVK/99-2000/905 Dated 13/10/99
I like to explain my position as detailed
below

- A) The answer is in the negative.
- B) Yes, since it was not a very serious
matter involving any policy decision, I permitted
him to make this announcement, because
Master Shaun Dominic Assay of class XII, besides
being senior student is also a resourceful
student in such activity. It is an established
convention as well that senior student make
announcement in such cases in the assembly.
- C) No, because earlier also, on many occasions
similar announcement was made by senior student
without requiring any prior decision with your good
offices on the matter. Hence, I did consider that prior
discussion was not necessary even on 13/10/99 to
allow the particular student Master Shaun Dominic
Assay of class XII to make the announcement.

However, I will obtain your prior permission
for announcement, if advised.

yours faithfully

S. B. Paul
SUPW Teacher
K.V. Kumbhirgram.

Date

13/10/99

19

71

PF-SBP/KVK/99-2000/ 938

28-10-99

WARNING

With reference to your reply dated 14-10-99 you are hereby instructed to submit a report of the students, who had announced in past in the morning Assembly on the under mentioned table.

Sr. No.	Name of Student	Class	Sec.	Date of Announcement	Contents of announcement
1	2	3	4	5	6

Further, you are hereby warned not to authorise any body for announcement in the morning Assembly without the concurrence of the CCA I/C / Principal.

Sh. S.B. Paul, SUPW Tr.,
K.V. Kumbhirgram.

(Y.P. SINGH)
PRINCIPAL.

Recd Book No. III/71
d.d. 28/10/99

20

No

The Principal
K. V. Kumbhigram

Ref:- letter no. F. KVK / PF - SBP / KVK / 99 - 2000 / 938

Sub: Announcement in morning assembly. Dt. 28/10/99.

Sir,

I have the honour to state that information asked for in tabular form that I don't have data at present, but I promise you in future I will not instruct to any student make announcement in the morning assembly. I will co-operate whole heartedly proper conduction in the morning assembly.

help your
I will make prior permission from good-self.

yours faithfully

S. B. Paul
SUPW Teacher
K. V. Kumbhigram

Date: 15/11/99

KENDRIYA VIDYALAYA KUMBHIRGRAMNOTE SHEETDATE : 18 - 1 - 2001

On 18-1-2001 at 10.00 A.M the Principal instructed Sri S B Paul W.E.T through an office order, to hand over all charges to Sri T P Singh PGT Hindi and submit 'No Dues Slip' to the office before 2.30 P.M.. But, Sri S B Paul refused to obey the instructions of the office order. The Principal then served him a copy of the order No F.3 - 1 (18) / 99 KVS (E - IV) dt 9-1-2001 and the relieving order vide no F-8-9/KVK/2000-01 768 - 73 dt 18-1-2001. But Sri S B Paul refused to receive the order, stating that -

" I will prefer to commit suicide instead of joining at KV Nalia ".

The behaviour of Sri S B Paul was arrogant and unbecoming of a teacher. He repeated his threat to commit suicide if the transfer order and relieving order were served on him. I (the Principal) tried to persuade him, and control his excitement. But he (Sri S B Paul), stood up from his chair and walked out from the office of the Principal with the proclamation -

" I am going to commit suicide ".

I (the Principal) rushed out from my office and followed him to prevent him from leaving the Vidyalaya premises. I was compelled to hold him by the hand at the gates of the Vidyalaya , since I was apprehensive about Sri S B Paul carrying out his suicide threat.

In the mean time I (the Principal) instructed Sri T P Singh PGT , to telephone the Chairman VMC , and request him to come to the Vidyalaya immediately.

The chairman patiently attended the pleadings of Sri S B Paul and looked over the papers of transfer . The Chairman VMC then requested Sri S B Paul to comply with the office orders. He advised him that these were legal and valid orders and that he had no choice but to accept the transfer and relieving orders. But Sri S B Paul continued to refuse to accept the transfer and relieving order and repeated his threat that -

" I will commit suicide if the orders are served to me ".

The Chairman VMC contacted the Asst Commissioner KVS(RO) Silchar on telephone for guidance, to settle the case. As per the suggestions of the Asst Commissioner KVS(RO) Silchar the transfer and relieving orders were to be served to Sri S B Paul by registered post on the same date . this has been done on the same date, as per the instructions of the AC, KV.S.

In view of the unbecoming and uncontrolled behaviour of Sri S B Paul, the Chairman VMC , called the Station Medical Officer and members of the VMC to check the physical and mental state of Sri S B Paul . During the medical examination the under mentioned teachers were present in the Principals office. On examination Sri S B Paul stated that :

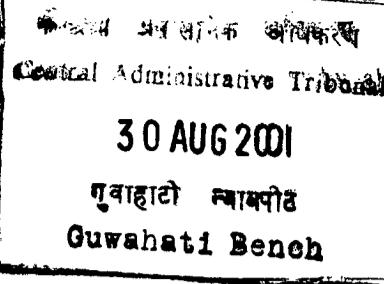
1. I am physically all right .
2. I am mentally all right. I have tension because of this transfer order only. May I be permitted to go home. I will consult to my father. Now I assure you I will not commit suicide.

WITNESSES :

1. The Chairman, VMC, KV AFS Kumbhirgram *Asst. Secy* 18 Jan 2001
2. Sri T P Singh, PGT Hindi, and teacher's nominee member of VMC *STT* 18 Jan 2001
3. Dr (Sqn Ldr R) Bhattacharya) SMO & member VMC *Asst. Secy* 18 Jan 2001
4. DR S N Yadav, PGT Chemistry *DRS* 18 Jan 2001
5. Sri S Paul *S Paul*
6. Miss N Roy PRT *N Roy*

(A.C.Secy)
18/1/2001

18/1/2001



Filed by
Swarajit Datta
Advocate
03.08.01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI.

O.A. NO. 27/2001

S.B. Paul

..... Applicant.
-Vs-

Union of India & Ors.

..... Respondents.

The abovenamed applicant begs to file his reply to the written statement filed by the respondent No. 2, 3, 4 and 5 as follows :

4. That the applicant has received a copy of the written statement submitted by the Respondent No. 2, 3, 4 and 5. He has gone through the same and having understood the contents thereof, begs to submit his reply as hereunder contained.
2. That the Written Statement is liable to be rejected inasmuch as it has been verified by a person who is neither a party to the proceeding nor has the authority to sign the written statement.
3. That the contents of the Written statement is generally denied save and except what have been specifically admitted herein and what appears from the records of the case.

4. That with regard to the statements made in paragraphs 1, 2 and 3 the written statement the deponent has no comment to offer.

5. That with regard to the statements made in paragraph 4 of the written statement, the applicant begs to state that under the existing transfer and posting guidelines, he has acquired a right to have his case for choice station posting considered with due regard to the provisions contained with due regard to the provisions contained in the transfer and posting guidelines. It is stated that the applicant having completed 10 years continuous service in the year 2000, sought for transfer to his place of choice at Silchar under the provision of clause 10(1) of the transfer guidelines. The specific case of the applicant has been that he hails from Silchar Town and his wife has been working as a teacher in Sister Nibedita Girls School at Silchar. Therefore, with a view to stay together with his family, he applied for choice station posting at Silchar which ought to have been considered by the respondents with due regard to the provision of clause 8 of the transfer guidelines wherein 'Spouse Case' has been included as one of the grounds so as to make an employee entitled for choice station posting. From what have been narrated hereinabove, it can clearly be informed that the posting of the applicant at Kumbhirgram was not of his choice and therefore he applied for choice station posting at Silchar. Thus, such an entitlement of the applicant can not be denied at any circumstances .

6. That with regard to the statements made in the paragraph 5 of the Written Statement the applicant begs to state that in MYS KVS the term 'Organisational Reasons' is used for 'Public Interest' while the term 'Administrative Grounds' is used when the transfer is made at the instance of the Principal or the Chairman of the Vidyalaya Management Committee. In this context, the applicant begs to refer to clause 5(i) of the Transfer Guidelines. It is further stated that, the stand of the respondents taken in the paragraph under reply is therefore contradictory and liable to be rejected. It is also worthmentioning here that the clause of "All India Service" liability has been provided in the Education Code as a matter of course only. In any view of the matter, the fact emerges that the applicant opted for choice stateion posting in terms of the existing Transfer Guidelines which has not been duly considered by the respondents and in an arbitrary manner the instant order of transfer has been passed at the instance of the respondent no.5 and with a mala fide intention to harass him.

7. That with regard to the statements made in paragraph 6 of the written statement the applicant reiterates the contentions made in paragraphs 4.9 and 4.10 of the Original application and further begs to state that the contentions/ allegations made therein have not been controverted/denied by the respondent in the written statement.

8. That the applicant denies the correctness of the statement made in paragraph 7 of the written statement and begs to state that the instant transfer order is not in conformity with the existing transfer guidelines. Moreover, in view of the facts and circumstances of the case narrated in the original application, it has been clearly established that there is no public interest involved in issuance of the transfer order rather, the same has been issued at the instance of the Respondent no.5 and with a malafide intention.

9. That the applicant categorically denies the statement made in paragraph 8 of the written statement, particularly, the statement that he made the students his tool to stage strike against his transfer. The applicant reiterates his contention made in paragraph 4.12 of the original application and begs to state that in fact the strike was staged by the students in protest against the torture and physical assault meted out to the applicant by the respondent no.5.

10. That with regard to the statements made in paragraph 9 of the written statement the applicant begs to reiterate his contention made in paragraph 6 of this reply.

11. That with regard to the averments made in paragraph 10 of the written statement, the applicant begs to state that the contentions of the respondents are not acceptable inasmuch as the clause 10 of the transfer guidelines clearly

-5-

provides for creation of vacancies for accomodating a person seeking choice station posting. The action of the respondents in passing the impugned order without considering his case for choice station posting is, therefore, *ex-facie* unreasonable and unjustified and thus the impugned order is liable to be set aside.

12. That with regard to the statements made in paragraphs 11, 12 and 13 of the written statement the applicant states that from the facts and circumstances of the case narrated in the original application as well as in this reply, it is evident that the impugned order of transfer is unreasonable and unjustified and contrary to the existing transfer and posting guidelines and professed norms practised by the Respondents.

13. That in view of what have been narrated in the foregoing paragraphs of this rejoinder, the contentions of the respondents made in the written statement are liable to be rejected and the applicant is entitled to the relief(s) prayed for and the original application deserves to be allowed with costs.

14. That this rejoinder/reply is filed bonafide and in the interest of justice.

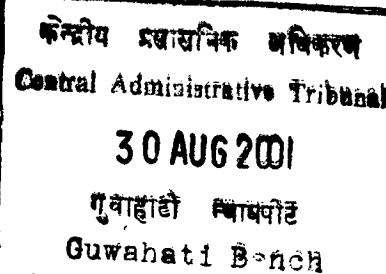
Verification

VERIFICATION

I, Shri Sukhendu Bhushan Paul, working as SUPW Teacher, Kendriya Vidyalaya, Kumbhirgram, Dist. Cachar, applicant in this original application, do hereby verify and declare that the statements in paragraphs 1 to 12 of this instant rejoinder/reply are true to my knowledge and the rest are my humble submissions before this Hon'ble Tribunal.

Sukhendu Bhushan Paul.

Signature.



Filed by -
Swrajit Datta
Advocate
03.08.01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI.

O.A. NO. 27 OF 2001

Shri S.B. Paul

..... Applicant.
- Vs -

Union of India and others.

..... Respondents.

The applicant abovenamed begs to
file his reply to the Written
Statement filed by the Respondent
No.5 as follows :

1. That the applicant has received a copy of the Written Statement submitted by the Respondent No.5. He has gone through the same and having understood the contents thereof, begs to submit his reply as hereunder contained.
2. That the contents of the Written Statement is generally denied save and except what have been specifically admitted herein and what appears from the records of the case.
3. That with regard to the statements made in paragraphs 1 and 2 of the written statement the deponent has no comments to offer.

4. That with regard to the statements made in paragraph 3 of the Written Statement, the applicant admits nothing beyond the records of the case. It is stated that the contention of the applicant as made in paragraph 4.4 of the Original Application has been misconstrued. It is further stated that the applicant being the SUPW Teacher, is the virtual authority of maintenance of the school premises and building. But, the respondent no.5 being the Principal of the School and taking advantage of his position used to interfere with the work of the applicant and at times used to utilise the services of the applicant for his personal work. As the applicant became vocal against such acts of the respondents no.5 and refused to do his personal work, he earned a lot of misfortune for him. For ~~exam~~ instance, the applicant sometimes used to come to school on a car owned by his elder brother. Seeing this, the respondent no.5 started asking the applicant to leave the car for his personal use as and when necessary. The applicant, though initially acted to the orders of the respondent No.5, finally became vocal against such action of the latter and thus earned the ire of respondent no.5. The respondent no.5 sat in a fault finding mission against the applicant and started harassing him on one pretext or another as have been explained in the original application.

5. That with regard to the statements made in paragraph 4 of the application the applicant denies the correctness of the same and states that the facts and circumstances of the case and more particularly the instances given in the original application clearly shows the vindictive

attitude of the respondent no.5 and the nature and quantum of harassment meted out to him.

It is stated that by practice teachers diary is maintained by the subject teachers and not by SUPW Teacher. The teacher's diary is maintained by the subject teachers to assess the standard of the student and improvements made by them. The applicant being a SUPW Teacher takes the ~~class~~ class of Work Education. However, on being asked by the Respondent No.5, the applicant started maintaining the Teacher's Diary regularly and this will be evident if the records are called for by this Hon'ble Tribunal for perusal.

Regarding the querry raised by the guardians that the students do not know the full form of SUPW nor the syllabus of SUPW, the applicant states that in fact the said question was raised by the parent of a student of Class -II. It is stated that the applicant duly clarified the point to the guardian that the Class of SUPW starts from the VIth Standard and hence a student of ClassII cannot be expected to know anything about SUPW. It is further stated that the document annexed vide Annexure - 2D to the written statement would justify this fact. The applicant begs to rely upon the syllabus of SUPW at the time of hearing, if need be.

That with regard to the averment made in connection with adverse reports against the applicant it is stated that at no point of time such reports were furnished to him and as such he is unable to make any comment thereon. However, it

However, it has been admitted by the respondent no.5 that he submitted a proposal for transfer of the applicant whereupon the impugned order of transfer has been issued. It is, therefore, evident that the transfer is punitive in nature and thus liable to be set aside.

6. That with regard to the statements made in paragraph 5 to 7 of the written statement, the applicant reiterates his contention as made in paragraph 4.5 of the Original Application inasmuch as the facts and circumstances stands narrated therein. He, however, begs to annex herewith the certificate dated 26.2.99 issued by the then acting Principal of the school as Annexure - R1 in support of his contention.

7. That the applicant denies the correctness of the averments made in paragraph 8 of the written statement and further begs to state that from the very admission of the respondent no.5 made in paragraph 4 of the written statement it is established that the impugned transfer order has been issued at his instance/recommendation. It is further established that the transfer was on administrative ground and not in Public interest and the respondent no.5 initiated the process of transfer to transform his verbal threat to transfer into reality.

8. That with regard to the statements made in paragraphs 9 and 10 of the written statement, the applicant

begs to state that the contentions of the respondent no.5 are ~~wrong~~ wrong and misleading. It is stated that as per provision of the Clause 10 of the Transfer Guidelines vacancy can be created for accomodating a person seeking choice station posting. It is pertinent to mention here that the respondents have made the following transfers in the year 2000 and 2001 in consideration of the request for choice station posting :-

Transferred			
Year	Name of the Teacher	From K.V.	To K.V
2000	Jagadish Paul	Dholchara	Masimpur
	Partha Das	Panisagar	Dholchara
2001	Shri B. Nath	Shillong	Srikona
	Shri S. Das	Srikona	Shillong

In this view of the matter the contentions of the Respondent No.5 is liable to be rejected.

9. That the applicant denies the correctness of the averments made in paragraph 11 of the written statement and begs to reiterate the contentions made in paragraph 4.9 of the original application. It is, however, denied that he refused to comply with any office order. In fact, on 18.1.2001 the respondent no.5 asked the applicant to acknowledge an order relieving him from duty although, the transfer order was not handed over to the applicant. But, as the applicant insisted for supply of the transfer order before the releive order was acknowledged the respondent no.5 started

beating him. The applicant, thereafter somehow managed to escape from the school without taking the transfer order . It is also denied that he refused to receive the registered letter sent to him via No. RL 3553 dated 18.1.2001. The photocopy of cover of the registered letter annexed vide Annexure -12 to the written statement also does not show that the same was refused to be accepted. As a matter of fact, the applicant could not receive the said registered letter inasmuch as by the time it went to be served upon him, he had come down to Guwahati to file the instant original application before this Hon'ble Tribunal. It is stated that the respondent no.5 got the document (vide Annexure-11) prepared by influencing the teachers of the school in an attempt to cover up his misdeeds.

10. That the applicant denies the correctness of the statement made in paragraph 12 of the written statement and states that the F.I.R. was not lodged on false grounds. It is also stated that after registration of the P.S. Case No. 8/2001 with the udharband P.S., a G.R. Case Vide No. 194/01 has been registered and the case is presently pending before the Court of Judicial Magistrate at Silchar.

11. That with regard to the contentions made in paragraph 13 of the written statement the applicant reiterates his contentions/averments made in paragraph 9 of the instant reply/rejoinder .

12. That with regard to the statements made in paragraph 14 of the written statement the applicant states that the statements are imaginary, baseless and devoid of reality and thus liable to be rejected.

13. That in view of what have been narrated in the foregoing paragraphs of this rejoinder, the contentions of the respondents made in the written statement are liable to be rejected and the applicant is entitled to the relief(s) prayed for and the original application deserves to be allowed with cost.

14. That this rejoinder/reply is filed bonafide and in the interest of justice.

Verification.....

V_E_R_I_F_I_C_A_T_I_O_N

I, Shri Sukhendu Bhusan Paul, working as SUPW Teacher, Kendriya Vidyalaya, Kumbhirgram, Dist. Cachar, applicant in this original application, do hereby verify and declare that the statements in paragraphs 1, 2, 3, 4, 5 7 and 9 are true to my knowledge and those made in paragraphs 6, 8 and 10 are true to the records of the case, and the rest are my humble submissions before this Hon'ble Tribunal.

Sukhendu Bhusan Paul

Signature.

ANNEXURE - R -1

KENDRIYA VIDYALAYA, AIR FORCE STATION
KUMBHIRGRAM

Distt. CACHAR
ASSAM
Pin : 788109

Date 26.02.99

TO Whom it may Concern

From M.E. AS Sri A.D. Purkayastha came to fit the fan in the class rooms, but hooks are not fitted, therefore they denied to fit the fans and other electrical works, although Mr. S.B. requested him to done the work properly, so it is for necessary action.

Sd/-

20.4.99
(T.N. Balakrishnan)

PRINCIPAL