

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

✓ (DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 309/2001

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

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

1. Orders Sheet. O.A. 309/2001 Pg. 1 to common order 413/2000 & 309/2001
2. Judgment/Order dtd. 27/09/2001 Pg. 1 to 7 allowed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 309/2001 Pg. 1 to 9
5. E.P/M.P. N.I.L Pg. to
6. R.A/C.P. N.I.L Pg. to
7. W.S. N.I.L Pg. to
8. Rejoinder. Pg. to
9. Reply. Pg. to
10. Any other Papers. Pg. to
11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendment Reply by Respondents.
15. Amendment Reply filed by the Applicant.
16. Counter Reply.

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

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

ORDER SHEET

APPLICATION NO. 309 OF 2001APPLICANT (s) Achhar SinghRESPONDENT (s) M.O.I. Toms (K.V.S.)ADVOCATE FOR APPLICANT(s) J.L. Sarkar, A. ChakrabortyADVOCATE FOR RESPONDENT(s) Cafe B.P. Todi, D. Gohain

Notes of the Registry	dated	Order of the Tribunal
<p>This application is in form but not in the format format. Petition is filed vide M.P. No. C.F. for Rs. 50/- deposited vide IPO/BD No 76 548389 Dated..... 8/8/2001</p> <p><i>[Signature]</i> By. Register.</p>	14.8.01	<p>Heard Mr. J.L.Sarkar, learned counsel for the applicant. The application is admitted. Call for the records. List it alongwith O.A. 413/2000 on 7/9/01.</p> <p><i>[Signature]</i> Member</p>
<p>Notice issued and sent to D.S. for issuing the Despatch No 1 W-3 by Regd Ad Vide D.No 3100 W 3102 dd 20/8/01</p> <p><i>[Signature]</i> 20/8/01</p>	7.9.01 14/8/01	<p><i>[Signature]</i> Vice-Chairman</p> <p>This case alongwith M.P. 32/01 and O.A. 413/2001, be listed on 20/9/01 for hearing.</p> <p><i>[Signature]</i> Member</p>
<p>There is no Division bench today. The case is adjourned to 27.9.2001.</p> <p><i>[Signature]</i> 27.9.2001</p>	20/9.	<p><i>[Signature]</i> Member</p>
<p>① Service report are still awaited.</p> <p><i>[Signature]</i> 6/9/01</p> <p>30.10.2001 Copy of the brief has been sent to the D.S. for fixing the date for the hearing as well as to the L.P. for as well as to the Respondent.</p>	27.9.2001	<p>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.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.413 of 2000

With

Original Application No.309 of 2001

Date of decision: This the 27th September 2001

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

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

O.A.No.413/2000

Shri Achhar Singh
Kendriya Vidyalaya, Dinjan,
District- Dibrugarh, Assam.

.....Applicant

By Advocates Mr J.L. Sarkar, Mr N. Choudhury and
Mrs S. Deka.

- versus -

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Human Resource Development,
New Delhi.
2. The Kendriya Vidyalaya Sangathan, represented by the
Secretary-cum-Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
New Delhi.
3. The Commissioner,
Kendriya Vidyalaya Sangathan
(Vigilance Section),
New Delhi.
4. Dr E. Prabhakar,
Ex. E.O., KVS (G.P.),
And at present E.O. KVS (HQ),
New Delhi.
5. Mr S. Vijay Kumar,
Ex E.O. KVS (G.P.),
At present (E.O.)
Vigilance, KVS (H.Q.),
New Delhi.
6. The Chairman,
Vidyalaya Management Committee, Dinjan,
District- Dibrugarh, C/o 99 APO.

.....Respondents

By Advocate Mr S. Sarma.

O.A.No.309/2001

Shri Achhar Singh,
Dinjan, Assam.

.....Applicant

By Advocates Mr J.L. Sarkar & Mr A. Chakraborty.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Human Resource Development, New Delhi.
2. The Vice-Chairman, Kendriya Vidyalaya Sangathan, New Delhi.
3. The Commissioner, Kendriya Vidyalaya Sangathan, New Delhi.

.....Respondents

By Advocate Mr S. Sarma.

.....
O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

Both the applications are related and accordingly they were taken up together for hearing. In O.A.No.413 of 2000 the legitimacy of the imposition of penalty of dismissal from service vide order dated 3.11.2000 by the Commissioner, Kendriya Vidyalaya Sangathan is challenged and in O.A.No.309 of 2001 the order of Appellate Authority dated 11.4.2001 upholding the order of dismissal is under challenge. The basic facts relevant for the purpose of adjudication are summed up below:

The applicant initially joined the Kendriya Vidyalaya Sangathan (KVS for short) as a Primary Teacher on 23.2.1979. In the year 1981, he was selected as Trained Graduate Teacher (TGT for short) as was posted at KVS, Sibsagar, ONGC. In the year 1984 he was selected as Post Graduate Teacher (PGT for short) in History and posted in the same school. In due course the applicant was selected for the post of Principal, KVS and he joined at KVS, Dimapur on 8.8.1995. The applicant was thereafter posted from place to place and till the impugned order was passed he was posted at KVS, CRPF, Amerigog, Guwahati. While he was working as Principal in KVS, CRPF, Amerigog the applicant was served with a Memorandum containing statement of articles of charge containing four articles of charge which are reproduced below:

ARTICLE I

"That the said Shri A. Singh while functioning as Principal in K.V., CRPF Amerigog during the period 1996-98 was appointed as Co-ordinator to conduct the test for LDC (Hindi) and UDC. He sponsored the name of his brother for invigilation in the test of LDC whereas his brother was a candidate for the post of UDC. Hence he has concealed the facts that his brother was appearing in the test in the same R.O., Gauhati. Thus Shri A. Singh has acted in the manner of unbecoming of a KVS employee and has violated Rule 3(1)(iii) of CCS (Conduct) Rule, 1964 as extended in the KVS employees.

ARTICLE II

That during the aforesaid period Sh. A. Singh being the co-ordinator, appointed Shri A.K. Choudhury, PGT (Eng) as examiner for evaluation of UDC Test Paper (English). But he got the note-books bearing Roll No.8, 13, 22 and 78 (who were his and KVS staff relatives) evaluated by someone else and put foged signatures of Shri Choudhury on the cover pages of notebook.

This act on the part of Shri A. Singh constitutes a misconduct which is in violation of Rule 3(1)(i) & (iii) of CCS (Conduct) Rules 1964 as extended to the employees of K.V.S.

ARTICLE III

That Shri A. Singh, Principal, K.V., CRPF Amerigog being the co-ordinator of UDC & LDC Test got the papers of UDC evaluated by someone else and compelled Smt. John Bridge Rose, PGT(Eng) to put her signature on each note book and award list in a token of setting and evaluating the papers by calling her at his residence.

This act on the part of Shri A. Singh constitutes a misconduct which is unbecoming to an employee of KVS in violation of Rule 3(1)(i)&(iii) of CCS (Conduct) Rules, 1964 as extended to the employees of K.V.S.

ARTICLE IV

That Shri A. Singh, being the co-ordinator of above test helped some candidates for getting them selected for the post of UDC who were related to the staff of K.V. and K.V.S., Guwahati Region by manipulating the answers in G.K. paper and giving solved papers to these students as been confirmed from Roll No.22, 78 and 13 because the answers for Q.No.1,2 & 8 almost the rapiles. Further Roll No.22 who is the brother of Shri B.P. Yadav, PGT, K.V. Amerigog appeared in the L.D.C. test also got 27 marks out of 100 in L.D.C. exam whereas he scored 83 marks out of 100 in UDC test which is very amazing.

This act on the part of Shri A. Singh constitutes a misconduct which is in violation of Rule 3(1)(i) & (iii) of CCS (Conduct) Rules 1964, no extended to the employees of K.V.S."

2. The applicant submitted his written statement denying the allegations. An Inquiry Officer was appointed to enquire into the charges and on completion of the enquiry the Inquiry Officer submitted his report.

The.....

The Inquiry Officer, on enquiry, found that articles I and II were not proved, articles III was established and article IV was partially established. The applicant submitted his representation questioning the legality of the findings of the Inquiry Officer. The Disciplinary Authority finally by its order dated 3.11.2000 imposed the penalty of dismissal from service. The applicant preferred an appeal before the Appellate Authority, which was also turned down vide order dated 11.4.2001. Hence these two applications.

3. Mr J.L. Sarkar, learned counsel for the applicant, assailing the order of dismissal, submitted that the impugned orders are vitiated by the breach of the principles of natural justice and the statutory provisions. The learned counsel further submitted that the essential ingredients of the alleged imputations since not proved the impugned order of dismissal is not sustainable in law.

4. Mr S. Sarma, learned counsel for the respondents, opposing the application strenuously contended that a proper enquiry was held giving every opportunity to the applicant to defend his case and thereafter on assessment of the facts on the basis of the materials on record the impugned orders were passed bonafide.

5. In view of the fact that articles I and II were not proved and established we are not inclined to dwell on to those two articles of charge. As regards articles III and IV, the Inquiry Officer found article III to be proved and article IV to be partially proved. The only evidence to prove and establish the guilt of the applicant was the statement of Ms John Bridge Rose. Ms John Bridge Rose was a PGT (English) teacher. As per the articles of charge the applicant as the Principal, KVS, CRPF, Amerigog and as the co-ordinator of UDC and LDC Test got the papers evaluated by someone else and compelled Ms Rose to put her signature and award list in a token of setting and evaluating the papers by calling her at his residence. Admittedly, the applicant was not a co-ordinator of the UDC test. The connecting evidence implicating the applicant was that of the statement of Ms Rose. On their own showing the aforementioned statement of Ms Rose was recorded ex parte on 24.1.2000. The enquiry was conducted in Delhi and in Dehradun. In some of the enquiries the applicant was not present. When the enquiry was held on 6.1.2000 and 7.1.2000, the applicant attended on both days and crossexamined all the four witnesses. The

other witness, Ms John Bridge Rose, was absent on that day and so her evidence was not recorded and the applicant returned to Dinjan in Assam. On 24.1.2000 when Ms Rose attended the enquiry the Inquiry Officer recorded her evidence in the absence of the delinquent officer. According to the delinquent officer though he was aware of the date of enquiry, the call letter was not sent to him. He pointed out that such letter was necessary to get the relieving order from the Chairman as well as station leave permission and for the purpose of TA/DA and also to get the assistance of the Defence Assistant. He also stated that the Audit Superintendent did not pass the bill without proper order or relieving order. For that reason he could not attend the enquiry on 24.1.2000 at Delhi. As regards the enquiry held on 14.2.2000, the applicant stated that he received the communication dated 27.1.2000 from the Inquiry Officer asking him to attend the enquiry on 14.2.2000. Accordingly the applicant started the journey on 10.2.2000 after taking station leave permission from the Chairman. However, when he reached Guwahati he felt acute pain in the stomach since he was a diabetic, hypertension and gall bladder stone patient and he had to terminate his journey at Guwahati and at the instance of the doctor he did not undertake further journey. The applicant narrated all these facts in the written statement submitted before the authority after receipt of the enquiry report. It may be stated that the applicant submitted an application before the Inquiry Officer praying for adjournment on medical ground on 24.1.2000. Instead, Ms Rose was examined in the absence of the applicant and the Inquiry Officer closed the enquiry and fixed 14.2.2000 for defence evidence at Delhi. From the enquiry report it appears that on 24.1.2000 Ms Rose was present and the applicant was absent. The Inquiry Officer adjourned the meeting upto 2-00 P.M. on 24.1.2000 and again resumed the hearing at 2-45 P.M. and asked the Presenting Officer to proceed further with the prosecution case in the absence of the applicant. The witness No.5 was examined by the Presenting Officer and at the end the Inquiry Officer also sought clarifications from the said witness and the hearing on 24.1.2000 was closed

with.....

with the passing of an order on the daily order sheet by the Inquiry Officer to the effect that the applicant should attend regular hearing on 14.2.2000 along with his Defence Assistant. On 14.2.2000 when the applicant was absent, according to the Inquiry Officer, without any intimation, the Inquiry Officer decided to hold the proceedings in the absence of the applicant and since the Presenting Officer had already closed his prosecution case on 24.1.2000 and the applicant had failed to defend his case by remaining absent, the case from the defence side was deemed to have been closed. The Inquiry Officer also directed the Presenting Officer to submit his written brief latest by 24.2.2000 with a copy to the applicant.

6. From the materials on record it thus appears that the Inquiry Officer did not provide the applicant any opportunity even to submit his defence as required under Sub-rule (16) of Rule 14. As per the rule the applicant was entitled to defend himself effectively by placing and proving his own case. The Inquiry Officer could not have closed the defence evidence in the manner he did. At any rate, what we find is that the charge No. III was sought to be proved by the testimony of a witness, whose statement was recorded ex parte. In our view for the sake of fairness the applicant should have been given an opportunity to prove and establish his case, if necessary by recalling Ms Rose for cross-examination. The material evidence evidence in support of article III did no prima facie establish the involvement of the applicant. As regards article IV, the Inquiry Officer himself found that for the so called irregularities that came to light the applicant could not be charged. On his own findings, the Inquiry Officer stated that the prosecution had failed to produce any evidence to the effect that the applicant was in any way connected with the UDC examination except that the applicant on the direction of the A.C.(G.R.) deputed Shri S.P. Kumar, PGT and Shri Choudhury TGT(Eng) for the evaluation of the answerscripts. But, nonetheless, according to the Inquiry Officer from the analysis of the facts presented by the Presenting Officer and the reply of the applicant it led to the inference that the applicant was very much handling the answerscripts of the UDC test notwithstanding the fact that officially he.....

he was not appointed in any capacity to work in the UDC test. The Inquiry Officer drew the inference that the possibility of the involvement of the applicant as head of the Vidyalaya where the tests were conducted in manipulation of certain answerscripts could not be ruled out. The entire finding of the Inquiry Officer to that effect was based on assumption and presumption without basing on any material on record. The Disciplinary Authority mechanically accepted the report of the Inquiry Officer. The Disciplinary Authority also acted on assumption and presumption and in reaching the finding, it huddled upon hypothesis of the likelihood of the involvement of the applicant as head of the Vidyalaya wherein the tests were conducted could not be ruled out. The impugned order of the Appellate Authority also suffers from the same infirmity. The Appellate Authority reached the finding that the applicant exerted his influence as Head of the Institution to prevent proper evaluation of the answerscripts. According to the Appellate Authority this is itself was indicative of the malafide intention of the applicant to ensure that answerscripts of some people who were relatives of the employees of the school were not properly evaluated. The finding of the Appellate Authority is patently perverse and distorted. The materials on record clearly point out that the applicant was denied a fair opportunity to defend his case - the denial of the opportunity to state his defence itself has caused great miscarriage of justice.

7. On assessment of all aspects of the matter we are of the view that the impugned order of dismissal dated 3.11.2000 passed by the Commissioner is liable to be set aside and accordingly the same is set aside. Similarly, the order of the Appellate Authority dated 11.4.2001 is also liable to be set aside and accordingly the same is set aside.

8. The application is allowed. The applicant shall forthwith be reinstated in service with full wages and the consequential service benefits.

No order as to costs.

Sd/VICE CHAIRMAN

Sd/MEMBER (A)

फैसलीय प्रश्न सनिक अधिकारण
Central Administrative Tribunal

१० AUG 2001

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati

Achhar Singh

OA No. 309 of 2001

Sri Achhar Singh

Vs

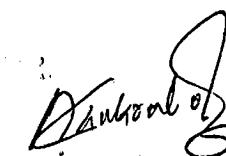
The U.O. I & Others

I N D E X

Page No.

1. Application	1- 6
2. Verification	7
3. Annexure - A	8

Filed by:



Advocate

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati.

Central Administrative Tribunal
Guwahati Bench
10 AUG 2001
Guwahati Bench

OA. NO. 309 of 2001

Between

Sri Achhar Singh

S/o Late Sardar Mahinder Singh

Dinjam, Assam.

.... Applicant

- And -

1. Union of India

Represented by the Secretary
to the Govt. of India, Ministry
of Human Resource Development,
Sastri Bhawan, New Delhi - 1.

2. The Vice Chairman

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

.... Respondents

3. The Commissioner

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

— Respondents

Particulars of the Application :

1. Particulars of the order against which the application
is made :

Filed by the applicant
through P. Chakrabarty
10/8/2001

Achhar Singh

The application is made against the Order No. 9-4/2001 -KVS (Bij.) dated 11.4.2001 passed by the respondent No. 2 confirming the penalty imposed by the disciplinary authority upon the applicant terminating service of the applicant.

2. Jurisdiction

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

3. Limitation :

The applicant declares that the application is within the period of limitation under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case :

4.1 That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the constitution of India.

4.2 That the applicant entered into the service under the Kendriya Vidyalaya Sangathan (for short KVS) as Primary teacher on 23-2-1979. Later on he was duly selected for the post of Principal KVS and joined ^{c/o} KV Dimapur on 8.8.1995. While the applicant was working as Principal of KV CRPF, Amerigog Guwahati in the year 1997 there was a selection for recruitment of LDC and UDC. The then Assistant Commissioner (GR), Dr. K. Rakesh by office order dated 15.12.97 appointed the applicant as co-ordinator for the examination/recruitment of LDC. Dr. K. C.

Archives

Rakesh himself co-ordinated the examination / recruitment of UDC. It is stated that some discrepancies and irregularities are alleged to have taken place in the UDC selection test which was under control of Dr. K. C. Rakesh, the then A.C. (G.R.). The matter went up to the Hon'ble Delhi High Court whereupon all actions of Dr. Rakesh concerning UDC selection and his orders/actions on or after 11.12.97 were adjudged illegal consequently Dr. Rakesh was not permanently absorbed in the KVS and was terminated.

4.3 That a charge sheet in connection with the aforesaid irregularities in UDC selection was issued against the applicant although he was not involved in the process at all. The applicant submitted reply to the said charges denying the same and prayed for his dropping the charges. An inquiry was held and the Inquiry Authority submitted his report and held the applicant guilty under charge No. III. Thereafter, the applicant submitted representation against the Inquiry report. The Disciplinary Authority by order dated 3.11.2000 terminated the service of the applicant. Being aggrieved by the said order dated 3.11.2000 the applicant filed an original application before this Hon'ble Tribunal which has been registered and numbered as OA No. 413/2000. The said OA is pending for disposal.

4.4 That during pendency of the said OA No. 413/2000 the applicant filed appeal before the respondent No. 2, the appellate authority, on 2-1-2001 and prayed for reinstatement. Most unfortunately the respondent No. 2 by an order

dated 11.4.2001 confirmed the penalty imposed by the Disciplinary Authority. The applicant craves for the liberty to refer to the appeal at the time of hearing of this O.A.

Copy of the order dated 11.4.2001 is enclosed.
as Annexure - A

4.5 That, the appellate authority has passed the order without going into the facts. He has not considered the fact that the applicant was not in any manner entrusted with the job of UDC selection. The appellate order is as such perverse.

4.6 That the appellate authority has solely relied upon the order passed by the disciplinary authority without going through the evidence and without justifying the order of the disciplinary authority with reasons.

4.7 That the appellate authority passed the order mechanically and non-application of mind is explicit in the order. The conclusion that the applicant exerted influence is erroneous.

4.8 That the applicant prays for the analogous hearing of this application with the OA No. 413/2000.

5. Grounds for reliefs with legal provisions :

5.1 For that the findings of the Inquiry Authority as to charge No. III and IV being perverse, and not based on materials on records the Disciplinary and the Appellate Authority erred in relying upon the said Inquiry report and hence the impugned order is liable to be set aside and quashed.

5.2 For that both the disciplinarily and the Appellate Authority has committed an error in law as well as in facts in passing the impugned orders and hence the impugned order is liable to be set aside and quashed.

5.3 For that the termination order was passed in gross violation of natural justice and hence the impugned order is liable to be set aside and quashed.

5.4 For that in any view of the matter the impugned order is bad and is violative of Articles 14 and 21 of the constitution of India and hence the impugned order is liable to be set aside and quashed.

5.5 For that no role of the applicant in the charges levelled against him and his involvement could not be established and hence the impugned order is liable to be set aside and quashed.

6. Details of remedy exaushted :
That the applicant has exhausted remedy.

7. Matters not pending before any other court :
The applicant declares that he has not filed any other case in any tribunal or court against the impugned order dated 11.4.2001. The applicant also declares that he has filed an OA No. 8 413/2000 before this Hon'ble Tribunal against the order of the disciplinary authority, which is pending for disposal.

8. Reliefs sought for :

Under the facts and circumstances of the case, the

A. M. Khan /

applicant prays for the following reliefs :

- 8.1 The order dated 11.4.2001 issued by the respondent No. 2 (the Appellate Authority) confirming the penalty of termination of service of the applicant by the Disciplinary Authority by an order dated 3.11.2000 be set aside and quashed.
- 8.2 The applicant be paid all service benefit including monetary benefits during the period he has been kept out of employment.
- 8.3 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the grounds stated in para 5 above.

9. This application has been filed through Advocate.
10. Particulars of postal order.

i)	IPO NO.	:	76 54 8389
ii)	Date of issue	:	8/8/2001
iii)	Issued from	:	Guwahati
iv)	Payable at	:	Guwahati

11. Particulars of Enclosures :

As stated in the index.

..... Verification.
..... Affidavit

Verification

I, Sri Achhar Singh aged about 50 years, son of Late Sardar Mahindar Singh resident of Dinjan, Assam do hereby verify that the statements made in para 1,4,6 to 11 are true to my personal knowledge and those made in para 2,3 and 5 are true to my legal advice and that I have not suppressed any material facts.

And I sign this verification on this ^{8/5}..... day of August, 2001.

Achhar Singh

SIGNATURE

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

SPEED POST/CONFIDENTIAL

F. No. 9-4/2001-KVS (Vig.)

Dated: 11-4-2001

ORDER

WHEREAS the penalty of 'Dismissal' from service was imposed upon Shri Acchar Singh ex-Principal, Kendriya Vidyalaya Dinjan, by the Commissioner, KVS, being the Disciplinary Authority, vide order no.F.8-25/98-KVS[GR] dated 3.11.2000.

WHEREAS the said Shri Acchar Singh filed an OA no. 413/2000 in CAT Guwahati Bench against the impugned order of the Disciplinary Authority dt. 3.11.2000. The Hon. CAT in its interim order dated 30.11.2000 has directed the appellant to prefer an appeal before the authority within two weeks from that day; and if such appeal is preferred the respondents to consider the same and pass a reasoned order and furnish a copy of the order to the applicant. Accordingly, Shri Acchar Singh has submitted an appeal on 2.1.2001 against the said order of the Disciplinary Authority to the undersigned being the Appellate Authority.

AND WHEREAS based on the consideration of facts and circumstances of the case on record and contents in the appeal including the grounds adduced by the appellant and having heard him in person, the undersigned has come to the conclusion that the penalty imposed by the Disciplinary Authority is commensurate with the misconduct proved against him in the Inquiry. The evidence given by the witnesses are crystal clear that the Principal exerted his influence as Head of the Institution to prevent them from evaluating answer scripts properly. This in itself is indicative of malafide intention to ensure that answer scripts of some people who are relatives of the employees of the school should not be properly evaluated, was the real untenable motive of the Principal. He may not have been assigned the duty of carrying the test for UDC but as the Head of Institution, he has colluded with his colleagues and manipulated the marks of certain candidates who were so

Contd.....

Appealed
Chetan
Advocate
10/8/2001

clearly related to the employees of the school, including his own brother, that the total recruitment was cancelled altogether by the Hon'ble Court. Clearly, the appellant has not acted in good faith and on the contrary, he acted in a manner unbecoming of head of an institution. Thus the undersigned, after applying his mind and taking into consideration all the facts and circumstances of the case is of the conclusion that the findings of the disciplinary authority are warranted by the evidence on record.

NOW, THEREFORE, the undersigned, being the Appellate Authority, confirms the penalty imposed by the disciplinary authority and disposes of the appeal of Shri Acchar Singh ex-Principal, Kendriya Vidyalaya Dinjan accordingly.

6 ✓ C
[K.S.SARMA]
VICE-CHAIRMAN, KVS
&
APPELLATE AUTHORITY

Copy for information to:

1. Shri Acchar Singh ex-Principal, Kendriya Vidyalaya Dinjan
VIA Panijala, Dist. Dibrugarh [Assam]
2. The Assistant Commissioner, KVS Regional Office, Silchar
– with the instruction to get a copy of the order served
upon the said Sh Acchar Singh.
3. Supdt.[P & I], KVS[HQ]
4. The Assistant Commissioner, KVS[HQ]
5. Guard File.