

30/100

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 210/02
R.A/C.P No.
E.P/M.A No.

1. Orders Sheet..... 8/1Pg. 1.....to 2.....
2. Judgment/Order dtd. 19/12/2002Pg. 1.....to 4. A/D.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 210/02Pg. 1.....to 2.2.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg/.....to 7.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Kalish
28/11/17

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI
.....

ORDER SHEET

Original Application No : 210/02
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant (s) Raghavendra Jaiswal

-Vs-
Respondent (s) U.O.I. Govt

Advocate for the Applicant (s) Adil Ahmed

Advocate for the Respondent(s) Case

Notes of the Registry

Date

Order of the Tribunal

11.9.02

Heard Mr. A. Ahmed, learned
counsel for the applicant.

Issue notice to show cause
as to why the application shall not
be admitted.

List on 9.10.2002 for
admission.

Vice-Chairman

mb

Steps taken
along with envelope

The application was
pending due to Vakalatnama
Vakalatnama filed today
is on 10.9.02 only.

10/9/02

10/9/02

✓
Notices prepared
and sent to D. Section
for issuing of the
same to the respondents
through Regd. post
Vide D.No-2663 to 2666
Dtd. 23.9.02.

By
18.9.02.

Respondent No 4. Notice
returned due to Address
transferred as noted by
Postman. Dtd. 18/9/02

No. W/S has been
filed.

By
26.11.02.

No. written statement
has been filed.

By
18/12.02.

W/S filed in the
Court.

A.K. Jy
19/12

6/1/2003

Copy of the order
has been sent to the
D. Sec. for issuing the
same to the Applicant
as well as to the L/A. Adm.
in the Respondent.
H.T.

9.10.02

Mr. A. Ahmed, learned counsel
appearing for the applicant stated that
the applicant has already discharged
from the criminal case by the competent
authority vide order dated 24.9.2002
in G.R. Case No.1114 of 1997. A copy of
the order is placed on records. Mr. M.K.
Mazumdar, learned counsel appearing for
the respondents stated that the respond-
ents are filing written statement within
four weeks from today.

List the matter on 13.11.2002
for admission W/S, and order

K. L. Sharma
Member

Vice-Chairman

mb

13.11. Me to wait sitting at
Shillay, the case is
adjudicated to 26/11/2002.

Mto
A.K. Jy

26.11.02

Heard Mr. A. Ahmed, learned counsel
for the applicant and also Mr. M.K. Mazum-
dar, learned counsel for the respondents.

The application is admitted. Mr.
M.K. Mazumdar, learned counsel for the
respondents stated that he will take
necessary instructions for filing written
statement. The case is accordingly posted
for hearing on 19.12.2002. The respondents
may file written statement within three
weeks from to-day.

Vice-Chairman

Vice-Chairman

mb

19.12.2002

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

K. L. Sharma
Member

Vice-Chairman

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / ~~XX~~ No. . 210 . . of 2002

19.12.2002
DATE OF DECISION

... Shri Raghayendra Tripathi APPLICANT(S).

Mr A. Ahmed ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

.. The Union of India and others RESPONDENT(S).

Mr M.K. Mazumdar 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 Ho'ble Vice-Chairman

h

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.210 of 2002

Date of decision: This the 19th day of December 2002

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

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

Shri Raghavendra Tripathee
Primary Teacher (Under suspension),
Kendriya Vidyalaya, Masimpur,
Silchar Cantonment,
District- Cachar, Assam.
By Advocate Mr A. Ahmed.

.....Applicant

- versus -

1. The Chairman
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. The Commissioner
Kendriya Vidyalaya Sangathan
18 Institutional Area
Shaheed Jeet Singh Marg,
New Delhi.
3. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Silchar Region, Hospital Road,
Silchar, Assam.
4. Shri M.V. Kumar
(Ex-Principal, Kendriya Vidyalaya, Masimpur),
Kubera Towers,
Trimulghiry Secendrabad,
Hyderabad, Andhra Pradesh.
By Advocate Mr M.K. Mazumdar.

.....Respondents

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

This application under Section 19 of the
Administrative Tribunals Act, 1985 has arisen and is
directed against the order No.F.3-4/98-99/KVS(SR)/11438-40
dated 15.04.1999 placing the applicant on deemed

suspension in terms of sub-rule (2) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 in the following circumstances:

2. The applicant was arrested by the police and subsequently released on bail in connection with Sihar P.S. Case No.585/97 under Section 468 I.P.C. The respondent authority by order dated 15.4.1999 passed the following order:

"WHEREAS a case against Shri R. Tripathi, Primary Teacher, Kendriya Vidyalaya, Masimpur in respect of a criminal offence is under investigation.

AND WHEREAS the said Shri R. Tripathi, PRT was detailed in police custody on 13.3.99 for a period exceeding forty-eight hours.

NOW, THEREFORE, the said Shri R. Tripathi, PRT is deemed to have been suspended with effect from the date of detention i.e., the thirteenth March, 1999 in terms of sub-rule(2) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and shall remain under suspension until further orders."

The applicant thereafter submitted representations on 16.11.2001 and 18.3.2002, Annexures D and E respectively, for revocation of the order of suspension. Failing to get appropriate remedy from the authority, the applicant moved this O.A. assailing the legitimacy of the action of the respondents in keeping the applicant under suspension.

3. The respondents submitted their written statement and pleaded that the order of suspension was made in accordance with law. Mr M.K. Mazumdar, learned counsel for the respondents, in course of the arguments, however, submitted that the respondents by now have initiated the disciplinary proceeding and chargesheet was issued to the applicant.

4. We have heard Mr A. Ahmed, learned counsel for the applicant and also Mr M.K. Mazumdar, learned counsel for the respondents, at length. Mr Ahmed stated and contended

that.....

that the applicant was placed under suspension for an alleged criminal case. The learned counsel submitted that the very criminal case, on the basis of which the applicant was arrested had come to an end, so much so that the applicant was also acquitted from the charges on 24.9.2002. Therefore, there is no justification for keeping the applicant under suspension. Mr M.K. Mazumdar, on the other hand, submitted that though the applicant was exonerated from the criminal charges, the department is proceeding with the disciplinary enquiry and therefore the respondents lawfully continued with the order of suspension.

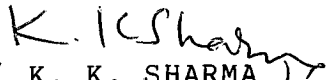
5. As per the statutory scheme the employer has a right to suspend an employee, but at the same time the continuance of the suspension depends on the fact situation. At any rate, the suspension order is not to continued indefinitely as is reflected in the scheme of the statutory provision. Sub-clause (5) of Rule 10 itself envisages that an order of suspensin made or deemed to have been made under the rule is to continue to remain in force until it is modified or revoked by the competent authority. The same rule also provides the power of the authority to modify or revoke the order. Unless it is essential such person is not to be kept under suspension indefinitely, lest the public interest suffers.


6. From the materials on record it is apparent that the applicant had submitted his representations for modification of the order of suspension. Seemingly, the disciplinary proceeding mentioned by Mr M.K. Mazumdar is based on documentary evidence and therefore there is less scope for the applicant to interfere in the disciplinary proceeding. However, these are the matters which requires

to.....

to be considered by the authority to see as to whether the public interest will be served if the applicant is kept under suspension. Since the applicant has already submitted his representation, we direct the authority to consider his representation for revoking the suspension order and pass necessary orders. In considering the representation, the authority shall also take note of the written statement submitted by the applicant and pass appropriate order as to the continuance of the suspension order. The respondents are directed to complete the above exercise as expeditiously as possible, preferably within two months from the date of receipt of the order.

7. The application accordingly stands disposed of. There shall, however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO 210 OF 2002.

Shri Raghavendra Tripathee -Applicant.

-Versus-

The Union of India & Others, -Respondents.

Sl.No.	! N D E X articulars	age No.
1.	Application	1 to 12
2.	Verification	13
3.	Annexure- A	14 to 15
4.	Annexure- B	16
5.	Annexure- C	17
6.	Annexure- D	18 to 19
7.	ANNEXURE E	20 to 22

Filed by

Advocate

(Adil AHMED)

Filed by
Shri Raghavendra Tripathi
applicant
through [Signature]
(Adv. Ahmed)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. 210 OF 2002.

B E T W E E N

Sri Raghavendra Tripathi,
Primary Teacher, (Under suspension)
Kendriya Vidyalaya, Masimpur,
Silchar Cantonment,
P.O.-Arunachal,
Dist-Cachar, Assam.
PIN- 788025.

-Versus-

- 1] The Chairman,
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi -110016.
- 2] The Commissioner,
Kendriya Vidyalaya Sangathan,
18 Institutional Area,

Shaheeed Jeet Singh Marg,
New Delhi -110016.

3] The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Silchar Region, Hospital Road,
Silchar, Assam.
PIN-788001.

4] Sri M V Kumar,
(Ex-Principal,
Kendriya Vidyalaya, Masimpur)
Kubera Towers,
Trimulghiry Secendrabad,
Hydrabad, Andhra Pradesh.

- Respondents.

DETAILS OF THE APPLICATION:

1) PARTICULARS OF THE ORDER AGAINST
WHICH THE APPLICATION IS MADE:

This application is made against the
prolong suspension of the applicant vide Order
No. F. No. F. 3-4/98-99/KVS(SR)/11438-40 dated
15-04-1999 and with a prayer before this Hon'ble
Tribunal seeking a direction to the Respondents
for immediate revocation of said suspension order
of the applicant.

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

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

4) FACTS OF THE CASE:

4.1 That the applicant is a citizen of India and as such, he is entitled to all the rights and privileges guaranteed under the Constitution of India.

4.2] That your applicant begs to state that he was appointed as primary teacher under the Kendriya Vidyalaya Sangathan on 10-08-1984 at Kendriya Vidyalaya, Imphal (Manipur). After that he was transferred to Kendriya Vidyalaya, Churachandpur, Manipur. After that he was transferred to Kendriya Vidyalaya Dholecherra, Assam. Lastly, he was posted to Kendriya Vidyalaya Masimpur, Silchar, Assam.

4.3] That your applicant begs to state that during the his posting at K V S Churachandpur, Imphal he was placed under suspension from 14-03-1991 to 10-02-1992. The said suspension order was revoked by the authority due ^{to} interference of the Hon'ble Delhi High Court.

4.4] That your applicant begs to state that when he was posted at Kendriya Vidyalaya, Masimpur, Assam one M. Ravi Kumar, the then Principal, Kendriya Vidyalaya, Masimpur, filed an FIR dated 19-05-1997 before the Officer-in-Charge, Silchar Police Station, Silchar. ^{The} Relevant portion of the above said FIR dated 19-05-1997 is quoted here for the ready reference of this Hon'ble Tribunal: "the undersigned received one Registered Post Letter on 13.2.97 from Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Maarg, New Delhi-110 016, directing the under-signed from that (i) The Jt. Commissioner (Academic) regularized the Annual Increment in respect of Shri R. Tripathee ~~due~~ in Aug'93 and Aug'94 and the period of his absence from duty from 28-4-94 to 18-8-94.

2] That the pay of Shri R. Tripathee is refixed as Rs.1220/-.

3] That the entire period of suspension and annual Increment due on Aug'91 is regularized.

All the above letters whose Xerox copies are in the Kendriya Vidyalaya Office (, at Masimpur) were duly signed by the Joint Commissioner (academic) Shri Puranchand.

Doubting the genuinity of the signature of the Joint Commissioner, the undersigned was handed it over to the Assistant Commissioner, KVS, Regional Office, Hospital Road, Silchar for further clarification.

The Vigilance Branch of KVS (HQ) has confirmed that the signature of the Jt. Commissioner is forged one and directed the undersigned through Asstt. Commissioner of Silchar Region to file an FIR in the Local Police Station. Sri Raghavendra Tripathy is a Primary Teacher working in K V Masimpur once he was kept under suspension and the suspension was also revoked later without any prejudice to the disciplinary proceedings. The disciplinary proceeding is yet to be over. Hence it is suspected that either some one who is personally interested in Tripathy or Sri R Tripathy himself may have forged the signature of the Jt. Commissioner to his personal gain and to cheat the undersigned and to the KVS authorities. You are requested to conduct an enquiry into this and identify the culprit.

- 6 -

The said case was registered as Silchar P S Case No. 585/97 under Section 468 I.P.C.

Annexure-A is the Photocopy of FIR dated 19-05-1997.

4.5] That your applicant begs to state that after two years of filing of the said FIR your applicant was called for interrogation by the inspector of Arunachal Police Station, Silchar vide letter No. KVM/PF/RT/98-99/999-1001 dated 13-03-1999 issued by the Kendriya Vidyalaya, Masimpur. Accordingly, your applicant appeared before the Arunachal Police Station on 13-03-1999 and he was detained and interrogated by the Police for more than 48 hours. The Respondent No. 3 vide his letter No. F.3-4/98-99/KVS(RS)/11438-40 dated 15-04-1999 suspended your applicant due to his police custody on 13-03-1999 for a period exceeding 48 hours.

Annexure-B is the photocopy of letter No. KVM/PF/RT/98-99/999-1001 dated 13-03-1999.

Annexure-C is photocopy of letter F.3-4/98-99/KVS(RS)/11438-40 dated 15-04-1999.

4.6] That the applicant begs to state that he has filed many representations for revocation of

his suspension but the authority did not respond on the matter till date. Now more than 3(three) years has been passed but his suspension has not been revoked by the authority. It is also pertinent to mention here that no charge sheet has been filed by the police against the applicant or the authority concerned has completed the investigation against the applicant.

Annexure-D and E is the photocopies of some of representations filed by the applicant for revocation of suspension order of the applicant.

4.7] That the applicants beg to state that if the Hon'ble Tribunal does not interfere immediately than irreparable loss will be caused to applicant and his family. As such, finding no other alternative your applicants compelled to approach this Hon'ble Tribunal for seeking justice.

4.8] That your applicant begs to state that according to the Official Memorandum of the Govt. of India and also decision of the various courts the suspension order should not be continued more than three months. Effort should be made by the concerned authority to file the charge sheet in a court within 3 (three) months. Likewise, in departmental action, the total period of

investigation and disciplinary proceedings should not ordinarily exceed six months. The time-limits should be scrupulously observed and the cases reviewed in the interest of public service as well to see whether continuation of suspension is really necessary or it should be revoked and the officer permitted to resume duty. But in present case no review has been made intentionally by the authority with a view to put your applicant under mental pressure. It is necessary to mention here that, after expiry of 3(three) months the suspension order should reviewed/ascertained as to whether further suspension is necessary at all. Therefore, the suspension order can not stand in law and the same is liable to be quashed by this Hon'ble Tribunal.

4.91 That the applicant begs to state that till now, nothing has been done in this matter and the appeal of the applicant has also not been disposed of by the Respondents and in the process the applicant continued to suffer in view of the prolonged suspension. The Respondents have neither revoked the order of Suspension nor they have completed the proceeding initiated against him way back in April 1999. The applicant is no way responsible for the delay towards completion of the Departmental proceedings and it is the Respondents who had been delaying the proceedings on various grounds.

- 9 -

4.10] That your applicant submits that the Respondents have deliberately done serious injustice and put him into great mental trouble and hardship and financial difficulties by putting your applicant under suspension for prolong period illegally and as such, the impugned order is liable to be quashed.

4.11] That this application is filed bona fide for the ends of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1] For that the order of suspension can not be operated against the official indefinite long period. Law is well settled that the case is required to be reviewed periodically. However, in the instant case the same has been not done. The Order of suspension is required to be revoked.

5.2] For that non-completion of inquiry for more than 3(three) years amounts to mala fide on the part of the Respondents and accordingly judicious interference is called for in this matter.

5.3] For that no charge sheet has been filed by the police or court of law against

the applicant till now. Hence, the impugned suspension orders should be revoked and set aside.

5.4] For that in any view of the matter the impugned order of suspension 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 instant application.

6] DETAIL OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal.

7] MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

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 or any other bench of this Hon'ble Tribunal nor any such, application, writ petition or suit is pending before any of them.

8] RELIEF PRAYED FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that your Lordship may be pleased to admit this petition and call for records and after hearing both the parties the Hon'ble Tribunal may be pleased to direct the Respondents to give the following reliefs:

- 8.1 That the Respondents may be directed by the Hon'ble Tribunal to pass order declaring the Suspension Order issued by the Respondent No. 3 vide his letter No. F. 3-4/98-99/KVS/11438-40 dated 15-04-1999 (Annexure-C) is illegal unconstitutional and not warranted by the facts and circumstances of the case and to pass further order quashing the said Suspension Order;
- 8.2 To grant such further or other relief or relief to which the applicant may be entitled having regard to the facts and circumstances of the case.
- 8.3 to grant the cost of this application to the applicant.

The above reliefs are prayed on the following amongst other:

91

- 12 -

9] INTERIM ORDER PRAYED FOR:

Pending final decision of this application the applicants seek issue of the interim orders:

9.1 suspend and revoke the order of suspension of the applicant as issued by the Respondent No. 3 vide letter No. F 3-4/98-99/KVS(SR)/11438-40 dated 15-04-1999 Annexure-C.

10] THIS APPLICATION IS FILED THROUGH ADVOCATE.

11] PARTICULARS OF BANK DRAFT:

Draft No.	:	706430
Date of Issue	:	9.5.2002
Issued from	:	Silchar
Payable at	:	Guwahati

12] LIST OF ENCLOSURES:

As stated above.

-Verification.

9

Verification

I, Sri Raghavendra Tripathi,
Primary Teacher, (Under suspension) Kendriya
Vidyalaya, Masimpur, Silchar Cantonment, P.O.-
Arunachal, Dist-Cachar, Assam, PIN-788025 I am
the applicant of the instant application and as
such I am authorised by other applicant to sign
this verification and verify the statements made
in accompanying application and in paragraphs 4.1 to 4.3,
4.7 to 4.9 are true to my knowledge and
those made in paragraphs 4.4, 4.5, 4.6 —
— are true to my information being
matter of records and which I believe to be true
and those made in paragraph 5 are true to my
legal advise and I have not suppressed any
material facts.

I signed this verification on this day 30th
of May 2002 at Guwahati.

Raghavendra Tripathi

Declarant.



- 1a -
Kendriya Vidyalaya Sangathan

ANNEXURE - A
Telephone
ANNEXURE - A

KENDRIYA VIDYALAYA MASIMI

SILCHAR CANTT, P. O. ARUNACHAL,

POST OFFICE BOX NO. 100025

To

The Officer Incharge,
Silchar Police Station,
Silchar (Assam).

Sub :- Filing FIR as per the directions from-
(a) KVS(HQ), New Delhi No.F.8-2/95-KVS(Viz), dtd. 29.4.97
(b) from Regional Office, KVS,RO. Silchar No. F.3-4/KVS-
96-97/1085, dtd. 10.5.97 regarding the identification
of the culprit(s) who have forged the signature of
Joint Commissioner(Academic), Kendriya Vidyalaya Sangathan
(HQ), New Delhi.

Respected Sir,

The undersigned received one Registered Post letter No. 13/2/97 from Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeeb Singh Marg, New Delhi - 110 016, directing the undersigned from that (i) The Jt. Commissioner(Academic) regularise the Annual Increment in respect of Shri R. Tripathee due in Aug'93 and Aug'94 and the period of his absence from duty from 28-4-94 to 18-8-94.

2. That the Pay of Shri R. Tripathee is Refixed as Rs. 1220/-
3. That the entire period of suspension and annual Increment due on Aug'91 is regularised.

All the above letters whose xerox copies are in the Kendriya Vidyalaya Office (,at Masimpur) were duly signed by the Joint Commissioner (Academic) Shri Puranchand.

Doubting the Genuinity of the signature of the Joint Commissioner, the undersigned was handed it over to the Assistant Commissioner, KVS, Regional Office, ~~Silchar~~ Hospital Road, Silchar for further clarification.

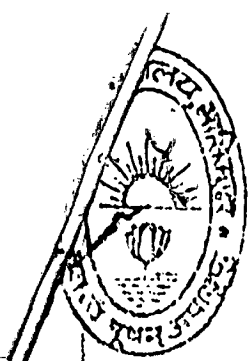
The Vigilance Branch of KVS(HQ) has confirmed that the signature of the Jt. Commissioner is forged one and directed the undersigned through Asstt. Commissioner of Silchar Region to file an FIR in the Local Police Station.

..... Contd.....P/2.....

Ty. Ref. Silchar
car. to
O/A
19/5/97

19/5/97
KVS, RO, Silchar
19/5/97

Attchd
1
Advocate



15 -
केन्द्रीय विद्यालय मासिमपुर

Telephone: 215231
215232

KENDRIYA VIDYALAYA MASIMPUR

SILCHAR CANTT, P. O. ARUNACHAL.
DIST. CACHAR, ASSAM - 788025

Ref. KVM.....

Contd.-from P/2.

Date 11.11.91

~~xxx~~

Shri Raghavendra Tripathi is a Primary Teacher working in K.V. Masimpur. once he was kept under suspension and the order was also revoked later without any prejudice to the disciplinary proceedings. The disciplinary proceedings is yet to be over.

Hence it is suspected that either some one who is personally interested in Tripathi ~~himself~~ or Shri R. Tripathi himself may have forged the signature of the Jt. Commissioner to for his personal gain and to cheat the undersigned and the KVS authorities.

You are requested to conduct an enquiry into this and identify the culprit.

Thanking you,

Yours faithfully,

~~xxxxxx~~

Copy to :-

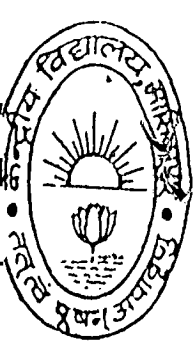
1. The Superintendent of Police,
Silchar,
Dist. Cachar (Assam)
2. The Asstt. Commissioner,
KVS, Regional Office, Silchar.
3. The Sr. Administrative Office,
Vigilance Branch,
Kendriya Vidyalaya Sangathan,
19, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi - 16.

(H. RAVI KUMAR)
PRINCIPAL.

2.11.91
A.C. Cantt 71
Cachar, Assam.

AMTS
11/11/91

Received at Kendriya Vidyalaya Sangathan
11-11-91



Peer Book No- 663

- 16 -

ANNEXURE - B
Telephone: 21530 } Ext. O 2760
21531 } R 2716

केन्द्रीय विद्यालय मासिमपुर

ANNEXURE - B

KENDRIYA VIDYALAYA MASIMPUR

SILCHAR CANTT, P. O. ARUNACHAL,

DIST. CACHAR, ASSAM - 788025

of. KVM/PF/RT/98-99/1117 - 1071

Date 13-03-99

To

Mr. R. Tripathy, PET,
K.V. Masimpur.

Ref. : Silchar P.S. Case No. 585/97 u/s 468 IPC.

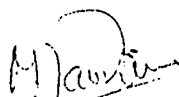
With reference to the above, as you are required to be spared for interrogation by the Inspector of the Arunachal Police Station, you are requested to cooperate and directed to appear before him today itself.

(DR. B. SAHA)

COUNTERSIGNATURE

OFFG. PRINCIPAL.

OFFG. PRINCIPAL
K.V. MASIMPUR
Silchar, Cachar, Assam - 788025



(M. RAVI KUMAR)
PRINCIPAL.
PRINCIPAL.

Copy to : K.V. MASIMPUR
Silchar, Cachar, Assam

- 1) The Inspector I/c, Arunachal P.S., Cachar, Assam.
- 2) The Asstt. Commissioner, KVS, R.O. Silchar.

OFFG. PRINCIPAL.

Received
13-03-99
(1045 hrs.)

Attest

Attest



केन्द्रीय विद्यालय संगठन
KENDRIYA VIDYALAYA SANGATHAN

क्षेत्रीय कार्यालय
अस्पताल रोड
सिलचर-788001

दूरभाष— { 34009 (AC) with Fax
Phone— { 34339 (AC) Resi.
34154 (AO)
21250 (EO)

ANNEXURE - C

पत्रांक
F. No.: F.3-4/98-99/KVS(SR)/11438-40

दिनांक
Dated: 15-4-99

O R D E R

REGISTERED

WHEREAS a case against Shri R. Tripathi, Primary Teacher, Kendriya Vidyalaya, Masimpur in respect of a criminal offence is under investigation.

AND WHEREAS the said Shri R. Tripathi, PRT was detailed in police custody on 13-3-99 for a period exceeding forty-eight hours.

NOW, THEREFORE, the said Shri R. Tripathi, PRT is deemed to have been suspended with effect from the date of detention i.e., the thirteenth march, 1999 in terms of sub-rule(2) of Rule 10 of the Central Civil Services(Classification, Control and Appeal) Rules, 1965, and shall remain under suspension until further orders,

(S.P. BAURI)
ASSISTANT COMMISSIONER.

Copy to:-

1. Shri R. Tripathi, PRT, KV, Masimpur for information and necessary action. His Headquarter during the period of suspension will be KV, Masimpur.
2. The Principal, KV, Masimpur for information and necessary action.
3. The Joint Commissioner(Admn.)KVS, New Delhi for his kind information.

Attested
Jil
Adm. S.

7

P-100-C
Keshavpur
Masimpur Cantt.
Assam-788025.

Date : 16.11.2001

To.

The Deputy Commissioner (Admn.)
Kendriya Vidyalaya Sangathan
Shahed Jeet Singh Marg
New Delhi.

(Through Proper Channel) -

Sub : Request to revoke the suspension - regarding.

Ref. : (1) The order of the Asstt. Commissioner KVS
Silchar Region No. F. 3-4/98-99/KVS(SR)/
11438-40 dated 15.4.99.

(ii) My appeal dated 20/29-07-99 addressed to
the Deputy Commissioner (Admn.) KVS H.Q.

(iii) My appeal dated 17-12-99, 21.6-2000 and
6-2-2001 addressed to the Commissioner
KVS H.Q.-

Sir,

Kindly refer to the subject and references
as cited above.

Further, very politely and humbly I would
like to invite your attention upon the following points
in this regard :-

1. I was arrested on 13-3-99 and released
on bail on 30.3.99.
2. I was deemed to be placed under suspension
vide order of the Asstt. Commissioner KVS,
Silchar Region dated 15.4.99 as referred
above under reference (1).
3. I preferred the appeal dated 20/29-7-99
to the Deputy Commissioner (Admn.) KVS H-Q.

contd..p/2

Attest
Jil - Asstt

4. I preferred appeal dated 17-12-99, 21-6-2000 and 6-2-2001 to the Commissioner KVS H.Q.
5. During this long period of suspension of more than 32 months I have not been issued any charge sheet either from Sangathan or from Police nor any notice has been issued from the court in this regard till the date.
6. No investigation has been done nor my statement in this regard has been recorded by the Sangathan or Police till the date.
7. During this long period of suspension of more than 32 months I have been facing a lot of financial hardship and stress which badly effected my family.
8. During this long period of suspension of more than 32 months caused hurt in several ways as I could not get other necessary benefits of my service.

In the light of the facts submitted above may I request to your kindness to consider the matter sympathetically and revoke the suspension declaring unjustified the same as earlier as possible in the interest of me and family as well as in the interest of public.

Thanking you.

Yours faithfully,

[Signature]

(R. TRIPATHEE) HRT
Under Suspension
KV Masimpur Cantt.
Assam-788025

Enclo :-

The Order of the
Asstt. Commission
KVS Silchar Region
as referred under
reference (1).

[Handwritten marks]
A-12
A-15

Аннотация

ANNEXURE - II

Keshavpur
Masimpur Cantt.
Assam-788025

Date: 18.03.2002

Sub. Request to revoke the suspension.
- regarding.

Ref. (i) The order of the Asstt. Commissioner KVS
R.O. Silchar No F. 3-4/98-99/KVS(SR)/
11438-40 dated 15.04.99 to place under
suspension.

(ii) My appeal dated 20/29-07.99 addressed to the Deputy Commissioner (Admin.) KVS New Delhi

(iii) Only appeals dated 17-12-77, 21-06-2000 and 06-02-2001 addressed to the Commissioner KVS New Delhi.

(iv) My appeal dated 16-11-2001 addressed to the Deputy Commissioner (Admin.) KVS New Delhi and forwarded by the Asstt. Commissioner KVS Ro Silchar.

Sir,

Kindly refer to the references as cited above. Further, very respectfully and humbly I would like to invite your attention upon above subject and, once again, state as follows:—

1. I was arrested due to well planned conspiracy plotted by Mr. M. Ravi & Kumar, the then Principal KV Masimpur on 13.03.99.

(i)

After 1/2
Q.S. 1/2

2. I have detailed each and every fact in respect of the matter vide my previous appeals to the Deputy Commissioner (Admin.) and the Commissioner KVS New Delhi as mentioned in references (i), (ii), (iii) and (iv) accordingly.
3. I am highly regretted to say that no appeal, as aforesaid, could be disposed till the date.
4. No investigation/charge sheet has been done/issued by the police on yet, nor by the Court.
5. This prolonged suspension not only caused loss to the Govt. and the students but it also caused harm to me and my family too, rather, during this prolonged suspension of more than 36 months I and my family members have been harassed and hunte in several ways.
6. It is a matter of great surprise that pre-informations in respect of aforesaid conspiracy against me plotted by the then Principal - Mr. M. Rai Kumar had already been given to the Asstt. Commissioner KVS Regional office vide my application dated 17-07-97 and to the Commissioner KVS New Delhi vide a telegram dated 26-01-99 and vide my application dated 29-01-99 and even then no enquiry could be conducted against Mr. M. Rai Kumar, the then Principal KV Masimpur rather, he has been transferred to his hometown.

However, once again, may I request you to revoke the suspension immediately declaring unjustified the same to relax me and my family from such

Asstt. Comr.
KVS
New Delhi

-22-

31

great hardship as well as in public interest. I do hope you could please justify the matter and revoke the suspension

Further, if unfortunately, my suspension could not be revoked within due time after receipt of my this appeal, I shall be bounded to knock at the door of the Court to seek the justice.

Thanking you.

yours faithfully

[Signature]

(R. TRIPATHY) ART

(Under suspension)

Kendriya Vidyalaya

INASIMPUR

P.O. ARUNACHAL

Dist. Cachar

ASSAM 788025

[Signature]
Advocate

Filed by Mr. Russell
Through Mr. Mangon
Assam
19-12-02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

O.A. NO. 210/2002

R.Tripathi

- Vs -

K.V.S.

IN THE MATTER OF

Written statement filed by
the Respondent No.3

AND

IN THE MATTER OF

Assistant Commissioner

K.V.S.

Silchar Region

Hospital Road,

Silchar, Assam.

Pin - 788001.

- DEPONENT

The humble written statement filed by the
Respondent is as follows -

MOST RESPECTFULLY SHEWETH -

1. That the Respondent states that in the
Original Application he has been made party and a copy

of the same has been served upon him. The Respondent has gone through the contents of the petition and understood the same and he is competent to file the written statement on behalf of him and for others, they being the Official Respondents.

2. That the Respondent states that the statement and averments made in the original application are totally denied. The statements which are not born out of records are denied. The Respondent further states that the statements which are not specifically admitted may be deemed to be denied.

3. That the Deponent states that before controverting the contents of the paras made in Original Application, KVS is a registered society under the Societies registration Act XXI of 1860 and fully financed by the Govt. of India with the objective of

(i) to meet the educational need of children of transferable Central Govt. Employees including defence personnel by providing a common programmes of education.

(ii) to develop Vidyalaya as a model school in the context of national goal of Indian Education.

(iii) to initiate/promote experimentation in the field of education in collaboration with other bodies like CBSE, NCERT, ETC., and

Cont.

(iv) to promote national integration.

At present there are as many as 845 KVS situated all over India including two abroad. The employees appointed in KVS are liable for transfer to anywhere in India under Article 49(K) of the Education Code which is a documentary text for governance of KVS and the employees are subject to Departmental Proceeding as per CCS (CCA) Rules. In the instant case the respondent forward the following comments -

(1) That with regard to statements made in Para-I of the Original Application the deponent denies the same and state as under that the Applicant has been placed under deemed suspension consequent upon his arrest by the police in a forgery case and keeping him in the police custody exceeding 48hrs and the matter was under investigation of police. Under these circumstances revocation of suspension order could not be possible.

(2) That with regard to statements made in para 2 and 3 the Respondent forwards no comment and with regard to the statements made in para 4.1 to 4.3, 4.4 these being matters of records, the Respondent forwards no comment.

(3) That with regard to the statements made in para 4.5, the Respondent puts forward the following comments that as per the requirements of rules, a Govt

Cont.

servant having been under police detention for a period exceeding 48hrs, is placed under deemed suspension. Since the Applicant remained in the police custody exceeding 48hrs, he was placed under deemed suspension by the Disciplinary Authority ie. the Respondent No.3 as per rule.

4. That with regard to the statements made in para 4.5, the Respondent begs to state that since the criminal case for forging the signature of the Joint Commissioner (AC), KVS was pending against the Applicant and the matter was under investigation by the Police Authority it has not in the fitness of things to revoke the suspension at that stage.

5. That with regard to the statement made in para 4.7, the Respondent puts forward that since the Applicant was placed under deemed suspension following his arrest by the police and keeping him in police custody exceeding 47hrs. and investigation by the police was being conducted revocation of suspension could not be done. However the Applicant is being paid subsistence allowance as per rules. So the question of irreparable loss to him and his family members does not arise. Hence the averment made by the Applicant is concocted and misleading.

6. That with regard to the statement made in para 4.8 and 4.9 the Respondent puts forward that he

Cont.

categorically devices the correctness of the statement and states that the case was pending with the police Authorities and it was police who had to file charge sheet against the Applicant for the criminal offence registered with the police. In addition the case was being pursued to expedite the investigation of the case from time to time. Therefore, the revocation of the suspension order could not be possible in the facts and circumstances.

That after submission of charge sheet by the police against the applicant for forging the signature of the joint Commissioner (Acad) KVS purportedly regularising the period of suspension and pay and allowances for the said period of the applicant and the Applicant has been discharged of the charge of the charge by the Hon'ble C.T.M. Cachar, Silchar. The matter has been referred to KVS (Hqss) for appropriate action

7. That with regard to the submission made in para 4, 10, the Respondent devices. The same and states that the averment made by the applicant is baseless. He has not been put into hardship. Since the Applicant remained in Police Custody exceeding 48 hrs placing the Applicant under deemed suspension was as per law.

8. That the Respondent state that the grounds set forth by the Applicant in the original Application

Cont.

in support of his claim and averments made in the application are baseless in the context of reply given against para 4.8 and 4.7. Further the investigation was being done by the police against the criminal case for forging the signature of Joint Commissioner (Acad), KVS by the Applicant.

The Charge-sheet has been filed by the police in the Hon'ble Court of CJM, Cachar, Silchar.

Suspension Order in respect of the applicant is as per rules.

However considering the fact that since the Applicant has been discharged by the Hon'ble CJM Cachar, and the matter has already been referred to the higher authority to the effect of starting the Departmental proceedings the Hon'ble Tribunal may be placed to dismiss the present original application keeping in view of the facts and circumstances of the case.

7
37

VERIFICATION

1. Sri S.S. Sehrawat, Assistant Commissioner, Regional Office affirm Chariali Ghy-12 do hereby solemnly affirm & verify that I am conversant with the facts and circumstances of the case and the statement made in paragraph 1 to 5 are true to the best of my knowledge and belief being matter record and I sign this verification this 18th day of ^{Dec}~~Oct~~ 2002.

Sunder Singh Sehrawat