

GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO.4  
(See Rule 42)

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

ORDER SHEET  
APPLICATION NO 121 OF 2001.

Applicant (s) *Sd/- Anil Kumar Shukla.*

Respondent(s) *MoI & Ors.*

Advocate for Applicant(s) *Mr Adil Ahmed.*

Advocate for Respondent(s) *KVS.*

Notes of the Registry Date

Order of the Tribunal

This application has  
been filed by Mr A. Ahmed  
Advocate for the applicant  
with all requisites and  
I.P.O Rs. 50/- vide NO.  
SG. 422692 dated  
19.3.2001.

30.3.01

Application is admitted. Call  
for records.

List on 23.4.01 for written  
statement and further order.

Issue notice to show cause  
as to why the interim order as  
prayed for shall not be granted.  
Returnable by two weeks.

List on 23.4.01 for interim  
order.

Laid before  
Hon'ble Court in  
necessary orders.

*ICL Shukla*  
Member

Vice-Chairman

29/3/2001  
Seal in offer (J)

pg

30/3/2001

23.4.01

List on 17.5.01 to enable the  
respondents to file written state-  
ment.

Member

Vice-Chairman

Service of Notice  
issued to the  
respondents vide D.  
No. 1254-58 dt. 9.04.01

pg

20.4.01  
No Writs & cause has  
been shown.

17.5.01

List on 14.6.2001 to enable the  
respondents to file written statement.

ICC Usha  
Member

Vice-Chairman

bb

Notice returned  
un-served on  
R.W.O.-1, by postal  
remarque "Incomplete  
address".

21/6/01

14.6.2001 List on 3.7.2001 for W/S.

B/O

NS.

03.07.01

Written statement has been filed by respondents nos. 2,3,4, and 5. Shri S.Sarma, appearing for respondents mentions that respondent no.1 Union of India may not file written statement. Mr. A.Ahmed, appearing for the applicant states that he has not yet received the copy of the written statement. Respondents may serve copy of the written statement to the applicant within 24 hours.

The case is listed for hearing on 17.8.01.

The applicant may file rejoinder, if any, within 2 weeks.

28.6.2001

W/S has been  
submitted by the Respondents  
No. 2, 3, 4. and 5.

ICC Usha  
Member

mb

17.8.01

17.8.01

The case is adjourned on the prayer of Mr. A.Ahmed, learned counsel for the applicant.

List on 10/9/01 for hearing.

14.8.2001

W/S has been filed  
on respondent No. 5.

NS.

mb

14.8.2001

10.9.01

Mr. Rejoinder has been  
billed.

16.8.01

ICC Usha  
Member

Vice-Chairman

26.11.2001

Rejoinder submitted  
by the applicant  
against the W/S.

bb

15/10

There is no written sum in today.  
The date is adjourned to 26.11.2001.

MLD

AE/DR

15/10

ICC Usha  
Member

Vice-Chairman

26.11.2001

(2) 3  
O.A. 121/2001.

Notes of the Registry	Date	Order of the Tribunal
<p>The case is ready for hearing.</p> <p>24.1.02.</p>	7.12.01	<p>Prayer has been made on behalf of Sri A. Ahmed, learned counsel for the applicant for adjournment of the case on the ground that he is unwell. Request for adjournment is accepted.</p> <p>List on 9.1.02 for hearing.</p> <p>Member (J)</p>
<p>The case is ready for hearing.</p> <p>24.1.02.</p>	9.1.02	<p>mb</p> <p>List on 25.1.02 to enable the respondents to obtain necessary instructions.</p> <p>IC Usha Member</p> <p>Vice-Chairman</p>
	25.1.02	<p>lm</p> <p>On the prayer of learned counsel for the applicant, the case is adjourned. List on 18.2.2002 g for hearing.</p> <p>IC Usha Member</p> <p>Vice-Chairman</p>
<p>15.2.2002</p> <p>Additional Response submitted by the applicant against the R/S submitted by Respondents.</p> <p>22</p> <p>Received S.K.S/102 20/3/02</p>	18.2.02	<p>mb</p> <p>On the prayer of Mr. U. K. Nair learned counsel on behalf of Mr. S. Sarma learned counsel for the Respondents case is adjourned to 7.3.02 for hearing.</p> <p>IC Usha Member</p> <p>Vice-Chairman</p>
<p>27.3.2002</p> <p>Copy of the Judgment has been sent to the Office for issuing the same to the applicant and copy of the same has already been sent to the learned counsel for the Respondents.</p>	7.3.2002	<p>lm</p> <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>IC Usha Member</p> <p>Vice-Chairman</p>
		<p>nkm</p>

## ANSWER TO THE QUESTION

Notes of the Registry Date Order of the Tribunal

## Section 1: General Information

19.00 19.00

1. *Leucosia* *leucosia* (L.) *leucosia* (L.) *leucosia* (L.)

2.  $\frac{1}{2} \times 10^3$   $\text{m}^3$   $\text{min}^{-1}$   $\text{m}^{-2}$   $\text{hr}^{-1}$

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## North Central Region 1200-1300 C.E. (Continued)

1960-1961  
T-1000-31

1. *Chlorophytum comosum* (L.) Willd. *var. comosum* (L.) Willd. *var. comosum* (L.) Willd. *var. comosum* (L.) Willd.

1000 2000 3000 4000 5000 6000 7000 8000 9000 10000

1. *Leucosia* (Leucosia) *leucosia* (L.) (Fig. 1)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 121 of 2001

7.3.2002  
Date of Decision.....

Anil Kumar Shukla

Petitioner(s)

Mr A. Ahmed Advocate for the  
Petitioner(s)  
Versus-

The Union of India and others

Respondent(s)

Mr S. Sarma and Mr B.C. Das

Advocate for the  
Respondent(s)

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

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

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Vice-Chairman

NU

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.121 of 2001

Date of decision: This the 7th day of March 2002

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

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

Anil Kumar Shukla,  
Primary Teacher,  
Kendriya Vidyalaya, O.N.G.C.,  
Nazira, District- Sibsagar,  
Assam.

.....Applicant

By Advocate Mr A. Ahmed.

- versus -

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

2. The Chairman,  
Kendriya Vidyalaya Sangathan,  
J.N.U. Campus, New Delhi.

3. The Commissioner,  
Kendriya Vidyalaya Sangathan,  
J.N.U. Campus, New Delhi.

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

5. Shri Vijay Bhatnagar,  
Principal,  
Kendriya Vidyalaya,  
O.N.G.C., Nazira,  
Assam.

.....Respondents

By Advocates Mr S. Sarma and Mr B.C. Das.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The applicant at the relevant time was working as a Primary School Teacher in the Kendriya Vidyalaya, O.N.G.C., Nazira. While he was so serving the following impugned orders were passed:

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"While the undersigned was on round in 5th period on 19.8.2000 it was found that Sri Anil Kumar Shukla, PRT was simply sitting in chair in class-IV(A) whereas the scheduled period in that period was for Maths. Again after 10 minutes the undersigned observed that Sri Anil Kumar Shukla was sitting idle, when asked he replied that Revision is going on whereas the entire blackboard was blank and students were busy in self studies.

On the same day in 7th period Shri Anil Kumar Shukla was found sitting in the CCA programme of Secondary section, when asked about his period he said, "My period is vacant" whereas his regular period was in IV(A).

On the same day in 8th period he continued there in CCA programme and again said that his period is vacant, whereas his regular period was in class III(A).

The aforestated act of Sri Anil Kumar Shukla is categorised as Subversive of discipline, wilful absence from the duty and deliberately misleading the authority, which is a very serious and grave act of indiscipline and misconduct.

The aforestated act is repetition of previous misconduct as communicated to him vide Memo No. KVS/Per/A.K. Shukla/2000-01/4218-19 dated 06.7.2000.

Now therefore the day i.e. 19.8.2000 is being treated as Dies-non in respect of Sri Anil Kumar Shukla, PRT If such type of activities or any other act of misconduct or indiscipline is observed in future, the necessary disciplinary proceedings under rule 16 of CCS(CCA) Rules 1965 will be initiated against the said Sri Anil Kumar Shukla, PRT."

"While the undersigned was in the station on 13.9.2000 Sri Anil Kumar Shukla, PRT sent the application of casual leave at the residence of Sri Y.N. Yadav, PGT (Hindi) whereas the academic inspection by Sri P.R.L. Gupta, Offg. Assistant Commissioner, KVS(SR) and Smt. Tilotama Baruah, Educational consultant to KVS was scheduled on the day.

Sri Anil Kumar Shukla, PRT was called to the office to resume the teaching work assigned to him so as to conduct academic inspection of all the teachers.

Sri Anil Kumar Shukla, PRT reported in vidyalaya at 8:30 a.m. and throughout the day was found sleeping on a student bench in a room just beside the Principal's chamber. Sri P.R.L. Gupta also went in the room and asked Sri Anil Kumar Shukla, "Why you are sleeping here?" Anil Kumar Shukla replied that he is not feeling well.

Sri Anil Kumar Shukla was warned by the Memo No. KVN/Per/A.K.S/2000-01/4218-19 dt. 06.7.2k and of even number 4422 dated 19.8.2000 that if such type of activities or any other act of misconduct or indiscipline is observed in future necessary action will be initiated against him.

Throughout the day sleeping in the vidyalaya premises, not performing the official duties, absence from the work is once again categorised as subversive of discipline.

Now therefore the day i.e. 13.9.2k on which aforesaid misconduct has been committed by the said Sri Anil Kumar Shukla, PRT is being treated as wilful and unauthorised absence from the work and hence the day 13.9.2k is being treated as 'DIES-NON'.

"You are absent from your duties with effect from 20.2.2001 without having obtained the prior permission, presuming your own application dated 15.2.2001 sent by Registered post as written permission as mentioned in the last para "therefore this may kindly be considered as written permission for leaving station and grant of leave".

"Since you are remaining absent from your duty without having proper permission, this act of yours is categorised as a wilful absence from duty which is subversive of discipline, therefore the entire period of absence is being treated as DIES-NON."

2. By the aforementioned orders the respondents, more particularly respondent No.5 ordered for treating the aforesaid periods as wilful and unlawful absence from duty and accordingly treated the aforesaid periods as dies non. The applicant, amongst others alleged malafide against the respondent No.5.

3. All the respondents including respondent No.5 submitted written statement denying and disputing the claim of the applicant.

4. We have heard Mr A. Ahmed, learned counsel for the applicant, Mr S. Sarma, learned counsel for respondent Nos.2, 3 and 4 and Mr B.C. Das, learned counsel for the respondent No.5.

5. On consideration of the materials on record it appears that the respondent No.5 passed the impugned orders treating the aforesaid periods as dies non without giving any opportunity to the applicant. An order in the nature of dies non is a <sup>nature</sup> ~~penal~~ order treating the period as non-.....

non-duty. Such order is, undoubtedly, penal in nature and therefore, such order can be passed only after giving a minimum opportunity concerned person for stating his case. Admittedly, the impugned orders were passed without giving any opportunity to the applicant. By the impugned orders the applicant was visited with civil consequences and therefore, the action of the respondents cannot be sustained. The impugned orders are, therefore, unsustainable on that ground alone. In the circumstances the aforementioned impugned orders dated 19.8.2000, Annexure D, 14.9.2000, Annexure H and 24.2.2000d, Annexure Q are set aside.

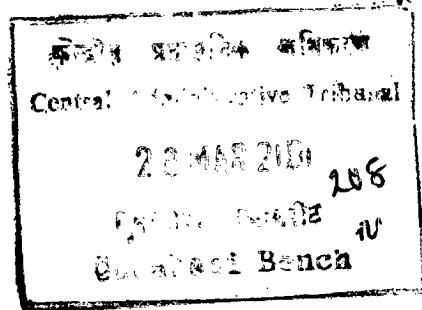
6. In view of our aforementioned finding, we are not inclined to go into the other issues that were raised by Mr A. Ahmed, learned counsel for the applicant and opposed by the Mr S. Sarma and Mr B.C. Das, learned counsel for the respondents.

7. The application is allowed to the extent indicated. There shall, however, be no order as to costs.

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

*D. N. Chowdhury*  
( D. N. CHOWDHURY )  
VICE-CHAIRMAN

nkm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. OF 2001.

Anil Kumar Shukla -Applicant.

**-VERSUS-**

Union of India & Others

**-Respondents.**

I N D E X

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Filed 6/9/68

Advocate.

(ASIC APPROVED)

~~X~~ Ans D p 19

Ann H. P. 24

Aug 10 34

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. OF 2001.

B E T W E E N

Anil Kumar Shukla  
Son of Sri Ram Kumar Shukla,  
Primary Teacher,  
Kendriya Vidyalaya, O.N.G.C.,  
Nazira,  
District Sibsagar,  
PIN-785685, Assam.

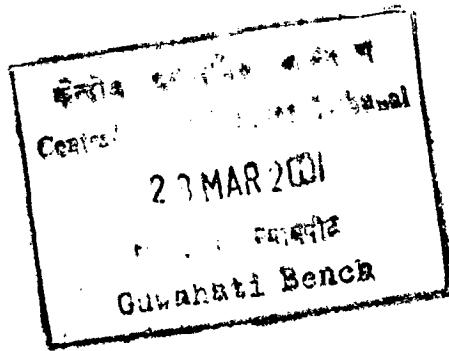
- Applicant.

-AND-

- 1] The Union Of India,  
represented by the Secretary  
to the Government of India,  
Ministry of Human Resource  
Development, New Delhi.
- 2] The Chairman,  
Kendriya Vidyalaya Sangathan,  
J.N.U. Campus,  
Mehrauli Road,  
New Delhi-67.
- 3] The Commissioner,  
Kendriya Vidyalaya Sangathan,

Anil  
Shukla

Shri Anil Kumar Shukla,  
Applicant  
J.S.  
Anil Kumar Shukla,  
Amritpur  
Assam



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J.N.U. Campus,  
Mehrauli Road,  
New Delhi-67.

4] The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Silchar Region, Hospital Road,  
Silchar.

5] Sri Vijay Bhatnagar,  
Principal,  
Kendriya Vidyalaya,  
O.N.G.C., Nazira,  
Dist-Sibsagar, Assam.

- Respondents.

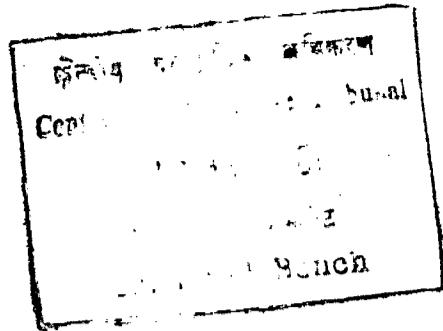
#### DETAILS OF THE APPLICATION:

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

The instant Original Application is directed against the impugned Office Order No. KVN/PER/AK Shukla/2000-01/4422 dated 19-08-2000 (Annexure- C); Office Order No. KVN/PER/AKS/2000-01/4542-44 dated 14-09-2000 (Annexure- E) and also impugned Reference No. F. PER/ AK Shukla/2000-01/PB-132 dated 24-02-2001 (Annexure- Q) issued by the Respondent No. 5 to the applicant treating his absence from duty as DIES-NON.

##### 2. JURISDICTION OF THE TRIBUNAL:

Shukla



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

### 3. LIMITATION

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

### 4] FACTS OF THE CASE:

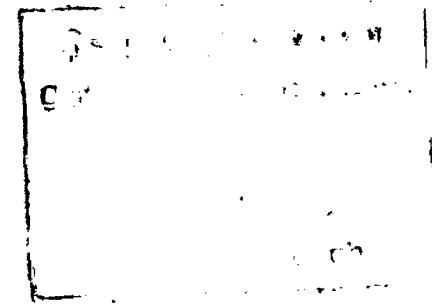
Facts of the case in brief are given below:

4.1 That your humble applicant a citizen of India and as such, he is entitled to all the rights and privileges and protection granted by the Constitution of India.

4.2. That your applicant is a Primary School Teacher of Kendriaya Vidyalaya, O.N.G.C.L., Nazira. He joined in the Kendriaya Vidyalaya on 01-11-1993 as a Primary Teacher. He was initially appointed at Kendriaya Vidyalaya, Tuli, Nagaland.

4.3. That your applicant begs to state that during his posting at Tuli (Nagaland) your applicant applied for permission to appear in the M.Sc. (Maths). The authority has given permission to the applicant vide Reference No. F. 305/KVT/94-95/ dated 25-08-1994. Your

*Asmukha*



applicant passed the said Examination. Now he is M.Sc. (Maths).

Annexure- A is the photocopy of said permission granted to the applicant by the authority.

4.4 That your applicant begs to state that he discharged his duties with full satisfaction to his higher authorities during his posting at Tuli (Nagaland). After that, he was transferred to Kendriaya Vidyalaya, ONGCL, Nazira in the District of Sibsagar (Assam). In the mean time your applicant again approached before the Principal, Kendriaya Vidyalaya, ONGCL, Nazira, namely, Sri Vijay Bhatnagar seeking permission to appear in the M.Ed. Examination. The Principal granted him permission to appear in the above said Examination with some terms and conditions vide his office order Reference No. F. KVN/PER/A K Shukla/PRT/2000-01/ 4145 dated 30-05-2000.

Annexure- B is the photocopy of said permission dated 30-05-2000.

4.5 That the applicant begs to state that after giving the above said permission to your applicant to appear in the M.Ed. Examination the Principal, Kendriaya Vidyalaya, ONGCL, Nazira, Sri Vijay Bhatnagar started harassing your applicant without any reason. The Principal issued an Office Order No. ABN/PER/AK Shukla/2000-01/4422 dated 19-08-2000. In the

*A. Shukla*

दिक्षिकारण  
प्राचीन अधिकारण  
प्राचीन अधिकारण

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said office order the Principal, Sri Vijay Bhatnagar put some allegations against the applicant and he also imposed penalty of DIES-NON for the day 19-08-2000.

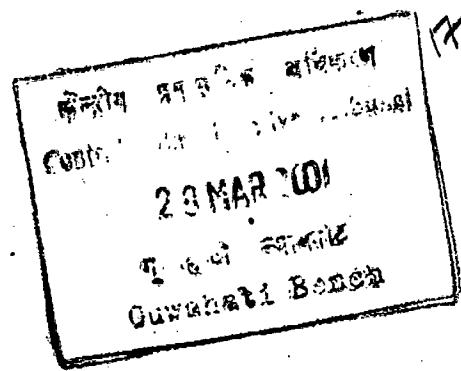
Annexure-C is the photocopy of the order dated 19-08-2000.

4.6 That your applicant begs to state that after receiving the said order dated 19-08-2000 your applicant filed a representation dated 25-08-2000 before the Principal, Kendriaya Vidyalaya, ONGCL, Nazira stating the point-wise clarification against the impugned Office Order dated 19-08-2000 and your applicant also requested the Principal, Kendriaya Vidyalaya, ONGCL, Nazira to expunged the DIES-NON. But the Principal, Kendriaya Vidyalaya, ONGCL, Nazira, i.e., the Respondent No. 5 refused to entertain the clarification given by the applicant.

Annexure-D is the photocopy of the above said representation dated 25-08-2000.

4.7 That the applicant begs to state that the Respondent No. 5 again issued an Office order No. KVN/PER/AKS/2000-01/4542-44 dated 14-09-2000 giving certain allegation against the applicant and again imposed DIES-NON on the applicant for the day of 13-09-2000. It is stated that your applicant was seriously ill on 13-09-2000 he was advised for two days rest by the Doctor. Accordingly, he informed his co-

Abhikta



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teacher Sri Y. N. Yadav, P.G.T. (Hindi) about his casual leave. But Sri Vijay Bhatnagar who has a personal grudge with the applicant had refused to give the casual leave and imposed a DIES-NON for 13-09-2000 to the applicant. Your applicant has submitted his representation against this order vide his letter dated 22-09-2000. He also submitted the necessary Medical Certificate and fitness certificate to the Principal, i.e., the Respondent No. 5. But the Respondent No. 5 refused to entertain his clarification.

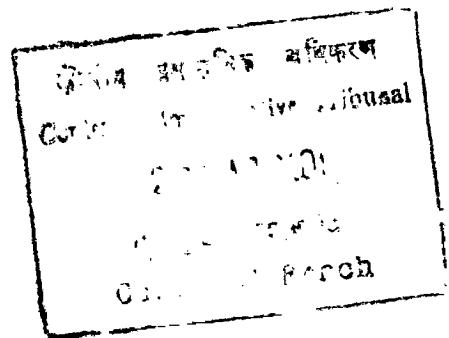
Annexure- E is the Photocopy of Office Order No. KVN/PER/AKS/2000-01/4542-44 dated 14-09-2000.

Annexure- F is the photocopy of representation submitted by the applicant before the Respondent No. 5 on 22-09-2000.

Annexure- G is the photocopy of Medical Certificate for leave and also fitness certificate.

4.8 That the applicant begs to state that the Principal, Kendriya Vidyalaya, ONGCL, Nazira, Respondent No. 5 cancelled the earlier permission Order issued to the applicant to appear in the M.Ed. Examination vide Office Order No. KVN/PER/AKS/ 2000-01/4545-47 dated 04-09-2000.

Asmukla



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Annexure-H is the Photocopy of above said order dated 04-09-2000.

4.9 That your applicant begs to state that on 03-09-2000 he filed an application for paternity leave from 15-09-2000 to 30-09-2000 before the Respondent No. 5. But the same was refused and the Respondent No. 5 issued an Office Memorandum to the applicant vide Reference No. KVN/PER/AK Shukla/2000-01/4792 dated 06-12-2000. In the above said Office Memorandum he was asked to submit written statement within 3(three) days explaining the reasons for such misconduct. The applicant submitted his written statement and representation on 05-12-2000 and 07-12-2000 with necessary Medical Certificates.

Annexure- I is the photocopy of Office Memorandum Reference No. KVN/PER/AK Shukla/2000-01/4792 dated 06-12-2000.

Annexure- J & K are the representation and written statement submitted against the impugned Office Memorandum

Annexure- L & M are the aforesaid Medical Certificates.

4.10 That your applicant begs to state that your applicant has claimed the LTC for the year 2000 and the amount of Rs. 7059/- was sanctioned by the authority. But the Respon-

Shukla

dent No. 5 vide his letter No. KVN/PER/AK Shukla/ 2000-01/4816 dated 15-12-2000 issued the recovery order against the claim of LTC by the applicant. It is also pertinent to mention here that the father of the applicant duly sworn an Affidavit before the Executive Magistrate, Sibsagar and declared that he along with his wife and his two children are fully dependent on the applicant. But the Respondent No.5 refused to entertain the same and started recovery of the LTC for the year 2000 from the applicant. position about the Dependent of the applicant.

Annexure- N is the photocopy of Letter No. KVN/PER/AK Shukla/ 2000-01/4816 dated 15-12-2000.

Annexure-O is the above said affidavit sworn before the Executive Magistrate.

4.11 That the applicant begs to state that he again requested the Respondent No.5 to grant him paternity leave along with station leave to go to his hometown w.e.f. 20-02-2001 to 06-03-2001 vide his letter dated 15-02-2001. But again the Respondent No.5, Sri Vijay Bhatnagar rejected his prayer and imposed DIES-NON for his absence from duty w.e.f 20-02-2001.

Annexure- P is the photocopy of leave application dated 15-02-2001.

Ashukla

Annexure- Q is the photocopy of Reference No. F. PER/AK Shukla/2000-01/PB-132 dated 24-02-2001.

4.12 That your applicant begs to state that he is serving in this institute with utmost sincerity and honesty but due to unknown reason the Respondent No. 5, Sri Vijay Bhatnagar has always abused him in front of his students and his colleague. It is worth to mention here that your applicant served in Tuli Kendriya Vidyalaya at Nagaland and he obtained his M.Sc. Degree with the permission of the Principal, Kendriya Vidyalaya, Tuli (Nagaland).

4.13 That your applicant begs to state that from the facts and circumstances it appears that Sri Vijay Bhatnagar, Respondent No.5, i.e., the Principal, Kendriya Vidyalaya, ONGCL, Nazira bearing a personal grudge over your applicant by harassing your applicant for last one year with a mala fide intention. Hence, your applicant is compelled to approach this Hon'ble Tribunal for seeking justice.

4.14 That your applicant begs to state that he is a poor employee and he is the sole earning member of his family. Now due to the impugned orders passed by the Respondent No. 5 the applicant is not receiving his full salary and also his entire LTC amount has been illegally recovered by the Respondent No.5. The act of the Respondents, particularly, the

Shukla

Respondent No.5 is arbitrary, mala fide, illegal and also with a motive behind to harass your applicant.

4.15 That your applicant begs to state that the Respondents have violated the principle of natural justice.

4.16 That your applicant submits that the action of the Respondents, particularly, the Respondent No. 5 is unlawful and also violative of the fundamental rights of the applicant.

4.17 That this application has been filed bona fide and for the interest of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, the impugned orders are prima facie illegal and not maintainable under law.

5.2 For that, the impugned orders are bad in law and liable to be set aside. The applicant was on his casual leave for the period due to genuine medical and his urgent domestic problems.

5.3 For that, malicious intention of the Respondent No. 5 is writ large from the facts borne by the Respondent No.

Abulkalam

5 passed the impugned orders to avenge his personal grudge against the applicant.

5.4 For that, the Respondent No.5 has got no power to take away the legal and the fundamental right of the applicant violating the principle of natural justice.

5.5 For the, in any view of the matter the action of the respondents are not sustainable and hence the same is liable to be set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicant except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

Aswata

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prays that your Lordship may be pleased to admit this petition and may call for records of the case, issue rule calling upon the Respondents to show cause as to why the relief should not be given to the applicant and after hearing the parties on the cause or causes that may be shown and on perusal of records your Lordships may be pleased to grant the following relief to the applicant.

8.1 To set aside and quash the impugned orders direct the Respondents to pass order declaring the Office Memo No. No. KVN/PER/AK Shukla/2000-01/4422 dated 19-08-2000 (Annexure- C); Office Order No. KVN/PER/AKS/ 2000-01/4542-44 dated 14-09-2000 (Annexure- E). and also impugned Reference No. F. PER/ AK Shukla/2000-01/PB-132 dated 24-02-2001 (Annexure- Q) issued by the Respondent No. 5.

Abulkla

8.2 To grant such further or other relief or reliefs to which the applicant may be entitled having regard to the facts and circumstances of the case.

8.3 Grant the Cost of this application to the applicant.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the Original Application the applicant most respectfully prays for an interim order for staying the impugned orders vide No. KVN/PER/AK Shukla/2000-01/4422 dated 19-08-2000 (Annexure-C); Office Order No. KVN/PER/AKS/ 2000-01/4542-44 dated 14-09-2000 (Annexure-E) and also impugned Reference No. F. PER/ AK Shukla/2000-01/PB-132 dated 24-02-2001 (Annexure- Q) issued by the Respondent No. 5 till final disposal of this instant Original Application.

10. Application Is Filed Through Advocate.

11. Particulars of I.P.O.:

I.P.O. NO. 5G422692

Date Of Issue 19.3.2001

Issued from Quadrant

Payable at Quadrant

12. LIST OF ENCLOSURES:

As stated above.

.. Verification.

Shukla

## VERIFICATION

I, Sri Anil Kumar Shukla, Son of Sri Ram Kumar Shukla, Primary Teacher, Kendriya Vidyalaya, O.N.G.C., Nazira, District Sibsagar, PIN-785685, Assam do hereby solemnly verify that the statements made in paragraphs 4.1, 4.2, 4.12, 4.13, 4.14 are true to my knowledge those made in paragraphs 4.3 to 4.11 are being matters of records are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification today on this the 29th day of March 2001.

Anil Kumar Shukla  
Declaration



- 16 -

ANNEXURE-A

# केन्द्रीय विद्यालय

## KENDRIYA VIDYALAYA

PAPER NAGAR, TULI  
NAGALAND-798623

संदर्भ सं.

Ref. No. F-305/KVT/94-95/

दिनांक

Dated 25/8/94

### OFFICIAL ORDER

Permission for acquiring higher degree with reference to his application 24.8.94 Shri Anil Kumar Sukla, PRT is hereby granted permission for acquiring M.Sc(Math) as per the condition given below:-

1. He is not granted study leave.
2. He will not claim for transfer on this ground.
3. As per terms and conditions for the KVS rules.

To

Sh. Anil Kumar Sukla

PRT

K.V.Tuli (Nagaland)

Copy to :-

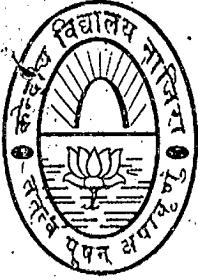
- (1) The Assistant Commissioner KVS (SR) for Nagaland information.
- (2) Personal File.
- (3) Office Copy.

Officer/PRINCIPAL

केन्द्रीय विद्यालय / Kendriya Vidyalaya

पुरुष तुलि

✓ *After ED*  
✓ *Amrita*



# KENDRIYA VIDYALAYA

ONGC Nazira, Dist-Sibsagar

## केन्द्रीय विद्यालय

ओ एन जी सी, नाजिरा, जिला-शिवसागर - 785685 (आसाम)

① 52232 (D O T)  
21041 (ONGC)

Ref. No. F.KVN/per/A.K.Shukla, PRT/2000-01/4145

Date. 30.5.2000

### OFFICE ORDER

After scrutiny of the application submitted by Shri A.K. Shukla, PRT, permission to appear at M. Ed. Examination for the session 2000-2001 from Annamalai University is hereby granted to Shri Anil Kumar Shukla, PRT in accordance with the provision of the Article - 68 of Education Code.

The permission to appear at an examination will further be subject to the condition that no preparatory leave for such examination shall be granted to the teacher concerned. He will only be allowed leave of the kind due, and if no leave is due extra-ordinary leave for the days of the examination plus the actual transit time to the place of the examination (both ways).

The undersigned reserves the right to withdraw the permission at any time in case of any misbehaviour or misconduct by Shri Anil Kumar Shukla, PRT.

( Vijay Bhatnagar )

Principal,  
Kendriya Vidyalaya Nazira.

Principal  
Kendriya Vidyalaya  
ONGC Nazira.

To  
Shri A.K. Shukla,  
Pry. Teacher,  
K.V. ONGC Nazira.

✓ *Abhishek*  
✓ *Admito*

KENDRIYA VIDYALAYA ONGC NAZIRA

No. KVN/Per/A. K. S/2000-01/4595-47

Date : 14.9.2000

OFFICE ORDER

Vide the office order No. KVN/Per/A. K. S/2000-01/4145 dated 30.5.2k the permission to appear at M.Ed.Examination for the session 2000-01 from Annamalai University was granted to Sri Anil Kumar Shukla, PRT.

During the last two months the repeated act of misbehaviour, misconduct and grave negligence in performing the assigned duties has been observed by the undersigned in the day to day behaviour of the said Sri Anil Kumar Shukla, PRT.

view Keeping the last para of the referred office order, the undersigned deems it fit in the larger interest of the vidyalaya to withdraw the permission so granted to the said Sri Anil Kumar Shukla, PRT for the M.Ed.Examination.

Now therefore Sri Anil Kumar Shukla, PRT is hereby instructed to act accordingly.

Copy to :-

( Vijay Bhatnagar )

Principal

Kendriya Vidyalaya  
ONGC, Dibrugarh (Assam)

1. Sri Anil Kumar Shukla, PRT, K.V.ONGC Nazira.
2. The Asstt. Commissioner, KVS, Silchar Region.
3. The Chairman, V.M.C.K.V.ONGC Nazira.

FFFFFFFFFF

*Abdul*  
*Abdul*  
*Baru*

No. KVN/Per/A. K. Shukla/2000-01/4422

Date : 19.8.2000

OFFICE ORDER

While the undersigned was on round in 5th period on 19.8.2000 it was found that Sri Anil Kumar Shukla, PRT was simply sitting in chair in class-IV(A) whereas the scheduled period in that period was for Maths. Again after 10 minutes the undersigned observed that Sri Anil Kumar Shukla was sitting idle, when asked he replied that Revision is going on whereas the entire blackboard was blank and students were busy in self studies.

On the same day in 7th period Shri Anil Kumar Shukla was found sitting in the CCA programme of Secondary section, when asked about his period he said, "My period is vacant", whereas his regular period was in IV(A).

On the same day in 8th period he continued there in CCA programme and again said that his period is vacant, whereas his regular period was in class III(A).

The aforesated act of Sri Anil Kumar Shukla is categorised as Subversive of discipline, wilful absence from the duty and deliberately misleading the authority, which is a very serious and grave act of indiscipline & misconduct.

The aforesated act is repetition of previous misconduct as communicated to him vide Memo. No. KVN/Per/A. K. Shukla/2000-01/4218-19 dated 06.7.2000.

Nowherefore the day i.e. 19.8.2000 is being treated as Dis-non introspect of Sri Anil Kumar Shukla, PRT. If such type of activities or any other act of misconduct or indiscipline is observed in future, the necessary disciplinary proceedings under rule 16 of CCS(CCA) Rules 1965 will be initiated against the said Sri Anil Kumar Shukla, PRT.

Copy to :-

(Vijay Bhatnagar)  
Principal

Kendriya Vidyalaya  
ONGC, Nazira (Assam)

1. Sri Anil Kumar Shukla, PRT.
2. The Assistant Commissioner, KVS, Silchar Region.
3. The Chairman, V.M.C. K.V.ONGC Nazira.

FFFFFFFFFF

After  
JL  
Sante

To,

The Principal,  
K.V., ONGCL,  
Nazira (Assam).

Sir,

Kindly refer to Office Order No. KVN/Pers/A.K. Shukla/2000-01 dated 19.08.2000, wherein certain observations have been made by the Principal, K.V., ONGC, Nazira. The point-wise clarification is submitted as follows :

1. As the Unit Test were scheduled w.e.f. 21.08.2000 ( 20.08.2000 being sunday ), the revision exercise was going on and the undersigned was closely monitoring the revision work of the students. The students were coming to the undersigned and getting their doubts cleared. ✓

2. Regarding the VIIth & VIIIth periods on the same day i.e. 19.08.2000, it may be submitted that VIIth & VIIIth period were not assigned to me as per the time table provided by the Incharge, Primary Section ( copy of the same time table enclosed ).

3. As far as Memo No. KVN/Pers/A.K. Shukla/ 2000-01 dated 06.07.2000 is concerned this was clarified to the Principal and he was appeared to be convinced by the facts/explanations given by the undersigned and it was given to understand by him that no further written submission was required by me.

In view of the above facts, the case may kindly be considered sympathetically and the "Dies-non" as proposed may be considered to be expunged and it may kindly be communicated to me accordingly.

Yours faithfully,

*Anil Kumar Shukla*

( Anil Kumar Shukla )  
P.R.T.  
K.V., ONGCL, Nazira  
( Assam )

Date : 25.08.2000.

Copy to :

1. The Asstt. Commissioner, KVS, Silchar Region.
2. The Chairman, UMC, KV, ONGC, Nazira.

*Reverd*

*25/8/2000*

*A. H. T.*  
*AB* —  
*Shukla*  
*Shukla*  
*Shukla*

To,

The Principal,  
K.V., ONGCL,  
Nazira.

Sir,

Kindly refer to Office Order No.KVN/Per/AKS/2000-01/4542-44 dated 14.9.2000 wherein certain observations have been made by the Principal, KV, ONGC, Nazira. Pointwise clarification is submitted as under :

1. The undersigned returned back at around 3.00 P.M. on 12.9.2000 from Silchar after escorting Sports participants from KV, ONGC, Srikona. Due to changed weather conditions and long journey. I was not feeling well and having high degree fever. On the same day I submitted my application (casual leave) in advance for 13.9.2000. When I entered in Principal Office, I was given to understand that the Principal was not in the Office at that time and Shri Y.N.Yadav was officiating as Incharge, Principal, KV, Nazira. Therefore, I submitted my application to Shri Yadav for granting the same.

As I was ill, I consulted GDMO, ONGC, Nazira on 12.9.2000 (evening) who advised me to take two days rest with effect from 13.9.2000. Medical certificate issued from GDMO is enclosed herewith.

Next day i.e. 13.9.2000 when I was called to resume on duty by the Principal, I was having no option other than to resume on duty though I was not well.

On the same day when I was teaching in class-III(A), I fainted down, then three Teachers namely S/Shri M. Pandey, Ashok Kumar and ~~Km~~ Bora helped me to take to the staff room for rest. The students of my class-III(A) are also witnessed to it.

As the leave was not granted, I was forced to attend my duties on 13.9.2000 and 14.9.2000 against the advise of GDMO, ONGC, Nazira.

The undersigned also met the Principal in person and narrated my plight to him. I also clarified the misunderstanding created on 13.9.2000 due to my illness during that period.

A.H.T.  
S. —  
Aman

In view of the above submitted facts, the case may be viewed accordingly & dies non as proposed may be considered to be expunged. The same may also kindly be communicated to me.

Yours faithfully,

*Anil Kumar Shukla*

( Anil Kumar Shukla )  
P.R.T.  
K.V., ONGCL, Nazira,  
(Assam)

Dated:

22.09.2000

Copy to :

1. The Asstt. Commissioner, KVS, Silchar Region.
2. The Chairman, VMC, KV, ONGC, Nazira.

Received on 23.9.2000

at 11.10 a.m.

*S. AP*  
23/9/2000 LDC

*ABSL*  
*DS* — *ABSL*

## MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

Signature of an Employee A. S. Paul

39

Civil Surgeon/Staff Surgeon  
 Authorised Medical Attendant  
 of Registered Medical Practitioner.

do hereby certify that I have carefully examined Sh/Smt Anil Kumar Shukla whose signature is given above, and find that he/she has recovered from his/her illness and is now fit to resume duties in service. I also certify that before arriving at this decision, I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at my decision.

Civil Surgeon/Staff Surgeon  
 Authorised Medical Attendant  
 Registered Medical Practitioner.

Date 15/9/2k

## FORM - C

MEDICAL CERTIFICATE FOR EMPLOYEES RECOMMENDED LEAVE OR  
EXTENSION OF LEAVE OR COMMUTATION OF LEAVE.Signature of Employee A. S. Paul

I, A. S. Paul after careful personal examination of the case hereby certify that Sh/Smt Anil Kumar Shukla whose signature is given above, is suffering from U.R.T.I and I consider that a period of absence from duty of 2 days with effect from 15/9/2k is absolutely necessary for the restoration of his/her health.

Authorised Medical Attendant,  
 N.R.S.R.S.C. Hospital/Dispensary,  
 or other Medical Practitioner  
 (Registered)

Date 12/9/2k (3:00 pm)

*Attested*  
*18/1*  
*Adarsh*

## KENDRIYA VIDYALAYA ONGC NAZIRA

No. KVN/Per/A. K. S/2000-01/AS92-44

Dated : 14.9.2000

OFFICE ORDER

While the undersigned was in the station on 13.9.2000 Sri Anil Kumar Shukla, PRT sent the application of casual leave at the residence of Sri Y.N. Yadav, PGT(Hindi) whereas the academic inspection by Sri P.R.L.Gupta, Offg. Assistant Commissioner, KVS(SR) and Smt. Tilotama Baruah, Educational consultant to KVS was scheduled on the day.

Sri Anil Kumar Shukla, PRT was called to the office to resume the teaching work assigned to him so as to conduct academic inspection of all the teachers.

Sri Anil Kumar Shukla, PRT reported in vidyalaya at 8:30 a.m. and throughout the day was found sleeping on a student bench in a room just beside the Principal's chamber. Sri P.R.L.Gupta also went in the room and asked Sri Anil Kumar Shukla, "Why you are ~~xx~~ sleeping here ?" Anil Kumar Shukla replied that he is not feeling well.

Sri Anil Kumar Shukla was warned by the Memo No. KVN/Per/A. K. S/2000-01/4218-19 dt. 06.7.2k and of even number 4422 dated 19.8.2000 that if such type of activities or any other act of misconduct or indiscipline is observed in future necessary action will be initiated against ~~xx~~ him.

Throughout the day sleeping in the vidyalaya premises, not performing the official duties, absence from the work is once again categorised as subversive of discipline.

Now therefore the day i.e. 13.9.2k on which aforesaid misconduct has been committed by the said Sri. Anil Kumar Shukla, PRT is being treated as wilful and unauthorised absence from the work and hence the day 13.9.2k is being treated as 'DIES-NON'.

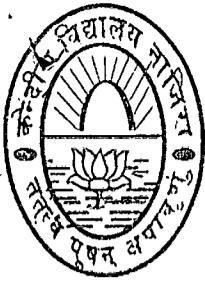
(Vijay Bhatnagar)  
Principal

Copy to :-

1. Sri Anil Kumar Shukla, PRT, K.V.ONGC Nazira. Kendriya Vidyalaya  
ONGC, Nazira (Assam)
2. The Asstt. Commissioner, KVS, R.O. Silchar.
3. The Chairman, V.M.C. K.V.ONGC. Nazira.

@@@@@@@

Approved  
Date



# KENDRIYA VIDYALAYA

ONGC Nazira, Dist-Sibsagar

केन्द्रीय विद्यालय

० 52232 (D O T)  
21041 (ONGC)

ओ एन जी सी, नाजिरा, जिला-शिवसागर - 785685 (आसाम)

Ref. No. KVN/Per/A. K. Shukla/2000-01/4792

Date. 06.12.2k

## MEMORANDUM

1. You submitted an application dated 03.9.2k to proceed on paternity leave from 15.9.2k to 30.9.2k to your hometown Divyapur(UP) alongwith a medical certificate dated 01.9.2k issued by ONGC Dispensary Nazira with expected date of delivery 03.9.2k, but ~~xxx~~ you did not proceed and resumed your duties 14.9.2k after availing the casual leave for dated 13.9.2k which was thereafter marked as disnon due to your act of misconduct and indiscipline.

2. You again submitted an application dated 30.10.2k for grant of paternity leave 01.11.2k to 15.11.2k alongwith a certificate issued by Executive Officer, Nagar Panchayat Divyapur dated 12.10.2k with the date of birth of your son on 21.9.2k. The leave was granted, tentative arrangement of part-time teacher against the leave vacancy was made but you did not proceed and joined your duties and consequently the vidyalaya administration had to face embrasement by cancelling the said engagement.

3. Once again you submitted an application dated 23.11.2k by registered post(RL No.3747 dt. 24.11.2k) for paternity leave from 27.11.2k to 11.12.2k but you did not proceed and joined your duties.

4. You again submitted an application dated 02.12.2k through registered post(RL No.4131 dated 02.12.2k) which was found in open and loose condition by the post office and after getting the same protected in a sealed cover was sent to the undersigned by the post office on 05.12.2k. The copy of the same application was submitted by you in person on 05.12.2k for granting paternity leave from 06.12.2k to 20.12.2k. But you did not proceed and attend school duties on 06.12.2k.

I could not understand the motive behind submitting the application again and again and not proceeding to your hometown for availing the said leave. It reflects upon your lack of general deportment which amounts to be a gross misconduct and delinquency on your part.

Now therefore you are hereby instructed to submit your written statement within three days explaining the reasons for such misconduct,

To

Sri Anil Kumar Shukla,  
PRT, K.V.ONGC Nazira

( Vijay Bhatnagar )  
Principal  
Kendriya Vidyalaya  
Nazira.

6/12/2k

Abdul  
JL +  
Ansari

To

The Principal,  
K.V., ONGC,  
Nazira (Assam)

Sub:- Casual leave on medical ground.

Sir,

With due respect, I would like to inform that I submitted an application on 2.12.2000 through my brother as I was suffering from sickness and applied for leave for 2 days w.e.f. 2.12.2000 to 4.12.2000. To this effect I had submitted a certificate from medical Suptd. ONGC, Nazira who examined me. The doctor advised me to take leave for the above mentioned days.

I have come to know that you have not sanction my leave only in the mid night of 2.12.2000 through Mr. Y.N.Yadav, P.G.T. (Hindi) over telephone.

Kindly let me know whether my above leave is granted by you or not. If you have not granted my leave kindly let me know the reason of not granting my leave.

Thanking you.

Dated : 5.12.2000

Yours faithfully,

Enclosure : Medical Certifi-  
cates.

(ANIL KUMAR SHUKLA)

P.R.T.

Copy to :- K.V., O.N.G.C., Nazira  
(Assam).

- 1) The Asstt. Commissioner, KVS,  
Silchar Region.
- 2) The Chairman, V.M.C., KV, ONGCL,  
Nazira.

After  
Signature

To

The Principal  
K.V., Nazira.

Date :- 07.12.2k.

Ref : - Your Memorandum dated 06.12.2k No. KVN/Per/  
A.K.Shukla/2000-01/4792.

Sub : - Written Statement of the above mentioned  
Memorandum.

Sir,

Respectively begs to state that I have received your memorandum mentioned above, I could not proceed to my home town on paternity leave on schedule dates as mentioned in your memorandum due to the fact that in all the occasions you did not inform me whether paternity leave as applied by me was granted by you or not in written. Unless and until I receive written permission from you to leave the station in order to avail the paternity leave. I cannot proceed to my home town.

The question of my gross misconduct and delinquency on my part does not apply in my case because I am always obedient to my superiors and always duty bound. There is no slur in my long Seven years service life. Hence you are requested to accept my written statement and do the needful from your end.

Yours faithfully,

*Anil Kumar Shukla*  
(Anil Kumar Shukla)  
PRT, K.V.ONGC Nazira.

*Recd*  
*AS/12/2k*

*AS/12/2k*  
*AS* —  
*Ananta*

MEDICAL CERTIFICATE FOR EMPLOYEES RECOMMENDED LEAVE OR  
EXTENSION OF LEAVE OR COMMUTATION OF LEAVES.Signature of Employee A. K. Shankar

Dr. A. S. Paranjape M.S., after careful personal examination of the case hereby certify that Sh/mt A. K. Shankar whose signature is given above, is suffering from severe M.R.D and I consider that a period of absence from duty of 3 with effect from 2/12/00 to 4/12/00 is absolutely necessary for the restoration of his/her health.

Authorised M/s. S. S. PARANJAPE, Dr. (M/s). S. S. PARANJAPE, ..... Medical Dispensary or other M.O.H.C. NAZIRA practitioner (Registered)

Date 1/12/00

A. S. Paranjape  
Advocate

FORM - B

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

Signature of an Employee *Paranjoy*

I, Dr. S. S. Paranjape M.B.B.S.

Civil Surgeon/Staff Surgeon  
Authorised Medical Attendant  
of Registered Medical Practitioner.

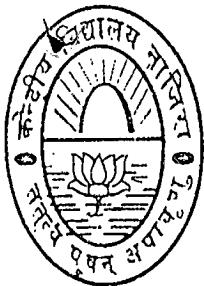
do hereby certify that I have carefully examined Sh/Shri A. K. Shukla  
whose signature is given above, and find that he/she has recovered from  
his/her illness and is now fit to resume duties in service. I also certify  
that before arriving at this decision, I have examined the original  
medical certificate(s) and statement(s) of the case (or certified copies  
thereof) on which leave was granted or extended and have taken these  
into consideration in arriving at my decision.

He is fit to join from 5/12/00.

Date 4/12/00.

Civil Surgeon/Staff Surgeon  
Authorised Medical Attendant  
of Registered Medical Practitioner.  
Dr. S. S. Paranjape  
O.I.G.C., NAZIMA

*Attest*  
*SS* *Done to*



30 -

ANNEXURE - N

# KENDRIYA VIDYALAYA

ONGC Nazira, Dist-Sibsagar

केन्द्रीय विद्यालय

052232 (D O T)  
21041 (ONGC)

ओ एन जी सी, नाजिरा, जिला-शिवसागर - 785685 (आसाम)

Ref. No. KVH/Per/A. K. Shukla/2000-01/ 4816

Date. 15.12.2000.

To

Sri Anil Kumar Shukla,  
PRT, K.V.ONGC Nazira.

Sub: IRREGULAR CLAIM OF LTC , 2000

Hometown

It is seen that you have claimed LTC from Nazira to Ranipur(UP) and back in respect of your father, mother and sister. After examining your LTC records availed earlier at K.V.Tuli, it infers that you have never claimed LTC in respect of your father, mother and sister. Since you have availed LTC for self only in 1994, 1995, 1996 and for only family in 1997.

While your transfer from Tuli to this place, you have drawn transfer TA claim only for yourself, your wife and dependant one brother, whereas, you have not claimed transfer benefits in respect of your father, mother and sister which also confirms that your father, mother and sister were not residing with you at Tuli.

As per article 112 of the Accounts Code mother, father and sister can be treated as member of family only if they are residing with the Sangathan's employee. Since they were not residing with you in Tuli, transfer TA benefits have not been claimed and presently too, they are not residing with you, LTC in respect of your father, mother and sister is not admissible.

Now therefore the amount of Rs.7059/- (Rupees seven thousand and fifty nine) claimed by you in respect of your father, mother and sister stands recoverable against you in lumpsum as per the extant provisions of the LTC rule.

( Vijay Bhatnagar )  
Principal  
Principal

Kendriya Vidyalaya  
Nazira.

After  
Sd/-  
Ansata



IN THE COURT OF THE MAGISTRATE AT SIVASAGAR :: ASSAM

Date: 29.3.2000

A F F I D A V I T

I, Sri Ram Kumar Shukla, son of Late Suraj Prasad Shukla, age about 55 years, permanent residence at Ranipur, P.O. Salhapur, District - Auriya, State - Uttar Pradesh, presently residing at Quarter No. B-76 ONGC Colony, Nazira within the district of Sibsagar, ASSAM, do hereby solemnly affirm and declare as follows :-

1. That I am an old man and having no source of income.

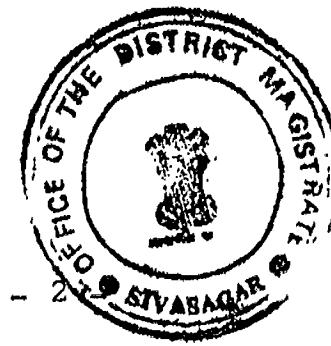
2. That Sri Anil Kumar Shukla is my eldest son.

3. That I and my wife Smti Nirmala Shukla and my minor son P. Harsahvardhan and my minor daughter are dependant on my eldest son Sri Anil Kumar Shukla and also residing with him in ONGC Colony, Nazira, Quarter No. B-76.

Contd...

*Attest  
Anil  
Shukla*

Ram Kumar Shukla  
(RAM KUMAR SHUKLA)



4. That my other two sons Sri Umesh Ch. Shukla and Omkar Shukla are residing at our original residence and they are unemployed and not able to look after ourselves.

5. That due to my old age I along with my wife and two childrens living with my eldest son Sri Anil Kumar Shukla under his care and we are all fully dependant on him.

Verification

The statements made in this affidavit are true to the best of my knowledge, belief and information and I swear and sign this affidavit before the Magistrate at Sivasagar on this the 29th day of March, 2000.

R K Shukla  
(RAM KUMAR SHUKLA)  
Deponent

Signed and solemnly affirmed before me by the deponent who is being identified by Sri Anil Kr. Shukla s/o R.K. Shukla.

Identified by :-  
Anil Kumar Shukla

Identifier is known to me

P. P. Sarma

(P. P. Sarma)  
Advocate

Affd 29/3/2000  
MAGISTRATE: SIBSAGAR

Executive Magistrate  
Sivasagar

Affd 29/3/2000  
Anil

To

The Principal

K. V. ONGCL Nazira  
(ASSAM)

Sub:- Request for granting paternity leave  
alongwith station leave permission.

Sir,

With due respect, It is submit that I like to go my home town w.e.f 20.02.2001 to 06.03.2001 to avail my paternity leave because my presence is utmost essential for my family needs as I have been informed over telephone. I will resume my duties on 07.03.2001 So, please grant me said leave and allow me to leave the station on 19.02.2001 (A/N)

Therefore, this may kindly be considered as written permission for leaving the station and grant of said leave.

Thanking you, Sir.

Yours faithfully  
Anil Kumar Shukla

Date 15.02.2001

Anil Kumar Shukla  
P.R.T.

Encl:-

1. Date of birth certificate.

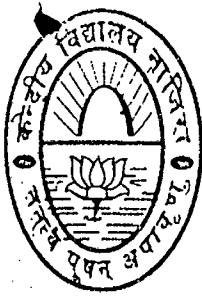
K. V. ONGCL Nazira  
(ASSAM)

Copy to:-

1. The Asstt Commissioner K.V.S  
Silchar Region.

2. The Chairman V.M.C.  
K. V. ONGCL Nazira.

Abba  
G. S. +  
Bawali



**KENDRIYA VIDYALAYA**  
ONGC Nazira, Dist-Sibsagar

**केन्द्रीय विद्यालय**

ओ एन जी सी, नाजिरा, जिला-शिवसागर - 785685 (आसाम)

052232 (D.O.T.)  
21041 (ONGC)

Ref. No. F.par/A.K.Shukla/2000-01/P.B - 132

Date. 24-2-2001

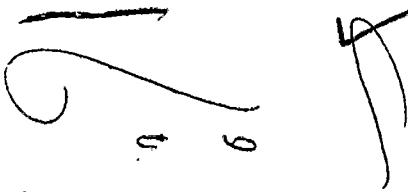
To

Shri A. K. Shukla,  
Pry. Teacher,  
K.V. ONGC Nazira.

Subject :- Your absence from duty w.e.f. 20-2-2001.

You are absent from your duties w.e.f. 20-2-2001 without having obtained the prior permission, presuming your own application dated 15-2-2001 sent by Registered post as written permission as mentioned in the last para "therefore this may kindly be considered as written permission for leaving station and grant of leave".

Since you are remaining absent from your duty without having proper permission, this act of yours is categorised as a willful absence from duty which is subversive of discipline, therefore the entire period of absence is being treated as DIES-NON.

  
( Vijay Bhattacharjee )  
Principal,  
Kendriya Vidyalaya Nazira.

Principal  
KENDRIYA VIDYALAYA(ONGC)  
NAZIRA (ASSAM)

*Attested*  
*Abir* *Amanta*

Central Administrative Tribunal

28 JUN 2001

গুৱাহাটী নথি।।।  
Guwahati Bench

35-

Filed through:  
P. Baruah  
Advocate  
25/06/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH:

AT GUWAHATI

ORIGINAL APPLICATION NO.121/2001

Shri Anil Kumar shukla

...Applicant

-vs-

U.O.I & ors..Respondents

The Respondents No.2,3,4  
and 5 above named beg to file  
their written statement as follows :

1. That all the averments made 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 and 4.2 of the application the answering respondents have no comments as they are matters of records.
3. That with regard to statements made in paragraph 4.3 of the application the answering respondents beg to state that the permission for appearing in the M.Sc Mathematics exam was given by one of the colleague teachers of the applicant and incidentally he was officiating as Principal. However the applicant Shri Anil Kumar shukla took about 5 years to pass the M.Sc (Mathematics )

contd.....

from Annamala University with just the minimum pass marks.

4. That with regard to statements made in paragraph 4.4. of the application the answering respondents beg to state that the submission made by the applicant that he discharged his duties to the full satisfaction of his higher authorities is not correct. While being posted at Kendriya vidyalaya Tuli, the then Principal of Kendriya vidyalayal Tuli had given a memorandum dated 18.2.94 to the applicant for committing misconduct of refusal to perform the assigned duties and that too within just four months of service. Again another memorandum dtd 26.8.94 was served upon the applicant Sri Anil Kumar shukla for engaging the school students in his personal works at his residence. Therefore it is proved that his duties were not upto the satisfaction of his senior authorities.

However the permission to appear in the M.Ed Examination was granted to the applicant under the extent provisions of article 68 of the education code with the clear speaking last paragraph of the order. "The undersigned reserves the right to withdraw the permission at any time in case of any misbehaviour of misconduct by Sri Anil Kr Sukla."

5. That with regard to statements made in paragraph 4.5 of the application the answering respondents beg to state that there is no question of harassing the applicant  
contd...

without any reason. The order dated 19.8.2000 is self explanatory in itself when an employee commits any misconduct or indiscipline the provisions of CCS(CCA)Rules,1965 becomes applicable. In the instant case the applicant Sri Anil Kumar Shukla abstained from the assigned duties and mislead the controlling authority, and hence the provision of imposing dies-non for the particular day that is 19.8.2000 was applied. When a teacher does not wilfully attend his prescribed duties or allotted periods the class remains vacant and the teacher who is being paid salary for the allotted work, the doctrine of "No work no pay" applies.

6. That with regard to statements made in paragraph 4.6 of the application the answering respondents beg to state that the submissions made by the applicant are not correct. The applicant twisted the facts and manipulated it in his own way. The representation dated 25.8.2000 reflects upon the attitude of the teacher who seems to be not at all sincere in his duties .Dies -non for 19.8.2000 was imposed for not performing the assigned duties.

7. That with regard to statements made in paragraph 4.7 of the application the answering respondents beg to state that the office order dtd 14.9.2000 is also self explanatory . At the time of academic inspection in the Vidyalaya when the education officer from Silchar and Educational consultants to the Kendriya Vidyalaya Sangathan were present in the vidyalaya, the applicant Shri Anil Kumar shukla was sleeping in a room for throughout the day. Therefore it is quite obvious

contd

that the salary cannot be given for just sleeping in the Vidyalaya and not performing the official duties and that too on a specific occasion of Inspection day.

8. That with regard to statements made in paragraph 4.8 of the application the answering respondents beg to state that the averments made by the applicant is not correct. Since the applicant has been committing misdeeds and misconduct constantly, his permission to appear in the M.Ed examination was withdrawn exactly in terms of the provision in the extent provisions of the Rules.

9. That with regard to statements made in paragraph 4.9 of the application the answering respondents beg to state that the submission made by the applicant are not correct. Since the applicant had applied for paternity leave four times but did not proceed for availing the leave, the memorandum dtdd 6.12.2000 was served upon him. Further he applied for paternity leave with effect from 20.2.2001 to 6.3.2001 and submitted his application with his own remark "this may kindly be considered as written permission of leaving the station and granting the said leave" Thereafter a committee constituted of the teachers verified and found that the applicant did not proceed to his hometown and was in the station till 26.2.2001, which amounts to clear misleading, cheating and befooling the authorities.

10. That with regard to statements made in paragraph 4.10 of the application the answering respondents beg

-5-

to state that the extent provision of LTC Rules states that the fully dependent mother, father, unmarried sister and minor brother are entitled for LTC benefits only if they normally reside with the Govt. employee. The applicant sri Anil Kumar Shukla who is in service since 1993 have never earlier availed the LTC for his parents, brother and sister. ~~Father~~ Further verification from staff members it was found that his parents have not been residing with the applicant neither at Tuli nor at Nazira. Therefore the LTC benefits in respect of his parents, brother and sister is not admissible and hence stands recoverable. And being the controlling authority the extent provisions of the LTC rules was applied.

11. That with regard to statements made in paragraph 4.11 of the application the answering respondents beg to state that the letter dtd 24.2.2001 is self-explanatory since remaining absent from the duty without proper permission is being categorised as willfully absence and and as per the provisions of the rules, liable to be treated as dies -non.

12. That with regard to statements made in paragraph 4.12 of the application the answering respondents beg to state that the applicant sri Anil Kumar shukla is not at all sincere in his duties as has been observed on the academic inspection on 12.1.98. The letter dated 13.1.98 issued by the inspectiong authority is self explanatory. The memorandum dtd 7.10.98, 8.10.98 and 17.10.98 issued by sri Dheer singh, the then Principal of Kendriya Vidyalaya Nazira clearly speaks about the volumes of perpetual indiscipline and misconduct, which was

further confirmed vide memorandum dtdd 29.10.99 issued by the Assistant Commissioner, Kendriya vidyalaya Sangathan, silchar for sustaining adverse entries in his Annual Confidential Report.

13. That with regard to statements made in paragraph 4.13 of the application the answering respondents beg to state that it is found from the records that all the controlling officers at Kendriya Vidyalaya Nazira have found the applicant habitual of misconduct and therefore there is no question of having personal grudge by Respondent No.5.

14. That with regard to statements made in paragraph 4.14 of the application the answering respondents beg to state that the applicant besides drawing monthly emoluments of Rs.10,028/- also is in practice of unauthorised money lending business at an exorbitant rate of interest ranging from 5% to 10%.

15. That with regard to statements made in paragraph 4.15 of the application the answering respondents beg to state that the applicant has been violating the prescribed code of conduct and not fulfilling his duties and job.

16. That with regard to statements made in paragraph 4.16 of the application the answering respondents beg to state that the Respondents beg-t No.5 have been

contd...

his specified duties. Hence there is no unlawful deeds.

17. That with regard to statements made in paragraph 4.17 of the application the answering respondents beg to state that the Original application has not been filed with a bonafide purpose but to affect the natural cause of law as the applicant has come to learr that the chariman vidyaâya Management committee has recommended the transfer of the applicant on administrative ground and have further recommended stern action against him for m- imposing sever corporal punishment to the students of class IV by sri Anil Kumar shukla.

18. That under the facts and circumstances state above it is prayed that the Hon'ble Tribunal may be pleased to dismiss the application with costs.

42

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-VERIFICATION-

8

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 chariali under Guwahati Region do hereby verify that the statements made in paragraph 1, 2, 3, 6, 7, 8, 11, 13, 15 & 18 are true to my personal knowledge and those made in paragraph 4, 5, 9, 10, 12, 14 are based on records.

AND I sign this verification on this the 25<sup>th</sup> day of June, 2001 at Guwahati.

Place : Guwahati

Date : 25/06/2001

*D K Saini*  
DEPOENT

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केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
14 AUG 2001  
गुवाहाटी न्यायालय  
Guwahati Bench  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH ::  
GUWAHATI BENCH.

- 43 -  
Filed by:  
Bomical Chandra Ban  
Advocate.  
13.08.01

ORIGINAL APPLICATION NO. 121/2001.

Shri Anil Kumar Shukla ... Applicant.

- Versus -

Union of India & Ors. ... Respondents.

The Respondent No. 5 begs to file this Written Statement as follows :-

- 1) That all the averments and submissions made in the Original Application are denied by the answering respondent save what has been specifically admitted herein and what appears from the records of the case.
- 2) That with regard to the statement made in paragraph 4.1 of the Original Application ( hereinafter referred to as the O.A. ) the answering respondent admits that the applicant is a regular employee of Kendriya Vidyalaya Sangathan ( KVS ), which is an autonomous body under the Ministry of Human Resource Development ( HRD ), Government of India where all the rules and regulations framed under Article 309 and 311 of the Constitution of India, providing multi-faceted fundamental duties and responsibilities.
- 3) That with regard to the statement made in

contd... 2.

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2.

paragraph 4.2 of the Original Application the answering respondent has no comments to offer.

4) That with regard to the statement made in paragraph 4.3 of the O.A. the answering respondent begs to state that the permission for appearing in M.Sc. in Mathematics examination was accorded by one of the colleague teacher of the applicant who incidentally was <sup>the</sup> officiating Principal. However, the applicant could acquire the degree in M.Sc Mathematics from Annamalai University in 5 years that too having obtained just minimum pass marks.

5) That the answering respondent denies the correctness of the statement made in paragraph 4.4 of the original Application as the statements have been made to mislead this Hon'ble Tribunal. As a matter of fact the applicant never performed his duties to the satisfaction of his higher authorities during his posting at Tuli. In this connection it would be relevant to refer to the Memorandums dated 18.2.1994 and 26.8.1994 whereby the Principal, Kendriya Vidyalaya, Tuli had pointed out to the applicant the misconduct of refusal to perform the assigned duties, that too, just within the fourth months of his service. Further, the applicant was warned for engating the school students in his personal work at his residence. The permission for M. Ed degree was granted to the applicant under the provisions of Article 68 of Education Code with the condition

contd... p 3.

that "the undersigned reserves the right to withdraw the permission at any time in case of any misbehaviour or misconduct by Shri Anil Kumar Shukla."

Copies of Memorandums dated 18.2.1994 and 26.8.1994 are annexed hereto and are marked as Annexures - I and II respectively.

- 6) That with regard to the statement made in paragraph 4.5 of the O.A. the answering respondent begs to state that the allegation against the respondent No. 5 i.e. "started harassing without any reason" is quite fictitious and frivolous as the order dated 19.8.2000 ( Annexure - 'C' to the O.A. ) is self explanatory. When an employee commits any misconduct or indiscipline, the provisions of CCS (CCA) Rules, 1965 are attracted and, <sup>in</sup> particular when the applicant wilfully ~~abstained~~ from the assigned duty and tried to mislead the controlling authority, the provision of imposing dies non for the particular day is equally applicable. If a teacher in a school does not wilfully attend his prescribed period the class will remain vacant and the teacher who is being paid salary for the allotted work does not perform the assigned job, the doctrine of "No work no pay" is applicable to such teacher.
  
- 7) That with regard to the statement made in paragraph 4.6 of the O.A. the answering respondent begs

contd....

to state that the applicant has twisted the facts by manipulating the actual facts on his own way. The representation dated 25.8.2000 reflects upon the attitude of the applicant who is not at all sincere to his duties and, as such, dies-non for 19.8.2000 was imposed for not performing the assigned duties.

8) That with regard to the statement made in paragraph 4.7 of the O.A. the answering respondent begs to state that office order dated 14.9.2000 is also self explanatory as because at the time of academic inspection in the Vidyalaya when the Education Officer from Silchar and Educational Consultant to the KVS were present in the Vidyalaya the applicant was sleeping in a room. It is quite obvious that salary cannot be given for just sleeping in <sup>non-performance of official duties</sup> the Vidyalaya and that too, at the specific occasion of inspection day. This clearly reflects the manipulative skills of the applicant. Further the applicant took 9(nine) days to file the representation dated 13.9.2000 against imposition of ~~xx~~ Dies-non.

9) That with regard to the statement made in paragraph 4.8 of the O.A. the answering respondent begs to state that since the applicant has been constantly committing misdeeds and misconduct his permission for M.Ed. Degree was withdrawn in terms of the provisions mentioned in the extent provisions of the rules.

5.

10) That with regard to the statement made in paragraph 4.9 of the O.A. the answering respondent begs to state that since the applicant with ulterior motive applied for paternity leave four times previously and subsequently did not proceed for availing the leave, the Memorandum dated 6.12.2000 was served upon the applicant. hastily the applicant applied for paternity leave w.e.f. to 2.2001 to 6-3-2001 and submitted his application with his own remark "this may kindly be considered as written permission of leaving the station and granting the said leave". But thereafter it was verified through a committee constituted by the teachers that the applicant did not proceed to his home town and was in the station till 26.2.2001. As a matter of fact this is a clear case of misleading the authorities.

A copy of the committee report dated 28.2.2001 is annexed hereto and marked as Annexure- III.

11) That with regard to the statement made in paragraph 4.10 of the O.A. the answering respondent begs to state that the provisions of LTC rules states that the fully dependent mother, father unmarried sisters and minor brother are entitled for LTC benefits only, if they normally reside with the Government employee. It was verified from the staff members that the applicant's parents have not been residing with him and, as such, the LTC benefit in respect of his parents, brother and sister is not

contd....

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## 6.

admissible and hence stands recoverable. Therefore being the controlling authority it was not wrong to comply as per the provisions of the LTC rules for the recovery of LTC benefit.

12) That with regard to the statement made in paragraph 4.11 of the Original Application the answering respondent begs to state that the letter dated 24.2.2001 is self explanatory. Since remaining absent from duty without proper permission, is being categorised as wilful absence as per the provisions of the rules, the absence is liable to be treated as dies-non.

13) That the respondent denies the correctness of the statement made in paragraph 4.12 of the Original Application as the applicant is not at all a sincere teacher as has been observed during the academic inspection on 12.1.1998. In this regard the Education Officer, KVS informed the Principal about the observation made in respect of the applicant vide letter dated 13.1.1998. The Memorandums dated 7.10.1998, 8.10.1998 and 17.10.1998 issued by Shri Dheer Singh the then Principal of K.V., Nazira clearly speaks about the volume of perpetual indiscipline and misconduct of the applicant. The Asstt. Commissioner, KVS, Silchar vide letter dated 19.10.1999 had also sustained the adverse entries of the applicant's ACR and, as such, this speaks about volume of misconduct and indiscipline of the applicant.

contd....

7.

Copies of letter dated 13.1.1998 and Memo. dated 7.10.1998, 8.10.1998, 17.10.1998 and 29.10.1998 are annexed hereto and are marked as Annexures - IV, V, VI, VII and VIII respectively.

14) That with regard to the statement made in paragraph 4.13 of the Original Application the answering respondent/s begs to state that it is quite evident from the records that the Controlling Officer, PGT ( Bio ) teacher and complaints by parents and students at K.V., Mirza have found the applicant habitual of misconduct and for the aforesaid reason have been issuing Memorandums for such misconduct and misbehaviour and therefore charge of bearing personal grudge by respondent No. 5 is quite ridiculous.

Copies of the aforesaid Memiorandums are annexed hereto and are marked as Annexure- IX Series.

15) That with regard to the statement made in paragraph 4.14 of the O.A. the answering respondent begs to state that the applicant as claimed is not a poor employee as he is drawing Rs. 10,028 as monthly emoluments, besides this he is also in practice of unauthorised money lending business at an exorbitant rate of interest ranging between 5% to 10%.

contd....

8.

Copy of a complaint against the applicant for lending money at an exorbitant rate of interest is annexed hereto and is marked as Annexure-X.

16) That the respondent denies the correctness of the statement made in paragraph 4.15 of the O.A. as the applicant on the contrary has been violating the prescribed code of conduct and not fulfilling the duties and job which he is expected to do as he is getting a good salary.

17) That with regard to the statement made in paragraph 4.16 of the Original Application the answering respondent begs to state that as he has been controlling 48 other employees and has been performing his duties as specified the question of committing unlawful deeds as alleged is quite baseless.

18) That with regard to the statement made in paragraph 4.17 of the O.A. the answering respondent begs to state that the instant Original Application has not been filed bonafide as would be evident from the facts stated above. Moreover, the applicant has come to know that the Chairman, Vidyalaya Management Committee has recommended his transfer on administrative ground and further recommended for stern action against the applicant for imposing severe corporal punishment to the students of tender age of Class - IV.

51-

9.

19) That under the facts and circumstances stated above, it is respectfully submitted that the claim of the applicant is totally frivolous and vexatious and is liable to be rejected by this Hon'ble Tribunal.

VERIFICATION ....

10.

VERIFICATION

I, Shri Vijay Bhatnagar, Son of Shri J.P. Bhatnagar, aged about 51 years presently working as Principal, Kendriya Vidyalaya, ONGS, Nazira do hereby verify the statements made in paragraphs 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 16, 17 and 18 of the Written Statement are true to my knowledge, those made in paragraphs 5, 10, 13, 14 and 15 are being matters of records are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

I sign this verification on this the 13<sup>th</sup> day of August, 2001 at Guwahati.

  
VIJAY BHATNAGAR

SIGNATURE



ANNEXURE - I

केन्द्रीय विद्यालय  
KENDRIYA VIDYALAYA

53-

PAPER NAGAR, TULI  
NAGALAND-798623

संदर्भ सं.  
Ref. No..... KVT/..... 93-94/

दिनांक  
Dated..... 18/2/94....

M E M O R E N D U M.

To  
Sri A.K.Shukla, PRT  
K.V.Tuli, Nagaland.

Sir,

It has been brought to my notice by written application that you have denied to write the question on the black board of Class IV-B during unit test as instructed by I/C Exam. Primary section on 17.2.94.

You are hereby directed to explain the fact within 3(three)days after receiving of this letter. Why not disciplinary action may be taken against you for the negligence even of duty.

( ANIL KUMAR )  
Offg. PRINCIPAL

54



**MEMORANDUM**

KVT/ /94-95/

26/8/94

To  
Sri A.K.Shukla, PRT  
K.V.Tuli, Nagaland.

Sir,

With reference to application received by Sri Krishna Mishra, F/o Master Purnendu Class IV-A dated 26.8.94. You are hereby directed to explain as the following fact with immediate effect.

1. You here always compelled Master Purnendu Kumar, Class IV-A to go to your residence & your friend's residence for personal work by crossing main road where there is no safety & security of children.

( ANIL KUMAR )  
Offg. PRINCIPAL

55

ANNEXURE - III.

Dated : 28.02.2001.

To,

The Principal  
K.V.(ONGC) Nazira.

Sub: Submission of Report regarding the presence of  
Mr. A.K. Shukla (PRT).

Sir,

With reference to office order No. F per AKS/2000-01  
dated 27.02.2001 we have to submit that in the same evening -

- (1) We all the five members went to verify the factual position of Mr. A.K. Shukla's (PRT) presence at the station. We went to quarter No - B-76 of Mr. A.K. Shukla and asked his younger brother namely P. Harshwardhana about A.K. Shukla's presence, he replied that his elder brother is not there.
- (2) Then we approached his nearby neighbours and asked about the presence of Mr. A.K. Shukla at the station. His neighbours namely Mr. Z. Abraham and Mr. V. Krishna Sai replied that they had seen him before two days but since last two days, " We have not seen him".
- (3) Mr. G.S. Rohilla is himself the member of this Committee saw Mr. A.K. Shukla at State Bank of India at Nazira on 24.02.2001 as he stated before the Committee.

From stated findings it is confirmed that Mr. A.K. Shukla was at Nazira till the 25.02.2001 and we could not

contd....

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2. 56

extract any finding about Mr. A.K. Shukla's presence after  
25th Feb. 2001 at the station.

Committee Members : 1. Mr. Y.N. Yadav (I/C) .  
2. Mr. S.B. Giri .  
3. Mr. S.P. Mandal .  
4. Mr. D.P. Bhuyan .  
5. Mr. G.S. Rohilla .

To

The Principal,  
Kondriya Vidyalaya,  
ONGC, Nazira.

57

Subject:- Academic Supervision- Sh. A.K. Shukla, P.R.T.  
Sir,

The following were observations of lesson of Sh. A.K. Shukla, P.R.T in class IV-A, Environmental Studies on 12.01.98. The lesson was: SOIL and LAND.

1. Teacher's Diary was made only from 8.01.98, seems meant for inspection only.
2. The lesson which was planned for 9.01.98 was taught on 12.01.98.
3. Teaching process was one way. Traditional method.
4. Lesson plan was not followed.
5. Even duster was forgotten by him before start of the lesson.
6. Even simple teaching aids were not prepared/uscd. *for the lesson.*

You are directed to supervise/ *periodically* the lessons of Shri A.K. Shukla, P.R.T and send a report of his teaching work and improvements made by the teacher to the undersigned by 31.03.98.

Yours faithfully,

*R.G. Redaw*  
(P.R.L. Gupta) 31/1/98  
Education Officer,  
Kondriya Vidyalaya Sangathan,  
Silchar Region:

## ANNEXURE - V

KENDRIYA VIDYALAYA MIZRA

58

No.KVN/Per/A.K.Shukla/98-99/ 5019-AS

Date : 07.10.98

M E M O R A N D U M

It has been observed many times by the undersigned that you are not at all sincere in your duties. Even you are not managing your class properly which has been assigned to you as a class teacher. Undersigned has been advised you to be sincere in your duties for the welfare of the children, but you did not care at all. Last year during Panel Inspection, Education Officer of KVS, Silchar Region has remarked very badly on your performance and instructed the undersigned to supervise your class and work regularly. Undersigned has tried his level best and advised you to become sincere and dedicated in your duties, but your activities in classroom and behaviour with the children and undersigned is not upto the mark as expected from a teacher.

You are therefore warned to perform your duties sincerely and to behave properly with the children and vidyalaya administration. Otherwise disciplinary proceedings will be started against you without any further delay.

To

Sri A.K.Shukla,  
PRT, K.V.Nazira.

*21/10/98*  
( Dheer Singh NAZIRA/98  
Principal

Copy to :-

The Asstt. Commissioner, KVS(SR).

*21/10/98*  
( Dheer Singh ) 07/10/98  
Principal  
PRINCIPAL  
K. V. NAZIRA

*TC*

MENDRIYA VIDYALAYA NAZIRA  
P.O. NAZIRA, DIST. SIBSAGAR  
ASSAM-785685

No.KVM/Per/A.K.Shukla/98-99/ 581-52

Date : 08.10.98

To

Sri A.K.Shukla,  
Primary Teacher,  
K.V.Nazira

Subject : CREATION OF INDISCIPLINE AND DISOBEY OF OFFICE  
ORDER.

Sir,

Undersigned has circulated an office order regarding allotment of quarter to various teachers, but you refused to sign and accept the letter order by saying that ' I do not care for this type of circulars ' . Very next day on 07.10.98 you have been issued another letter from school administration regarding your behaviour and conduct, which is not satisfactory at all. But you once again denied to receive the letter. It shows that you are not at all interested to improve yourself, and trying to pollute the whole environment of the vidyalaya even by disobeying the office order.

For your this type of undesirable activities why a penalty should not be imposed on You ? Submit your explanation before leaving the vidyalaya today i.e. on 08.10.98.

Thanking You.

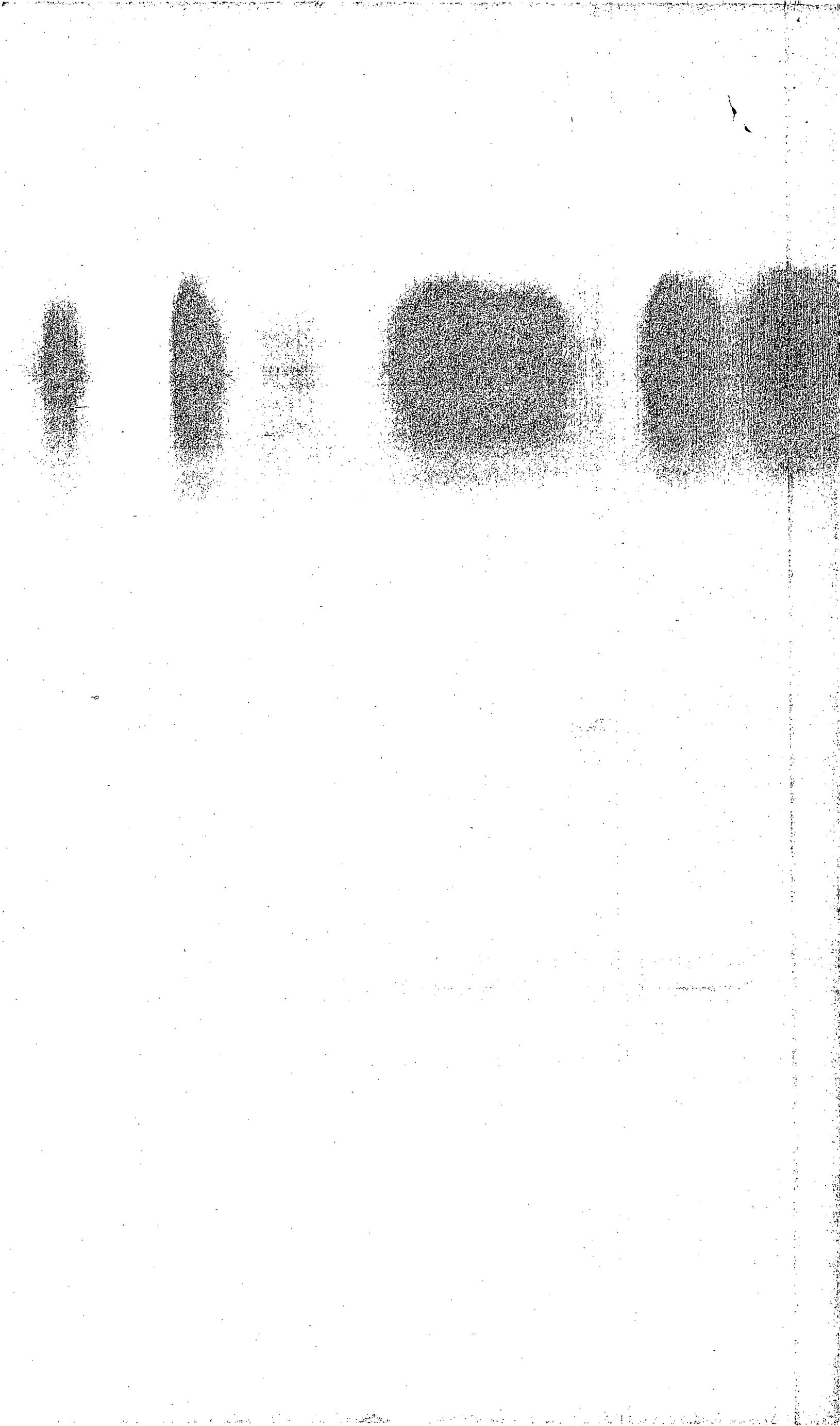
Yours faithfully

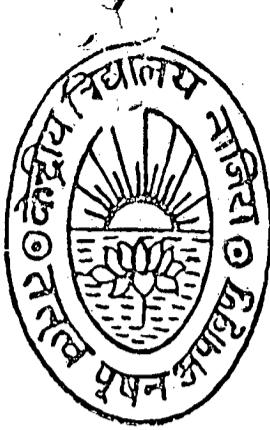
( Dheer Singh ) 8/10/98  
Principal  
PRINCIPAL  
K. V. NAZIRA

Copy to :-

The Assistant Commissioner, KVS, Silchar Region, for information.

( Dheer Singh ) 8/10/98  
Principal  
PRINCIPAL  
K. V. NAZIRA





ANNEXURE - VII

-18-

PHONE - 2232 Civil  
EPBX - 2104

# KENDRIYA VIDYALAYA

ONGC. NAZIRA (ASSAM)

केन्द्रीय विद्यालय, ओ एन जी सी नाजिरा  
(आसाम)

P.O. NAZIRA  
Dist. SIBSAGAR  
Pin - 785685

Ref. No

KVN/Per/A.K.Shukla/98-99/ 5053

Date..... 17.10.98

To

Sri Anil Kumar Shukla,  
Primary Teacher,  
K.V.Nazira

Sub: REGARDING QUARTER ALLOTMENT ORDER.

Sir,

You have been allotted quarter No. B-162 by the undersigned vide allotment order No. KVN/35/98-99/5053 dt. 06.10.98. The quarter has been allotted with reference to your application dated 23.6.98, wherein you requested the undersigned for providing a family quarter.

So, family quarter No. B-162 has been allotted to you. But, till today you have not submitted your the compliance report of that allotment order (as instructed in the order).

May I know the reason why you have not done the same as instructed in the order ?

*in 2126*  
( Dheer Singh )  
Principal  
PRINCIPAL  
K. V. NAZIRA

*Sh*

ANNEXURE - VIII

61 -

25A  
6/12/99

KENDRIYA VIDYALAYA SANGATHAN  
REGIONAL OFFICE: SILCHAR

NO. F. ACR/99-KVS(SR)/...8954-55

Dated: 20.10.1999.

M E M O R A N D U M

Whereas Mr/Mrs/Miss Anil Kumar Shukla, P.R.T. of Kendriya Vidyalaya, ONRC, Nazira, was communicated regarding the adverse entries in the ACR for the year 1998-99 by his/her Reporting Officer, by the undersigned vide this Office Memorandum of even number dated 01.10.99.

Whereas Mr/Mrs/Miss Anil Kumar Shukla has / has not submitted a representation regarding the examination of adverse entries vide his/her letter dated 20.10.99.

On perusal and scrutiny of the representation of Mr/Mrs/Miss Anil Kumar Shukla, the undersigned has decided to Sustain the adverse entries in his/her ACRs for the year 1998-99, as communicated.

Therefore, the adverse entries communicated to Mr/Mrs/Miss Anil Kumar Shukla, P.R.T. stands sustained.

*Received*  
Anil  
6/12/99

To

Shri. Anil Kumar Shukla.

P.R.T.

KN, ONRC, Nazira.

Copy to:

( P.R.L. GUPTA )  
EDUCATION OFFICER  
FOR AESTT. COMMISSIONER

1. Principal, Kendriya Vidyalaya, ONRC, Nazira, for information.
2. Annual Confidential Reports/Dossier file.

*Referred 11/99*

*62*  
ANNEXURE - IX (Series)

Dated : 3.11.2000

To,

The Principal  
K.V. ONGC  
Nazira.

Ref: Your verbal order (3.11.2000) regarding behaviour of Mr. A.K. Shukla (PRT) during to and fro escorting duty to Silchar for attending Boys Regional Sports Meet ( 6.8.2K - 12.8.2K ).

Respected Sir,

Mai I draw your kind attention towards the following points in reference to the subject mentioned above -

1. Throughout the journey Mr. A.K. Shukla (PRT) showed total non cooperative attitude, instead of taking care of the students during the journey he was involved in seeking his own comfort.
2. During his stay at K.V. Sricona Silchar, he totally neglected the students, did not go to venue to see the participating events, sometimes used harsh language and once or twice using no so good language, as reported by the students in his charge.

Thanking you,

Yours faithfully,

Sd/- Pushant Kumar.

63

89

AN - 9.

On 12.12.2000 in sixth period Mathematics teacher Sri A.K. Shukla Sir punished Shilatitya Bengali, S. Wilson Pramod and Debasis Biswas of our class IV A. He ordered him to sit and stand 100 times. He also punished me today by same punishment. I have pain my leg because this Sir always gives punishment to the students.

Dated : 14.12.2000

Monitor  
Class IV A.

64-

24

AN - 6.

One sum in Mathematics was wrong, which was given as Homework by Sri A.K. Shukla Maths teacher. The teacher became angry and ordered me to sit and stand for Hundred times. I did so for about ten minutes. Doing so my legs were paining. Similar type of punishment was also given to Debasis Biswas and Shiladitya Bagchi. I still feel pain in my legs even today.

Name - S. Wilson Pramod  
Class - IV Sec. - A.

The statement is written  
before me

Sd/-

( S.B. Giri )

Dtd. 14.12.2000

65

AN - 4.

25

To,

The Principal  
K.V. School  
Nazira.

Sir,

My son S. Wilson Pramod studying in Class IV A in your school, complained severe pain in the legs on 12.12.2000 when asked he said that he was asked to make sit ups in the maths class. I feel this punishment is too high for a child of such tender age.

That is for your information.

Yours sincerely,

sd/-

( Dr. S.J. Winston)

14/12/2000.



आर्यल एंड नैचुरल गैस कंपनी ऑफ इंडिया

सिंगल (सिंगल), असाम - 786001

OIL AND NATURAL GAS CORPORATION LIMITED

Office: 786685, Sibsagar, Assam

Phone: (03773) 52115 (O), 52091 (R)

EPBX: 03773-321001, 324725, 320725

03773-52358, 52142

EXTN: 21008 (O) 22008 (R)

FAX: 03773-52306, TELEX: 287-228

ग्राम्य साथ समिति  
माना पर्सनल (प्रौद्योगिकी)  
N. N. Taye  
General Manager (P&A)

*60-*

F.No.KVN/per/A.K.Shukla/2000-01/ 1812-13

Date: 19.12.2000

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

Subject: Imposing severe corporal punishment to the students in K.V.ONGC Nazira.

Sir,

The Principal K.V.Nazira informed the undersigned that Shri Anil Kumar Shukla PRT has given severe corporal punishment to the student of Class-IV A on 12.12.2000. The Principal was instructed to conduct a preliminary inquiry of the incident. Subsequently vide Office order No.KVN/per/A.K.Shukla/2000-2001/4810-14 dated 14.12.2000 Sri Y.N.Yadav, Senior most PGT of the Vidyalaya was appointed as the inquiry Officer alongwith Sri A.N.Sarma, Head Master as an Assistant.

I am enclosing herewith the inquiry report (three pages) alongwith 10 enclosures whereby it has been established that Shri Anil Kumar Shukla, PRT is found guilty of imposing severe corporal punishment resulting into temporary physical disability in the students of such tender age.

You are very kindly requested to please look into the matter and initiate necessary action against such teacher in this matter.

With regards,

Yours faithfully,

*C. S. Dutt*  
19/12/2000  
(N.N.Taye)

General Manager (P&A)

ERBC, ONGC, NAZIRA

&

Chairman, VMC, K.V.Nazira.

REPORT ON PRELIMINARY INQUIRY

Text of Inquiry :- Vide office order No.KVN/Per/A.K. Shukla/2000-01/4810-14 dated 14.12.2000 I, Sri Y.N.Yadav, PGT(Hin) have been appointed as Inquiry Officer alongwith Sri A.N.Sharma, Headmaster as an assistant regarding infliction of corporal punishment to the students of class-IV(A) by Sri Anil Kumar Shukla, PRT, K.V.ONGC Nazira on 12.12.2000 in 6th period.

PROCEEDING OF THE INQUIRY

Myself as an Inquiry Officer and Shri A.N.Sharma, Headmaster started taking evidences and statements of the students/guardians in the following sequence :-

1. The mother of Master Debashish Biswas of class-IV(A) came to school to lodge a complaint against Sri Anil Kumar Shukla, PRT about imposing physical punishment to her son on 12.12.2000 by asking him for sit-ups for more than 100 times. She stated that her son Debashish Biswas reaching home started crying due to severe unbearable pain in both the legs. Having been asked the reason about the pain Debashish revealed that Sri Anil Kumar Shukla, PRT in 6th period during teaching maths ordered him to sit & stand up for over hundred times as a result of which the child was unable to walk nor stand steadily. Immediately the mother took him to the nearest Dispensary at Geleky. The Medical Officer prescribed some medicines and advised to consult the Physician at ONGC Hospital Nazira. On 14th December Master Debashish was brought to ONGC hospital, Nazira and was given proper treatment after thorough examination.

The mother of Debashish was crying literally as her son was not able to stand properly, sit comfortably or walk steadily. Subsequently father of Debashish, Shri P.K.Biswas, Head Constable C.I.S.F. lodged a written complaint dated 14.12.2000 of the incident. The written statement and prescription slip are marked as annexure 1 to 3.

2. Dr. S.J.Winston, Dy. Supdt.Engineer, ONGC, Nazira came to school on 14.12.2000 and submitted a complaint that his son S.Wilson Pramod of class IV(A) was given severe physical punishment on 12th December, 2k by asking to make sit-ups for 15 minutes for just making a sum wrong in maths. The father asserted that the punishment imposed was "too high for a child of such tender age". The written statement is enclosed and marked as annexure 4.

3. Some students of class IV (A) were asked about the incident and they had submitted their written statements confirming the imposition of severe physical punishment whereby Master Shiladitya Bagchi (IV-A) has submitted that he did not come on 11.12.2000, therefore he could not bring his home work on 12.12.2000. Despite this he was asked to make sit-up for 100 times and till today he is having pain in his legs. The statement is marked as annexure 5.

*Y.N.Yadav*  
(Y.N.Yadav)

*A.N.Sharma*  
(A.N.Sharma)

cont...page/2

Page : 2

Master S. Wilson Premod of IV(A) also submitted that he was also asked to make sit-ups for 100 times and having pain till today. The statement is marked as annexure 6.

Miss Pallavi Bhuyan and Miss Anuradha Baruah, the class monitors of class IV(A) have confirmed the imposition of corporal punishment. Even they reiterated that the similar punishment was given to Syed Md. Maruf on 14.12.2000. The written statements are marked as annexure 7 and 8.

4. Master Syed Md. Maruf was asked about the incident and he also submitted his written statement confirming the physical punishment awarded to him by Sri Anil Kumar Shukla, PRT by asking him to make sit-ups for 100 times. Written statement is marked as annexure 9.

5. Sri Anil Kumar Shukla, PRT was called on 16.12.2000 in the room of the Headmaster and was asked about the incident. Initially he refused to give anything in writing and asked for seven days time. The gravity of the situation was explained to him and thereafter he has given his written statement accepting of imposing corporal punishment i.e. sit-ups for five or ten times. When he was told about the written complaints and documentary evidences of imposing physical punishment of sit-ups for more than hundred times, then he said that all are telling lie. The written statement is marked as annexure 10.

#### FINDINGS OF THE INQUIRY :

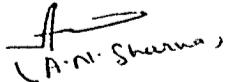
After going through all the written and verbal statements of the students and guardians and having seen the condition of the students personally it has been established that Sri Anil Kumar, Shukla, PRT has severely punished the students by asking them to make sit-ups for more than 100 times. Two students were complaining about the pain in their big thighs and legs even after two days of imposing the punishment, whereas Master Debashish Biswas is ~~about~~ leave till today i.e. 18.12.2000.

The condition of the parents and that of the victims were very pathetic and the incident has created a panic among the students as well as parents. Moreover, this incident has brought a bad name for the school as the Doctors and patients waiting in the hospital started talking adverse about the school and the incident.

#### OPINION OF THE INQUIRY OFFICER

During last one year the vidyalaya has build up its prestigious image in the society due to various innovative approaches and academic pursuits. The community of ONGC and the civilians have reposed faith in the teaching learning process of the vidyalaya in comparision to Delhi Public School Nazira. At such a stage, the incident of corporal punishment will certainly damage <sup>the image</sup> of the vidyalaya. Although several departmental circulars and recent decisions of Honourable High Court, Delhi are in the knowledge of the teachers, the imposition of physical punishment to the young children of such a tender age amounts to be very offensive and condemnable.

(My A.W.  
(Y.M.Y.A.W.)

  
A.N. Sharma

cont....page/3

- 69 -

page : 3

22-8

CONCLUSION :

Since Sri Anil Kumar Shukla, PRT is found guilty of deliberately imposing severe corporal punishment resulting into temporary physical disability in students of class-IV(A), a stern punitive action against such teacher is recommended.

*A.N. —*  
 ( A.N.Sharma ) Dt.18.12.2k  
 Headmaster  
 K.V.ONGC Nazira

( Y.N.Yadav )

PGT(Hindi)

K.V.ONGC Nazira

&

Inquiry Officer

The Report of preliminary inquiry alongwith documentary evidences is being submitted to the Chairman S.M.C. with the remarks that the undersigned fully agrees with the opinion and conclusion established by the Inquiry Officer. It is therefore, the undersigned being the Disciplinary Controlling Authority recommends necessary disciplinary action against the delinquent teacher viz. Sri Anil Kumar Shukla, PRT.

Dt. 18/12/2002

*(VIJAY BHANASIR) (S/M)*  
 (VIJAY BHANASIR)  
 PRINCIPAL

( English Translation )

-70-

I, Shri Samsul Rahman Group D Kendriya Vidyalaya, Nazira, had approached Shri Anil Kumar Shukla, teacher of Nazira Kendriya Vidyalaya to borrow Rs. 5000/- with 5% interest due to some financial difficulty. Almost after six months I returned the money with said interest on 18.9.1999.

There was an agreement with him to give 5% interest per month and accordingly it was paid. Sometimes he used to come to my residence to collect the money but the same could not be paid due to the non-payment of my salary.

Several request were made to reduce the rate of interest but he did not agree to. Later on I informed the U.D.C. of the office to give me financial help. Then the office U.D.C. took me to the Principal Sir and the Principal called Sir Anil Kumar Shukla to reduce the interest of rate but he did not agree.

Date : 2.11.2000

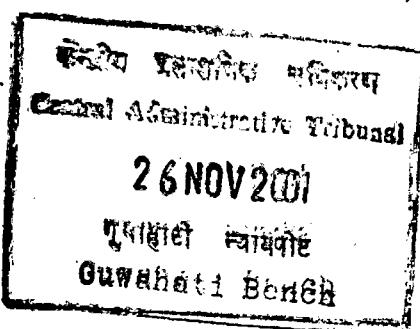
Samsul Rahman  
Group - D  
K.V. Nazira.

द्वारा यूरिस वर्षा- द्वारा रेखायात्रा- द्वारा उत्तर रेखिल-  
यूरिस- अलष- रामोर- नाया- किन्तु उत्तर तामान्तरल- नाया-  
गंगे अमिल ५.१.८ द्वारा- द्वारा- अलष- नाया-  
रेखा- द्वारा- उत्तर- उत्तर Principal द्वारा उत्तरल- रेल-  
गंग- आय- अनिष्ट द्वारा द्वारा द्वारा- द्वारा अनिष्ट द्वारा-  
कासरें रेखिल- किन्तु उत्तर नाया नाया-

Date - 2/11/2000.

## Sam auf Rahmen

Gr. D. 1  
L. V. Nazira



82  
Filed by  
Sri Anil Kumar Shukla  
Applicant  
Anil  
Kumar Shukla  
Anil Kumar Shukla  
Anil Kumar Shukla  
Anil Kumar Shukla

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI.

ORIGINAL APPLICATION NO. 121 OF 2001.

B E T W E E N

Sri Anil Kumar Sukla - Applicant

-AND-

The Union of India & Ors.

-Respondents.

IN THE MATTER OF:

Rejoinder submitted by the applicant against written statement filed by the Respondents.

The humble applicant above named filed the rejoinder as follows:

1) That with regard to statements made in paragraph Nos. 1, 2 and 3 of the written statement the applicant has comment.

2) That with regard to the statements made in paragraph No. 4 of the Written statement the applicant begs to state that the same are not correct and hence denied. The permission for appearing in the examination of M.Sc. (Mathematics) was given by the

Anil Kumar Shukla

officiating Principal of the School not by the applicant's colleague teacher. It may be stated that the Principal has the authority to give permission to appear in the said examination not by the applicant's colleague teacher. At the time of the said examination the applicant was residing in a remote place of Nagaland. There are no colleges where the applicant could attend the regular lectures or classes for appearing in the M.Sc. (Math) examination. Apart from this there was nobody to guide the applicant for the said examination from a reputed university, i.e. Annamalai University. However, the applicant passed the M.Sc.(Math) examination with more than minimum pass marks.

3) That with regard to statements made in paragraph 5 of the written statement the applicant begs to state that the same are not and hence denied. The two Memorandums dated 18-02-1994 and 26-08-1994 which were issued by the Principal, Kendriya Vidyalaya, Tuli were misunderstanding between the applicant and his colleague teacher. Regarding the Memorandum dated 18-02-1994 the applicant begs to state that he was assigned two duties at the same time. The facts is that while the applicant was taking examination of class III A he was called by the in-charge (Primary Section) to write the question on the Black Board of class IV-B. As such he could not came out from his classroom to IV-B to write question paper on the Black Board. The

AShukla

Principal of Kandriya Vidhyalaya, Tuli Satisfied with the replay given by the applicant. Hence no Punishment was imposed on the applicant. The applicant begs to state that an agreement has been signed between Shri Krishna Mishra, Yoga Teacher of Kandriya Vidhyalaya, Tuli with the applicant in the office of the Principal and Staff Secretary of Kandriya Vidhyalaya, Tuli in connection with the office Memorandum date 26-08-1994. After the reply given by the applicant in office memorandums dates 18-02-1994 and 26-08-1994 the authority was fully satisfied and the authority has not imposed any punishment to the applicant. Hence the statement made by the Respondents in paragraph 5 is not correct and also the Respondents had tried to mislead the Hon'ble Tribunal by not giving the detailed picture of the Office Memorandum dated 18-02-1994 and 26-08-1994 issued to the applicant.

4) That with regard to statements made in Paragraph 6 of the written statement the applicant begs to state the same are not correct and denied. The Office order dated 19-08-2000 issued by the respondent No. 5 without giving any Opportunity to the applicant to give show cause reply of charges framed by the respondents. This is total violation of principle of natural justice. After receipt of the office order of dies non dated 19-08-2000 the applicant submitted point wise clarification before the Principal, Kandriya Vidhyalaya, O.N.G.C, Nazira Vide his letter



dated 25-08-2000 which has been annexed in the Original Application as Annexure D. But the respondent No.5 refused to entertain the clarification given by the applicant. From the above facts it is very clear that the respondent No. 5 with a mala fide intention issued the office order dated 19-08-2000.

5] That with regard to the statements made in paragraph 6 of the written statement the applicant begs to state that the same are not correct and hence denied. The applicant is working very sincerely and honestly. But the respondent No.5 without any reason harassing the applicant without giving him any opportunity for fair hearing.

6] That with regard to the statements made in Paragraph 7 of the written statement the applicant begs to state that the same are not correct and hence denied. The office orders dated 14-09-2000 Dies-Non issued by the respondent No.5 without giving any opportunity to the applicant to give show cause reply of charges framed by the respondent No.5. After receipt of the office order of Dies-Non dated 13-09-2000 the applicant submitted para-wise reply against the said office order vide his letter dated 22-09-2000 which has been annexed in Original Application as Annexure-F. It is worth to mention here that no teacher can dare to sleep in a classroom through out the day when an academic inspection is going on by the high official of the Kendriya Vidyalaya

A Shukla

Sangathan. From the above it is very clear the respondent No.5 has passed the impugned order dated 14-09-2000 to arraign his personal grudge against the applicant.

7) That with regard to statement made in paragraph 9 of the written statement the applicant begs to state that the Respondent No.5 with a mala fide intention withdraw the permission for applicant to appear in M.Ed. Examination on the same day i.e. 14-09-2000 when Dies-non order was issued to the applicant. The respondent No.5 is resorting the colourable exercise of power to harassed the applicant.

8) That with regard to statement made in paragraph 10 of the written statement the applicant begs to state that the same are not correct and hence denied. The applicant applied for paternity leave four times but the respondent No.5 did not grant it. But surprisingly the respondent No.5 issued notice to explain why applicant not proceeded for availing the leave. Hence the Memorandum dated 06-12-2000 proved itself that after submitting the application the applicant may proceed for the leave so he further applied for paternity leave with effect from 22-02-2001 to 06-03-2001. But he was again harassed and tortured by the respondents. The Committee Constituted by the respondent No.5 submitted a false

AShukla

report. The applicant was on his hometown on 26-02-2001. In this regard applicant annexed herewith photocopy of Medical Prescription dated 26-02-2001 issued by P.H.C. PHAPHUAND (U.P.) to him. Moreover the Committee Constituted by respondents is all subordinates to the respondents and all members are working under the Respondent No.5. The members of Committee A.C.R.'s are also written by the respondent No.5 there are no independent members who could independently verified the matters.

Annexure-X is the photocopy of Medical Prescription issued by the P.H.C. PHAPHUAND (U.P.) to the applicant dated 26-02-2001.

9) That with regard to statement made in paragraph 11 of the written statement the applicant beg to state that same are not correct and hence denied. The applicant's Father, Mother, Brother and unmarried Brother reside with the applicant. The applicant brother is studying at Nazira Kendriya Vidyalaya at Nazira. Moreover Medical Book of applicant's Father has been attested by the respondent No.5 The Medical treatment taken by the parent and sister at Nazira is itself sufficient proof that the parent, sister and brother is fully dependent on the applicant.

ASHWINKA

As such the recovery order of C.T.C. of the applicant issued by the respondent No.5 is arbitrary, Malafide and also with a motive behind.

10] That with regard to statement made in paragraph 12 of the written statement the applicant begs to state that same are not correct hence denied. The applicant has already fully replied in this rejoinder at Paragraph 8.

11] That with regard to statement made in paragraph 14 and 15 of the written statement the applicant begs to state that same are not correct and hence denied. The applicant never practice unauthorized money lending business. The Annexure-X of the written statement submitted by the respondent No.5 is false and misleading to Hon'ble Tribunal. In this letter dated 02-11-2000 the signature of the applicant is no where available. Moreover Shri Samsul Rahman, Group D employee of Kendriya Vidyalaya Nazira is working under the Respondent No.5. The respondent No.5 can easily influence him. If the applicant is in practice of unauthorised money lending business than the respondent No.5 should produce the proof of relevant document, Agreement or money receipt issued by the applicant before this Hon'ble Tribunal.

Ashukla

12] That with regard to statement made in paragraph 16,17,18 & 19 of the written statements the applicant begs to state that the same are not correct and hence these are denied by the applicant.

It is worth to mention here that an inquiry was initiated against the respondent No. 5, Sri Vijay Bhatnagar, during his tenure at K.V. Lekhapani by The chairman VMC K.V. Lekapani Vide order No. 1527/KVL/GS (EDN) DT 05 November 1999, the Chairman of the said inquiry has recommended strong action against the respondent No.5, But your applicant could not produced the recommendation before this Hon'ble Tribunal in spite of his best effort. The Hon'ble Tribunal may be pleased to direct the Respondent No.2, 3 & 4 to produce the record of the same before this Tribunal. Moreover, memorandum, audits objection & complaints were issued against the respondent No. 5, Sri Vijay Bhatnagar, Principal K.V. ONGCL, Nazira during his service period at K.V. Kokrajhar, K.V. Chitnayan, K.V. Lekhapani & K.V. Nazira.

In view of the above, the written statements submitted by the respondents are not correct and also misleading to the Hon'ble Tribunal. The applicant begs to state that the impugned order dated 19-08-2000, 14-09-2001 and 24-02-2001 issued by the respondent No. 5, is illegal and mala fide and liable to be quashed.

### VERIFICATION

I, Sri Anil Kumar Shukla, Son of Shri Ram Kumar Shukla, Primary Teacher, Kendriya Vidyalaya O.N.G.C. Nazira District Sibsagar Pin 785685 Assam do hereby solemnly verify that the statements made in paragraphs 1, 2,

3 to 4, 5 to 7, 9 to 11 are true to my knowledge those made in paragraphs 8 —

— are being matters of records are true to my information derived therefrom which I believe to be true and those made in ~~reets~~ are my humble submission before this Hon'ble Tribunal and I have not suppressed any material facts.

And I sign this verification today on this the 23<sup>rd</sup> day of November 2001 at Guwahati.

Anil Kumar Shukla

DECLARANT

SDM.C. PHAPHUANL Annexure X

સાધુવાન સંસ્કૃત માટે

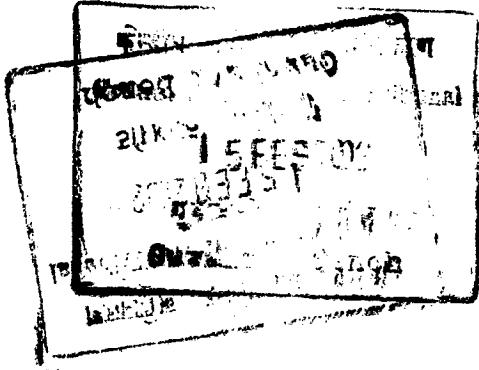
735  
23/12/25

A. K. Shukla

369  
1/20

1. *Shukla* *Shukla*  
2. *Shukla* *Shukla*  
3. *Shukla* *Shukla*  
4. *Shukla* *Shukla*

Shukla  
Shukla



Final by  
Sri Brij Kishor Shukla  
through  
Adv. Ahmed  
(Adv. Ahmed)  
Date 22/12/2012

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI.

ORIGINAL APPLICATION NO. 121 OF 2002.

## B E T W E E N

Sri Anil Kumar Sukla - Applicant  
-AND-

The Union of India & Ors.

### -Respondents .

IN THE MATTER OF:

Additional Rejoinder submitted by the applicant against written statement filed by the Respondents.

The humble applicant above named filed the rejoinder as follows:

13 That with regard to statements made in paragraph No. 10 of the written statement the applicant begs to state that a Committee was constituted by the Respondent No. 5 to make inquiry of applicant of his presence' at his station till 26-02-2001. The committee was constituted by the teachers of Kendriaya Vidyalaya, O.N.B.C., Nazira who are also working

Agmukha

under the Respondent No. 5. The said committee submitted a false report. The said committee also prepared three set of inquiry report in presence of Respondent No. 5 in his chamber and the Respondent No. 5 forced the members of the committee to put signature on the false report under threat. On knowing about this incident by the applicant, your applicant sent an Advocate Notice through Sri Gobinda Prasad Ram, Advocate, Nazira to the members of the committee. On receiving the notice one of the members of the said committee, Sri Bhushan Giri, Post Graduate Teacher (Economics), Kendriya Vidyalaya, O.N.G.C.L., Nazira admitted his guilt before Sri Gobinda Prasad Ram, Advocate through his letter dated 20-12-2001 and stated as follows:

- 1] That the report submitted to the Principal, Kendriya Vidyalaya ONGCL Nazira, was completely and totally false, baseless, Fabricated and truthless and it was not submitted on 28-02-2001 in fact.
- 2] That the said report was a secret conspiracy and forgery and counterfeited back behind Mr. A K Shukla.
- 3] That Mr. G S Rohilla, Primary Teacher of K V Nazira was fully involved in the conspiracy and forgery and made a member of the committee to influence other members of the committee. He was already prejudiced, fully biased and having personal grudge against Mr. A K Shukla.

*Dhankar*

— 4 —

Annexure-X/1, X/2, X/3 and X/4 are copies of reply with annexures submitted by one of the members of the above said committee, Sri Shashi Bhushan Giri, Post Graduate Teacher (Economics), Kendriya Vidyalaya, ONGCL, Nazira to the Advocate of the applicant.

In view of the above, the written statements submitted by the respondents are not correct and also misleading to the Hon'ble Tribunal. The applicant begs to state that the impugned order 19-08-2000, 14-09-2001 and 24-02-2001 issued by the respondent No.5 in illegal and mala fide and liable to be quashed and the Respondents, particularly, the Respondent No. 5 may be called before this Hon'ble Tribunal for giving harassment to your applicant for his personal gain. The Respondent No. 5 may be punished by this Hon'ble Tribunal for misleading the Hon'ble Tribunal and the cost of the case may be recovered from the Respondent No. 5.

*Dinkar*

VERIFICATION

I, Sri Anil Kumar Shukla, Son of Shri Ram Kumar Shukla, Primary Teacher, Kendriya Vidyalaya O.N.G.C. Nazira District Sibsagar Pin 785685 Assam do hereby solemnly verify that the statements made in paragraphs

X are true to my knowledge those made in paragraphs —

— are being matters of records are true to my information derived therefrom which I believe to be true and rest are my humble submissions before this Hon'ble Tribunal and I have not suppressed any material facts.

And I sign this verification today on this the 15th day of February 2002 at Guwahati.

Anil Kumar Shukla

Date:- 20.12.2001

To,

Shri Gobind Prasad Ram

Advocate

Nazira Ward-2, Boarding Road

Po.Nazira, Distt.Sivasagar

(ASSAM) Pin-785 685

Sub:- Submission of Report regarding the presence of Mr.A.K.Shukla (PRT) as per office order No.F.Per/AKS/2000-01 dated 27.02.2001

Ref:- Your legal Notice dated 03.12.2001.

Sir,

Most respectfully, I, Shashi Bhushan Giri s/o Shri Kartar Giri House No.810, Gali No. 1, Nehru Nagar, Gah Road, Meerut City (U.P.) Pin-250002 and Post Graduate Teacher (Economics) of Kendriya Vidyalaya ONGCL Nazira, Po.Nazira, Distt.Sivasagar, (ASSAM) Pin-785685, do hereby solemnly affirm and submit before your goodself in connection with the abovecited subject & reference as follows;

1. That the report submitted to the Principal, Kendriya Vidyalaya ONGCL Nazira, was completely & totally false, baseless, fabricated & truthless and it was not submitted on 28.02.2001 in fact.
2. That the said report was a secret conspiracy & forgery and counterfeited back behind Mr. A.K.Shukla
3. That Mr. G.S.Rohilla, Primary Teacher of K.V.Nazira, was fully involved in the conspiracy & forgery and made a member of the committee to influence other members of the committee. He was already prejudiced, fully biased & having personal grudge against Mr.A.K.Shukla.
4. That the first report was submitted in the month of March 2001 and was put in the file of Mr. A.K.Shukla.

(Annexure-I)

Contd....2....

5. That Mr. Vijay Bhatnagar, Principal K.V.Nazira, forced me to prepare another report and thus second report was prepared. (Annexure-II) But it was not accepted.

6. That the third report was prepared by the members & I/C of committee which was dictated by Mr. Vijay Bhatnagar in his chamber in the month of May 2001 and I was forced to put my signature on the false report under threat and coercion. (Annexure-III)

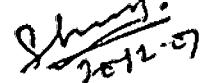
7. That the said report was taken by Mr. Vijay Bhatnagar to misguide and cheat high official of K.V.S. & Hon'ble Court CAT Guwahati Bench, etc.etc.

8. That I hereby withdraw all wrong statements and give you cost of legal notice in the sum of Rs 800/- only.

9. That in view of the submitted facts, I hereby regrettably acknowledge my offence and pray for apology and request your good honour not to initiate any legal proceedings in this matter against me.

For this act of your kindness I shall ever pray.

Yours faithfully

  
Shashi Bhushan Giri

PTT (Economics)

Kendriya Vidyalaya ONGCL Nazira

Po. Nazira, Distt. Sivasagar

(Assam) Pin-785 695

Enclosures- Three.

Total nos. of pages- Five.

Copy to:-

1. The Commissioner, KVS(HQ)

New Delhi.

2. The Assistant Commissioner, KVS, Silchar Region.

3. The Principal, KV ONGC Nazira.

70

The Principal  
K.V. (ONGC) Nazira

Subject: Submission of ~~Report~~  
Regarding presence of Mr. A.K. Shukla  
(PRT).

Sir,

As per the letter NO. F. per/AKS/2000-2001 dated 27.02.01, we the Committee members enquired personally about the presence of Mr. A.K. Shukla, at Nazira, Assam and found the following facts.

1. On 27.02.01 Mr. S.B. Giri, Mr. S.P. Mandal and Mr. G.S. Rohilla had visited Mr. A.K. Shukla's residential quarter NO. B-76, and enquired, Harshwardhan. Mr. Shukla's younger brother briefed us that Mr. Shukla had been to native place in O.P.
2. After that we enquired the neighbours but no one could tell whether Mr. Shukla was present or had been to somewhere.
3. Mr. G.S. Rohilla is himself the member of this Committee ~~member~~ saw Mr. A.K. Shukla at state Bank of India, Nazira, on 24.02.01.

Besides these no other informations were collected about Mr. A.K. Shukla's presence.

From stated findings it is presumed that the the Committee members could not traced him on 27.02.01.

If is Affor

Committee members

1. Mr. S.B. Giri Shukla
2. Mr. S.P. Mandal Shukla
3. Mr. G.S. Rohilla Shukla

To,

The Principal  
K.V. (ONGC) NaziraSubject: Submission of report regarding the presence of  
Mr. A.K. Shukla (PRT).

Sir,

With reference to office order no. F. Per AKS/2000-01 dated 27.02.2001 we have to submit that in the same evening(1) we all the five members went to verify the factual position of Mr. A.K. Shukla's (PRT) presence at the station. We went to the quarter no. B-76 of Mr. A.K. Shukla and asked his younger brother namely P. Hemchandkhan about A.K. Shukla's presence, he replied that his elder brother is not there.

(2) Then we approached his nearby neighbours and asked about the presence of Mr. A.K. Shukla at the station. They replied that they had seen him before two days but since last two days, we have not seen him.

(3) Mr. G.S. Rohilla is himself the member of this committee saw Mr. A.K. Shukla at State Bank of India at Nazira on 24.02.01, as he stated before the Committee.

From stated findings it is presumed that Mr. A.K. Shukla was at Nazira till the 24.02.2001 and we could not extract any finding about Mr. A.K. Shukla's presence after 24<sup>th</sup> Feb. 2001 at the station.

Committee Members :- 1. Mr. Y.N. Yadav (H.C) - Chairman

2. Mr. S.B. Giri - Secretary

3. Mr. S.P. Mandal - Member

4. Mr. D.P. Bhuyan - Member

5. Mr. G.S. Rohilla - Member

Rohilla

To

The Principal  
K.V.(ON G.C) Nazira.Subject: Submission of Report regarding the presence of  
Mr. A.K. Shukla (PRT).

Sir,

with reference to Office Order No. Fber AKS/2000-01 dated 27.02.2001 we have to submit that in the same evening (1) we all the five members went to verify the factual position of Mr. A.K. Shukla's (PRT) presence at the station. we went quarter NO- B-76 of Mr. A.K. Shukla and asked his younger brother namely P. Habswardhan about A.K. Shukla's presence, he replied that his elder brother is not there.

(2) Then we approached his nearby neighbours and enquired about the presence of Mr. A.K. Shukla at the station. His neighbours namely Mr. Z. Abrahams and Mrs. V. Krishna Sai replied that they had seen him before two days but since last two days, "we have not seen him".

(3) Mr. G. S. Rohilla is himself the member of this Committee saw Mr. A.K. Shukla at State Bank of India at Nazira on 24.02.2001 as he stated before the Committee.

From stated findings it is confirmed that Mr. A.K. Shukla was at Nazira till the 25.02.2001 and we could not extract any finding about Mr. A.K. Shukla's presence after 25th Feb 2001 at the station.

Committee Members

- 1. Mr. Y.N. Yadav (S/o) - Gujdar
- 2. Mr. S.B. Giri Singh
- 3. Mr. S.P. Mandal Singh
- 4. Mr. D.P. Bhayya Deo
- 5. Mr. G.S. Rohilla Singh