

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 225/02

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FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 225/2002(T) OF 199

Applicant(s) M. G. Ansari

Respondent(s) U.O.I & OYS

Advocate for Applicant(s) S. K. Deb Pukayastha, S. Samra

Advocate for Respondent(s) C.G. S.C.

Notes of the Registry	Date	Order of the Tribunal
As per the Hon'ble High Court's Order dated 3.7.2002 (C) Rule No. 169(SH)/98 has been transmit the entire record to the Hon'ble Central Administrative Tribunal, Guwahati Bench for necessary action. Accordingly, the matter is registered as Original Application No. 225/2002.	24.7.2002	The matter was sent back from High Court on transfer pursuance to Judgment and Order dated 3.7.2002 in W.P.(C)No. 169(SH) of 1998. The matter relates to removal of service in way back, 1997. The pleadings are complete. In deference to the Judgment and Order of the Hon'ble High Court and upon hearing Mr. U.K. Nair, learned counsel for the applicant as well as Mr. N.K. Mazumdar, learned counsel for the respondents, the matter is posted for orders on 31.7.2002 for fixing a date of hearing.
Laid before the Hon'ble Court for further orders.		

Vice-Chairman

bb

Section Officer

Notes of the Registry	Date	Order of the Tribunal
	31.7.02	<p>Heard Mr. U.K.Nair, learned counsel for the Applicant and also Mr. M.K.Mazumdar, learned counsel for the Respondents.</p> <p>As agreed by the learned counsel for the parties, the matter is posted for hearing on 29.8.2002.</p> <p><i>IC Usha</i> Member</p> <p><i>Vice-Chairman</i></p>
mb	29.8.02	<p>On the prayer of learned counsel for both the parties, the case is adjourned. List on 5.9.2002 for hearing. Office to show the name of Mr. S.Sarma, learned counsel as counsel for the applicant.</p> <p><i>IC Usha</i> Member</p> <p><i>Vice-Chairman</i></p>
mb	5.9.2002	<p>Heard Mr.S.Sarma, learned counsel for the applicant and also Mr.M.K.Mazumdar, learned counsel for the respondents.</p> <p>The respondents are ordered to place the records and accordingly post the matter on 27.9.2002 for further hearing.</p> <p><i>IC Usha</i> Member</p> <p><i>Vice-Chairman</i></p>
7.10.2002 Additional Rejoinder submitted by the applicant.	27.9.1	<p>Heard at length. List again on 3/10/2002 for further hearing.</p> <p><i>My A. D. T. S. 27/9/02</i></p>
	3.10.02	<p>Heard Mr.S.Sarma learned counsel for the applicant. Mr.M.K.Mazumdar learned counsel for the respondents prays for time to submit relevant records. List on 6.11.02 to enable the respondents to produce the records.</p> <p><i>IC Usha</i> Member</p> <p><i>Vice-Chairman</i></p>

3/10
OA 225/2020(T)

B

Notes of the Registry Date Order of the Tribunal

6/11/202

List on 8/11/2020 for further hearing.

9th.

Att'dy
6/11.

8/11.

Heard Mr. S. Sarm, learned Counsel for the appellant and, Mr. K. M. Narendar, learned Counsel for the respondents.

Hearing Concluded,
Judgment reserved.

9th

Att'dy
8/11/202

12/12. 2020

22.11.02.

Copy of the Judgment
has been sent to the
Office for issuing the
same to the applicant
as well as to the

mb

H. C. W. Khare
Member

Vice-Chairman

3/10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. /XXX. No. 225.....of 2002

DATE OF DECISION. 22-11-2002.....

Shri M.G. Ansari

APPLICANT(S)

Mr. S. Sarma

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 Hon'ble Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.225 of 2002 (T)

Date of decision: This the 22nd day of November 2002

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

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

Shri M.G. Ansari,
C/o Feroze Cloth Shop (A.F. Camp),
P.O. Nonglyer (Upper Shillong),
Shillong, Meghalaya.

.....Applicant

By Advocate Mr S. Sarma.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Human Resources Development, Department of Education, New Delhi.
2. The Commissioner, HQ- Kendriya Vidyalaya Sangathan, 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi.
3. The Deputy Commissioner, HQ. Kendriya Vidyalaya Sangathan, 18, Institutional Area, Saheed Jet Singh Marg, New Delhi.
4. The Assistant Commissioner, Bangalore Region, Kendriya Vidyalaya Sangathan, C/o KV, MEG & CENTRE, Bangalore.
5. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region, (Maligaon Chariali), Guwahati.
6. The Principal, Kendriya Vidyalaya No.2, Railway Colony, Mangalore, P.O. Mangalore.
7. The Principal, Kendriya Vidyalaya, Happy Valley, Shillong, Meghalaya.

.....Respondents

By Advocate Mr M.K. Mazundar.

.....

O R D E R

CHOWDHURY. J. (V.C.)

The legitimacy of the order of removal of the applicant from service vide order dated 7/10-11-1997 is the subject matter of this proceeding before the Tribunal.

2. The applicant amongst others assailing the legitimacy of the aforementioned order of removal presented a Writ Petition before the Shillong Bench of the Gauhati High Court, which was registered and numbered as Civil Rule No.169 (SH) of 1998. Finally, by Judgment and Order dated 3.7.2002 in the aforementioned Writ Petition the matter was transferred before the Tribunal for adjudication, wherein amongst others the aforementioned order of removal from service is assailed.

3. Basic Facts- The applicant was appointed as a Trained Graduate Teacher (TGT for short) in the Kendriya Vidyalaya, Khanapara, Guwahati, wherein he joined on 1.9.1986. He was thereafter transferred to Kendriya Vidyalaya, Happy Valley, Shillong and from there to Mangalore at his own request. While the applicant was serving as TGT at Kendriya Vidyalaya, Mangalore, by Memo No.F.22-Estt/MGA/KVS/BGR/16605 dated 6.12.1995 the impugned disciplinary proceeding was initiated against the applicant alleging the following articles of charge:

"ARTICLE-I

That the said Shri M.G. Ansari, while functioning as Trained Graduate Teacher in English, at Kendriya Vidyalaya No.2, Mangalore, during the period December 1992 to October 1994 preferred a false Leave Travel Concession claim of Rs.2810/- (Rupees Two thousand Eight hundred and ten only) for the expenditure purported to have been incurred by him for visiting his home town for the journey from Mangalore to Madhopur from 08-5-1994 to 25-6-1994.

He has thus committed misconduct under Rule 3(1)(i) and (iii) of CCS (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - II

That during the aforesaid period and while functioning in the aforesaid Vidyalaya, the said Shri M.G. Ansari preferred a false Travelling Allowance claim of Rs.4144/- (Rupees Four thousand One hundred and forty four only) for the expenditure stated to have been incurred by him for attending Inservice Course for TGT (English) held at Bombay from 15-9-1994 to 05-10-1994.

He has thus committed misconduct under Rule 3(1)(i) & (iii) of CCS(Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - III

That during the aforesaid period and while functioning as Trained Graduate Teacher in English in the aforesaid Vidyalaya, the said Shri M.G. Ansari committed theft of Office file which was later found in his suitcase in the Train on 21-3-1995.

He has thus committed misconduct under Rule 3(1)(i) and (iii) of CCS(Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan."

4. The applicant submitted his written explanation dated 28.12.1995 denying the charges. According to the applicant prior to the submission of the said written explanation, he submitted his resignation dated 21.12.1995. The applicant also pleaded that the Principal, Kendriya Vidyalaya, Mangalore did not allow him to join the duty on 1.1.1996 after reopening of the school on the expiry of the winter vacation. Therefore, he had to go back to Shillong to see his family. While at Shillong, the applicant received a letter from the Principal, Kendriya Vidyalaya, Mangalore dated 9.5.1996 forwarding a memo issued by the Inquiry Officer dated 1.5.1996 directing the applicant to attend the enquiry on 18.5.1996 in the office at Kudremukh in Chikmagular District. On receipt of the said communication, the

applicant.....

applicant by his communication dated 23.5.1996 intimated the Principal that since the letter was received by him on 22.5.1996, it was not possible for him to attend the enquiry on 18.5.1996 and in case a subsequent date is fixed he requested the authority to communicate the same in advance to enable him to make reservation for train journey etc. The applicant stated that his aforementioned communication was not responded to and finally in December 1997 he received the impugned order of removal from service dated 7/10-11-1997. The applicant being aggrieved preferred an appeal dated 24.12.1997 assailing the action of the respondents as arbitrary, discriminatory and violative of the principles of natural justice. In the appeal also the applicant mentioned the fact that he received only one notice dated 9.5.1996 from the Principal of Kendriya Vidyalaya, Mangalore pursuant to the Inquiry Officer's letter dated 1.5.1996 directing him to attend the preliminary hearing on 18.5.1996 at Kudremukh. The said notice according to the applicant was received by him on 22.5.1996 and accordingly he wrote back to the authority on 23.5.1996 that it was not possible for him to attend the enquiry. But no further notice was received by him nor was he granted any amount to attend the proceeding and the purported disciplinary proceeding was held ex parte without giving him any opportunity to defend his case. The applicant thereafter also reminded the authority for disposal of his appeal by reminder dated 6.5.1998. Failing to get appropriate remedy from the authority, he moved the Shillong Bench of the Gauhati High Court assailing the legitimacy of the action of the respondents.

5. The respondents contested the claim of the applicant and submitted their affidavit-in-opposition before the High Court denying and disputing the claim of the applicant. In the affidavit-in-opposition the respondents stated that the enquiry was initially scheduled on 18.5.1996. It was postponed to 18.6.1996 and finally conducted on 10.7.1996. The applicant did not attend the enquiry since he was working in another establishment without getting relieved from the Kendriya Vidyalaya Sangathan. In the affidavit-in-opposition the respondents also stated that the copy of the enquiry report was sent to the applicant vide letter dated 14/15-7-1997 by registered post. He was asked to submit his representation, if any within fifteen days. When no such representation was made, the competent authority passed the impugned order dated 7/10-11-1997 after three months from the date of the first memorandum. The appeal preferred by the applicant was also attended to by the Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan (Hqrs) who as the Appellate Authority disposed of the appeal by order dated 15.12.1998.

6. We have heard Mr S. Sarma, learned counsel for the applicant as well as Mr M.K. Mazumdar, learned counsel for the respondents at length. The core issue is as to whether before passing the impugned order of removal from service, the applicant was provided with the procedural safeguards for defending his case. The statute as well as the principles of natural justice made it incumbent on the authority to conduct and hold an enquiry by providing reasonable opportunity to the delinquent official. The burden is on the Disciplinary Authority to show and establish that a delinquent official was afforded a reasonable.....

reasonable opportunity to defend his case. The onus is on the authority to show and establish that the enquiry was conducted lawfully by adhering to the procedural safeguards. If the authority could show and establish that the procedural safeguards were duly provided, the authority need not further show and estblish as to why the delinquent official did not defend his case effectively. From the materials on record the authority could show and establish that the charge memo was served on the applicant and that the applicant thereafter submitted his reply. Admittedly, the authority was not satisfied with the reply of the applicant. It proceeded to hold the enquiry. Naturally, It was incumbent on the authority to take steps for the presence of the applicant in the enquiry by notifying the delinquent officer for his presence at the enquiry. On the own showing of the authority the enquiry was scheduled on 18.5.1996. It was postponed to 18.6.1996 and finally conducted on 10.7.1996. The respondents also admitted that the applicant did not attend the enquiry. The records maintained by the Inquiry Officer including the order sheets were not made available before us. From the record it appeared that the Principal, Kendriya Vidyalaya, Mangalore sent the notice dated 9.5.1996 to the applicant at his Shillong address. Subsequent notices were, however, not found. Even the records did not indicate that the applicant was ever served with the notices by the Inquiry Officer or any other authority fixing the date of enquiry on 18.6.1996 and 10.7.1996. Even the proceedings recorded on 18.5.1996, 18.6.1996 and 10.7.1996 were not made available to verify the facts. There is also no material to show that the report of the

Inquiry.....

Inquiry Officer was furnished to the applicant to assail the report of the Inquiry Officer by the applicant. The applicant pointedly drew the attention of the Appellate Authority by his memo of appeal dated 24.12.1997. Save and except the bald order of dismissal of the appeal, the authority even did not address his mind on those issues. There is no material to show and establish that the authority took any lawful steps for affording reasonable opportunity to the applicant for his presence before the Inquiry Officer. Even the report of the Inquiry Officer was seemingly not served on the applicant. The materials on record pointedly established that the applicant was denied with a fair opportunity to defend his case. On the ground of breach of the principles of natural justice, the order of removal from service is liable to be set aside. Accordingly the impugned order of removal from service No.F.22-Estt/MGA/95-KVS(BGR)/19880 dated 7/10-11-1997 is set aside. So also the order No.F.9-1/98-KVS(Vig.) dated 15.12.1998 passed by the Joint Commissioner (Admin.) is set aside.

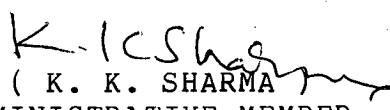
7. As regards the other reliefs of the applicant as to his outstanding dues, since we set aside the order of removal we direct the authority to examine the matter as to his outstanding dues and resolve the matter pertaining to his outstanding dues in consultation with the applicant with utmost expedition preferably within two months from the date of receipt of receipt of the order.

8. Needless to state that since the order of removal is set aside by us on the ground of breach of the principles of natural justice, it would always be open to the respondents to conclude the enquiry as per law by

providing.....

providing reasonable opportunity to the applicant, if so advised.

9. The application is accordingly allowed. There shall, however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm

BY SPECIAL MESSENGER

THE GAUHATI HIGH COURT
THE HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA:
MIZORAM AND ARUNACHAL PRADESH)
SHILLONG BENCH

Ex. H.C(BB) 14/7/02/890

Dt. 9-7-02.

From: Shri. H. Nongrum,
Registrar,
Gauhati High Court,
Shillong Bench.

To: The Registrar,
Central Administrative Tribunal
Gauhati High Court, Gauhati.

Sub: Transmission of Civil Rule No.169(SH)98.

Shri M.G. Ansari

-Vrs-

Union of India & Ors,

Ref: Judgment and order dated 3.7.2002.



Sir,

With reference to the Hon'ble High Court's Order cited above, (copy enclosed), I am directed to transmit the entire record of civil Rule No.169(SH)98 for favour of your information and necessary action.

Please acknowledge receipt of the same.

Yours faithfully.,

REGISTRATION
Gauhati High Court
Shillong Bench

RS.

BY SPECIAL DELIVERY

THE GOVT. OF INDIA
MINISTRY OF LAW & JUSTICE
REGISTRATION & TRADE MARKS
REGISTRATION AND ANNUAL RENEWAL BOARD
SIMISSION BEING

CIVIL RULE 100(SH)8

To: Shri. H. N. Nouguru,
Registrar,
Ganpati High Court,
Shivajinagar.

To: The Registrar,
Central Administrative Tribunal
Ganpati High Court, Ganpati.

Gap: Transmission of Civil Rule 100(SH)8.

Shri H.G. Anseri

-Ans-

Union of India & Ors.

Date: 15th January 2005 and order dated 3.1.2005.

Sir,

...In reference to the Hon'ble High Court's Order

of my spouse, (Copy enclosed), I am transmitting to transmitt
the entire record of Civil Rule 100(SH)8 for favour
of your information and necessary action.

Please acknowledge receipt of the same.

Yours faithfully,

RECORDED
RECORDED
RECORDED

Shri M. G. Ande

- u -

Ministry of Finance & Tax

15

Ref

As per judgment & order of
 417/202 ~~copy~~ posted in court rule
 No 169 (84) 98 the entire & court
 rule may be transmitted to the
 Central Administration Internet at Banket

Draft sent up for approval

M
5/7/202

O/N above as the same is
 very urgent. May be sent by spcl messenger
 for order please.

Shri
5/7/202

Syam
5/7

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND,
MEGHALAYA, MANIPUR AND TRIPURA)

SHILLONG BENCH

CIVIL APPELLATE SIDE

Appeal from
Civil Rule

C Rule

No. 169 (54) of 1998

Soni M. G. Ansari

Appellant

Petitioner

Versus

concerning 3 Indeas & ors.

Respondent

Opposite-Party

For Appellant Mr. S. K. Deb Pukkoreshwar
Petitioner Mr. S. S. Dass.

For Respondent Mr. P. Dey Adel CASC.
Opposite-Party

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceeding with signatures
1	2	3	4
			<p><u>B E F O R E</u> THE HON'BLE MR JUSTICE AP SINGH</p>
			<p>Shri P Dey, learned counsel for the respondents may obtain necessary instructions or file counter affidavit within a period of 6 weeks. Requisite extra copies numbering 8(eight), may be supplied to Shri P Dey by the learned counsel for the petitioner within 3 days.</p>
13/99 Counter affidavit has not filed. mdk			<p> JUDGE</p>

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
		16.3.99	<p><u>Before</u> <u>The Hon'ble Mr Justice NS Singh</u></p> <p>One months' time is granted so as to enable the respondents to file counter affidavit.</p> <p>W. J. C. E. <u>Judge</u></p> <p>mdk</p>
<p>Counter affidavit has not filed</p> <p>18/5/99</p>		19.5.99	<p><u>B E F O R E</u> <u>THE HON'BLE MR JUSTICE NS SIN</u></p> <p>2 (two) months' time is granted to the respondents concerned as prayed for by M. P. Dey, learned Addl. CGSC so as to enable the respondents to file counter affidavit. However, it is made clear that no further adjournment shall be entertained from the end of the concerned respondents for filing counter affidavit at any cost.</p> <p>N. J. C. E. <u>JUDGE</u></p> <p>mdk</p>
<p>Counter affidavit has not yet filed by the respondents</p> <p>5/8/99</p>			

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature's
		10/3/2000	<p>BEFOR the Hon'ble Mr. Justice N.S. SINGH</p> <p>Four week's time is granted as a last chance to the respondent Union of India, so as to enable the Union of India to file counter affidavit.</p> <p>N.S. CEE judge.</p>
1-5-2000 Counter affidavit has not yet filed. ✓		2/5/2000	<p><u>Before</u> Hon'ble Mr. Justice N.S. SINGH</p> <p>List it tomorrow for further order.</p> <p>N.S. CEE judge</p>

Noting by Office or advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
<p>9-3-2000 Affidavit of opposition has not yet filed</p> <p>b</p>	9.8.99	mdk	<p style="text-align: center;"><u>B E F O R E</u></p> <p style="text-align: center;">THE HON'BLE MR JUSTICE AP SINGH</p> <p>Despite opportunities given more than once and 3 months' time made available to the respondents, the counter affidavit has not yet been filed by them. As a last chance, 6 weeks' further time is allowed to the respondents to file their affidavit of opposition.</p> <p>List thereafter.</p> <p style="text-align: right;"></p> <p>JUDGE</p>

5

20

Noting by Office or advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature's

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature's

Noting by Office or advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature's
			C.Rule No. 169 (SH)98
			<u>B E F O R E</u>
			THE HON'BLE MR JUSTICE NS SINGH
	3.5.2000		
			<p>Mr Dey, learned Addl. CGSC, submitted that the present writ petition is not maintainable and the petitioner had filed this petition before this Court which is <u>wrong forum</u> inasmuch as, this matter is to be tried by the Central Administrative Tribunal at Gauhati. Supporting his submission Mr Dey, had produced the related Office memorandum dated 28.12.98 bearing No. H-11017/7/94-AT (Vol III). I have perused the same. The said related Notification which is of 17.12.98 speaks about the application of the provisions of sub-section (3) of section 14 of the Administrative Tribunals Acts, 1985, shall be enforced w.e.f. 1st day of Jan., 1999 in case of matters pertaining to Kendriya Vidyalaya Sangathan, New Delhi.</p>
			<p>Heard Mr SK Deb Purkayastha, learned counsel for the petitioner. The learned counsel also submitted that the petition is maintainable in its proper forum because this writ petition was filed before the issuance of the said Notification dated 28.12.1998. Be that as it may the question of maintainability of the present case is kept open and, in the meantime, the respondents are at liberty to file counter affidavit.</p>
			<p>List the case after 3 weeks for further order.</p>
dr/			 JUDGE

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature's
<p><u>30/8/2000</u> Coconuts defendant has not filed <u>AT</u></p>			

Noting by Officer or advocate	Serial Nu.	Date	Office notes, reports, orders or proceedings with signature's
<p><u>31.8.2000</u></p> <p><u>24-11-2000</u></p> <p>Mr. Dey - in - affidavit by respondents flag (A)</p> <p>(L)</p>			<p><u>24</u></p> <p><u>BEFORE</u></p> <p>THE HON'BLE MR JUSTICE AK PATNAIK</p> <p>As last chance <u>further four week</u>. time is granted to Mr P.Dey, CGSC, to file counter-affidavit.</p> <p>List this matter after four week for admission.</p> <p><u>✓</u> JUDGE</p> <p>gch</p>

Noting by, Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature's

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4
			B E F O R E
			THE HON'BLE MR JUSTICE RANJAN GOGOI
		<u>12.4.2001</u>	
			Heard Mr SK Deb Purkayastha, learned counsel for the petitioner.
			Let a Rule Issue calling upon the respondents to show cause as to why a writ should not be issued as prayed for; or why such further and other orders should not be passed as this Court may deem fit and proper.
			No fresh notice need be served as all the respondents have appeared through the learned CGSC. Affidavit has also been filed on behalf of the respondents
			Post the matter for hearing after 2 weeks during which time the petitioner may file his rejoinder affidavit, if so advised.
<u>D-5-2081</u>			
Rejoined by the petitioner.		mdk	<i>My</i> <u>JUDGE</u>
1			

Noting by Office or Advocate 1	Serial No. 2	Date 3	Office notes, reports, orders or proceedings with signatures 4
		9/7/01	<p data-bbox="889 444 1561 537"> BEFORE The Hon'ble Mr. Justice B. Banerjee </p> <p data-bbox="889 669 1561 1016"> Two weeks time is allowed and prayer for by learned coun- for the parties. </p> <p data-bbox="1342 1045 1561 1186"> Banerjee Judge </p> <p data-bbox="699 1162 773 1226">sep</p>

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4
			<p style="text-align: right;">28</p> <p>BEFORE The Hon'ble Mr. Justice</p> <p><u>23/9/01</u></p> <p>So prayed for by Mr. S.S. Das, learned counsel for the Petitioner, post the matter after two weeks.</p> <p><i>Mr Judge</i></p>
		<u>17.9.01</u>	<p>BEFORE The Hon'ble Mr. Justice P.C. Phukan</p> <p>list the case after one week as prayed for by Mr. SK Deb Purnayashwa.</p> <p><i>J</i> JUDGE</p>
		<u>81</u>	

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4
		10/10/01	<p>BEFORE The Hon'ble Mr. Justice A. H. Sardana</p> <p>Adjourned for one week as prayed for.</p> <p><i>A. H. Sardana</i></p> <p><i>JUDGE</i></p>
15/10/01 Adjourned for one week as prayed for.		10/11/01	<p>BEFORE The Hon'ble Mr. Justice A. H. Sardana</p> <p>Adjourned for one week as prayed for.</p> <p><i>A. H. Sardana</i></p> <p><i>Judge</i></p>

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4
		26/11/01	<p>BEFORE The Hon'ble Mr. Justice..... N.S. Singh</p> <p>list it on 29.11.2001 as prayed for by Mr. S.K. Deb Pukayatha.</p> <p>N.S. Gaur</p> <p>JUDGE</p>
		29/11/01	<p>BEFORE The Hon'ble Mr. Justice..... N.S. Singh</p> <p>list after long vacation as prayed for by Mr. S.K. Deb Pukayatha.</p> <p>N.S. Gaur</p> <p>JUDGE</p>

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4
			<p style="text-align: right;">13</p> <p>BEFORE The Hon'ble Mr. Justice <u>N.S. SINGH</u></p> <p>28/01/2002 List & after a week as prayed for by Mr. S. Chatterjee on behalf of Mr. P. Dey W/C Cau — Sudh.</p>
			<p style="text-align: right;">u</p> <p>BEFORE The Hon'ble Mr. Justice <u>A.K. Patnaik</u></p> <p>14/2/02 List on 15-2-2002 as prayed.</p> <p style="text-align: right;">Sudh.</p>

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4
		<u>15/2/02</u>	<p>BEFORE The Hon'ble Mr. Justice A. K. Patnaik</p> <p>List in the next 1 week as prayed.</p> <p>✓ Judge</p>
		<u>5.3.02</u>	<p>BEFORE The Hon'ble Mr. Justice Amitava Roy</p> <p>List it after two weeks. as prayed for.</p> <p>✓ Judge</p>
	<u>2-4-02</u>	<u>24</u>	<p>BEFORE The Hon'ble Mr. Justice N. S. Sanket</p> <p>Deal it after 2 weeks as prayed for by Mr. S. K. Deb Purbasinha.</p> <p>N. S. Sanket Judge</p>

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4
		13/5/02	<p>BEFORE The Hon'ble Mr. Justice N. S. Sehgal</p> <p>List on 16/5/02 as prayed for.</p> <p>N. S. Sehgal — Judge</p>

Noting by Office or advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature's
			BEFORE THE HON'BLE MR. JUSTICE B.LAMARE
		22/4/02	On the prayer of Mr. S.K.Deb Purkayastha, learned counsel for the petitioner, list this matter on 13th May, 2002, Mr. Dey, Addl. C.G.S.C. has no objection for fixing this case on the said date.
MD			<i>Lamare</i> JUDGE
		17/5/02	BEFORE The Hon'ble Mr. Justice N.S. Singh Dejourned for a week as prayed for. <i>Dej</i> N. S. Singh JUDGE

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature's
		27/6/02	<p>BEFORD To Hon'ble Mr. Justice B. Lamare</p> <p>sett this matter on 29.3.02 as prayed for.</p> <p><i>Manor Judge</i></p> <p><i>AM</i></p>
		29/5/02	<p>BEFORD To Hon'ble Mr. Justice B. Lamare</p> <p>Passed and for the day.</p> <p><i>Reddy</i></p>
		30/5/02	<p>BEFORD To Hon'ble Mr. Justice B. Lamare</p> <p>Passed and for the day</p>

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4
		<u>31.5.02</u>	<p>BEFORE <u>The Hon'ble Mr. Justice B. L. Banerjee</u></p> <p>On the prayer of the Lt. Counsel for the petitioner list the matter after 2 (Two) weeks.</p> <p><i>Banerjee Judge</i></p>
		<u>8/</u>	
		<u>17.6.02</u>	<p>BEFORE <u>The Hon'ble Mr. Justice N. S. Singh</u></p> <p>List it on 21.6.02 (Friday) as prayed for by the Lt. Counsel.</p> <p><i>N. S. Singh Judge</i></p>
		<u>8/</u>	
		<u>21.6.2002</u>	<p>BEFORE <u>The Hon'ble Mr. Justice N. S. Singh</u></p> <p>list it after a week as prayed for by Mr. S. K. Deb on behalf of the learned Counsel.</p> <p><i>N. S. Singh JUDGE</i></p>
		<u>PA</u>	

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4
		1/7/02	<p style="text-align: right;">BBFORD The Hon'ble Mr. Justice <u>Amritava Ray</u></p> <p>Passed over for the day By order</p>
		2/7/2002	<p style="text-align: right;">BBFORD The Hon'ble Mr. Justice <u>Amritava Ray</u></p> <p>Left & tomorrow (3-7-2002) as prayed for by the learned Counsel for the parties</p> <p style="text-align: right;">Suman Judge</p>

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Serial No.	Description of papers	Pages

UO

IN THE GAUHATI HIGH COURT.

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,
MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH).

SHILLONG BENCH.

CIVIL RULE NO. 169 (SH) OF 1998

Shri M. G. Ansari. Petitioner.

- Versus -

Union of India and others. Respondents.

I N D E X

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Advocate for the
petitioner :-

(1) Shri S. K. Dev Purkayastha.

(2) Shri S. S. Das.

INDIA COURT FEE

50 RS.

पंथा संसद एवं

संघमंडलयत्तम्

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50RS

FIFTY RUPEES

In the Gauhati High Court

Sh. 110 of March Sh. 110 of

Civil Rule No. 16.9 (S.H) 1998.

Shri H. G. Ansari

petitioner

in
Union of India &
others
Respondent

COMMISSIONER OF AFFIDAVIT

DA 147

INDIA COURT FEE

25 Rs.



In the Gauhati High court
22/11/09 Bench 8/11/09

Civil rule no. 169. (P.H) 1998.

Shri N. G. Tawani
... pleader.

...
Union of India & others
... Respondents.

DISTRICT : EAST KHASI HILLS.

IN THE GAUHATI HIGH COURT.

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,
MANIPUR, MIZORAM, TRIPURA AND ARUNACHAL PRADESH).

SHILLONG BENCH

(CIVIL EXTRA-ORDINARY JURISDICTION)

CIVIL RULE NO. 169 (SH) OF 1998.

To

Hon'ble Justice Mr. N. C. Jain, B.A., LL.B.,
Chief Justice of the Gauhati High Court and
His Lordship's Companion Justices of the
said Hon'ble High Court.

IN THE MATTER OF :

An application under Article 226
of the Constitution of India for
issue of ~~KNADIA~~ ~~FOR~~ a Writ of
Mandamus and/or a Writ of certiorari
and/or any other appropriate Writ
or direction.

10 DEC 1998

4 (D) 738
10/12/98

AND

Contd.....2.....

COMMISSIONER OF AFFIDAVIT

Filed by
M. G. Ansam
Through S. S. and
Advocets

AND

IN THE MATTER OF :

Enforcement of fundamental right
of the petitioner guaranteed under
part III of the Constitution of
India and other legal rights of
the petitioner

AND

IN THE MATTER OF :
:

Arbitrary and illegal removal of
the petitioner from service vide
Memo No. F:22-Estt/MGA/95-KVS (BGR)
/19880 dated 7/10-11-1997 addressed
to the petitioner at his Shillong
address. (Annexure XXXIV)

AND

IN THE MATTER OF :

Non-payment of salary, leave salary, L.T.C. bill, T.A. bill and other claims of the petitioner amounting to Rs. 1,28,000/- and harassment of the petitioner leading to his removal

AND

IN THE MATTER OF :

Shri M. G. Ansari,
C/o Feroze Cloth Shop (A.F.Camp),
P.O. Nonglyer (Upper Shillong),
Shillong- 793009 Meghalaya.

RECEIVED - PETITIONER

VERSIUS

Contd...³ 30000

- VERSUS -

1. Union of India,
represented by the Secretary
to the Govt. of India,
Ministry of H.R.Development,
Dept. of Education.
New Delhi.

2. Commissioner,
HQ-Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet- Sing Marg,
New Delhi- 110016.

3. Deputy Commissioner,
HQ. Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet Sing Marg,
New Delhi- 11016.

4. Assistant Commissioner,
Bangalore Region,
Kendriya Vidyalaya Sangathan,
C/o K.V. MEG & CENTRE.
Bangalore- 560042.

5. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati Region, (Maligaon Chariali),
Guwahati- 781010.

6. Principal,
Kendriya Vidyalaya No.2,
Railway Colony, Mangalore,
P.O. Mangalore- 575001.

7. Principal,
Kendriya Vidyalaya No. 2
Happy Valley, Shillong-793007,
Meghalaya.

- - - - - RESPONDENTS.

Contd.....4....

COMMISSIONER OF AFFIDAVIT

Most Respectfully Sheweth :

1. That the petitioner is a citizen of India residing in Shillong and is entitled to the privileges guaranteed under the Constitution of India and all other legal rights.
2. That the petitioner was appointed as a Trained graduate teacher (English) in the Kendriya Vidyalaya, Khanapara, Guwahati vide Memo No. F.1-1/KVS/GR/86-87/7416-17 dated 19/8/86 and joined the post w.e.f. 1/9/1986 and thereafter transferred to Kendriya Vidyalaya, Happy Valley, Shillong w.e.f. 22/12/89. The wife of the petitioner was also serving as primary teacher at Kendriya Vidyalaya, Upper Shillong. Both the petitioner and his wife were transferred to Mangalore, as per request made by the petitioner earlier for a transfer as he had already completed 5(five) years in the N.E. Region. But the transfer orders were issued (on 17/9/1992 and 22/10/1992 respectively) at a time when their son was studying in II year B.Sc. Course at the St. Edmunds' College affiliated to N.E. H.U. and was to get his degree after passing the ~~XXXXXX~~ IInd year final examination and thereafter to prosecute studies in IIIrd year honours course. The system and pattern of course and examination of NEHU do not tally with that

COMMISSIONER OF AFFIDAVIT of the Mangalore University which has got three years

contd.....5.....

got three years degree course after completion of 1st 2nd and 3rd year course and as such their son would get admission there to IIInd year of IIIrd year final examination course. Therefore the petitioner and his wife submitted representation separately to the Commissioner " Kendriya Vidyalaya Sangathan, New Delhi for cancellation of the transfer orders on the aforesaid grounds. Vide their applications dated 2/11/92 and 9/11/92 respectively. Though the transfer of his wife was cancelled, the petitioner was released by the Principal, Kendriya Vidyalaya, Happy Valley, Shillong (on 26/11/92), as per the transfer order dated 17/9/92 for reporting to Kendriya Vidyalaya, Mangalore, vide released order No. F. No. KVH/8-3/92-93/945-948 dated 26/11/92 but he was only released arbitrarily inspite of the fact that his wife has not been released, though the Deputy Commissioner of the HQ KVS, New Delhi, issued orders for not releasing both of them¹ ^{(vide Annexure VI(A))} The petitioner was paid an advance T.A. on transfer for Rs. 17,500/- by the Kendriya Vidyalaya, Happy Valley, Shillong and shown in the L.P.C. for recovery and it was mentioned in the aforesaid release order that the petitioner was entitled to TA/DA and joining time. In fact the Board of Governors of the Sangathan in its meeting held on 22/8/1990 laid down the guidelines for transfer and Transfer T.A. and according to item 12 of the same Transfer T.A. for

COMMISSIONER OF AFFIDAVIT

contd....6...

T.A. for request transfer will be admissible to a teacher who has completed 3 years of posting in North Eastern Region.

(Copy of (1) appointment letter dated 19/8/96 (ii) transfer order dated 17/9/92 (iii) Transfer order dt. 22/10/92, (iv) Representation dated 2/11/92 (v) Representation dated 9/11/92 (vi) Release Order dt. 26/11/92 and (vii) L.P.C. dt. 26/11/92 are annexed hereto as Annexures-I, II, III, IV, V, VI and VII respectively).

3. That on being relieved, the petitioner went to Mangalore and reported for duty on 14/12/1992 but he was not allowed to join by the Principal on the flimsy grounds. (Moreover the School was closed due to Ayodhya incidents). Thereafter the petitioner approached the Assistant Commissioner, at the Regional Office at Secunderabad and after his intervention vide letter No. F.2.2-5/92 KVS (HR)/63117 dated 18/12/1992, he was taken to duty.

(A copy of Assistant Commissioner letter dated 18/12/1992 is appended as Annexure- VIII).

4. That after the aforesaid incident, the Principal of the Kendriya Vidyalaya, Mangalore, became hostile

contd....7.....

became hostile towards the petitioner and tried to harass him in every possible way. The petitioner was not paid against his salary for the period from March, 1993 to June, 1993 and total amount of Rs.10,662/- drawn during the period was adjusted against the advance T.A. on transfer without payment of his Transfer T.A. bill dated 3/2/93 for Rs. 25,000/- (approx) arbitrarily and in violation of rules on the ground that T.A. on transfer is not admissible to him. Thereafter, the balance of Rs.7,438/- was adjusted against the salary of Rs.1252/- for July, 1993 and Rs. 6,186/- from salary from November, 1993 to February, 1994. No salary was drawn ~~from~~ ^{from} 13th July 1993 to October, 1993 and thereby put the petitioner in a starving condition at a place which was new to him.

5. That the petitioner tried his best to persuade the Principal of the school that Transfer T.A. is admissible to him under the guidelines of the Sangathan for transfer of teachers approved on 22/8/90 and as such his salary should not be adjusted against the Transfer T.A. advance of Rs. 17,500/-. If he had any doubt, he may obtain a decision from higher authorities. When his request did not evoke any response, the petitioner made a representation dated 16/7/1993 to the Commissioner, HQ. K.V.S., New Delhi through proper channel stating

proper channel stating that he had completed total tenure of more than 6 years in the North Eastern Region as per details below.

<u>Place under N.E.R.</u>	<u>Period</u>	<u>Remark.</u>
(a) K.V.Khanapara, Guwahati.	1/9/86 to 21/12/89	Total period of more than
(b) K.V.Happy Valley- Shillong	22/12/89 to 26/11/92	6 years without any break of claim.

The petitioner claimed the Transfer T.A. based on completion of tenure in the N.E.R. (irrespective of station). The Principal of the K.V. Happy Valley, Shillong released him after payment of Transfer T.A. before decision on his representation for cancellation of transfer and requested that his case may be considered sympathetically of facilities granted to N.E. Region or otherwise treat the same as inter-regional normal annual in public interest and if transfer ~~and~~ it is admissible, the same should be adjusted from his T.A. bill. If the same is not admissible, he may be transferred back to Shillong on "spouse case", where his wife is serving and submitted ~~his~~ application in prescribed form. But no decision in this regard was received. Consequently, the petitioner had to live a life like an unemployed person without any salary nor he was transferred back to Shillong where his wife is serving, after his serving for one year under the aforesaid

under the aforesaid guidelines for transfer under 'Spouse Case'.

(A copy of (i) Guideline of that K.V. Sangathan dated 22/8/90 and (ii) Petitioner's representation dt. 16/7/93 are annexed hereto as Annexure- IX and X respectively).

6. That thereafter, the principal of the K.V. in order to deprive the petitioner of the benefit of Autumn break from 22/10/93 to 31/10/93 issued a Memo dt. 18/10/93 alleging that he was absent from duties for more than 90 days from 13/7/93 to 5/11/93 although the petitioner was on duty except for 6 days. E.O.L. from 13/9/93 to 18/9/93 and accordingly he signed the attendance register, which was also not available to him for signature due to keeping it either at the custody of the Principal or the office clerk. The petitioner replied to the letter of the principal dated 18/10/93 vide his letter dated 19/10/93 ~~letter~~ which was sent by registered post on 23/10/93 after the principal refused to accept the same. After refusal of the principal to allow the petitioner to join on 18/10/93 the petitioner approached the Assistant Commissioner, Bangalore who allowed the petitioner to report back to duty vide his letter No. F.PF.-1/26/9/BGR/4153. Even then the principal did not allow him to join vide his order dt. 22/10/93. Then the Assistant Commissioner, on being approached again, instructed the principal to allow the petitioner to join and accordingly he joined on 6/11/93 even though he was present upto 5/11/93.

(A copy of the petitioner's letter dt. 19/10/93 and Asstt. Commissioner's letter dt. 20/10/93 are annexed hereto as Annexures XI, XI(A) respectively)

COMMISSIONER OF AFFIDAVIT

contd.....10.....

7. That the petitioner was in acute financial difficulties for non-receipt of monthly salary regularly. In order to harass the petitioner, the principal was not paying the salary of the petitioner by making unauthorised deductions and thereby adjusting almost the whole salary in violation of rules according to which more than 1/3rd salary can not be deducted from a months salary. During the period from 1/3/1993 to 31/1/94, only an amount of Rs. 3573.00 was paid to the petitioner, which is even less than his one month's salary for his survival. His annual increment was also stopped. The petitioner submitted a representation to the Assistant Commissioner, K.V.S. Bangalore for taking action in the matter vide his letter dated 8/2/94 and 15/7/94 pointed out that his basic salary was also reduced from 1700/- to Rs. 1650/- during the months of April, to July 1994 and requested him to intimate the details of deduction made. The petitioner vide his letter #25/8/93 requested the principal to release his increments which was not at EB Stage but nothing was done.

(Copies of (1) Petitioner's letter dated 8/2/94 (ii) 2/7/94 and (iii) 15/7/94 are annexed as Annexures-XII, XIII and XIV respectively).

contd.....11.....

8. That the principal Shri M. D. Namboodir, made a false report to the police of Pandeswar police station, Mangalore vide his letter No. 4-17/93-94/196 dated 18/10/93 stating that the petitioner was absent from duty from 13/7/93 and remained on unauthorised leave for more than 90 days and cannot re-join duty without approval of the Assistant Commissioner. Further he also falsely alleged that the petitioner was obstructing in functioning of the school and requested the Police to evict him from the school. The petitioner, after learning the same, made an F.I.R. to the Police on the same day vide his letter dated 18/10/93, stating that the Principal was harassing him in all possible ways and preventing him to sign the attendance register and doing his duties. Two Police Personnels came to the school and took the petitioner to the Police Station for recording his statements. The Police investigated the matter and as per their report of ~~4/11/93~~ ^{it was} found that the report of the Principal was false as the teacher was not unauthorisedly absent for any time and nothing was found wrong in his behaviour and the petitioner was taking his normal classes as usual. His eviction from the school on false and misleading complaint by the Principal was unfortunate.

contd....12....

The petitioner reported the matter to the Assistant Commissioner vide his letter dated 9/11/93 regarding harassment, humiliation insult caused and financial loss, by the Principal. Even the U.D.C. of the office of the Principal with his that consent was threatening that he would spoil the service career of the petitioner or getting him terminated. He also confessed that he played a great role to get the petitioner evicted from the school by the police on 18/10/93 and 1/11/93. The petitioner reported the matter to the Principal vide his letter dated 9/3/94 but no action was taken.

(Copies of the (i) Principal's F.I.R. dated 18/10/93 (ii) Petitioner's F.I.R. dated 18/10/93 and (iii) Police Report dated '93 (iv) Petitioner letter dated 9/11/93 are annexed as Annexures -XV, XVI, XVII and XVIII and petitioner letter dated 9/3/94 as Annexure- XIX respectively).

9. That the petitioner states that during the summer vacation in May-June, 1994, the petitioner went to his home town in Madhopur in Hazaribagh District (Bihar) and prepared a L.T.C. bill for Rs. 2810/- which was not formally submitted for payment as the Principal told the petitioner that it was not admissible. But the Principal got the

contd....13....

Principal got the bill collected from his table on 22/7/94 in order to harass the petitioner. The petitioner suspecting the evil intention of the principal, vide his letter dated 8/8/94 requested the Principal to treat the bill as cancelled and the bill was not paid accordingly.

(A copy of the (1) Letter dated 8/8/94 and copy of the bill is annexed as Annexures- XX & XXI respectively).

10. That the petitioner was deputed for inservice training ~~at K.V. III, Powai~~ during September, 1994 and accordingly the petitioner reported for training on 14/9/94, and ^{got} released on 5/10/94 on completion of training vide K.V., III, Powai's letter No. F. 38/KV IIT/94-95 dated 5/10/1994 to the Principal K.V. Mangalore. The petitioner purchased a first class ticket for the onward journey for which reservation was not available..As such he cancelled the ticket and went by air in view of urgency but claimed first class rail fare on his T.A. bill. On return to Mangalore, the petitioner submitted T.A. bill for Rs. 4,144/- which was adjusted against the advance of Rs. 4,500/- and passed for nil payment by the Principal who subsequently made an ~~unfounded~~ unfounded allegation that the claim was false although the petitioner actually performed the journey and attended the training course

contd.....14....

the training course from 14/9/94 to 5/10/94 as would be evident from the released letter dated 5/10/94 mentioned above. Four Teachers including the petitioner attended the training course together. But the Principal, after payment of the bills of the teachers tried to find out lapses in order to harass the petitioner on the allegation that claim was false.

(A copy of the Release order dated 5/10/94 and copy of the T.A. bill for Rs. 4,144/- are annexed as Annexure XXII and XXIII respectively)

11. That the petitioner states that before his going on leave in March, 1995, he requested the Principal to make payment of his pay with increments, the Principal told him that his pay was not even fixed and handed over his ~~xxxxxxxx~~ Pvt. correspondence file in this matter which is not an official file, for study and to take similar action. On the night before his journey on 21/3/95 the petitioner found that the file was lying with him and accordingly he informed the matter to the Principal over telephone and told ^{he} him that ~~would~~ be taking the file to Railway collection Station and requested him to arrange ~~of~~ his file from the Railway station as he might need the file

contd....15....

as he might need the file during his absence. But strangely enough the petitioner after reaching the Railway Station, Mangalore, found that the Principal was standing there with two Police ^{and} official with him/he lodged a false complaint regarding ~~stealing~~ of the file. The petitioner told them he had brought the file and accordingly handed over the file to the Police who told him to cancel the reservation and to go to the Police Station for recording his statement. The Police after recording his statement allowed him to go. The Principal not only stopped there ~~but~~ ^{also} made a report to the Assistant Commissioner, K.V.S. Bangalore against the petitioner for taking action. This indicate the vindictive attitude of the Principal. He was out to drive away the petitioner from Mangalore (Bangalore Region).

(A copy of the Principal's complaint to the Police dated 21/3/95 and report to the Assistant Commissioner dated 21/3/95 are annexed hereto as Annexures XXIV and XXV respectively).

12. That the petitioner states that the harassment, insult, humiliation ~~and~~ Financial loss caused to the petitioner, reached such a stage that the petitioner who was staying alone at a new and

contd....16.....

a new and unknown place, became a victim of mental worries and anxieties and decided to resign from the appointment and requested the Principal vide his letter dated 19/8/95 to clear his dues so that he may resign the post at any moment in 1995 and ^{search an} alternative avenues vide his letter dated 19/8/95. Ultimately he was compelled to submit his resignation letter dated 21/12/1995 and requested him to release him waiving the notice period.

(A copy of petitioner's letter dated 19/8/95 and resignation letter dated 21/12/95 are annexed as Annexures-XXVI & XXVII respectively).

13. That after submission of resignation letter, dated 21/12/95, petitioner intended to go back to Shillong but on 22/2/1995 he received Memo No. F. 22-Estt/MGA/KVS/BGR)/16605 dated 6/12/1995 (received on 22/12/95) from the Assistant Commissioner(KVSRO) Bangalore drawing up a disciplinary proceeding against the petitioner under Rule 14 of the Central Civil Services (Classification, control and Appeal) Rules, 1965 containing the following clauses.

contd....17....

Article - I

That the said Shri M. G. Ansari, while functioning as Trained Graduate Teacher in English, at Kendriya Vidyalaya No.2, Mangalore, during the period December, 1992 to October, 1994 preferred a false Leave Travel Concession claim of Rs.2810/- (Rupees two thousand eight hundred and ten only) for the expenditure purported to have been incurred by him for visiting his home town for the journey from Mangalore to Madhopur from 8/5/1994 to 25/6/1994.

He has thus committed misconduct under Rule 3(1)(i) and (iii) of CCS(Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

Article-II

That during the aforesaid period and while functioning in the aforesaid Vidyalaya, the said Shri M. G. Ansari preferred a false Travelling Allowance claim of Rs. 4144/- (Rupees four thousand one hundred and forty four only) for the expenditure stated to have been incurred by him for attending Inservice Course for TGT(English) held at Bombay from 15/9/1994 to 5/10/1994.

He has thus committed misconduct under Rule 3(1)(i) & (iii) of CCS(Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

contd.....18....

Article - III

That during the aforesaid period and while functioning as Trained Graduate Teacher in English in the aforesaid Vidyalaya, the said Shri M.G.Ansari committed theft of Office file which was later found in his suitcase in the Train on 21/3/1995.

He has thus committed misconduct under Rule 3(1)(i) and (iii) of CCS(Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

On receipt of the aforesaid Memo on 22/12/95 the petitioner submitted his written statement dated 28/12/95 even though he resigned before and stating the following replies on the basis of the facts as already stated in the earlier paragraphs, 8,9 & 10 as below.

Article- I.

It is stated that my visit to my home town during the vacation in May-June '94 is true but the LTC bill became irrelevant~~xxx~~ as I, after a discussion with the Principal, had requested him vide my application dated 8/8/94 for the cancellation and withdraw of the said LTC bill (dt. 18 Jul '94) for Rs. 2810/- as it was not admissible to me according to him. Since then I have never claimed the same any more. (The amount also was not paid).

contd....19.....

Article - II

It is stated and reported that other three teachers also (from the Bangalore region) have attended the course along with me at KV III, Powai (Bombay). We four went together, stayed and returned together for certain period and distance. Please verify their TA bill first and then only come back to my TA bill for further comment and observation. (The admissible amount was paid to all).

Article-III

It is stated that the particular file (namely Principal's correspondence file) was given to me by the Principal M.D. Namboodiri only showing that even his pay was not fixed (when I asked him for my pay with the increments). After going through the file, it was in my possession but since I was proceeding to Shillong on 21/3/1995, I had informed him in the previous night (while packing up the things in my suitcase) over the telephone that I was bringing the file to the Railway Station in order to hand over the same to him before leaving the Station. Surprisingly and knowingly, he created an unwanted scene. He was waiting for my arrival to the Station with a pre planned police squad. I told them that I had already informed the Principal and accordingly I had brought the file

contd.....20.....

brought the file to hand over to him but since the conspiracy was pre-planned they told me to cancel the reserved ticket and proceed by the next train after giving a statement ~~xxx~~ (My innocence has been endorsed by the police in my statement after the spot investigation finding me not at all guilty which may be obtained from the police who told me to go).

This was another harassment to me. This refers my written statement given to the Police on the spot. It will not be out of place to mention that Mr. M. D. Namboodiri cannot be a witness in all these baseless charges being a false man who has already eaten PTA's money and preferred false claims by submitting false bills from the Hotels while he was living in the school building itself.

Thus, I am not at all guilty of the charges framed falsely, baselessly and intentionally just to harm me which were not to be framed otherwise. Hence, each article of the charge is hereby denied.

(Copies of the memo dated 6/12/95 and
petitioner's written statement dt. 28/12/95,
are annexed as Annexures-XXVIII & XXIX
respectively).

contd.....21.....

14. That the Principal of the K.V.Mangalore on receipt of the Petitioner's resignation letter dated 21/12/95 forwarded the same to the Assistant Commissioner vide his letter dated 26/12/95 and did not allow the petitioner to join duty on 1/1/1996 after reopening of the school on the expiry of winter vacation from 22/12/95 to 31/12/95, The petitioner came down to Shillong to see his family with prior permission of the Principal. After coming to Shillong, the petitioner received a letter dated 28/2/1996 from the Principal forwarding a copy of the letter No. F. 1-26/95-KVS (BGR) 20497 dated 2/1/1996 from the Assistant Commissioner informing that this resignation has not been accepted due to drawal of disciplinary proceedings against him and also for the court case filed by him and asked him to report back to duty. However, the Assistant Commissioner, sanctioned leave from 9/10/95 to 19/12/95.

(Copy of the Principal letter dated 28/2/96 and AC's letter dt. 2/1/96 are annexed hereto as Annexures- XXX and XXXI respectively).

15. That the petitioner states that after his coming to Shillong, the petitioner received a letter from

Contd.....22....

18/5

a letter from the Principal K.V. Mangalore, vide No. K.V.M -II/F.4-17/96-97/49 dated 9/5/96 addressed to the petitioner at Shillong address (registered on 13/5/96 and received on 22/5/96 by the petitioner) forwarding a memo issued by the Enquiry Officer dated 1/5/96 for attending the enquiry on 18/5/96 in his office at Kudremukh (Chikmagalur District), immediately. On receipt of the letter at Shillong the petitioner vide his letter dated 23/5/96 intimated the principal that as the letter was received on 22/5/1996, it was not possible to attend the inquiry on 18/5/96 and in case a subsequent date is fixed the same should be intimated to him in advance for reservation of train journey along with a remittance of Rs.5000/- for meeting the TA/DA. But no subsequent date has been intimated to him).

(A copy of Principal's Memo dated 9/5/96 and acknowledgement dated 22/5/96 and petitioner's reply dated 23/5/96 are annexed hereto as Annexures- XXXII, XXXII(A) & XXXIII respectively).

16. That the humble petitioner states that though he requested the principal vide his letter dated 23/5/96 (Annexure XXXII) to communicate him the next date fixed for enquiry in order to enable him

contd.....23.....

enable him to appear before the inquiry officer but no subsequent date fixed for the purpose was intimated to him till October, 1997. Thereafter all on a sudden, the petitioner received in December 1997, Memo No. F.22-Estt/MGA/95-KVS(BGR)/19880 dated 7/11/97 communicating order of the Assistant Commissioner, K.V.S. Bangalore at his Shillong address, imposing the penalty of removal from service with immediate effect.

(A copy of the Memo dated 7/10-11-97 is annexed hereto as Annexure- XXXIV).

17. That the humble petitioner states that it was stated in the aforesaid order of removal of the petitioner dated 7/10-11-97 from service that a copy of the report of inquiry was sent to the petitioner vide Memo dated 14/15-7-97 but no inquiry report was received by the petitioner and as such the order of removal was issued behind his back without giving him any opportunity to defend himself and thereby violating the principle of natural justice and as such the order of removal is liable to be set aside as per decision of the Apex Court reported in A.I.R. 1991 (SC) 471 U.O. I and others versus Md. Ramjan Ali and in AIR 1994(SC) E.C.I.L. versus Karunakaran.

18. That the humble petitioner states ~~the~~ ^{that} inquiry was conducted ex parte without any notice to the

contd....24.....

COMMISSIONER OF ARBITRATION

notice to the petitioner regarding subsequent date fixed for inquiry. The petitioner was neither examined nor he was given any opportunity of cross-examining any witness and more particularly the principal of the school who was not only biased but also as harassing the petitioner all along and was bent upon getting the petitioner out of service from the very beginning. The inquiry was conducted without following ~~procedure~~ laid down under C.G.S (C.C.A) Rules 1965.

UPA

19. That the humble petitioner states that no 2nd show cause notice was issued to the petitioner for showing cause against the imposition of penalty of removal and as such the punishment of removal from service issued behind the back of the petitioner violated the principle of natural justice and is liable to be set aside.
20. That being aggrieved by the arbitrary and illegal order of removal of the petitioner from service without following the laid down procedure for conducting departmental proceedings and without furnishing him a copy of the inquiry report as well as 2nd show cause notice against the punishment, the petitioner submitted an appeal dated 24/12/97 to the Deputy Commissioner (Admn & Personnel) of the Kendriya Vidyalaya Sangathan, HQRS. New Delhi, who is the appellate authority,

contd.....25....

authority, for quashing the disciplinary proceedings and to set aside the impugned order of removal from service dated 10/11/97 mainly on the following grounds ~~amongst others:~~

- (a) The charges were false, baseless, motivated.
- (b) The L.T.C. bill for visiting his home town in May-Juhe 94 was cancelled and withdrawn when the principal told him it was not admissible. Subsequently it was neither claimed or paid.
- (c) His T.A. bill for attending service course training in Bombay along with 3 other teachers is admissible as per rules.
- (d) The Principal's evil design to harass the petitioner by the Police at the Railway Station for his personal and private file handed over to the petitioner was foiled on the basis of petitioner's statement to the Police.
- (e) The petitioner was denied reasonable opportunity to defend himself during inquiry, which was conducted ex parte without notice to the subsequent date of inquiry.
- (f) The petitioner did not receive a copy of the inquiry report, and was not given any opportunity to show cause.
- (g) The order of removal was issued without any application of mind by the disciplinary authority.

contd....26....

(A copy of the Appeal dated 24/12/97 is annexed hereto as Annexure XXXV)

21. That the humble petitioner states that after waiting for a period of more than 4 (four) months, when no reply to his appeal dated 24/12/97 was received, the petitioner submitted another detailed reminder dated 6/5/98 to the Deputy Commissioner (Admn and Pers) HQrs. K.V.S. New Delhi explaining that each of the charges was futile, motivated and pre-planned by the Principal to fulfil his evil design in order to get away with the petitioner, besides non-receipt of inquiry report and irregular disciplinary proceedings. It was also mentioned that too more inquiries were also held earlier and had to be dropped as the alleged charged could not be proved. The petitioner requested the Appellate Authority to set aside the impugned removal order dated 10/11/97 but no reply was received. The petitioner, thereafter, issued another reminder dated 31/8/98 but no reply has been received till date. Hence, this writ petition.

(Copies of reminders to the appeal dated 6/5/98 and (ii) dated 31/8/98 are annexed hereto as Annexures- XXXVI & XXXVII respectively).

contd.....27.....

22. That the humble petitioner states that as stated earlier, the Principal of K.V. Mangalore was harassing him by non-payment of salary including leave salary, T.A. bill, R. L.T.C. Bills, bonus G.P.F. etc. The salary drawn for the period from March, 1993 to June, 1993 was adjusted arbitrarily against transfer T.A. advance without payment of Transfer T.A. claim admissible under the rules. Besides the earned leave application from 15/3/93 to 7/5/93 (54 days) was arbitrarily converted into extra ordinary leave without any leave salary. No salary for the from 13th July, 1993 to October, 1993 was paid, Leave Salary for the period of leave sanctioned was not paid. The Principal of the K.V. Mangalore was trying all means legal/illegal including false complaints to Police and lastly preparing false grounds for disciplinary action in order to drive away the petitioner from service. In this way the claim of the petitioner amounting to Rs. 1,28,000/- as detailed in the statement (Annexure XXXVIII) was not paid. The petitioner earlier filed a writ petition in the year 1994 (writ petition No. 12485 of 1994) for payment of his dues, entitlement of transfer T.A. sanction of leave, allotment of quarters, transfer back to Shillong on spouse case, but due to change of circumstances because of removal of the petitioner from service

contd.....28.....

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from service and the petitioner's staying at Shillong, the Petitioner took steps for withdrawal of that Writ Petition before filing this Writ Petition. But the petitioner has since been informed by his lawyer vide letter dated 17.11.98 that the said writ petition has been disposed by the Court on 9.10.98, directing the respondent No. 1 to give the salary to which the petitioner is entitled to after deducting T.A. within four weeks from the date of receipt of the order and the same has not yet been paid.

(A copy of the Advocates letter dated 17.11.98 is annexed as Annexure XXXIX).

23. That the petitioner submits that as the order of removal of the petitioner has been served on him at Shillong, this Hon'ble Court has jurisdiction to adjudicate in the matter.
24. That the petitioner submits that the respondents have illegally removed ^{from} him/service without giving the reasonable opportunity to defend himself in hearing and to cross examine the witnesses and more particularly the Principal of the K.V. Mangalore who was biased against the petitioner.
25. That the petitioner submits that the Procedure of inquiry laid down in Rule 14 of the CCS(CCA) Rules, 1965 for departmental enquiry was not followed by the respondents and as such the removal order is liable to be set aside.
26. That the petitioner submits that neither any

neither any inquiry report was furnished to the petitioner nor any 2nd show cause notice was issued to him before removal from service and as such the order of removal of the petitioner is liable to be set aside.

27. That the petitioner submits that the action of the respondents violated the fundamental rights of the petitioner guaranteed under Article 14 and 16 of the Constitution as well as the provision of Article 311(2) of the Constitution of India.
28. That the petitioner submits that Kendriya Vidyalaya Sangathan a Central Govt. autonomous body affiliated to Central Board of Secondary Education, and is amenable to writ jurisdiction of this Hon'ble High Court.
29. That the petitioner has no other alternative and efficacious remedy than to approach this Hon'ble Court for justice.
30. That the petition is made bonafide and in the interest of justice.

In the premises aforesaid, the humble petitioner prays that Your Lordship may be pleased to :-

contd.....30.....

COMMISSIONER OF AFFIDAVIT

(1) Call for the records of the case.

(2) Issue a Rule calling upon the respondents to show cause as to why a writ of mandamus and/or any other appropriate writ and/or a writ of certiorari and/or any other appropriate writ or direction should not be issued to set aside the impugned order of removal of the petitioner vide No. F.22-Estt/MGA/95/-KVS(BGR)/19880 dated 7/10-11-97

(a) Annexures xxxiv) and also direct the respondent to

(b) to pay the Transfer T.A. bill of the petitioner for which Transfer T.A. Advance for Rs. 17,500/- was paid during his transfer from Shillong to Mangalore and also his other dues on account of salary, L.T.C. leave Salary, bonus etc. detailed in statements at Annexure xxxvii as admissible under the rules.

(c) to sanction leave applied for by the petitioner as admissible under rules.

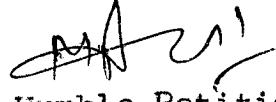
(d) to grant annual increments accrued to the petitioner and

contd.....31.....

(e) to pay back wages from 1.1.96

(3) On such cause or causes being shown
made the rule absolute and/or pass
such other and further orders as Your
Lordship may deem fit and proper.

And for this act of kindness,
Your humble Petitioner shall ever pray.


Humble Petitioner.

Dated, Shillong

the 10th day 1998.


COMMISSIONER OF AFFIDAVIT

Affidavit.....p/32....

A F F I D A V I T

I, Shri M. G. Ansari, son of (L) Karim Mia, aged about 48 years, of Upper Shillong, Ex. T. G. Teacher of Kendriya Vidyalaya, Sangathan, do hereby solemnly affirm and state as follows :

- 1) That I am the petitioner of this writ petition and conversant with the facts and circumstances of the case.
- 2) That the facts stated in paragraphs No.

I ----- are true to the best of my knowledge and those at paragraphs No. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 being matters of record are true to my information derived therefrom and the rest are my submission before this Hon'ble High Court.



Identified by :

Deponent

Advocate.

9/3/98
15/12/98

solemnly affirmed before this the 10
of Dec 1998 The declarant is identified by
Mr S. S. Das, A. I. is personally known to me
I Certify that I read over and explained
contents to the declarant and that the
declarant seemed perfectly us understand them

B. S. Das
Commissioner of Affidavit
Gauhati High Court
Shillong Bench

Annexure I

REGISTERED POST

(33)

KENDRIYA VIDYALAYA SANGATHAN
GAUHATI REGION

No. F.1-1 /KVS/GR/86-87/2416-17

Pub-Sarania, Gauhati-3.
Dated : 19.8.86

MEMORANDUM

SUB: OFFER OF APPOINTMENT TO THE POST OF TRAINED GRADUATE
TEACHER (ENGLISH)

With reference to his/her application/Interview for the post mentioned above, Shri/~~Amrit Kumar~~ MOHAMMED GYANI ANSARI is hereby informed that he/she has been selected for appointment against a temporary post of Trained Graduate Teacher (Eng.) in Kendriya Vidyalaya Sangathan on initial pay of Rs.440/- in the scale of Rs.440-20-500-EB-25-700-EB-25-750/-. He/She will draw allowances and other benefits in addition to pay at the rates as admissible to the Kendriya Vidyalaya employees. This offer of appointment is subject to the candidate being declared fit for the post of Trained Graduate Teacher by a Civil Surgeon.

2. If the candidate is a woman, she should certify that she is not in the family way at the time of acceptance of the appointment. If, however, she is pregnant of 12 weeks standing or over at the time of acceptance of appointment as a result of Medical tests, she will be declared temporarily unfit and the offer would be treated as withdrawn for the present. However, her appointment would be held in abeyance until her confinement is over. She would be re-examined for a fitness certificate six weeks after the date of confinement and her appointment would be subject to production of Medical Certificate from a "Registered Medical Practitioner/Authorised Medical Attendant". She should indicate when her delivery is expected and also should indicate the date of confinement soon after it is over. In case, the candidate fails to comply with these instructions her candidature would not be considered and no further correspondence will be entertained thereto from her.

3. No T.A. Will be admissible for first joining the Sangathan as Trained Graduate Teacher (Eng.)

4. He/She will be on probation for a period of two years which may be extended. Upon successful completion of probation he/she will be confirmed in his/her turn according to the availability permanent vacancies.

5. During probation and thereafter, until he/she is confirmed the services of the appointee are terminable by one month's notice on either side without any reason being assigned therefor. The appointing authority, however, reserves the right to terminate the services of the appointee before expiry of the stipulated period of notice by making payment of a sum equivalent to the pay and allowances for the period of notice or the un-expired portion thereof.

6. He/She will be borne on the cadre of this region only and normally he/she would not be allowed to change the region subsequently.

Contd.....2/-

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- : 2 : -

7. Other terms and conditions of service governing the appointment are laid down in the Education Code for Kendriya Vidyalayas as amended from time to time. He/She will be liable for transfer anywhere in India. Initially he/she is posted as Trained Graduate Teacher (Eng.) to Kendriya Vidyalaya KHANAPARA, GUWAHATI.

8. In case of any dispute or claim against the Kendriya Vidyalaya Sangathan, in respect of service or any contract arising out of or flowing from this offer of appointment, the courts at Delhi alone shall have jurisdiction.

9. If he/she accepts the offer on the terms and conditions stipulated, he/she should send his/her acceptance immediately on receipt of this Memorandum in the form attached and join the Kendriya Vidyalaya mentioned above. This acceptance should reach the undersigned in any case by 5.9.86. If the offer is not accepted by the said date or after acceptance, if the appointee does not report for duty at the above named Kendriya Vidyalaya by 10.9.86 this offer of appointment will be treated as cancelled and no further correspondence will be entertained from him/her.

10. He/She shall be admitted to K.V.S. (Employees) Group Insurance Scheme with effect from the date he/she joins the service under the Sangathan.

Assistant Commissioner

To

✓ Sh. Mohammed Gyani Ansari
C/o Mrs. S. Ahmed, TGT(Eng.)
Kendriya Vidyalaya
Khanapara, Guwahati-22.

Copy forwarded for information to:

1. The Principal, Kendriya Vidyalaya KHANAPARA. The date of joining of the teacher may be intimated to this office immediately after the candidate has reported for duties. In case he/she does not join by the stipulated date, this office should be informed telegraphically. This appointment is further subject to production of certificates etc. as per article 49 (1) of Education code for Kendriya Vidyalayas. The candidate will be allowed to join his duties only after verification of original certificates, etc.

Assistant Commissioner

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Sl. No. Name of Teacher	Transferred From	To K.V.
7. Rejeeta L.Nayak	Lumbding	SP Vishakhapatnam
8. Rajendra P. Sharma	No. I ATS Bhuj	Rhuasival
9. R.D. Prajapati	Chunachandpur	OIGC, E. nvol
10. Ranjanan Bhag	No. I Binnaguri	No. 3 Bokaro
11. R.G. Anturi	Happy Valley	Mangalore
12. Sushila C.Pramanik	Mechahatuburu	No. 2 Kalikunda
13. Harinder Singh	Zakharia	No. I Halwara
14. Rupinder Kaur	No. I ATS Pathankot	No. II Halwara
15. L.I. Gorla	Lakhimpur	No. I Halwara
16. Rajni Srivastava	COD Checki, Ajlehabad	Sarsawa
17. Ajaypal Singh	Jhunjhunu	Bullandshahar
18. Hars Kishore	Uttarla	Bullandshahar
19. Gopal Sharma	Hatkimpet	Muradnagar
20. Vijayender Singh	Shrikarpur Cuntt	Muradnagar
21. T.Premod Kumar	Patrota	NTPC Ramagundam
22. Sudharshan Rao D.T.	No. 2 Cochin	DRDO Bangalore
23. K.Jeanla Veti	Bacheli	COI Yerraguntla
24. Vitta Nagabhushnam	CRPF Avadi, Madras.	No. 2 Vijayawada
25. Bhanupati Ghastri	Barrackpore	No. 2 AFS Hyderabad
26. Theodore Marks	No. I Kalisenabagh	NPA Hyderabad
27. Pradeep Kumar Sharma	Maliya (Kutch)	Bharatpur
28. B.M. Sonia	Bharwagarh	No. I Khetri nager
29. Ravi Kumar	Subathu	Hissar
30. Vijay Batta	No. I Pathankot	No. 4 Jaipur
31. Baljeet Kaur Sujlane	Dehradun	No. I Adampur
32. Tejinder Kaur Solhi	Dinjan Cuntt.	No. 2 Pathankot
33. Uma Pandey	Rihand Nagar	Maini, Allahabad
34. Jyoti Srivastava	NTT Katni	Maini, Allahabad
35. Poonam Kapoor	Gondiaurh	Aonla Bareilly
36. Rangopal Sr. ma	Tengavalley	Dibiyapur
37. Uma Nath Ur. Nayi	No. I Itanagar	Paisabad
38. Rupmal Singh Gur	Azadgarh	Washgarh
39. Krishan Kumar Pandey	Hesimara	Jagdishpur
40. Brahma Prasad Tiwari	Melitton	No. 2 GMP Kanpur
41. Sarojwati Devi	Antleriver	No. 2 Armapur, Kanpur
42. S.B. Khati	AFS Farhat.	Pitteragarh
43. Sharmila Chatterjee	No. 2 Sonagiron	III Soi-Bareilly
44. Abha Jambekar	Longore hills	Arulankunam (Aruvankadu)
45. Usha R.	Gondogarh	Gondakote
46. Sharmila Chatterjee	No. I Berdibidi	No. 2 Cochin
47. Shanti Dhadmalan	Bulimajhband	Bardia
48. Usha Rani	Bhawampurh	Dotaduamund

Annexure III

KENDRIYA VIDYALAYA SANGATHAN

87 80 36

F. 18-1/92-KVS(Estt.2)

18, Institutional Area
Shaheed Jot Singh Marg
New Delhi-110016

Dated: 29/10/92

OFFICIAL ORDER

Transfers of following Primary teachers ordered by Kendriya Vidyalaya Sangathan Hqrs. office are hereby modified as mentioned against their names:

S. No.	Name & Present KV	Transferred	Requested for modification
1.	Mrs. Asha Ansari Upper Shillong	Koyalanagar	<input checked="" type="checkbox"/> Mangalore
2.	Mrs. Kushan Sharma AFS Srinagar	Happy Valley Shillong	Upper Shillong
3.	Mrs. K. K. Sinha Ramgarh Cantt.	No. 3 B. S. City	No. 2, B. S. City
4.	Mrs. G. S. Prema Sector-VIII R.K.Puram	K.K. Nagar Madras	Avadi, Madras
5.	Mr. Dalip Kumar Leh	Mirad Nagar	S.L. Meerut Cantt.
6.	Mr. Raj Kumar No. 2 BHEL Hardwar	Tejpur	Noonmati, Assam
7.	Mrs. Renu Khetrapal Nalia	Agra No. I	No. 2 Army Jodhpur
8.	Sh. R. D. Vishewkarma Ojjar	Mau	New Cantt. Allahabad
9.	Sh. B. N. Yadav No. I Kalaikunda	Mau	Mughalsarai

Other terms and conditions of earlier orders are remain unchanged.

This issues with the approval of Joint Commissioner(Ad.)

(L.M. JOSHI)
SECTION OFFICER
for Joint Commissioner(Ad.)

Copy to:

1. Individual concerned
2. The Principal Concerned.
3. The concerned Asstt. Commissioner, Regional Offices.
4. Guard File.

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29/10/92
S. 13

✓

Annexure IV

from - Mrs Asha Arun, M.S. KVS, Upper Shillong 81
Date : 02 Nov 92

To : The Commissioner
KVS, Hq, New Delhi
(Through Proper Channel)

(37)

Subject : APPROVAL FOR TRANSFER OF STUDENT

Sir,

1. With due respect, I have the honour to submit the following for kind sympathetic action.

2. I am thankful to the Sangathan for granting me the request for my choice to NV Mangalore vide its letter No. P.10-1/92KVS(Utt-2) dated 22 Oct 92. However, it is regretted that I am not in the position to move at present because of my son's education who is doing his B.Sc (now IInd Year) from St. Edmenia's College Shillong, affiliated to North Eastern Hill University (NEHU).

3. In the meantime, it was confirmed that the pattern and system of Courses & Exam of B.Sc/ B.Sc of NEHU do not tally with that of Mangalore University. NEHU has got two years degree Course and one yr Honours Course-I Yrs exam is conducted internally by the college itself. The university conducts only the II yr's Exam and awards degree entirely on the performance of II yr alone. Whereas Mangalore University has got three years degree, Pt I, II & III. The exam of all the parts are conducted independently by the University and the degree is awarded based on the performance of all the three parts. Thus, he is not going to get admission there to the II or III Yrs Course of B.Sc and finally, he has to complete his B.Sc (III yrs) Course here itself. Hence, I am bound to stay at Shillong for another 1 & 1/2 years for the sake of my Child's education who is not getting a room there in any of the hostels at Shillong.

4. In view of the above, I humbly request your honour to consider my present transfer, please. The inconvenience caused by me, in this connection, is deeply regretted.

Thanking You.

No. P.1-2/RV-US/92-93/467

Date 04-11-92

Yours faithfully,

Asha Arun

Forwarded to the Commissioner, (ccs also Ansari)
KVS, N/ Delhi + 16 for necessary action. Please

Brijesh
PRINCIPAL
Brijesh Vidyalaya
ex-10th, Upper Shillong.

Annexure V

Mr. M. O. Ansari, TGT (Eng)
Kendriya Vidyalaya
Happy Valley, Shillong 07

To,

The Commissioner,
Kendriya Vidyalaya Sangathan,
Hqrs. New Delhi -16

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(THROUGH THE PROPER CHANNEL)

Sub :- REQUEST FOR CANCELLATION OF TRANSFER.

Sir,

With due respect I have the honour to request that my "request transfer" to K.V. Mangalore (vise T.O.No. F.112-1/92-KVS (Estt III) dated 17.9.92) may be kindly be cancelled for the following reasons :-

1. My son is doing his B.Sc. from St. Edmunds College, Shillong affiliated to N.E.H.U. Now he is in II yr and it will take another 18 months to complete the course if he comes out successfully through out (IIIrd years course is the Honours Course).
2. I was on my toes for the cancellation regarding his studies since the posting came and now it is confirmed that at this juncture I can't shift the University and continue his studies from Mangalore University from the point where he is now being the system of course and exam. different. (The system is explained in the application of my wife, Mrs Asha Ansari, TGT for cancellation of her transfer too. A copy of the same is attached herewith).
3. Under the above circumstances, I don't want to be separate from my family. I, therefore, request your honour to cancel my transfer too alongwith the cancellation of my wife's transfer. Inconvenience caused in this regard is deeply regretted.

Thanking You,

Yours faithfully,

(M. O. ANSARI)

Dated 06.11.1992

Recd..... and Concluded
F. No. KV/1/S-3/12-13/923

Att 23/11/12

Annexure 17

39

OFFICE OF THE PRINCIPAL
KEMDRIYA VIDYALAYA: HAPPY VALLEY: SHILLONG-7
***** (MINGBALAYA) *****
F.NO.KVII/B-3/92-93/

945 - 9/16

Dated: 26/11/92

M E M O R A N D U M

Consequent upon KVS(H/Qrs)/~~EXPLANATION~~ Letter No F.112-1/92-KVS
(Estt-TFF) ... Dated ... 17.9.92 ... Mr/~~xxx~~ M.G.Ansari
~~Asst/TGT/KFF~~ (Eng) of this Vidyalaya is hereby relieved of his/~~xxx~~
duties in the afternoon of 26-11-92.

1. His/~~xxx~~ transferred order has been issued on request/~~xxx~~
2. He/~~xxx~~ is ~~not~~ entitled for TA/DA ~~at~~ joining time.
3. He/~~xxx~~ is to report for duties in K.V. Mangalore accordingly.
4. He/~~xxx~~ will cease to be borne in the strength of this Vidyalaya from today afternoon.
5. His/~~xxx~~ service book and personal file follows him/~~xxx~~ to K.V. Mangalore under registered cover separately.
6. His/~~xxx~~ LPO has been handed over to him/~~xxx~~.

To

✓ Mr/Mrs M.G.Ansari RGT/TGT/KFF. (Eng) ...
K.V. Happy Valley, Shillong-7.

Shillong Valley

PRINCIPAL
PRINCIPAL, KEMDRIYA VIDYALAYA;

Assistant, Happy Valley,
Happy Valley, Shillong-793037,
Ass't. Secy. Ass't. Secy. 793037.

Copy to:

1. The Principal, K.V. Mangalore
2. The Asstt. Commissioner, KVS(H/Qrs) New Delhi-16.
3. The Asstt. Commissioner, KVS, Silchar-4.
4. Office file.

*** 1. F.112-1/92-KVS(Estt-TFF) / TKT. dt. 7.10.92
2. F.112-1/92-KVS(Estt-TFF) dt. 22.10.92

PRINCIPAL.

///lis*

Annexure VI (A)
KENDRIYA VIDYALAYA SANGATHAN

39 (b)

F.18-1/82-KVS(Estt.2)/PRT

18, Institutional
Shaheed Jeet Singh,
New Delhi-110016
Dated: 10.10.92

The Principal
Kendriya Vidyalaya
Happy Valley
Shillong.

Subject:

Sir,

Please refer to your letter No.KVH S-3/92-93 dated 1.10.92 regarding change/cancellation of transfer order in respect of Mrs. Asha Ansari W/o Sh.M.G. Ansari. Since Mrs. Asha Ansari has requested for modification of her transfer order from Kendriya Vidyalaya Dhanbad to Kendriya Vidyalaya Mangalore where her husband has been transferred, she may not be relieved till final decision is taken in this regard by Kendriya Vidyalaya Sangathan Hdqs.

Yours faithfully

(D.D.RAO)
ASSIST. COMMISSIONER (H.M.)

✓ Copy to: Principal, Kendriya Vidyalaya, Upper Shillong for similar action.

D.D.Rao
ASSIST. COMMISSIONER (H.M.)



KENDRIYA VIDYALAYA

(CENTRAL SCHOOL)

Hill Valley, Shimla - 7

LAST PAY CERTIFICATE

(To be used in cases of transfer or leave of deputationsist)

85

40

Last Pay/Certificate No. (Name) V.K.V.S/HQ No. F. 112-192-125 (Name)
 (Designation of the Kendriya Vidyalaya Employee) K.V. Naga/one
 Proceeding or transfer 17-9-92

Leave P. G - 11-92

2 He has been paid upto at the following rates :—

Particulars	Rate
Substantive Pay	1700 = 00
Officiating Pay	1411 = 00
Harness Allowance	450 = 00
House Rent Allowance	120 = 00
Hill Compensation Allowance	100 = 00
Teaching Allowance (Compensatory Allowance)	12.5% of Basic Pay 213 = 00
Winter Allowance	

Deductions

Income Tax

GPF = Rs 100/- P.M

C. P. F. Subscription

GIFP = Rs. 20/- P.M

C. P. F. Advance

CE - 13127 Ledger No. 16

3 (a) His General Provident Fund Account No. K.V.S H.Q. (New Delhi) is maintained by Accountant General.

to whom credits have to be passed on (for deputationsists)

3 (b) He has opted for the pay of the C.P.F./Pension Scheme. His rate of subscription for C. P. F. is Rs. p. m. (P. M. C. P. F. No.) is being transferred

4 He made over changes as on 18.11.92, noon of A.M.

5 Recoveries are to be made from the pay of the employee as detailed on the reverse.

6 He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

Period	Rate	Amount
From to	@ Rs.	a month
From to	@ Rs.	a month
From to	@ Rs.	a month

7 He is entitled to draw the following wads.

Period Pay from to 15 (Fifteen) etc.

8 He is entitled to joining time for days/He is not entitled to joining time, vide letter No.

9 The details of the Income Tax recovered from his pay upto the date from the beginning of the current year are noted on the reverse.

10 He has availed days of Casual Leave.

11 His Service Book is being sent separately.

Dated 19

PRINCIPAL

Kendriya Vidyalaya

Date 17-9-92

Page No. 1 of 1

Date 17-9-92

(1)

20

Nature of Recovery

Recoverable

Advance of T. A. on transfer Rs. 1,750.00/- in lump

Any other advance Rs..... in instalments

Over-payment of Rs. in instalments

C. P. II Advance Rs. in instalments

To be refinanced to this Vidyalaya at the earliest
DEDUCTIONS MADE FROM LEAVE SALARY

From..... To on account of.....

Rs.

From..... To on account of..... Rs.

Rs

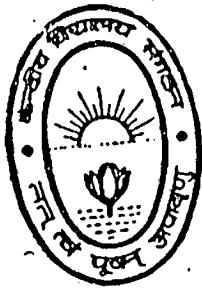
From:..... To:..... on account of.....

Rs.

Shri Hanuman
PRINCIPAL
Kendriya Vidyalaya

2000 年 8 月 20 日

नाम : "केविसंग"
Telegram: KEVISANG



पत्रांक No. F.2-5/92 KVS(HR) / 63117

Annexure VII

847249 30 { Hyd bad
840154 code
845649-R. 0842

केन्द्रीय विद्यालय संगठन
Kendriya Vidyalaya Sangathan
हैदराबाद क्षेत्र Hyderabad Region
बी-७, विक्रमपुरी, सिकन्द्राबाद-५०० ००३.
B-7, Vikrampuri, Secunderabad-500 003.

दिनांक Date 18-12-92

The Principal,
Kendriya Vidyalaya No 2,
Railway Colony,
MANGALORE

Subject : Sri M.G.Anṣari, TGT(English)

Sir,

Sri M.G.Anṣari, TGT(English) who has been transferred from KV Happy Valley to Mangalore vide Sangathan's transfer order no F.112-1/92 KVS(ESFT-III) dated 17-9-92 may be taken to duty in your vidyalaya and the date of his joining may be reported to this office.

Yours faithfully,

(U.P. AGARWAL)
Administrative Officer
for ASSISTANT COMMISSIONER

KENDRIYA VIDYALAYA SANGATHAN
(ESTD. III)

88

43

Subject: Guidelines for transfer of teachers including Vice-Principals, Principals and above from the academic session 1990-91 as approved by the Board of Governors in its 54th meeting held on 22.8.90

The Board of Governors in its meeting held on 22-8-1990 has approved the following guidelines of transfer of teachers including Vice Principal, Principal and above. Those will be effective from the academic year 1990-91.

1. The general policy will be not to transfer teachers including Principals frequently. The normal transfers will be affected only for organisational reasons or on request or on medical grounds.
2. There will be no fixed tenure after which it may be necessary to transfer a teacher/Vice-Principal/Principal/Education Officer/Assistant Commissioner (from next year a tenure of 5 years for Vice-Principals and above).
3. The following sequence will generally be followed in respect of promotional postings, transfers etc.
 - 1) Posting on promotion
 - ii) Inter-regional transfers
 - iii) Intra-regional transfers
 - iv) Posting of direct recruits.
4. Annual transfers may be done during summer vacation as far as possible. However, no transfers except:
 - 1) On administrative grounds and;
 - ii) Transfers on the basis of serious medical illness including death of spouse will be effected after 31st October.
5. Transfers will be made keeping in view clause 3 of the guidelines.
6. Transfers will be effected by observing the following priorities:
 - a) Transfer on administrative grounds: (as in para 4 above)
 - b) Transfer on request:
 - ii) Transfer for reasons of serious illness which, on the satisfaction of the Commissioner, KVS according to procedure prescribed by his, necessitates, such a transfer, for treatment away from the place of present posting.
 - ii) Transfer from hard stations and NER (PCTs and above) on completion of tenure.

44

83

iii) Spouse cases:

* Transfer of spouse for joining the family after completion of a cut-off period of one year.

18. iv) Transfer of unmarried ladies/divorced ladies/widows to a place of their convenience after completion of a cut-off period of one year.

v) Transfer of physically handicapped provided the handicap has developed during the course of KVS service on completion of a cut-off period.

vi) General cases

vii) Mutual transfers provided there is no other claimant of higher priority for both the stations.

7. No request for transfer will ordinarily be entertained unless a teacher has completed three academic sessions except in the cases mentioned in (6) (i) (iii) (iv) (v) & (vii) above.

8. PRTs, TGTs and other category of teachers in the identical scales will not normally be posted outside the region in which they are selected.

9. Teachers of all categories on appointment will be posted as far as possible to schools in interior areas.

10. Subject to availability of vacancy PGTs/Vice-Principals/Principals/Education Officers/Asstt. Commissioners on promotion or on direct recruitment will be posted to a different state other than the one where they are posted or are domiciled as the case may be and he/she will, normally, not be moved out of that state for atleast 5 years unless there are compelling reasons.

11. PGTs/Vice-Principals/Principals/Education Officers/Asstt. Commissioners who have 3 years or less to retire would not be posted out on promotion/direct recruitment if already working in home state, subject to availability of vacancies. Similarly, those who have 3 years or less for superannuation and are working outside their home state may be allowed on promotion priority for their home state subject to availability of vacancy.

12. No transfer TA will be paid for regular transfers, whatever grounds unless the teacher has completed five years in his existing place of posting (read 5 years for request transfers and 3 years for North-Eastern Region and hard stations).

90
45

13

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

14.

Notwithstanding any provision in the above guidelines, the Commissioner will be competent to make such departure from the guidelines as he may consider necessary in the interest of the Sangathan.

Sd/-

(V.K. Jain)

Assistant Commissioner (HQ)

Copy to:

All Asstt. Commissioner, Regional Offices, Kendriya Vidyalaya Sangathan, for information and guidance.

Sd/-
(V.K. Jain)

Annexure X

46

From:

Mr. Md. Ansari, I.G.T (Eng), K.V. No:2, Railway Colony, Mangalore.

Date: 16-07-93.

To:

The Commissioner,
HQ KVS, New Delhi.

(Through the Proper Channels)

Sub: Representation regarding Admissibility
of Transfer TA & E.L.

Sir/ Madam,

With due respect I have the honour to lay down the following points for your kind consideration and favourable action :

1. I have completed the full tenure in the north Eastern region (NER) as shown below :

Place under NER	Period From _____ To _____	Remarks
(a) K.V. Khanapara (Guwahati)	1.9.86 to 21.12.89	Total more than 6 years without any break or claim allowed in between.
(b) K.V. Happy Valley (Shillong)	22.12.89 to 26.11.92	

2. Now I got a choice posting to K.V. Mangalore where I assumed my duties wef 21.12.92 and claimed for the transfer benefits (T.A) based on the completion of the tenure in the NER (irrespective of the Station)under the provision of the region and not the station. I also applied for the credit of E.L. as I worked in the new Vidyalaya when I was due to get the winter vacation at the old vidyalaya (viz 1992 or 92-93)

3. It will not be out of place to mention that on getting

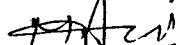
transferred to Mangalore, I was not willing to move due to certain difficulties and applied for the cancellation of the transfer (A copy attached) but the principal of K.V. Happy valley persuaded the matter very cunningly and told me that he had received a telegram from the AC, Shillong for relieving me and the confirmation of the admissibility of transfer TA to me. He accordingly asked me to apply for the same in writing and he relieved me on 26.11.92 with transfer TA advance of Rs. 17,500/-. Now after a period of 6 Months the same principal is writing for the non-admissibility of Transfer TA and recovery of the entire amount (A copy of his letter is attached).

4. In view of the above I humbly request to consider my case sympathetically for admissibility of the Transfer TA under the provision of the facilities granted to the region or otherwise terming my transfer in the interest of the Sangathan along with the applicability of the E.L. in-lieu of the winter vacation for the year 1992 or 92-93.

5. If it is admissible, the amount may please be adjusted from my T.A. bill (already submitted in time). If it is not admissible, I feel that I have been deceived. As per my conscience, had I been aware of the non admissibility of it, I would have not at all moved from the old station at my own cost. In that case I may please be transferred back to Shillong as my family and all the belongings are left behind at Shillong & I can't afford to bring them at my own cost. I have come here with the minimum requirement and I don't mind to go back to shillong. I assure that I will join my duties immediately on transfer back to Shillong and hereby under take to return the entire amount of advance within a month on assumption of my duties. Application in the prescribed forms for transfer to Shillong on " Spouse case" is also attached as my wife is a PMT at Shillong.

Thanking you,

Yours faithfully,


(M.S. Ansari) TGT (Eng)

Enclosed - As stated

Mangalore,
19.10.1993.By K. G. /17
623-10-93

To

The Principal,
KV No.2, Riy. Colony,
MANGALORE.

Sir,

Ref:- Your O.M. No. F.4-17/93-94/157, Dt. 18.10.'93.

Contents of your O.M. to the effect that I have been unauthorisedly absent since 13.7.1993, for more than 90 days are false. It is just your planning to fix the date from 13.7.1993 and intentionally created the problem yesterday (18.10.'93) just to calculate more than 90 days and deprive me from the benefits of Autumn break which is from 22.10.1993 to 31.10.1993 and to keep a part time teacher in my place to serve your own purpose.

I had sought for 5 days E.O.L. from 13.9.'93 to 18.9.'93 and rejoined duties w.e.f. 20.9.1993. As of usual I had handedover my leave application to you before proceeding on E.O.L. Ever since after rejoining duties I have been attending to the same and as a token of my presence I have been affixing my signature in the attendance register in due course. Even prior to 13.9.'93 my attendance is marked in the said register. However I now apprehend that you might have attempted or already destroyed the said record of my attendance to bolster allegations made by you in your O.M. under reference. If such be the case, please note that I reserve my right to take an appropriate step against you for destruction of my attendance records or any wrongful attempt to disqualify it.

The above is not the only occasion, you have been out harrassing me. It is a matter of records that since 1.3.'93 you have caused with holding of my entire salary ostensibly towards recovery of the T.A. advance granted to me at my previous place of work (Shillong). According to my calculation the deductions already effected is more than the T.A. advance of Rs.17,500/- sanctioned to me originally. This means more than what is due from me has already been deducted by way of your withholding my salary effective from 1.3.'93. Your aim seems to be to finish me and my family economically.

As if the above is not sufficient, you have been now trying to keep me away from attending to my legitimate duties through the Assistance of the local police. I have already lodged a complaint with the concerned police Station. A copy of the same is enclosed herewith.

With due respect to your office of principal, I request you to stop harrassing me at least from now onwards and permit me to continue my day today normal duties. In case you are not moved favourably considering this request please note that you would be facing me to have recourse to such process available to me under the circumstances at your official as well as personal risk as to all costs and consequences.

Thanking you,

Yours faithfully,

A. I. Ansari
(M.O. Ansari)
T.G.T. (Eng.)

Encl:-

Copy of Complaint dtd. 18.10.'93
lodged with the P.S. Pandeshwara.

(Since you refused to accept my demand for my
1) the same will be sent to you by post
containing 22 pages.

At 23.10.93

A copy submitted after prayer
in more details on my position.

106 - 593757 - AC }
574379 - offec }
Anusar XI-(A)
Bangalore
Date 08/12

49

KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE BANGALORE

K.V. MEG & Centre
BANGALORE-560 042

F.PF-1/26/93/KVS(BGR) 4153

20-10-1993

OFFICE ORDER

Shri M.G. Ansari, TGT(English) KV No.2
Mangalore is permitted to report back on duty
to the Principal, KV No.2 Mangalore without any
prejudice to the departmental action which may be
taken against him.

AK Rao
(A. DATTU RAO) 20-10-93
ASSISTANT COMMISSIONER(O)

Shri M.G. Ansari
TGT(Eng)
KV No.2 Mangalore
Copy to:

1. The Principal, KV No.2 Mangalore. He is requested to allow Shri M.G. Ansari to report for duty in his Vidyalaya.

AK Rao
ASSISTANT COMMISSIONER(O)

49(B)
Annexure XI (B)
as

From: M. H. Ansari, TGT (Engg), KV NO. 2, Mangalore
Date - 21 Oct 93

To,

The Principal,
Kendriya Vidyalaya No. II,
Mangalore.

Sir,
But Joining Report (Second)
Further to my joining report of date submitted on the paper,
This is to inform that I hereby join duty today the
21-10-93 forenoon on expiry of Canned leave for
the period from 19-10-93 to 20-10-93 (two days)
prefix/suffix I visited to Bangalore for DC's permission
to join the duty earlier despite my only permitted sick L.PF-11
26/93-KVS(Karapur) dated 20-10-93. This second J. report is given as peristed by
you.

Not permitted to file
Report for duty the period 10-93
as the application for
Leave for 13-10-93 to 20-10-93
is not sent.

21-10-93
(M. H. Ansari) 0850 hrs

21-10-93 TGT (Engg)
12.24 P.M.

Armenian 21

(2)

From: - M.G. ANSARI, TGT(Eng), KV No. 2, ab
MANGALORE
Date - 08 Feb 94. (60)

To,

The ASSTT. COMMISSIONER,
KVS, RO, BLDK
BANGALORE - STOCK 2

Through: - THE PRINCIPAL, KV No. 2, MANGALORE

Su: - CONSIDERATION OF REPRESENTATIONS

Sir,

I allow the claim to state that I have not yet received any reply to my representations dated 16.7.93 and 9.11.93 and my suffering still continues. In a year, i.e. from 1.3.93, so far I have been paid Rs 3573/- which is less than the salary of even a month. My annual increment has also been stopped.

I, therefore, humbly request that an early action may please be taken for the sympathetic consideration of my representations. Aggravances of my masters may kindly be paid to me for the red of justice.

Thanking you.

Yours faithfully,
M.G. Ansari

(M.G. Ansari) TGT(Eng)

From:- M.G. Ansari, TGT(ENGLISH),
KV NO. II, MANGALORE.

AT 02 JUL 94 A.M.
Annexure XIII

To,

The Principal,
KV NO. II, Mangalore.

SUB:- SALARY PAYMENT REGARDING

Sir,

1. Further to my application dated 02 Jul 93
on completion of its one year.

2. You have not paid me my salary
regularly, fully and correctly for the period
from 1.3.93 to 28.2.94.

3. If at all, I have been paid at
the rate of Rs. 170/- (Basic) right from the beginning
of my joining to this Vidya Bhawan till March, 1994.

4. For the month of March, 1994, I have
got my full salary at the rate of Rs. 170/- only.

5. For the months of April, May and June, 1994,
I have been paid at the reduced rate of Rs. 165/-
and that too with an extra deduction of Rs. 15/-
per month besides the normal deductions.

6. I, therefore, request that I will please be
made known to the reasons for the reduction
in the rate and deduction of so much salary
amount from the agreed salary in this faithfully.

M.G. Ansari
(M.G. Ansari) TGT.

From: - M.G. Ansari, TGT (Eng) — (5)

KV NO. II, Mangalore.

To. dt 15 Jul 94. 98

The Principal
KV NO. II, Mangalore. Annexure ~~XIV~~ XIV

Sub - DEDUCTION & REDUCTION
IN PAY

Sir,

I am yet to receive a reply to my application of 02 Jul 94 and to know the reasons for deduction of huge amount and reduction in the rate of pay. If I know the reasons, I may approach the higher authorities with the problems for solution.

I, therefore, request that I may please be made known the reasons and the deduction/reduction should not be initiated forcibly without my knowledge.

Thanking you. Yours faithfully,
(M.G. Ansari) TGT

Anhenu ~~10~~

ANNEXURE

4-17/93-94/156

18-10-93

To

63

The Sub-Inspector of Police,
Pandeshwar Police Station
PANDESHWAR, MANGALORE.

Sir,

This is to bring to your kind notice that one Mr. M.S. Ansari came to Vidyalaya today and he is obstructing in normal functioning of the Vidyalaya. He was a teacher of the Vidyalaya and he had remained absent from duty-un-authoritisedly (i.e. without any information or leave letter) from 13-7-93. We have already appointed a substitute (on temporary basis) in his place - as otherwise classes would be suffering. As per Rules an employee who goes on un-authorised leave for more than 90 days - can rejoin duty only at the place allotted to him by our Asst. Commissioner. As such it was highly irregular and perhaps criminal conduct on his part to forcefully snatch the school records and disrupt normal functioning of the school with his very rude behaviour. Hence I hereby request you to kindly evict him from the premises immediately and thus help me in running the institution smoothly.

Requesting for immediate action.

Thanking you,

Yours faithfully,

Sd/-
(M.D. HANUGODIRI)
Principal,
Kendriya Vidyalaya-II
Mangalore-575001.

To

The Officer in Charge
Police Station, South Mangalore,
Pandeshwara, Mangalore (D.K.)

K.V.No.2, Rly Colony
Mangalore-575001

Date: 18th October 1993.

Sub: Request for Lodging F I R Against the Principal

Sir,

57

1. I have the honour to bring to your kind notice that I am a permanent teacher of Kendriya Vidyalaya (Central School) No.2, Rly. Colony, Mangalore having come on transfer from Shillong to Mangalore and joined my duties in this Vidyalaya wef 21-12-92 as per the order of the Hq. Kendriya Vidyalaya Sangathan, New Delhi.

2. As usual to-day, the 18th October 1993, also I went to the school at 0850 hrs to attend on my duties. Suddenly the principal told me not to sign the register to-day but I signed as usual and after the prayer I was ready to go to the class. In the meantime two Police Personnels came to the school, on demand of the principal and had a talk to the principal and brought me to your office thereby causing my absence in the school wef 0930 hrs on 18-10-93 and I was further instructed not to enter into the school premises as per the instruction to them by the principal. The principal had prevented me from signing the register and doing the duties in the month of July 93 also and I had reported the matter to the higher authorities. Since then it was going on well.

3. I would like to mention that while coming on transfer from Shillong to Mangalore, I was sanctioned an advance of Rs. 17,500/- as TA/DA by the previous School (Shillong). In the pretext of non-admissibility and recovery of the advance, the principal of this school has stopped my salary wef. 1-3-93 and I have been paid NIL amount for the period from 1-3-93 to 30-9-93 and even till to-day. I don't know the disposal of my salary for 8 months amounting more than Rs. 25,000/- whether it is adjusted fully against the advance or simply eaten by the principal and clerk. In the month of July 1993, I had requested the principal to pay me the arrears of my salary for the months of Mar.'93 to June '93 (4 months) as the amount was badly required for the treatment of my father who was suffering from cancer and recover the advance if TA is not admissible, subsequently from my salary of July '93 onwards but all the way he refused to pay me any amount and my father died on 3-9-93 due to poor treatment in want of money. Thus, the principal is partly responsible for the death of my father.

4. In view of the above, I request your honour to file a F I R against the principal (Mr. M.D. Namboodri) of KV No.2, Rly. Colony, Mangalore and suitable action may please be taken against him.

Thanking you,

Yours faithfully,

(M.G. ANSARI)
Trained Graduate Teacher
(E.O.L.)

KV. No.2, Rly. Colony, Mangalore.

Copy to:

The Principal,

KV No.2, Rly. Colony, Mangalore-1.

(This has reference to your letter No. P.4-17/93-94/157 dt. 18-10-93 which you issued me subsequently, saying that I am absent for 90 days which seems to be wrong. I was absent only for a week and for that I had applied for the EOL from 13-9-93 to 18-9-93. I don't know how I am being directed by you to go to the Asstt. Commissioner Bangalore.)

(M.G. ANSARI)

Acctng Submiffed
to the Govt. in Mangalore
to the Govt. in Mangalore
to the Govt. in Mangalore

Anivene ~~XVII~~

6.11.93

(P O L I C E R E P O R T)

TO WHOM SO EVER IT MAY CONCERN

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65-

This is to report that the Principal of Kendriya Vidyalaya No. II, Railway Colony, Mangalore, Mr. M. D. Namboodiri had lodged a complaint against a teacher of the same Vidyalaya namely Mr. M. G. Ansari on 18.10.93 regarding his absence and misbehaviour. But, when the Police was sent to the School, it was found that Mr. M. G. Ansari (the teacher) was very much present on duty. However Mr. Ansari was evicted from the School and brought to the Police Station, Pandeshwara as insisted by the Principal. The matter was investigated and it was found that the complaint lodged by the Principal was false as the teacher was not absent unauthorisedly for any time and nothing was found wrong in his behaviour. Hence, the teacher was left free on the spot. The same thing was repeated on 1.11.93 on which day also the teacher, Mr. M. G. Ansari was found on duty taking his normal classes as usual. He was again brought to the Police Station and left free on the spot with an advice to approach his higher authorities for the harassment caused to him by the Principal since it was a school matter. Thus, Mr. Ansari was found present in the school on both the days when the Police visited the school on 18.10.93 and 1.11.93. Besides, his presence on 21.10.93 after obtaining the permission from the higher authorities was reported and recorded. He reported his presence on 1, 2, 3 and 4 Nov 93 also. His eviction from the school on 18.10.93 and 1.11.93 was unfortunate and due to the misguiding and misleading the Police by the Principal by giving the false complaint.

SUB-INSPECTOR OF POLICE
PANDESHWARA Police Station
Date: 11/11/93

From:

M.G.Ansari, TGT (ENG)
KV No.2, Railway Colony
MANGALORE - 575 001.

Date: 29/11/November 1993

102

56

To,

The Asstt. Commissioner
K.V.S., RO, BGR
BANGALORE-560 042. (Through Proper Channel)Sub: HARASSMENT, HUMILIATION, INSULT, FINANCIAL LOSS Etc.A REPORT.

Sir,

Further to my application dated 21.7.93, I have the honour to submit a few more incidents of the recent past:-

1. On a false complaint lodged by the Principal, I was evicted from the school by the local Police on 18.10.93 and taken to the Police station where I later lodged a counter complaint against the Principal on the same date (A copy is enclosed).
2. The Principal gave me a Memo d/d 18.10.93 which was duly replied on 19.10.93 (Copy enclosed) besides a note in the complaint dt. 18.10.93 but he didn't consider the plea and I was forced to come to you (The AC at Bangalore).
3. I performed night journey and met you (Our Hon'ble AC) on 20-10-93 and you very kindly permitted me to report back on duty vide F.PF-1/26/93/KVS(BGR)/4153 d/d 20-10-93.
4. Again I performed night return journey and reported back for duty in the morning on 21-10-93 (The last working day of the month) with the proper joining report along with the Principal's copy of the a/m letter but the Principal didnot allow me to sign the Attendance Register rather he asked me to submit another joining report (which was returned to me in original with his remarks later on) yet another joining report along with the leave application but still he kept on hiding the attendance register in order to prevent me from signing of the same. I reported the matter to the Police (Since they were in the picture) on the same day (A copy is enclosed) and to you by means of the telegram dated 21.10.93.

(Contd... 2)

103

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:: 2 ::

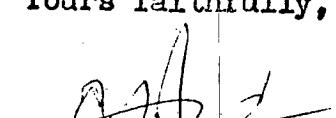
5. On reopening of the school, I attended the school and signed the attendance register on 1.11.93. Once again the Principal lodged a false complaint against me and the local police came and called me out of the class and evicted me from the school once again and took me to the P/Station in their vehicle on 1.11.93 (in front of the Staff & Students). The matter was reported to you immediately vide the telegram d/d 1.11.93. Since then daily (means on ~~Exx93~~ 2, 3 and 4 November 1993), I have been coming to the school and running to the Police station but in vain. He is showing me absent though I was daily present except on 5.11.93 when I was with you. In the mean time I put up an application to the police for the investigation for harrassing me only again and again (A copy is enclosed). The Police people made an endorsement and gave me a paper (Copy enclosed) directing me to go to Bangalore and approach you (the Higher Authorities) again for the settlement. Thus, once again I was forced to come to you (Bangalore) and met you on 5.11.93 and once again you routed me back for duty with the oral instructions only.

In this way, I am being harrassed a lot involving the expenditure besides being humiliated and insulted in the Society as well as in the Teaching Institution apart from with holding of my entire salary with effect from 1.3.93.

I, therefore, request your honour to take suitable action to give me the relief and peace of mind.

Thanking you,

Yours faithfully,


(M.G.ANSARI) TGT (Eng.)

Encl: As stated.

① A photocopy was handed over to the P.O (Mr. Binivarsa)

② This complaint along with others have been submitted in the

To, Annexe VIII-XI k v no. 2, Mangalore
The Principal Dt. 9.3.94
kv no. 2, Railway colony,
Mangalore.

Sub:- THREAT TO MY SERVICE CAREER

Sir, I have the honour to bring to your kind notice that the UDC is threatening me that he will install the case of further recovery as my pay fixation, in his opinion, is wrong and also he won't allow me my pension or at least DA on pension. He further threatens that he will not leave any stone unturned and try his best in spoiling my service career or getting me terminated from the service altogether. He also confessed that he had played a great role to get me evicted from the school by the police on 18.10.93 and 01.11.93.

I, therefore, request you that the matter may please be looked into so as to enable me to work peacefully in a very cordial and co-operative atmosphere.

Thanking you.

Yours faithfully,
C. M. G. Ansari/THS

Chaitanya

From: - M.G. Ansari, TGT(Engg.), KV No.2, Mangalore
To, Date 08 Aug 94.
The Principal, Annexure XX
KV No.2, Railway Colony, 105 (59)
Mangalore - 575001.

Sub: - CANCELLATION / WITHDRAWAL of LTC BILL
dd 18 JUL 94 for Rs. 2810/-

Sir,
Further to our discussion pertaining to my LTC
bill dated 18 Jul 94 (for self), it is surprised to note
that above said bill has gone to your hand when
I have not submitted it either to you or to the UDC (in the
office). I had just prepared it roughly which was
signed by mistake but in fact not correct and hence I
didn't submit but just kept it in the drawer of my
table for destruction (after writing down some information)
which was found suddenly missing rather stolen
from my table.

According to you if any disciplinary case is
contemplated against me and I am not eligible for
the LTC then you should have not entertained the wrong
bill at all for any action.

Any way, since you have now informed me
about the lost bill, I hereby request that the subject
LTC bill may be treated cancelled and withdrawn
as the same is wrong and irrelevant with regards to
the particulars of journey. I have neither taken any advance
nor going to claim any amount against the irrelevant
LTC bill.

Thanking you.

Yours faithfully,
M.G. Ansari
(M.G. Ansari) TGT(Engg.).

Anonymous (xx)

(60)

Ex.P. 1

यात्रा प्रसाद लिखा

केन्द्रीय विवाहाय
TRAVELLING ALLOWANCE BILL OF THE ESTABLISHMENT OF KENDRIYA VIVAHAYA

साह का नाम

JULY, 1994 CS-17

नाम एवं पदवाय Name & Designation	पुस्तकालय Head Quarter	प्राप्त बेतन Actual Pay	यात्रा एवं बस्तायान का विवरण Particulars of the Journey and Halts				यात्रा का सापेन वायान Air	रेलवे रा Steamer		सड़क द्वारा किमी Mileage by Road	दैनिक भत्ता Daily Allowances		सारलाखि व्यय Actual Expenses		यात्रा का उद्देश्य प्रयोग Purpose of Journey	प्रयोग परिमि का योग Total of each line	विमुति Remarks					
			प्रस्तावन Departure		आगमन Arrival			विवरण वायान Air			दैनिक भत्ता Daily Allowances		सारलाखि व्यय Actual Expenses									
			स्थान Station	तिथि Date	समय Hour	स्थान Station	तिथि Date	समय Hour	किमी Kms.	दर Rate	वनराति Amount	दिन No. of days	दर Rate	वनराति Amount	विवरण Particulars	वनराति Amount						
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
1. G. ANSARI TGT (Eng)	MANGA- LORE	23170/-	M 6/6 5/4	0840	HWH	10 5/4	1540	MAIL/EXP.	T	1	1395/-	-	-	-								
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अब काश यात्रा रियायत विन पट कृष्णानं ग्रन्थालयानि ग्रन्थालयानि

PARTICULARS TO BE GIVEN BY EMPLOYEE ON LEAVE TRAVEL CONCESSION FORM

1. नियमित सेवा प्रारंभ की तिथि Date of commencement of continuous service. 1-9-86 (on Regular)
 2. पृष्ठ जनपद (गाह) का नाम Name of Home Town **Madhobpur - R/S/** - Hazaribagh Road.
 3. मुकुटायत से निकलत्य यांत्रिक सर्वान्ध Shortest Route from the Headquarters etc. to the Home Town - via - M/S/T/H
 and normal mode of conveyance **By Rail/Road (2825 km)**
 4. उपरोक्त किए गए अवकाश की अवधि Period of Leave availed. - **Summer Vac.**
 5. परिवार के सदस्यों का संख्या - **—**

Relationship of the members of family and age (who availed the concession) - Self explanatory

9. पूर्व यात्रा का पूर्व मूल्यांकन विद्यालय को दी गई है ?
Whether prior information of the journey has been given to the Vidyalaya. —

7 लिए गए अधिक का व्योरा Particulars of advance taken : Rs...../-

आहरण की तिथि Date of drawal _____
 स्वयं परिवार अथवा दोनों के लिया for self/family _____


कर्मचारी के हस्ताक्षर

आग्रह साझा करने वाली। Product of advance of T. A.

वार्षिक विस्तृत भुगतान किया गया। Net amounts received for Payment

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Passed for Rs. (Rupees)

107. Partial viewing

संस्कार/संस्कारा Principal/Chairman

वितरण का प्रमाण-पत्र CERTIFICATE OF DISBURSEMENT

Certified that the amount due on this bill has been disbursed to the

certified that the amount due on this bill has been disbursed to the proper Person and his acquittance obtained.

प्राप्तार्थ Principal

प्राप्तिक्रम
CERTIFICATES

CERTIFIED that :—

1. I travelled by the class of accommodation for which travelling allowance has been claimed in the bill.
2. I actually travelled by Mail/Express train as claimed in the bill.
3. No returned ticket was available for the journey for which the claim has been made in the bill.
4. I was actually and not merely constructively present in the camp on the days for which daily allowance has been claimed.
5. I was not on casual leave or restricted holidays on the days for which daily allowance has been claimed in the bill.
6. The Govt. conveyance was not utilised for the journey for which road mileage allowance has been claimed in the bill.
7. I did not perform the road journey for which mileage allowance has been claimed at the higher rate described in rule 45 of the supplementary Rules by taking a single seat in any public conveyance which regularly plies for hire between fixed points and charges fixed rate.
8. I also certify that the journey was not performed in any other vehicle without payment of its hire charges for incurring its running expenses.
9. I did not perform road journey along with any other employee of the Sangathan Govt. servant in a car belonging to him.
10. I was not provided with free boarding and lodging at the expenses of the Central Govt./State Govt. or local body. I did not stay in a Govt. Office.
11. I have not received any T.A. Advance for the journey for which the claim is preferred/I received advance of Rs. on

हस्ताक्षर

Signature

कर्मचारी का उदानम

Designation of the employee T.S.2.I.C.P.(P)

उदानक
Dated 18 Jul 94

Certificate to be furnished by: Controlling Officer

1. Certified that the journey was performed in Sangathan's interest.
2. Certified that the claim for personal effects is reasonable.
3. Certified that the journeys for which T. A./D. A. has been claimed in the present bill were actually performed by the office concerned in the interest of Sangathan.

हस्ताक्षर

Signature

उदानम

Designation

उदानक
Dated.....

(19)

KENDRIYA VIDYALAYA IIT POWAI, BOMBAY-76

F.38/KV/IIT/94-95/ Date: 5-10-1994

RELEAVING ORDER FOR T.G.T. (V.I.T.)

The following teachers of Kendriya Vidyalayas mentioned against their names attended the Inservice Course for T.G.T. (English) held at K.V. I.I.T. Powai, Bombay-76 from 15th Sept 94 to 5th Oct 1994.

62

No.	Name of the Participant with Designation	Name of the vidyalaya	Region	Reported on
1.	Mrs. N. Mangat	No.1 Devlali	Bombay	14-9-94 FN
2.	Mrs. Rekha Paisule	No.2, AFS Pune	Bombay	14-9-94 AN
3.	Mrs. S. Sharma	No.1, Dehu Rd.	Bombay	14-9-94 AN
4.	Mrs. Roopalini Mitra	No.1, AFS, Lohagaon	Bombay	14-9-94 AN
5.	Mrs. Deepa Joshi	NDA Khadakwasla	Bombay	14-9-94 AN
6.	Mrs. S. J. Murthy	No.1, Dehu Rd.	Bombay	14-9-94 AN
7.	Mr. R. P. Sharma	OF Bhusawal	Bombay	14-9-94 AN
8.	Mrs. Urmila Chawla	BEG Yerwada	Bombay	14-9-94 AN
9.	Mrs. S. Rawat	No.3, 9-BRD	Bombay	14-9-94 AN
10.	Mrs. Punam Bhasin	NCH Bhandup	Bombay	15-9-94 FN
11.	Mrs. Sujata Debnath	Koliwada	Bombay	15-9-94 FN
12.	Mrs. Jayanthi Kalanidhi	AFS Thane	Bombay	15-9-94 FN
13.	Mrs. Neeta Singh	INS Hamla	Bombay	15-9-94 FN
14.	Mrs. Shafali Sharma	Nehru Nagar, Nasik Rd.	Bombay	14-9-94 AN
15.	Mrs. N. Limaye	CME, Pune	Bombay	14-9-94 AN
16.	Mrs. Anurag Singh	VRDE, A'Nagar	Bombay	14-9-94 AN
17.	Mrs. A.A. Bansode	No.1, A'Nagar	Bombay	14-9-94 AN
18.	Mrs. N.A. Sahai	ONGC Panvel	Bombay	15-9-94 FN
19.	Mrs. Rajalakshmi M.	Minambakkam	Madras	14-9-94 FN
20.	Mr. S. Christopher	Vijayanarayanan	Madras	14-9-94 FN
21.	Mrs. Clotilda Reagh	No.1, Naval Base	Madras	14-9-94 FN
22.	Mrs. Anamma Jane	Ottapalam	Madras	14-9-94 FN
23.	Mr. E.K. Gangadharan N.	Kozhikode	Madras	14-9-94 FN
24.	Mrs. V. Sunanda	U.P. Hill	Madras	14-9-94 FN
25.	Mrs. K.S. Ambika	IIT Madras	Madras	14-9-94 AN
26.	Mrs. M. Sivaraman	IIT Madras	Madras	14-9-94 AN
27.	Mrs. Peace Rani P.	AFS Avadi	Madras	14-9-94 AN
28.	Mr. P. Manoharan	No.1, OF	Madras	14-9-94 AN
29.	Mrs. Teresa Sabastin	Kubber Board	Madras	15-9-94 FN
30.	Mrs. Susan Augustine	CRPF Avadi	Madras	14-9-94 AN
31.	Mrs. Pramila Robertson	HVF, Avadi	Madras	14-9-94 AN
32.	Mrs. Latha Krishnan	Ashok Nagar	Madras	15-9-94 FN
33.	Mrs. R. Rajalakshmi	Madurai	Madras	15-9-94 FN
34.	Mrs. Amudavalli Palani	CRPF Avadi	Madras	15-9-94 FN
35.	Mrs. Annie Cherian	A.F.Tambaram	Madras	15-9-94 AN

P.T.O.

S.No.	Name of the Participant with Designation	Name of the vidyalaya	Region	Reported on
36.	Mrs. U. Vijayalakshmi	C.I.C. Tandur	Hyderabad	14-9-94
37.	Mrs. S.P.V. Rajeswari	Nallapapadu	Hyderabad	14-9-94 AN
38.	Mr. S.A. Mohammad	- " -	Hyderabad	14-9-94 AN
39.	Mrs. Bharati Nayak	Steel Plant Viskapatnam	Hyderabad	
40.	Mrs. E. Xavier	No. I, Srivijay-nagar	Hyderabad	14-9-94 AN
41.	Mrs. Anitha Tampi	Steel Plant Viskapatnam	Hyderabad	14-9-94 AN
42.	Mrs. S. Srivastava	- " -	Hyderabad	14-9-94 AN
43.	Mrs. K. Leelavati Chandran	CCI Yerraguntla	Hyderabad	14-9-94 AN
44.	Mrs. D. Nandini Kapoor	Uppal	Hyderabad	14-9-94 AN
45.	Mrs. A. Shobha Rani	GPRA Campus	Hyderabad	14-9-94 AN
46.	Mrs. Meeraj F Parveen	No. II M.D. Lines Golconda	Hyderabad	14-9-94 AN
47.	Mrs. Geeta Subramanian	Picket	Hyderabad	15-9-94 FN
48.	Mrs. Reena Anand	Picket	Hyderabad	15-9-94 FN
49.	Mrs. Zakirunnisa	AFS Hakimpet	Hyderabad	15-9-94 FN
50.	Mrs. Lilly Joseph	Trimulgherry	Hyderabad	15-9-94 FN
51.	Mrs. Renu Gurnath	Trimulgherry	Hyderabad	15-9-94 FN
52.	Mrs. D.R. Hilda	Picket	Hyderabad	15-9-94 FN
53.	Mr. Mohammad Ali	OF Project Eddumailaram	Hyderabad	15-9-94 FN
54.	Mr. H.B. Chandrashekhar	Hassan	Bangalore	14-9-94 AN
55.	Mrs. Lakshmi Jayaram	DRDO Complex	Bangalore	14-9-94 AN
56.	Mrs. Annie Alvares	No. I Vasco	Bangalore	14-9-94 AN
57.	Mr. M.G. Ansari	No. 2, Mangalore	Bangalore	14-9-94 AN

He/She is relieved from this vidyalaya in the afternoon of 5th Oct'94 with the instruction to report to their respective vidyalayas.

No Free board & lodging were provided to the participants during the Course.

(MR. R.C. TRIVEDI)
PRINCIPAL &
VENUE DIRECTOR
PRINCIPAL
Pragya Vidyalaya, Vidyalya
M. R. C. Trivedi, I. T. Powar,
Mumbai, Bombay-400076

Copy to:-

- ✓ 1. Individual concerned
- ✓ 2. The Principal
K.V. Mangalore
- 3. The Asstt. Commissioner
K.V.S.
- Bombay/Hyderabad/Madras/Bangalore
Region Region Region Region

NOTE

CERTIFICATES

CERTIFIED that :—

1. I travelled by the class of accommodation for which travelling allowance has been claimed in the bill.
2. I actually travelled by Mail/Express train as claimed in the bill.
3. No returned ticket was available for the journey for which the claim has been made in the bill.
4. I was actually and not merely constructively present in the camp on the days for which daily allowance has been claimed.
5. I was not on casual leave or restricted holidays on the days for which daily allowance has been claimed in the bill.
6. The Govt. conveyance was not utilised for the journey for which road mileage allowance has been claimed in the bill.
7. I did not perform the road journey for which mileage allowance has been claimed at the higher rate described in rule 45 of the supplementary Rules by taking a single seat in any public conveyance which regularly plies for hire between fixed points and charges fixed rate.
8. I also certify that the journey was not performed in any other vehicle without payment of its hire charges for incurring its running expenses.
9. I did not perform road journey along with any other employee of the Sangathan Govt. servant in a car belonging to him.
10. I was not provided with free boarding any lodging at the expenses of the Central Govt. / State Govt. or local body. I did not stay in a Govt. office.
11. I have not received any T.A. Advance for the journey for which the claim is preferred / I received advance of Rs. 15/- on 19.9.74.

Signature.....

Dated....18.10.74

Designation of the employee.....

Certificate to be furnished by Controlling Officer

1. Certified that the journey was performed in Sangathan's interest.
2. Certified that the claim for personal effects is reasonable.
3. Certified that the journeys for which T.A./D.A. has been claimed in the present bill were actually performed by the office concerned in the interest of Sangathan.

Signature.....
Designation.....

Dated....18.10.74

49

To:

The Inspector of Police,
Railway Police Station,
MANGALORE.

66

Sir,

I suspect that some important file(1-5)/papers are taken by Sri M.G.Anṣari,TGT of this Vidyalaya. He is going by Train at 8-40 by bogie No.5054-59 Seat No.31.

Please search his bags and luggages and recover the Kendriya Vidyalaya File if found with him.

As the matter is urgent, kindly do the needful.

(sd)

(M.D.NAMBOODIRI)
PRINCIPAL.

Mangalore.

21-3-1995.

True copy

sd

मान्दी प्रिंसिपल
केन्द्रीय विद्यालय - केन्द्रीय विद्यालया. II
मंगलोर
कर्नाटक
कृष्णगढ़ 574009



केन्द्रीय विद्यालय नं. 2, मंगलूर
रेत्वे कालोगी, मंगलूर - 575 001, डी. के.

फोन Phone: 34555

EX/2/1/2

KENDRIYA VIDYALAYA No. 2
RAILWAY COLONY, MANGALORE - 575 001, D. K.

By Speed Post

मंगलूर
Ref. No. F. 4-17/94-95/

मंगलूर
Date 21-3-95

To Sri R.M.Kamble,
The Asst. Commissioner,
Kendriya Vidyalaya Sangathan,
Bangalore Region,
BANGALORE-42

67

Sub : Criminal Act of Misconduct committed by Mr.M.G.Ansari, TGT (Eng)
Reported for necessary action.

Sir,

Advertising to the telephonic conversation I had with you today,
I give below the details of the case:-

Yesterday Mr.M.G.Ansari came to me with leave letter seeking
E.L./E.O.L for 47 days from today (21-3-95) to 6-5-95 in conjunction
with summer vacation. I refused even to consider it as Mr.Ansari had
not completed his lessons and he had not so far conducted any tests
and also because we do not have any teacher who can do the work of
setting question paper & correcting answer sheets. However he told
that he will be leaving for Shillong today - told us to cut his salary
if we so desire.

In the meantime I found that one important office file bearing
number 1.5 and entitled 'Principal's correspondence' has been missing
since I went to Inspection of Kudremukh Vidyalaya. On return from Kudremukh
I found that my table drawer in which many important files & confidential
matters are kept - is not locking properly. In fact out of 4 drawers in
it only two are closing properly and two drawers can be opened even
when it is locked. Ever since then I was searching everywhere for the file
but could not find it. It contained all correspondence regarding my
posting, pay fixation etc. and it is of vital importance to me.

Yesterday night I suddenly realised that the said file might have
been lifted from my table drawer (While I was at Kudremukh) by Mr.Ansari
as he is harbouring deep grudge against me. So in the morning I went to
the Railway station & found that he had booked (Ansari) ticket to
Guwahati in the Guwahati compartment of Express train leaving Mangalore
at 8.40 a.m. (Coach No. S.9, Seat No. 31). I waited for Mr.Ansari to board
the train and then with the help of Railway Police got his suitcase
opened. There I found the missing file and the same is now in custody
of Railway Police. Following the incident the Police also detained Mr.
Ansari asking him to cancel his ticket.

Thus Mr.M.G.Ansari has committed criminal act of misconduct
and I hereby request you to kindly initiate suitable punitive action
against the culprit. You are also requested to kindly advise me whether
I should take him to duty (at this stage) if he comes to Vidyalaya.

Kindly treat the matter as very urgent & oblige.

Yours faithfully,
प्राचार्य Principal

केन्द्रीय विद्यालय Kendriya Vidyalaya - II

From: - M.G. ANSARI, TGT (ENGLISH) (00)
K.V NO. 2, MANGALORE-1

To,

Date: August 19, 1995.

The Principal

K.V NO. 2, Railway Colony,
Mangalore - 575001.

Reference xxvi 114

68

Sub: - REQUEST FOR PAYMENT OF DUES/ARREARS

Sir/Madam,

With due respect, I would like to bring to your kind notice that in view of the discrimination, the humiliation and the harassment caused to me in the recent past in the present service, I have developed a sort of disliking towards the attitude of the concerned people and hence I may resign from the present service at any moment within one year from this date in order to avoid a better chance and have a better prospectus for the rest of my career preferably in other departments.

I, therefore, request that I may please be paid my all dues/arrears as per the entitlement (including the permission to cross the EB and the subsequent increments thereafter). I shall tender my actual resignation letter as soon as my dues are cleared.

Thanking you.

yours faithfully,

(M.G. Ansari) TGT

Annexure XXVII

From:

M.G. Ansari, TGT(English)
Kendriya Vidyalaya No.2,
Railway Colony,
MANGALORE - 575 001.

(69)

To:

The Asstt. Commissioner,
KVS, RO, DCR,
MANGALORE - 560 042

Throughs The Principal,
Kendriya Vidyalaya No.2,
Railway Colony,
MANGALORE - 575 001.

Respected Sir/Madam,

Subs: RESIGNATION FROM KVS SERVICE-SUBMITTED.
Following to my notice 11.19 Aug 95.

I hereby tender and submit ^{my} resignation,
from the post of TGT (English) in Kendriya Vidyalaya
Sangathan as I am no more interested in holding the post.

I shall be highly grateful if this resig-
nation of mine is accepted with immediate effect and I
am relieved as early as possible waiving the notice
period.

Thanking you,

Yours faithfully,

(M.G. ANSARI)
TGT (ENGLISH)

Date 12/12/95
December 1995.

Mr. M.G. Ansari
TGT (English)
Kendriya Vidyalaya No.2
Railway Colony
Mangalore - 575 001

KENDRIYA VIDYALAYA SANGATHAN
(Bangalore Region)

Annexure XXVIII

No. F.22-Estt/~~MCA~~/KVS(BGR) 16605

Kendriya Vidyalaya,
MEG & Centre,
Bangalore-560 042.
Date: 6.12.1995

116
70
GVR

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri/Smt/Kum ~~M.G. Ansari~~.....under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures III; and IV).

2. Shri/Smt/Kum ~~M.G. Ansari~~..... is directed to submit within 10 days of the receipt of this Memorandum a written statement of his/her defence and also to state whether he/she desires to be heard in person.

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

4. Shri/Smt/~~M.G. Ansari~~..... is further informed that if he/she does not submit his/her written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him/her ex parte.

5. Attention of Shri/Smt/~~M.G. Ansari~~..... is invited to Rule 20 of the Central Civil Services(Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his/her interest in respect of matters pertaining to his/her service under the Government. If any representation is received on his/her behalf from another persons in respect of any matter dealt with in these proceedings it will be presumed that Shri/Smt/Kum ~~M.G. Ansari~~..... is aware of such a representation and that it has been made at his/her instance and action will be taken against him/her for violation of Rule 20 of the CCS(Conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

(R.M. RAMBLE)

ASSISTANT COMMISSIONER.

To

Shri/Smt/~~M.G. Ansari~~.....
Trained Graduate Teacher (English)
Kendriya Vidyalaya, Mangalore Railway
Mangalore

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI M.G.ANSARI,
TGT(ENGLISH), KENDRIYA VIDYALAYA NO.2, MANGALORE.

ARTICLE - I

That the said Shri M.G.Ansari, while functioning as Trained Graduate Teacher in English, at Kendriya Vidyalaya No.2, Mangalore, during the period December 1992 to October 1994 preferred a false Leave Travel Concession claim of Rs.2810/- (Rupees Two thousand Eight hundred and ten only) for the expenditure purported to have been incurred by him for visiting his home town for the journey from Mangalore to Madhopur from 08-5-1994 to 25-6-1994.

*Preferred
for LTC 2
Rs 2810*

He has thus committed misconduct under Rule 3(1)(i) and (iii) of CCS(Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - II

That during the aforesaid period and while functioning in the aforesaid Vidyalaya, the said Shri M.G.Ansari preferred a false Travelling Allowance claim of Rs.4144/- (Rupees Four thousand One hundred and forty four only) for the expenditure stated to have been incurred by him for attending Inservice Course for TGT(English) held at Bombay from 15-9-1994 to 05-10-1994.

He has thus committed misconduct under Rule 3(1)(i) & (iii) of CCS(Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - III

That during the aforesaid period and while functioning as Trained Graduate Teacher in English in the aforesaid Vidyalaya, the said Shri M.G.Ansari committed theft of Office file which was later found in his suitcase in the Train on 21-3-1995.

He has thus committed misconduct under Rule 3(1)(i) and (iii) of CCS(Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

*Theft
Office*

71 AD

Δ

XX

From:- M.G.Anssari, EX TGT(Eng) of KV.No.2, Mangalore.

To,

The Asstt Commissioner
KVS, RO, BGR,
Bangalore-560042

72/18

Sub:- Written Statement in Defence-Submitted. (Even after resigning-
resigning to help in clearing the disciplinary cases)

Sir, I am writing this statement in a brief manner.

Reference is made to your letter No.F.22-Estt/MGA/KVS/BGR/
16605 d/d 6.12.95 (received in your office on 22.12.95).

Appended below please find the written statement against
each articles.

Article-I It is stated that my visit ~~ex~~ to my home town during
the vacation in May-June '94 is true but the LTC bill became irrele-
vant as I, after a discussion with the Principal, had requested him
vide my application d/d 8.8.94 for the cancellation and withdrawal
of the said LTC bill (dt 18 Jul '94) for Rs 2810/- as it was not
admissible to me according to him. Since then I have never claimed the
same any more. (The amount also was not paid).

Article II It is stated and reported that other three teachers
also (from the Bangalore region) have attended the course along with
me at KV IIT, Powai (Bombay). We four went together, stayed and returned
together for certain period and distance. Please verify their TA bill
first and then only came back to my TA bill for further comment and
observation. (The admissible amount was paid to all)

Article III It is stated that the particular file (namely Principal'
s correspondence file) was given to me by the Principal M.D.Namoodiripad
only showing that even his pay was not fixed (when I asked him for my
pay with the increments). After going through the file, it was in my
possession but since I was proceeding to Shillong on 21.3.95, I had
informed him in the previous night (while packing up the things in my
suitcase) over the telephone that I was bringing the file to the Rail-
way Station in order to hand over the same to him before leaving the
Station. Surprisingly and knowingly, he created an unwanted scene. He
was waiting for my arrival to the Station with a pre planned police
squad. I told them that I had already informed the Principal and
accordingly I had brought the file to hand over to him but since the
conspiracy was pre-planned they told me to cancel the reserved tic-
ket and proceed by the next train after giving a statement.

(My innocence has been endorsed by the police in Contd. 2/-
my statement after the spot investigation finding me not at all guilty
which may be obtained from the Police who left me to go).

E.O
Report

With thanks

11

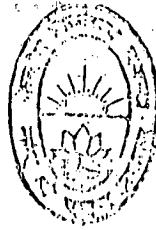
This was another harassment to me. This refers my written Statement given to the Police on the spot. It will ~~be~~ not be out of place to mention that Mr.M.D.Bamboodiri cann't be a witness in all these base less charges being a false man who has already eaten PTA's money and preferred false claims by submitting false bills from the Hotels while he was living in the school building itself.

Thus, I am not at all guilty of the charges framed falsely, baselessly and intentionally just to harm me which were not to be framed otherwise. Hence, each article of the charge is hereby denied.

Thanking you

Yours Faithfully,

(M. G. ANSARI)



केन्द्रीय विद्यालय नं. 2, मंगलूर H24755
रेलवे कॉलोनी, मंगलूर - 575 001, डी. के.

KENDRIYA VIDYALAYA No. 2
RAILWAY COLONY, MANGALORE - 575 001 D. K.

Annexure XXXI

120

94

R.E.C.B. R.-D.

दस्तावेज़
Ref. No. KVS, R.R./F. 4-17/95-96/

दिनांक 26-2-1996
Date

To:

Mr. M. G. Ansari,
Terroro Cloth Shop,
FO: Mawlynnong,
SHILLONG-793002, Meghalaya.

Sir,

I am herewith sending a copy of letter no. F.1-26/95-KVS (BGR)/20497 dated 2-1-97 received from the Assistant Commissioner, KVS, Bangalore for your information.

for

You are hereby directed to report/duty immediately as stated therein.

Yours faithfully,

R.R.NAIR

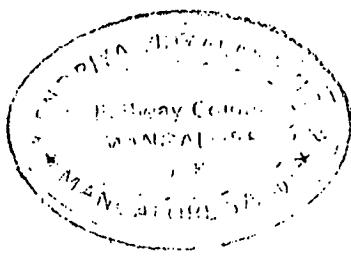
(R.R.NAIR)

PRINCIPAL

केन्द्रीय विद्यालय नं. 2, मंगलूर

COPY TO:

The Assistant Commissioner, For favour of information
KVS, Bangalore Region. w.r.f. to his letter no.
BANGALORE. F.1-26/95-96/KVS (BGR)/25313
dated 19/22-2-1996.



KENDRIYA VIDYALAYA SANGATHAN
(Regional Office-Bangalore Region)

Annexure XXXIV

K.V.MEG & Centre,
BANGALORE-560 042

No. F. 1-26/95-KVS (BGR) /20497.

Date: 2-1-1996.

To:

The Principal,
Kendriya Vidyalaya No.2,
MANGALORE-575001.

Sub: Resignation letter of Shri M.G.Anseri, TGT(Eng)-
regarding.

Madam,

Please refer to your letter No. F.2-5/95-96/289 dated 26-12-1995 on the above subject. The resignation of Shri M.G.Anseri to the post of TGT(Eng) in Sangathan cannot be accepted since two disciplinary cases of serious nature under rule 14 of CCS(CCA) Rules are pending against him. Further Shri.Anseri has filed a writ petition against KVS which is still pending in the High Court. You are, therefore, requested to inform him that his resignation has not been accepted by the undersigned and he should report back on duty immediately.

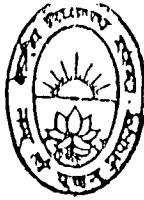
The leave applied for by Shri M.G.Anseri from 9-10-95 to 19-12-95 on medical ground in conjunction with the autumn break is hereby sanctioned. The leave letter alongwith medical certificate and joining report are returned in original.

Yours faithfully,

Sd/-
(R.M.KAMBLE)
Assistant Commissioner.

/ TRUE COPY /

22/6/95
प्राधान प्रिंसिपल
केन्द्रीय विद्यालय Kendriya Vidyalaya - II
मंगलूर Mangalore
क्षेत्र 575001



केन्द्रीय विद्यालय नं. 2, मंगलूर
रेवे कालोनी, मंगलूर - 575 001, कर्नाटक

TEL. PHONE: 345555

Annexure-XXXII

KENDRIYA VIDYALAYA No. 2
RAILWAY COLONY, MANGALORE - 575 001, D.K.

संदर्भ सं.

Ref. No. KVM. II/F.4-17/96-97/ REGISTERED POST
with A.D.

दिनांक
Date 9-5-1996.

To :

Mr. M.G. Ansari,
Feroze Cloth Shop,
P.O. Nonglyer,
SHILLONG - 793009,
MEGHALAYA.

Sub: Departmental Enquiry under Rule 14 of the CCS (CCA)
Rules, 1965 against Mr. M.G. Ansari, TCT (English).

Sir,

With reference to the letter No. KVK/F.1/96-97/
dated 1-5-96 (Copy enclosed), you are directed to attend
the preliminary hearing on the appointed date, time and
place.

Yours faithfully,

Reema Rajan

(REEMA RAJAN)

प्राचारि *Prachi*

केन्द्रीय विद्यालय "Kendriya Vidyalaya" II

मंगलूर, Mangalore

575 001 575001

आर.पी.-RP-54

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

प्राप्ति स्वीकृति/ACKNOWLEDGEMENT

रजिस्ट्री-पत्र/पार्सल प्राप्त हुआ

Annexure XXXII(A)

Received Registered Letter/Parcel/

फ्रॉम/No. २४८०

तारीख/Dated

13/5/96

Received on 23/5/96

12
23/5/96

* दीपे का मूल्य नियमों में

* Insured for Rupees _____

लाभ का

Address to Mr. M.G. Ansari, Feroze Cloth Shop.

(1) P. Nonglyer,

Shillong - 793009.

Meghalaya

इस्ताब्द और नाम/Signature and Name

Mr. M.G. Ansari 22/5/96

वितरण डाकघर की तारीख-मोहर
Date & stamp of office of delivery

From :- M.G.Anssari, Feroze cloth shop, PO Nonglyer (A.F.Camp).

Shillong - 793009
Date :- 23.5.96.

To
The Principal
KV No.2, Railway colony
Mangalore -575001.

77
2

Subject:- Departmental Enquiry regarding

sir/Madam,

It is intimated that your letter No.KVM-II/
F.4-17/96-97/49 dated 9.5.96, was received on 22.5.96 and hence
it could not be possible to attend the preliminary hearing on
the appointed date, time and place ie Saturday, the 18 May/96
at 11 am in the Office of Kendriya Vidyalaya Kudremukh(Karnataka)
as per their letter No KVK/F.1/96-97/68 dated 1.5.96. This may
be informed to the enquiry Officer also.

In case any subsequent date is fixed for the
same, I may kindly be informed well in advance for the reserva-
tion of the Train Journey etc alongwith an advance of Rs.5000/-
as TA/DA so that to anable me to attend the proceedings of
the enquiry.

Thanking You

Yours faithfully,

23/5/96
(M.G. Ansari)



केन्द्रीय विद्यालय संगठन

REGISTERED

KENDRIYA VIDYALAYA SANGATHAN

(क्षेत्रीय कार्यालय - बैंगलर क्षेत्र)

(Regional Office - Bangalore Region)

K.V. MEG & Centre
ANGALORE - 560 042

No : F.22-Estt/MGA/95-KVS(BGR) | 1980

Date : 7.11.97

REGISTERED POST 10 NOV 1997

O R D E R

WHEREAS disciplinary proceedings under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 were instituted against Shri M.G.Anvari, TGT(Eng) Kendriya Vidyalaya No.2 Mangalore vide this office Memorandum No.F.22-Estt/MGA/95-KVS(BGR)/16605 dated 6.12.95 on the following Articles of charge:-

- (i) that he preferred a false Leave Travel concession claim of Rs.2810/- (Rupees Two Thousand eight hundred ten only) for the expenditure purported to have been incurred by him for visiting his home town for the journey from Mangalore to Madhopur from 8.5.94 to 25.6.94 ;
- (ii) that he preferred a false Travelling Allowance claim of Rs.4144/- (Rupees four thousand one hundred forty four only) for the expenditure stated to have been incurred by him for attending Inservice Course for TGT(English) held at Bombay from 15.9.94 to 5.10.94 ; and
- (iii) that he committed theft of office file which was later found in his suitcase in the train on 21.3.1995.

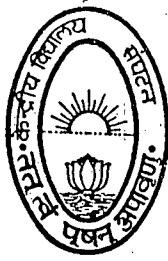
A statement of imputations of misconduct/misbehaviour on which the Articles of charge were based, together with a list of documents by which, and a list of witnesses by whom, the charges were proposed to be sustained, were also forwarded to him alongwith the above said memorandum dated 6.12.95.

2. AND WHEREAS Sri M.G.Ansari, TGT(Eng) denied the charges vide his letter dated nil received in this office on 25.3.96. Accordingly, Sri G.Krishnamurthy, Principal, KV Kudremukh was appointed as Inquiry Officer to inquire into the charges vide order No.F.22-Estt/MGA/95-KVS(BGR)26768 dated 4/6.3.96 and Shri S.Padmanabha, UDC, KV Panambur was appointed as Presenting Officer vide letter No. 26765 dated 4/6.3.96.

3. AND WHEREAS the Inquiry Officer vide his report No. KV/F.Princ.Pers.Corres/97-98/127 dated 2.7.97 gave a finding that the charges against Sri M.C.Ansari have been established and are, therefore, proved.

4. AND WHEREAS a copy of the report of Inquiry was sent to Sri M.G.Anvari vide Memorandum No.F.22-Estt/MGA/95/KVS(BGR) 9352 dated 14/15.7.97 and he was given an opportunity of making such submissions on the report of inquiry as he desired. Sri Ansari has not made any submission in this regard.

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केन्द्रीय विद्यालय संगठन

KENDRIYA VIDYALAYA SANGATHAN

(भेजीय कार्यालय - बैंगलूरु क्षेत्र)
(Regional Office - Bangalore Region)

फोन 5301227
PHONE : 5301227
FAX : 5301227
AC 080-5543757

No :

...2...

K.V. MEG & Centre
BANGALORE - 560 042

Date :

5. AND WHEREAS on careful consideration of the report of the Inquiry Officer and other records of the case, the undersigned has decided to accept the findings of the Inquiry Officer in respect of all the articles of charge and hold that the charges are proved.

6. NOW, THEREFORE, after considering the records of the Inquiry and the facts and circumstances of the case, the undersigned has come to the conclusion that Sri M.G.Ansari (i) submitted a false LTC claim of Rs.2810/- for the expenditure purported to have been incurred by him for visiting his home town for the journey from Mangalore to Madhopur from 8.5.94 to 25.6.94 ; (ii) submitted a false TA claim of Rs.4144/- for the expenditure stated to have been incurred by him for attending Inservice Course for TGT(Eng) held at Bomhav from 15.9.94 to 5.10.94 ; and (iii) committed theft of Office file which was later found in his suitcase in the train on 21.3.1995 and thus committed misconduct under Rule 3(1)(i) & (iii) of CCS(Conduct) Rules 1964 as extended to the employees of KVS and hence ends of justice require that the penalty of removal from service with immediate effect which shall not be a disqualification for future employment under the KVS be imposed upon him.

7. IT IS, THEREFORE, ordered that Sri M.G.Ansari, TGT(Eng) KV No.2 Mangalore be imposed the penalty of removal from service with immediate effect which shall not be a disqualification for future employment under the KVS.

8. A copy of this order be filed in his ACR dossier.

(S.K.JAIN)
ASSISTANT COMMISSIONER

Shri M.G.Ansari
TGT(Eng)
C/o Mrs.A.Ansari
Feroze Cloth shop(A.F.Camp)
PO Nonglyer, Shillong
Meghalaya
Pin-793009.

Annexure XXXV

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To,

The Deputy Commissioner, (Admn/Pers)
Kendriya Vidyalaya Sangathan, HQ,
18, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi- 110016

(APPELLATE AUTHORITY)

In the matter of :

An appeal under the provisions of the
CCS (Classification, Control and
Appeal) Rules, 1965, against the Order
No. F.22- Estt/MGA/95-KVS (EGR)/19880
Dated 10.11.97 imposing the penalty
of Removal from service with
immediate effect pursuant to the
conclusion of an alleged Disciplinary
Proceeding.

- AND -

In the matter of :

Mohammed Gyani Ansari, EX TGT (Eng),
C/o Feroze Cloth Shop, P.O. Nonglyer,
Shillong- 793009, Meghalaya.

... Appellant.

2.

The humble Appeal Petition on behalf of the
Appellant abovenamed -

Respectfully Sheweth :-

1. That this appellant, who is an ex-serviceman, joined service as a Trained Graduate Teacher(Eng.) on temporary basis in the Kendriya Vidyalaya Sangathan as per the offer of appointment made by the then Assistant Commissioner of KVS^(GR) on 19.8.86. Subsequently on 1.9.1986 his services was regularised.
2. That after having served for almost 6 years in the NER¹ K.V., the appellant was transferred to the Mangalore K.V. at Mangalore, by an Order dated 17.9.92.
3. That on 6.12.95 your appellant received an Office Memorandum wherein it was stated that an enquiry is proposed to be held against your appellant under Rule 14 of the Central Civil Service (Classification, Control and Appeal) Rules, 1965, issued by the Assistant Commissioner alleging 3 false and baseless charges and requested your appellant to submit a Written Statement of defence within 10 days, but the same was received by the appellant on 22.12.95 from the Office of the said Assistant Commissioner.

3.

4. That thereafter your appellant on 28.12.95 submitted a Written Statement of defence totally denying and explaining the said baseless charges.

5. That it is pertinent to mention here that before submission of the said Written Statement, your appellant had submitted his resignation letter but the same was not accepted in view of the pending proceedings.

6. That as regards the allegation contained in the Article I of charges, your appellant states that the said allegations are without any basis. Your appellant further states that after ~~finalizing~~ ^{by} the LTC bill for his visit to his home town in May-June '94, during vacation, he got the information that his LTC bill was not admitted by the authority and thereafter upon having discussed with the Principal your appellant by a letter dated 8.8.94 requested the Principal to cancel and/or deem withdrawn the said bill for Rs. 2810/- as the said amount was neither paid nor claimed by the appellant thereafter and as such the charge itself is bad in law and liable to be set aside.

7. That as regards the allegations contained in Article II of the charges your appellant states that he submitted his T.A. bill along with other 3 teachers after

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having travelled together and duly attended the service course in Bombay, your appellant further states that the 3 bills of the other said teachers of the same region for similar amounts was never questioned and only the Appellant's bill was declared to be a false bill.

8. That as regards the allegations contained in Article III of ~~the~~ charges the appellant states that the said particular file was given to him by the Principal himself. The Appellant further states that before his visit to Shillong on 21.3.95 your Appellant informed the Principal on the previous night to take the file from the station on 21.3.95. Knowing fully well that your Appellant was going to handover the file in the station to him: The Principal with ulterior motives, waited for your Appellant with a Police squad and created an unwanted scene in the station with a view to deliberately malign your Appellant by trying to depict him as a thief. The Police, however, subsequently, was satisfied that your Appellant was ~~thought~~ to be ~~freed~~ and as such did not initiate any charges against your Appellant.

Copies of the Charges dated 6.12.95 and your Appellant's Written Statement of defence dated 28.12.95 are annexed hereto as ANNEXURES 1 & 2 respectively.

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5.

Copies of the documents relied on by the Appellant are also annexed hereto as ANNEXURES- 3 & 4 respectively.

9. That your Appellant states that he was not given or offered any opportunity to examine the documents relied upon by the Disciplinary Authority prior to his submitting his written statement of defence and even though he was informed of the appointment of the Inquiry Officer and Presenting Officer by two separate Orders dated 6.3.96, your Appellant received only one Notice dated 9.5.96 from his Principal of Kendriya Vidyalaya, Mangalore, pursuant to the Inquiry Officer's letter dated 1.5.96, directing your Appellant to attend the preliminary hearing on 18.5.96 at Kudremukh. The said notice was received by your Appellant only on 22.5.96, much after 18.5.96, the date fixed for hearing, and accordingly your Appellant wrote back on 23.5.96 about the impossibility to attend the hearing on 18.5.96, and your Appellant further requested therein for expenses to meet the journey and other expenses for attending the proceedings. Unfortunately, no further notice was received by your Appellant, nor was any amount granted to your Appellant to effectively defend his case, either Departmental Proceeding or the purported proceedings subsequent thereto.

6.

10. That your Appellant states that he was never informed of any further hearing after the belated receipt of the letter dated 9.5.96 whereby he was informed that the preliminary hearing will be held at 11 A.M. on 18.5.96 and neither was he granted any allowance to travel all the way from Shillong to Kudremukh and yet he was suddenly served with the impugned Order dated 10.11.97 whereby your Appellant was imposed the penalty of removal from service with immediate effect and in passing the said Order it was informed that the Enquiry Officer had submitted a report on 2.7.97 whereby he gave the finding that the charges against your appellant have been established and are therefore proved.

A copy of the impugned Order dated 10.11.97 which was received by your Appellant only on 6.12.97 is annexed hereto as ANNEXURE- 5.

11. That your Appellant begs to state that the impugned Proceedings were no Proceeding in the eye of law in as much as the Memorandum dated 6.12.95 issued to your Appellant in respect of certain articles of charge, did not contain the detailed statement of allegations and neither were the list of documents and the list of witnesses by whom the charges were proposed to be sustained against your Appellant were forwarded along with the said Memorandum dated 6.12.1995.

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12. That your Appellant was further not given any opportunity whatsoever to inspect any of the documents nor were the copies of the same forwarded to your Appellant; and by not intimating your Appellants the dates of sittings of the Enquiry Officer, your Appellant had no opportunity to defend himself effectively by cross examining the so-called witnesses.

13. That your Appellant further categorically denies that the report of Enquiry was sent to him, and even if it is assumed that it was sent, the same was never received by your Appellant, and as such your Appellant had no opportunity whatsoever to submit show cause against the purported findings in the said Enquiry Report. Your Appellant was further not provided with copies of any of the Proceedings of the so-called Disciplinary Proceeding, including the statement witnesses purported recorded against your Appellant.

14. That your Appellant submits that the impugned Order dated 10.11.97 was issued without any application of mind with a Pre-determined/motive to merely oust your Appellant from service under the K.V.S.

15. That it would be further evident from the impugned Order dated 10.11.97 that the Disciplinary Authority did not apply its independent mind while deciding to accept findings of the Enquiry Officer in respect of all the articles of charge while holding that the charges are proved.

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16.* That your humble Appellant submits that the entire proceedings being ex-parte and behind the back of the Appellant, is in any event is liable to be set aside and the impugned Order thereon, imposing a major penalty against the Appellant, liable to be quashed as totally ~~xxx~~ perverse and illegal and undoubtly violative of the basis of principle of natural justice.

17. That your Appellant further submits that even assuming while not admitting that there was some truth in the said articles of charge, all the said charges were totally vague and incapable of being proved in the absence of the detailed statements of allegations and in any event the impugned penalty imposed against the Appellant is far in excess and not warranted both in law and in facts on the basis of such charges.

18. That in any view of the matter the impugned charges being in fact no charges in the eye of law, the impugned Order dated 10.11.97 is liable to be adjudged as arbitrary, illegal, perverse and biased and ought to be set aside.

19. That your humble Appellant, being highly aggrieved by the aforesaid disciplinary proceedings

and the impugned Order passed thereon, has no other alternative but to prefer the instant appeal in accordance with law, so that justice is ultimately done.

20. That the instant appeal is within time and your Appellant has not preferred any other appeal/petition against the aforesaid impugned Orders and the proceedings.

21. That the instant appeal/^{petition} is filed bonafide and for the ends of justice.

In the Premises aforesaid your humble Appellant prays that the learned Appellant authority be pleased to admit the instant appeal, call for the records and upon hearing the parties, if necessary, be pleased to quash the impugned Disciplinary Proceedings initiated vide the Memorandum dated 6.12.1995 (Annexure-1) and set aside the impugned Order

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dated 10.11.1997 (Annexure 5) and grant to your Appellant all reliefs that he may be entitled to in accordance with law and upon cause or causes that may be shown be pleased to allow the instant appeal with compensatory cost and/or to pass such further and/or other order or orders as to the learned Appellant Authority may deem fit and proper.

And for this your humble Appellant shall ever pray.

Thanking you,
Yours faithfully,
M. G. Ansari

Date - 24.12.97

(M. G. ANSARI)
Ex TGT (Eng)
APPELLANT.

From,
 M.G.Ansari, Ex TGT(Eng.)
 C/O Feroze Cloth Shop (Air Force Camp), P.O. - Nonglyer, Shillong-793009.

To,
 The Deputy Commissioner (Admn./Pers.)
 HQs. Kendriya Vidyalaya Sangathan,
 18, Institutional Area, Shaheed Jeet Singh Marg.
 New Delhi - 110016

6th May, 1998

(90)

Sub:- Reminder to appeal petition dt. 24-12-97 (With Details)

Sir,

Further to my appeal dated 24 Dec.'97 in pursuant to the AC's letter No. F.22-Estt./MGA/95-KVS(BGR)/19880 dated 10th November '97 (Received on 6th Dec.97), I have the honour to submit this reminder to my original appeal petition against the harsh and arbitrary order passed by the AC KVS, RO, Bangalore with their ulterior motives.

(I) The LTC bill dated 18th July '94 for Rs.2810/- was irrelevant and hence was not submitted by me. Being incorrect it was kept pending in the drawer of my table which was stolen by the UDC (Mr. I. Yogesh Rao) and the Principal (Mr. M. D. Namboodiri) with a bad intention since they had been harbouring grudge against me for having filed a writ petition against them for their arbitrary acts and criminal offences. When I came to know about lost bill that it was with the Principal, I applied on 8-8-94 for its cancellation and withdrawal/destruction. It may be mentioned that when they were aware of the fact that some disciplinary action was conspired and contemplated against me (making me ineligible for availing LTC), They should not have stolen and entertained the wrong LTC bill but it was done intentionally. However, the bill remained unsigned by the Principal being irrelevant and no amount was paid either in advance or later on against the same. In fact, I was not allowed to avail any LTC for the period from 1992-1995 during my stay at Bangalore though I visited my home town as well as Shillong every year to see my family as the situation was planfully created unfavourable just to deprive me from availing any LTC. Hence the first charge of preferring a claim for availing LTC is totally false and baseless.

(II) The intimation of the 'In-service Course' was given to me at the eleventh hour by the Principal Mr. M. D. Namboodiri just to harass me whereas the order was received by him long before. On intimation, I purchased I class Railway ticket but was placed in the waiting list being the last moment. When it was not confirmed, I got the ticket cancelled and proceeded to Mumbai by Air in order to reach in time by spending more money than the authorised rail fare of I class but as per the advice of the Principal, Mr. M. D. Namboodiri, I quoted the same railway ticket No. in the T.A. Bill which was actually purchased earlier as the huge amount (actually spent) was not admissible and it was restricted to the I class fare.

The same thing happened for return journey also where more amount was spent but only the minimum admissible amount was claimed and this was as per the advice and instruction of Mr.M.D.Namooddiri who signed the bill as the Principal for knowing and accepting the fact that the amount was restricted to I class rail fare only. It was well understood that I performed the journey practically from Mangalore to Mumbai and back and duly attended the in-service Course for 21 days at KV,IIT Powai, Mumbai alongwith three other teachers of Bangalore Region and for this only the minimum admissible amount of Rs. 4144/- has been claimed and the same was accepted and paid to me like other teachers and nothing more. Hence the allegation of preferring the false T.A. claim is not justified and the II charge is also mischievous and false.

(iii) The particular file was not the School file but Mr. M.D. Namooddiri 's private file which he himself had given to me to go through when I asked him about my increments and dues and the file was in my possession but forgotten as it was not asked back or reminded. I noticed the file while segregating and packing my things in the night of 20.3.95 as a preparation for proceeding on leave to Shillong early in the next morning. I informed Shri M.D.Namooddiri about his file telephonically in the night itself and he himself advised me over the telephone to hand over the file to him in the morning at the railway station where he would be available to see me off. I also agreed to his advice and requested him to collect the same from me at the station and he too agreed. Accordingly, I brought the file in order to handover the same to him at any cost(before starting my journey) even if I had to go to Vidyalaya(in case he would not be available at the station for any reason) as he was putup in the Vidyalaya's building just adjacent to the Railway station. When I came nearer to the station and Vidyalaya, I was surprised to see from far away that Mr. M.D.Namooddiri was waiting for me at the entrance gate of the station alongwith two police constables brought by him highhandedly inspite of knowing the fact that I was going to hand over the file to him. He had already planned to play some mischief for no reason. However, I took out the file from my suitcase and handed over to him infront of the police constables who asked me to give a statement and go. This refers my statement given to the police on the spot on 21.3 .95. When the Inspector of police came to know about this mischief, he scolded them for harassing me for no reason and he allowed me to go without filing any chargesheet against me as I was not found guilty in his prompt and spot inquiry. But, in the mean time, I missed the train and I was compelled to cancel the reserved ticket as per their planned mischief.

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This was a great harassment and inconvenience to me for which I am yet to file a suit against Mr. M.D.Namoodiri as he is liable to be prosecuted for the damages caused to me in this connection as well as for stealing and entertaining the wrong LTC bill just to trouble me unnecessarily. In fact, the file was never found in the train as it has been falsely alleged since I was yet to catch and board in the train which could not be done and finally missed the train on 21.3.95 owing to the fact mentioned above. As a result the ticket was to be cancelled causing financial loss besides other inconvenience and harassment when I was sick. I had no intention to carry the worthless file with me to Shillong as it was of no use either to me or to any one else except to Mr. M.D.Namoodiri to whom I handed over the file in a very safe and sound condition. I boarded in the train and travelled only on 22.3.95 and not on 21.3.95. Hence, the III charge of theft and finding the file in the train on 21.3.95 is mischievous and totally false. Thus, all three charges are vague, false, malicious and baseless.

I had denied all the three charges in my written defence statement. Thereafter I was intimated only once and that too very late by the Principal KV No. 2, Mangalore vide KVM-II/F-4-17/96-97/49 dt 9.5.96 (addressed to Shillong and received on 22.5.96) asking me to attend the enquiry which was already over by 18-5-96. Thus, this intimation was just an eye wash and was not in order. Accordingly I informed the Principal vide my letter dt. 23.5.96 about the late receipt of the intimation and requested for TA advance and mainly for a subsequent date for attending the inquiry giving me a reasonable time to do the train reservation and come from so far of place like Shillong to Kudremukh (Karnataka) which requires altogether minimum a month's time. This was never replied and after that there was no news and hence no opportunity to defend myself or disprove the charges which were framed falsely, intentionally and under the influence of a hatched conspiracy. Further it is stated that I have not received any inquiry report or any show cause notice of the proposed action be taken or the purported punishment be imposed. Suddenly, I received the impugned final order dt 10.11.97 of Ac (BGR) on 6.12.97 which is ex parte, faulty and unfair as I have not been given any opportunity to be heard in person or to defend myself, thereby, depriving me from the purview of Natural Justice (Under Article 311(2) of the constitution)

On the whole it can be confirmed that it was a pre-planned criminal conspiracy and handywork of a dozen of people (who are listed in Appendix 'A') whereas the charges do not have the gravity

to be brought under rule 14 of CCS(CCA) rules, 1965 and also do not warrant such drastic action of punishment (of removal from the Sangathan). All the charges are fake, false, vague and cannot be established. The disciplinary proceeding is vague and faulty and the decision of the disciplinary authority is harsh and arbitrary. The whole proceeding is unconstitutional which attracts article 311(2) and hence is liable to be challenged and set aside. It can be mentioned that the conspiracy hatched by people (as mentioned in the list) unsuccessfully attempted thrice to oust me wrongfully from the service of the Sangathan.

(a) In the first attempt the inquiry officer was the Principal of KV Kudremukh, Mr. G. Krishnamurthy, whereby he could not succeed in establishing the charge and the proceeding was dropped at the first stage itself after a preliminary hearing at KV No 2 Mangalore.

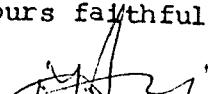
(b) In the second attempt the inquiry officer was the Principal of KV No 2 Hubli, Dr. B. P. Sharma and the proceeding was dropped at the second stage (after completion of inquiry and submission of the inquiry report showing that charges were not proved and subsequently a representation was also submitted by me). However, the final disposal of these proceedings are not yet known to me.

(c) In the third attempt the inquiry officer was the same Mr. G. Krishnamurthy, the Principal of KV Kudremukh, in which the proceeding itself is unconstitutional. The charges are unwarranted and can't be established. I was never intimated in a proper way to attend the inquiry. However, the findings of the inquiry officer is not known to me as I have not received any inquiry report. Nevertheless, the arbitrary impugned order of imposing of penalty of removal from the service of the Sangathan is received which is challengeable and to be set aside and hence the appeal petition dt. 24 Dec. 97 has already been filed against the same for your necessary action please.

In view of the above fact, clarification, attitude and also in the light of the appeal petition dt 24.12.97, I humbly remind and request your honour to set aside the harsh and arbitrary order dt 10.11.97 of the AC, KVS, RO, BGR as I am not guilty of the baseless charges to merit any punishment and instead, kindly initiate action against the disciplinary authority including the inquiry officer (for the end of justice) as the constitutional requirement of Article 311(2) has not been complied with by them to arrive at the final decision.

Thanking you,

Yours faithfully,


(M.G. ANSARI) EX TGT (Eng.)

Annexure XXXVI

From : - M.G. Ansari, Ex TGT (Eng), C/O Feroze cloth shop (Air Force Camp)
P.O Nonglyer, Shillong - 793009 (Meghalaya)

Dated : - 31.Aug'98.

To,

The Deputy Commissioner (Mrs. J Jagannathan, - by name)
HQ, Kendriya Vidyalaya Sangathan,
13, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi- 110016.

Sub : - SECOND REMINDER TO APPEAL PETITION dated 24.12.1997.

Sir/Madam,

1. Reference is made to my appeal petition dt. 24.12.97 and the first reminder dt. 6.5.98 to the same against the AC's illegal order No. F.22/Estt/MGA/95-KVS(BGR)/19880 dt 10 Nov 1997.

2. It is once again reminded to my aforesaid appeal and submitted that all alleged charges are vague, false and baseless. If there would be any truth, on the whole the conclusions on records are as follows :-

(i) In connection with the I charge, I have neither submitted any bill nor taken any amount towards the alleged LTC. It is a matter of records that I was deprived of the facilities of availing any LTC and as such I have neither submitted any bill nor taken any amount towards any LTC from 1992 to 1997 which can be verified from my service book. Hence the I charge is totally false.

(ii) In connection with the II charge, I was compelled to travel by Air for attending the alleged Inservice Course in time but the claim was restricted to entitled Rail Fare only and the same was preferred and not only submitted but the admissible amount of Rs. 4144/- was paid also against the alleged TA claim for which I have very much attended the Inservice Course for TGT (Eng) held at Bombay for 21 days from 15.9.94 to 5.10.94 which can also be verified from my service book. Hence the II charge is mischievous as the Sangathan is not at loss but I.

(iii) The matter of III charge is a fraud and does not come within the purview and jurisdiction of the Sangathan's regional office since it was the private transaction of a private file between me and Mr. A. M D Namboodiri and not the theft of office file as falsely and fraudulently alleged. The file did not belong to Vidyalaya or the Sangathan or to any office. Moreover this private issue has already been dealt with by the local police where the complaint

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of Mr. M D Nambodiri was proved to be false as per the police records and the case was disposed of finding me innocent. Hence the allegation is nothing but a conspired fraud under the shadow of the then Asstt. Commissioner, Shri R.M. Kamble.

3. Thus, the conspiracy behind the false and untenable charges to remove me from the service without any reason and any show cause notice is unwarranted and illegal as I have not committed any misconduct to merit any punishment.
4. I, therefore, humbly request to consider my appeal petition dt. 24.12.97 favourably and set aside the aforesaid illegal and impugned order, passed by the AC, BGR on 10.11.97, abusing his powers fully and violating the Natural Justice. Consequently I may be reinstated in my service with all the benefits from the due date including the grant of senior grade and if it is done so, I may be kindly transferred to Shillong as applied earlier on spouse case. The request of appeal may kindly be disposed of at an early date to avoid any further recourse available to me under the facts and circumstances at the risk, as to all costs and consequences, of the respondents or the Sangathan.

Thanking you,

Yours faithfully,

(M.G. ANSARI) 3/8/98

Copy to :-

1. The Joint Commissioner (Admn)	HQ. Kendriya Vidyalaya Sangathan, 18, Institutional Area, New Delhi- 110016.
2. The Commissioner,	
3. The Asstt. Commissioner, KVS, RO, BGR, Bangalore.	
4. The Principal, KV No. 2, Mangalore (Karnataka)	

(M.G. ANSARI) S/

Annexure - XXVIII

DUES AND CLAIMS OF THE PETITIONER IN ORDER FROM KENDRIYA VIDYALAYA SANGATHAN.

<u>Sl. No. Period</u>	<u>Particulars</u>	<u>Appx. amount In Rupees</u>
1. 12/92	Transfer TA for movement on transfer from Shillong to Mangalore in Dec '92 as per the TA Bill Dated 3.2.93(Already submitted on 3.2.93 itself).	Rs. 25,000/-
2. -do-	To send from Secunderabad from Mangalore for the permission of the Acctt. Commissioner to Join the duty at Mangalore(As the principal refused to take the petitioner on duty) in the very beginning.	Rs. 2,000/-
3. 3.6/93	LTC or otherwise for visiting the family at Shillong(via home town) during the EL in conjunction with the summer vacation of 1993(for self only).	Rs. 5,000/-
4. 3.10/93	Salary dues of 08 months from 1.3.93 to 31.10.93(during which the petitioner was paid Nil as amount as per the P.M and the acquaintance Bill).	Rs. 25,000/-
5. 10,11/93 & 2.3/94	For visiting AC's office at Bangalore as per the direction of the principal to the petitioner.	Rs. 2,000/-
6. 11/93 to 7/94	Wrongful deduction from the salary of the petitioner(arbitrarily without any reason or notification).	Rs. 13,000/-
7. 5.6/94	LTC or otherwise for visiting the family at Shillong(via home town) during the summer vacation of 1994 (for self only).	Rs. 5,000/-
8. 3-5/95	Salary dues of 46 days from 21.3.95 to 5.5.95 for which the leave was sanctioned on medical grounds.	Rs. 6,000/-
9. 5/95	Duty pay for 6.5.95 coupled with the vacation from 7.5.95 onwards for 50 days(for call up for one day)	Rs. 5,000/-
10. 5-6/95	LTC or otherwise for visiting the family at Shillong(via home town) during the summer vacation of 1995 (for self only).	Rs. 5,000/-
11. 10-12-95	Salary dues of 03 months from 1.10.95 to 31.12.95 for which the leave was sanctioned on medical grounds.	Rs. 15,000/-
12. 7/93 to 12/95/due 12/95/due W.E.F Jul. 93	Difference between due and drawn (in the wake of due increments of Rs. 1700/- to Rs 1750/- in July '93(which is not an ES stage)).	Rs. 17,500/-
13. 1995-96	Bonus for the year 1995-96	Rs. 2,500/-

Total = Rs. 82,000/-.

(M. B. ANSARI) Ex-T.P.

(Plus undrawn)

Anneadee XXXIX

(27)

U ABDUL KHADER, B.A., B.L.,
ADVOCATE

157, Brigade Road
Bangalore 560 025
] 5588196
Ph : (O)] 5588540 (M)

To :

17th November, 1998

Mr. M G Ansari
Feroz Cloth Shop (Airforce Camp)
Post NONGLYER
Shillong 793 009

Sir,

Ref : W.P. No. 12485/1994 on the file of
High Court of Karnataka at Bangalore

I am in receipt of your letter requesting me to withdraw the writ petition filed on your behalf. The matter was already heard ~~the~~ disposed of on 9.10.1998 by the Court. The writ petition is disposed of directing the respondent No. 1 to give the salary which you are entitled after deducting the T.A. within four weeks from the date of the receipt of the order. I have already applied for the certified copy of the order and the same will be sent to you as soon as the same is ready.

Yours faithfully,

abdul khader

144

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM :NAGALAND :MEGHALAYA :
MANIPUR :MIZORAM :TRIPURA & ARUNACHAL PRADESH)

SHILLONG BENCH

WRIT PETITION(C) NO. 169(SH) OF 1998

Shri M.G.Ansari Petitioner

-Versus-

1. Union of India,
represented by the
Secretary to the
Govt. of India,
Ministry of H.R.Development,
Dept. of Education,
New Delhi.
2. Commissioner,
HQ-Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet-Sing Marg,
New Delhi-1100016.
3. Deputy Commissioner,
HQ. Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet Sing Marg,
New Delhi-11016.
4. Assistant Commissioner,
Bangalore Region,
Kendriya Vidyalaya Sangathan,
C/O K.V.MEG & Centre,
Bangalore-560042.
5. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati Region(Maligaon Chariali),
Guwahati-781010.
6. Principal,
Kendriya Vidyalaya No.2,
Railway Colony, Mangalore,
P.O. Mangalore-575001.
7. Principal,
Kendriya Vidyalaya,
Happy Valley, Shillong-793007,
Meghalaya.

..... Respondents

B E F O R E

THE HON'BLE MR.JUSTICE AMITAVA ROY

For the petitioner : Mr .S .K .Deb Purkayastha,
Advocate.

For the respondents : Mr .P .Dey, Addl. CGSC

Date of hearing/
Judgment & Order : 03.07.2002

Contd.....P/2.

JUDGMENT AND ORDER
(ORAL)

Heard Mr.S.K.Deb Purkayastha, learned counsel for the petitioner as well as Mr.P.Dey, learned Addl. C.G.S.C. for the respondents.

2. In course of the hearing, the learned counsel for the respondents has taken a preliminary objection that by a notification dated 17.12.98, issued under Section 14(3) of the Administrative Tribunal Act, 1985 (hereinafter referred to as Act of 1985), the provisions thereof have been made applicable in respect of Kendriya Vidyalaya Sangathan, the respondent herein, the instant proceedings be transferred to the Central Administrative Tribunal(CAT), Guwahati Bench, Guwahati for final disposal as mandated under Section 29(1) of the said Act. The notification referred to above, has been produced before this Court which clearly indicates and confirms the above position. However, by the said notification, 21.1.1999 has been fixed for the application of the provisions of Section 14(3) of the Act to the organisations listed therein.

3. The instant application under Article 226 of the Constitution of India has been filed by the petitioner challenging inter alia, the order of his removal from service issued by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Bangalore i.e., the respondent No.4. The issue involved for adjudication in the instant proceeding can thus definitely be said to be included within the scope and ambit of the expression 'service matters' defined in Section 3(q) of the Act. The impugned order of removal was passed on 7.11.97. It therefore follows, on a conjoint reading of the notification dated 17.12.98 and the impugned

order of removal dated 7.11.97 that had the cause of action for the instant application arisen after the aforesaid notification, as per the mandate of the provisions of the Act, the application challenging the legality and validity of the order of removal would have been filed before the Central Administrative Tribunal, Guwahati Bench, Guwahati. Section 29(2) of the Act which deals with transfer of pending cases provides as hereunder:

"(2) Every suit or other proceeding pending before a Court or other authority immediately before the date with effect from which the jurisdiction is conferred on a Tribunal in relation to any local or other authority or corporation or society, being a suit or proceeding the cause of action whereon it is based is such that it would have been, if it had arisen after the said date, within the jurisdiction of the Tribunal, shall stand transferred on that date to such Tribunal:

Provided that nothing in this sub-section shall apply to any appeal pending as aforesaid before a High Court."

✓ A bare perusal of the said provisions of the Act indicates that every suit or other proceeding pending before a Court or other authority immediately before the date with effect from which the jurisdiction is conferred on a Tribunal in relation to any local or other authority or corporation or society being a suit or proceeding, the cause of action whereon it is based is such that it would have been, if it had arisen after the said date, within the jurisdiction of the said Tribunal, ^{stand} would transfer on that date to such Tribunal. The proviso therein makes an exception in case of an appeal pending before the High Court.

4. As the present proceeding is one under Article 226 of the Constitution of India, it cannot be an appeal as contemplated in the proviso to Section 29(2) of the Act. As mentioned hereinabove, the controversy involved in the present proceeding is clearly within the ken of the expression 'service matters' appearing in Section 3(q) of the Act and had the petitioner desired to challenge the said order of removal if passed after 17.12.98, he would have been required to file the appropriate application before the Central Administrative Tribunal, Guwahati.

5. A similar situation arose before the Jammu and Kashmir High Court involving the Kendriya Vidyalaya Sangathan and its officials arrayed as respondents in 2(two) Writ Applications under Article 226 of the Constitution filed before that Court. The Writ Applications therein also involved disputes with regard to service conditions. The applications were filed on behalf of the Kendriya Vidyalaya Sangathan for transfer of the writ petitions to the Central Administrative Tribunal on the ground that under the Act, it was the Tribunal only which had the jurisdiction to decide the disputes. The High Court dismissed the applications. Appeals were preferred by the Kendriya Vidyalaya Sangathan before the Apex Court. The Hon'ble Supreme Court in its decision reported in AIR 2002 SC 1295 (Kendriya Vidyalaya Sangathan and another, Appellants v. Subhash Sharma etc., Respondents) allowed the appeals by setting aside the orders passed by the Jammu and Kashmir High Court. On a reading of the said judgment/decision it appears that the same notification dated 17.12.1988 was also involved.

The Apex Court in the said appeals recalled its observations in its decision rendered in the case of L.Chandra Kumar, reported in AIR 1997 SC 1125, On this aspect, the Apex Court held that the High Court had committed an error by declining to transfer the writ petitions to the Central Administrative Tribunal and allowed the appeals. While concluding ~~as~~ above, the Apex Court inter alia, observed that the Tribunals set up under the Act shall continue to act as the only Courts of first instance in respect of areas of law for which they have been constituted and that it would not be open for litigants to directly approach the High Court even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned. ✓

6. In view of the emphatic and categorical observations of the Apex Court as above and also having regard to the facts and circumstances of the present case, I am inclined to agree with the submission made in this regard by the learned counsel for the respondents. The present proceeding is not in the form of an appeal before this Court and is an original proceeding.

7. In the light of the ~~above~~ discussions, it is, therefore, ordered that the instant proceedings would stand transferred to the file of the learned Central Administrative Tribunal, Guwahati Bench, Guwahati. The office is directed to take immediate steps for transfer of the present proceeding to the office of the Tribunal.

8. The learned counsel for the petitioner at this stage submits that the petitioner has been illegally removed from service as far back in the year 1997 and any further delay in disposal of the present proceeding would ~~entail~~ ^{to him} serious loss and prejudice. He, therefore, prays that necessary observations be made so that the proceedings be disposed of ~~early~~ by the learned Tribunal. In view of the fact that the proceeding is now transferred to the learned Tribunal, I am not inclined to make any such observation. It is open for the petitioner to make an appropriate prayer before the learned Tribunal in this regard. However, keeping in view the fact that the petitioner is out of service for last 5(five) years, I consider ~~make~~ it fit and proper to grant a liberty to the petitioner ^{the} ~~as desired by him,~~ to appear before the learned Tribunal to renew his prayer for expeditious disposal of the matter. Accordingly, the petitioner would appear before the learned Tribunal on 18.7.2002 to take further orders in the proceeding from the learned Tribunal. The office is directed to ensure that the records of the present proceeding reach ^{in writing} ~~the~~ the office of the learned Tribunal in the meantime.

Let a copy of this order be furnished to the learned counsels for the parties on payment of usual ^{instalments} cost without on deposit of court fee.

The writ application stands ~~transferred~~ with the observations indicated above.


JUDGE.

as.



IN THE GAUHATI HIGH COURT.

(The High Court of Assam, Nagaland, Meghalaya,
Manipur, Tripura, Mizoram and Arunachal Pradesh)

SHILLONG BENCH

Civil Rule No. 169(SH) of 1998

Shri M. G. Ansari. Petitioner.

-Versus -

Union of India & Others. Respondents.

IN THE MATTER OF

An Affidavit-in-Opposition on
behalf of the Respondents.

AFFIDAVIT - IN - OPPOSITION

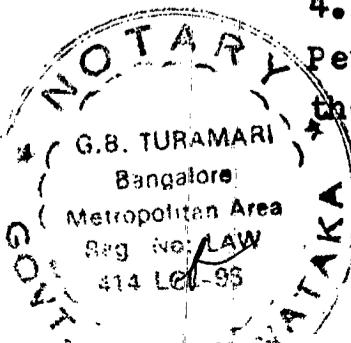
9(1)721
24.11.2000
I, Shri M. KOTESWARA RAO son of Sh. M. LAKSHMIAH
aged about 57 years, working as Assistant Commissioner in
KVS Regional Office, Bangalore now posted at Bangalore.
do hereby solemnly affirm and declare on oath as follows :-

1. That I am authorised and competent to sign this affidavit-in-opposition on behalf of Respondent No. 1 & 2.
2. That a copy of the Writ Petition is duly served on me and I am fully conversant with the facts and circumstances of the case.
3. That the respondents deny all allegations and averments made in the Writ Petition except so much of that which is expressly admitted hereunder and the Writ Petitioner is put to strict proof thereof.
4. That before replying to the averments made in the Writ Petition the respondents beg to submit the brief background of the case as under :-

contd....2/-

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f.

Amotswara Rao



: Page 2 :

BRIEF BACKGROUND OF THE CASE :-

The Writ Petitioner joined Kendriya Vidyalaya Sangathan as TGT(English) at Kendriya Vidyalaya, Khana-para on 09.09.1986. The petitioner was transferred to Kendriya Vidyalaya, Happy Valley, Shillong on his request where he joined on 22.12.1989. After he was transferred to Kendriya Vidyalaya No.2, Mangalore on his request vide Transfer Order No. F.112-1/92-KVS(Estt-3) dated 17.09.92. He joined there on 14.12.92. During his tenure at KV No.2, Mangalore, the Writ Petitioner committed many irregularity and his work and conduct were not satisfactory. The Writ petitioner had preferred false transfer T.A. Bill, he was unauthorisedly absent from duty, tampered with Vidyalaya record etc., for which the petitioner was chargesheeted and imposed penalty of reduction to a lower stage of pay from Rs.1650/- to Rs.1600/- in the pay scale of Rs.1400 to 2600/- with effect from 01.11.1996 for a period of Two years.

That the Writ petitioner also preferred a false LTC Bill for Rs.2810/- and another TA Bill for Rs.4144/- when the disciplinary proceeding were pending to the Principal, KV No.2, Mangalore. It is on record that the writ petitioner did not travelled in the class mentioned in the Bill on that particular day. The writ petitioner was chargesheeted on the prima facie case vide Memo No. F.22-Estt/MGR/KVS(BGR)/16605 dated 06.12.1995. The Disciplinary authority after careful consideration of the report of inquiry and other relevant records come to the conclusion that the Writ Petitioner was not fit to be retained in the employment of Kendriya Vidyalaya Sangathan and thereafter he was removed from the service with effect from 07.11.1997.

That the Writ Petitioner during absenting from from duties unauthorisedly with effect from 01.01.1996 was working as Trex FW at All India Radio, Shillong with effect from 12.01.1996 on a regular basis.

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Ames Warren



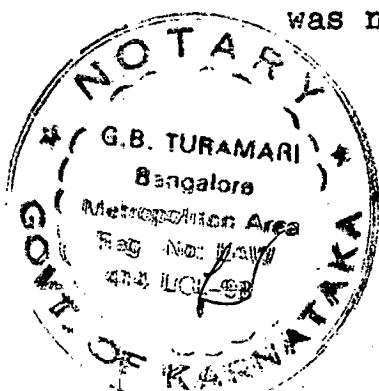
That the Writ Petitioner preferred a Writ Petition before the Hon'ble Karnataka High Court being No. WP No. 12485 of 1994(S) and the same was defended by the Respondents and the Writ Petition was disposed of with a direction vide Order dated 09.10.1998 to pay the dues to the Writ petitioner. Accordingly the petitioner was paid a sum of Rs.2017/- as dues.

5. That in reply to the contents of Paragraph No. 1 of the writ petition the respondents have got no comments to make.

6. That in reply to the contents of paragraph No.2, of the Writ petition the respondents have got no comments to make about the facts being the matter of records. It is submitted by the respondents that the writ petitioner was relieved against his wish or orders of higher authority is not substantiated. There is not order from Deputy Commissioner, KVS(Hqs) for not to relieve as stated. It is further submitted that Annexure -VI(A) is an order from Assistant commissioner(Admn.) that too refers to Primary Teacher Mrs. Asha Ansari which is a self explanatory letter dated 7.10.92 issued by Kendriya Vidyalaya Sangathan (Headquarter). The letter dated 7.10.92 was issued because the matter regarding modification of Mrs. Asha Ansari's Transfer to KV Mangalore was pending before the Headquarter and the same was eventually done ~~in~~ vide letter dated 22.10.1992 (Annexure III of the Writ Petition). It is also submitted that the Writ petitioner applied for transfer ~~in~~ TA advance, which was erroneously paid to the petitioner by the Principal, K.V. Happy Valley. It is fact that as per TA Rules as applicable to the employees of KVS, a teacher who has completed 3 years at a station in North Eastern Region is eligible for transfer benefits. The Writ petitioner joined K. V. ^{Happy Valley} Upper Shillong on 22.12.1989 and relieved on 26.11.92.

7. That in reply to the contents of paragraph No.3 of the Writ petition, the respondents submits that the reasons for not allowing to join by the Principal, KV No.2, Mangalore was not clear and elaborated by the Writ petitioner even

contd. to page 4....



Omotevarakay

even though qualified as ~~fix~~ flimsy gfound. The transfer Order was issued on 17.09.92 transferring the writ petitioner to KV Mangalore. There are 2 vidyalayas at Mangalore. The writ petitioner reported at KV Panambur, Mangalore where there was no vacancy. Later on, the Assistant Commissioner KVS, Hyderabad under whose jurisdiction KV Mangalore falls directed the writ petitioner to join at KV No,2,Mangalore.

8. That in reply to the contents made in paragraph No. 4 of the writ petition, the respondents submits that there was no reason as to why the principal should become hostile towards the writ petitioner. The Principal could not pass the TA Bill submitted by the applicant as it was a bogus and also he was not entitled for transfer TA benefits. When the writ petitioner failed to repay the advance drawn by him for which he was not eligible, Principal had no alternative but to recover from pay bills. The writ petitioner was an Ex-serviceman and hence, there is no question of starvation. It is further submitted that the writ petitioner was drawing pension and his wife is also employed in the Kendriya Vidyalaya Sangathan,

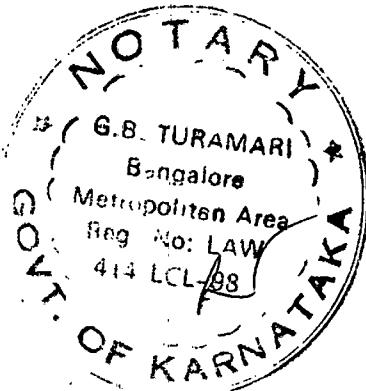
9. That in reply to the contents made in paragraph 5 of the writ petition, the respondents submits that the writ petitioner was chargesheeted for submission of false and bogus Transfer Allowance Bill. A Departmental Inquiry was constituted under ~~the~~ Dr.B.P.Sharma, Principal, KV No.2 Hubli ~~and~~ being Inquiry Officer vide Order No. F.22-Estt/MGA/94/KVS(BGR)25942 dated 29.12.1994. It is further submitted that the Inquiry Officer submitted its report to Shri R.M. Kamble, Assistant Commissioner, KVS, Bangalore-42. Accordingly, the penalty of reduction to a lower stage of pay from Rs.1650/- to Rs.1600/- was imposed with effect from 01.11.1996 for a period of two years vide order No. F-22-Estt/MGA/94-KVS(BGR)/15708-710 dated 28/30.10.1996.

A copy of Inquiry Report and Penalty reduction letter dated 28/30.10.1996 are annexed herewith and marked as annexure R-I & R-II, respectively.

Contd. to page 5....

Family

D. Metwaraloo



10. That in reply to the contents of paragraph No. 6 of the writ petition, the respondents submits that the writ petitioner's unauthorised absence was proved into as per the Departmental inquiry Article II and the absence from 13.07.93 to 05.11.93 is proved whereas the absence from 22.10.93 to 31.10.93 is not proved.

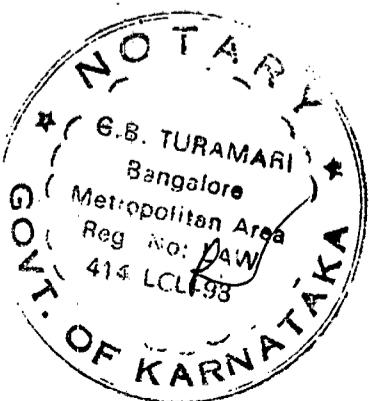
11. That in reply to the contents of paragraph No. 7 of the writ petition, the respondents denied the averments made therein. It is submitted that penalty reduction to a lower stage of pay was ordered by Assistant Commissioner KVS, (BGR) as a penalty, hence allegation of harassment by Principal K V No.2, Mangalore is illogical and is denied. It is also submitted that since the disciplinary case was pending, he was not allowed to cross EB (Efficiency Bar) as per rules.

12. That in reply to the contents of paragraph No. 8 of the Writ petition, the respondents submits that the Inquiry relating to the tampering of school record being the Charge No. III was in progress, the Principal of the Vidyalay was left with no option other than calling the the police for restoration of normalcy in the vidyalaya. It is further submitted that the writ petitioner was forcefully signing the attendance register even though he was not present for those days. Page 30 of the Annexure R-I i.e., inquiry report substantiate this aspect.

13. That in reply to the contents of paragraphs No. 9 of the writ petition, the respondents denied the contention of the writ petitioner and submits that the inquiry was conducted with regards to the charged ~~writ~~ by the Assistant Commissioner, KVS, Bangalore vide memo No. F.22-Estt./MGA/KVS/BGR/16605, dated 06.12.1995 and the charges so framed has been proved against the writ petitioner by Shri G. Krishna Murty, Principal K V Kudremukh an inquiry Officer.

A copy of Inquiry report of Shri G. Krishna Murty, dated 06.12.1995 is annexed herewith and marked as Annexure R-III.

Contd. to page 6....



Thankfully

D. M. S.waroop

14. That in reply to the contents made in paragraph No. 10 of the writ petition, the respondents denies the allegation made therein and submits that it is yet an another example of incorrigibleness of the writ petitioner. It is further submitted that this charge was also proved by an inquiry conducted under Shri G. Krishna Murty, Inquiry Officer and this was also one of the charges. It is also submitted that the travel by an air is a new story which was not put forward by him at the time of his denial of charges. The Writ petitioner was chargesheeted for submitting bogus and false TA claim which was proved beyond doubt.

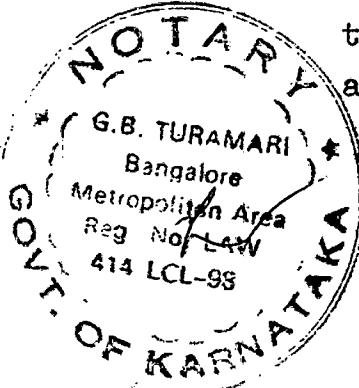
15. That in reply to the contents made in paragraph No. 11 of the writ petition, the respondents denies the averments made therein and submits that the charges was proved in an inquiry.

16. That in reply to the contents made in paragraph No. 12 of the writ petition, it is submitted by the respondents that the transfer to KV No.2, Mangalore was on the request of the writ petitioner, hence the claim that it is an unknown place is not established. It is further submitted that the writ petitioner joined All India Radio, Shikshang as Trainee (FW) with effect from 12.01.1996 after completing all necessary formalities including antecedent character verification vide letter No. SD(2)/Vig/96-97/199 dated 12.06.96. It is evident that the writ petitioner was pursuing for the job during 1995 and that only made him give such a letter on 19.08.1995 even though he was required to route his application through Kendriya Vidyalaya Sangathan.

17. That in reply to the contents made in paragraph No. 13 of the writ petition, it is submitted by the respondent that the writ petitioner submitted resignation letter dated 21.12.1995 is just because he was charge sheeted and the charges were grave and based on solid evidence. It is evident from the inquiry report dated 06.12.1995.

18. That in reply to the contents made in paragraph No 14 of the writ petition, it is submitted by the respondent that the allegation made by the writ petitioner was denied and submits that there is no documentary evidence to prove

Contd. to page 7....



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1816
1817: Page 7 : 15

to prove that he was not allowed to resume duties on 1.1.1996. The writ petitioner never reported at the place of duty. It is also not understood how the writ petitioner did not approached the Assistant Commissioner, KVS, Bangalore when he was not allowed by the ~~principal~~ principal, even though the writ petitioner approached the Officer of Assistant Commissioner twice on 22.10.93 and 6.11.94.

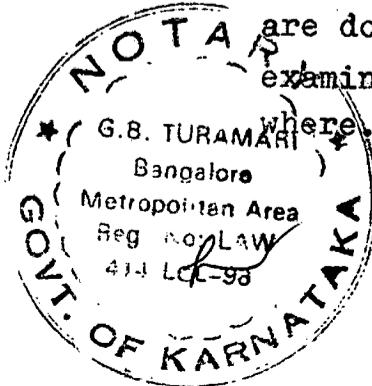
19. That in reply to the contents made in paragraph No. 15 of the writ petition, it is submitted by the respondent that the allegations made therein is denied and submits that the inquiry was postponed twice. Initially it was scheduled on 18.05.96. It was postponed to 18th June 1996 and finally conducted on 10.07.96. Evidently the writ petitioner did not attend since he was working at All India Radio, Shillong with effect from 12.01.1996 without getting relieved from Kendriya Vidyalaya Sangathan against the service condition of both KVS and AIR.

20. That in reply to the contents made in paragraph No. 16 of the writ petition, it is denied by the respondent and reiterates what have been stated hereinabove paragraphs.

21. That with reference to the contents made in paragraph No. 17 of the writ petition, it is submitted by the respondent that it is ~~xx~~ incorrect to claim that inquiry was conducted behind his back. It is also submitted that he was aware about the disciplinary case against him. The writ petitioner vide his representation dated 15.03.1996 gave three unreasonable conditions for rejoining even though he was working in All India Radio, Shillong.

A copy of representation dated 15.03.1996 is annexed herewith and marked as annexure R- IV.

22. That with reference to the contents made in paragraph No. 18 of the writ petition, it is submitted by the respondent that the petitioner did not co-operated with the inquiry this time for two reasons. The prosecution evidence are documentary proof, there was no witness to be cross examined. The writ petitioner was in gainful employment elsewhere.



Thank you

Contd. to page 8...

D. Motwani

Subj

23. That in reply to the contents made in paragraph No. 19 of the writ petition, it is submitted by the respondent that a copy of the inquiry report was sent to the writ petitioner vide letter No.F.22-Estt/MGA/95-KVS(BGR)/9352 dated 14/15.7.97 by Registered Post. The writ petitioner was asked to give his representation if any within 15 days. When no such submission were made the competent authority passed an order on 7/10.11.97 i.e., after 3 months from the first Memorandum.

24. That in reply to the contents made in paragraph No. 20 of the writ petition, it is denied by the respondent the contents therein and submits that reasonable opportunity was given to the writ petitioner. Twice the inquiry was postponed due to writ petitioner.

25. That in reply to the contents made in paragraph No. 21 of the writ petition, the respondent submits that the appeal preferred by the writ petitioner before the Deputy Commissioner (pers.) was considered by Joint Commissioner (Admn.), KVS (Hqrs) who is the appellate authority and rejected vide his Order No. F.9-1/98-KVS(Vig.) dated 15.12.98.

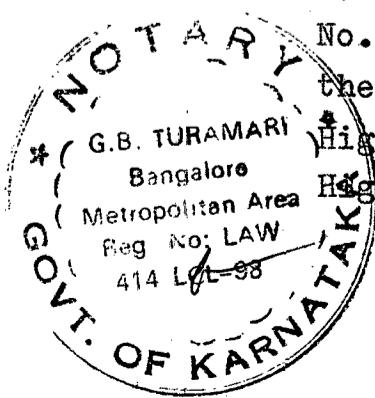
A copy of letter dated 15.12.1998 is
annexed herewith and marked as Annexure
R-V.

26. That in reply to the contents made in paragraph No. 22 of the writ petition, the respondent submits that the writ petition is not maintainable. The contents made therein is denied. That the writ petitioner preferred a writ petition before the Hon'ble High Court of Karnataka and the issues prayed by the petitioner in this paragraph was ~~not~~ disposed of by the Hon'ble High Court Order dated 09.10.1998. This is against rules. A case decided by High on the same issues is again brought before this Hon'ble High Court. Hence, the respondent submits that the instant writ petition may be ~~dismissed~~ dismissed.

27. That in reply to the contents made in paragraph No. 23 of the writ petition, the respondent submits that the cause of action was at Mangalore. Hence the Hon'ble High Court of Karnataka is having jurisdiction. This Hon'ble High Court lacks in jurisdiction to adjudicate the matter.

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Ambarwar Rao



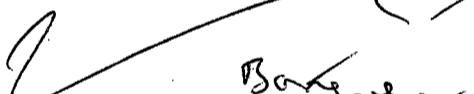
28. That in reply to the contents made in paragraph No.24 of the Writ Petition, it is by the respondent that no cross examination is required since charges were proved based on documentary proof and the writ petitioner did not co-operate with the inquiry authority by attending the hearing on the date fixed.

29. That in reply to the contents made in paragraph No.25 of the Writ petition, the respondents denies the statements made therein and submits that Central Administrative Tribunal, Bangalore is the appropriate authority.

30. That the Writ Petition is devoid of merit and not maintainable according to the law, hence the same may be dismissed in limine.

31. That the statements made in paragraph.....!....!....!....
.....3..... are true to my knowledge and those made in paragraph.....4.....?.....?..... are true to my
submissions before this Hon'ble Court and I sign on this
Affidavit on this the day 19 of August 2022 at Bangalore.

Identified by me :

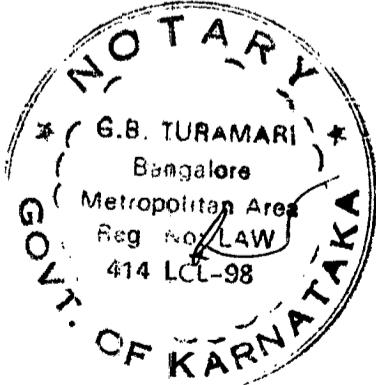

B. G. TURAMARI
Advocate, Shillong.

No. of Content.

S. G. TURAMARI

EXECUTENTS/DEPOENTS BY
ADMITTING CONTENTS SUPRA
SWORN TO SIGNED BEFORE ME
HENCE ATTESTED.

G. B. TURAMARI
NOTARY, BANGALORE.



(10)

19

INQUIRY REPORT

ON

THE DEPARTMENTAL INQUIRY HELD AGAINST

Shri M.G. Ansari,
 T.G.T. English,
 Kendriya Vidyalaya No 2,
 Mangalore

To

Shri R.M. Kamble,
 Assistant Commissioner,
 Kendriya Vidyalaya Sangathan,
 Bangalore -42

Sub: Departmental Inquiry under rule 14 of
 C.C.S(C.C.A) rules, 1965 against
 Shri M.G. Ansari, T.G.T (Eng.) submitted
 by Inquiry Officer vide Letter No
 F.22-Estt/MGA/9/KVS(BGR)/25942 dt.29-12-94
 Sir,

I was appointed by you under your Order referred
 above as the Inquiring Authority to inquire into the charges
 framed against Shri M.G. Ansari, T.G.T(Eng.). I have since
 completed the inquiry & on the basis of the evidence of
 documents & oral evidence adduced before me, prepared my
 inquiry report, 2 copies of which are forwarded to you for
 further necessary action.

2. The following records connected with the inquiry
 are also sent herewith :

1) ~~Volume~~ Volume 1 consisting of 67 pages
 of daily order sheets & 05+2=07 pages of correspondence.

2) ~~Volume~~ Volume 2 consisting of :

i) Deposition of state witnesses consisting of
36 pages.

ii) Statement of Defence submitted by the
 Charged Official 02 pages. (Philips),

iii) Statement of Defence witnesses NIL pages

iv) Oral recording of proceedings 55 pages

v) Written Briefs submitted by the Presenting
 Officer & the Defendant 11+6=17 pages.

P. J. Khan
 2/1/95

.. 2

3. ~~Volume 3~~ CONSISTING OF FOLLOWING EXHIBITED DOCUMENTS

A LIST OF EXHIBITED DOCUMENTS

S - 1 Transfer T.A Bill for Jan '93 for Rs 25,640/- dt. 11-1-93
Submitted by Sri M.G. Ansari with enclosures.

S - 2 Letter No. CON/KV/US/94-95/79 dated 18-4-94 from the Principal, K.V. Upper Shillong.

S - 3 Letter dt. 13th July '93 from Shri M.G. Ansari addressed to the Principal.

S - 4 Letter dt. 15th July '93 from Sri M.G. Ansari addressed to the Principal.

S - 5 Principal's letter dt. 14-7-93 addressed to Mr. Ansari.

S - 6 Principal's letter dt. 15-7-93 addressed to Mr. Ansari.

S - 7 Statement of Mrs. Celiane Miranda - PRT regarding substitute arrangement

S - 7(i) Particulars regarding Misconduct behavior of Shri M.G. Ansari.

S - 8(i, ii, iii & iv) ~~Abstr~~ Extract from the substitution arrangement register.

S - 9 Statement of S. Vikas student of Class VII (1993-94)

S - 10 Office Memorandum No 4 to 17/93/94/457 dated 18-10-93.

S - 11 Xerox copies of Staff Attendance Register of K.V. No 2, Mangalore for the period 13-7-93 to 5-11-93 consisting of 17 pages.

S-11 A Certified Xerox copies of Pay Bill for the period from July '93 to Nov '93; 5 pages.

S-12 F.I.R dated 18-10-93 filed by the Principal K.V. No 2 Mangalore with S.H.O. Mangalore South Police Station.

S - 13 Letter dated 18-10-93 from S.H.O. Mangalore South Police Station addressed to Sri M.D. Namboodari, Principal

S-14 Statement of Mrs. Vedavati - L.D.C. dt. 18th Oct. '93

S - 15 Statement of Mr. K.G. Badu, Group 'D' employee dt. 18th Oct. '93.

S - 16 Letter dt. 16-7-93 from Sri M.G. Ansari addressed to the Commissioner, K.V.S

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D-1 Statement of Defence dt. 26th Nov. '94 submitted by Sri M.G. Ansari, T.G.T. to Asst. Commissioner, K.V.S Bangalore.

D-2 Letter dt. 29-1-93 from Sri M.G. Ansari to the Principal K.V. No 2, Mangalore regarding T.A & D.A. bill.

D.3 Letter dt. 3rd Feb. '93 from Shri M.G. Ansari to the Principal, K.V. No 2, Mangalore reg. submission of T.A. bill (Carbon copy)

D- 4 Letter dt. 8th Feb. '93 from Sri M.G. Ansari to the Asst. Commissioner, K.V.S. Hyderabad Region, Secunderabad regarding report cum complaint.

D- 5 Letter dt. 2nd July '93 from Sri M.G. Ansari to the Principal regarding request for 6 days Casual Leave (Carbon copy)

D-5(A) Letter dt. 21-10-93 from Sri M.G. Ansari, to the Principal, K.V. No 2, Mangalore reg. joining report (Carbon copy)

P. Ansari
25/31/94

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D-6 Letter dated 17.7.93 from Shri. M.G.Anssari to the Principal, KV-2, Mangalore regarding observation and request.

D-7 Letter dated 21.7.93 from Shri. M.G.Anssari to the Asst. Commissioner, KVS, Hyderabad region, Secunderabad reg. request for intervention and permission.

B LIST OF WITNESSES

S.W-1 Smt. Celiane Miranda, PRT, KV-2, Mangalore.

S.W-2 Shri. M.D.Namboodiri, Principal KV-2, Mangalore.

S.W-3 Mr.K.G.Badu, Grade-D, KV-2, Mangalore.

S.W-4 Mrs. Vedavati, L.D.C, KV-2, Mangalore

D.W-1 - NIL -

4. **PARTICIPATION BY THE CHARGED OFFICER IN THE INQUIRY & DEFENCE ASSISTANCE AVAILABLE TO HIM**

The Charged officer participated in the inquiry from the beginning to the end and he has stated that he does not require any defence assistance and he will defend himself.

* W.C.F. 18-1-95 to 21-1-95.

5. **ARTICLE OF CHARGE AND SUBSTANCE OF IMPUTATION OF MISCONDUCT**

The following three articles of charge have been framed against Shri M.G.Anssari, TGT English:

ARTICLE - 1

That the said Shri. M.G. Ansari, while functioning as Trained Graduate Teacher in English, at Kendriya Vidyalaya No.2, Mangalore during the period December 1992 to November 1994 preferred a false transfer travelling allowance claim of Rs.25640/- (Rupees Twenty five thousand six hundred forty only) for the expenditure purported to have been incurred by him on his family members viz., self, wife, son, father and mother for the journey from Shillong to Vittal(Mangalore) from 8.12.92 to 13.12.92.

He has thus committed misconduct under Rule 3(1) (i) and (iii) of CCS (Conduct) Rules, 1964 as extended to the employees of KVS.

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P.J. Anssari
17.7.95
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ARTICLE - II

That during the aforesaid period and while ~~fine~~ functioning in the aforesaid Vidyalaya, the said Shri. M.G. Ansari absented himself from duties unauthorisedly w.e.f. 13th July 1993 to 5th November 1993.

He has thus committed misconduct under Rule 3(1) (ii) and (iii) of the CCS(Conduct) Rules, 1964 as extended to the employees of KVS.

ARTICLE - III

That during the aforesaid period and while functioning in the aforesaid Vidyalaya, the said Shri. M.G. Ansari tampered with the school records and manhandled the Principal on 18.10.93 around 9 A.M.

He has thus committed misconduct under Rule 3(1) (iii) of CCS(Conduct) Rules, 1964 as extended to the employees of KVS.

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE ARTICLE OF THE CHARGE FRAMED AGAINST SHRI. M.G. ANSARI.

ARTICLE - I

Shri. M.G. Ansari, Trained Graduate Teacher (English) was transferred from Kendriya Vidyalaya, Happy Valley, Shillong on request vide transfer order No. F.112-1/92-KVS(Estt-III) dated 17th Sept. 1992 to Kendriya Vidyalaya, Mangalore. He reported for duty at Kendriya Vidyalaya No.2, Mangalore on 14th Dec. 1992 after availing 15 days joining time. On joining duty, he submitted a transfer T.A. bill for Jan. 1993 on 11.1.93 for Rs.25640/- to the Principal, Kendriya Vidyalaya No.2, Mangalore for payment. In the T.T.A bill he has claimed five I Class fare of Rs. 1520/- each for journey of SELF, MRS. ANSARI, wife, MD YUNUS, son, SHRI. KASIM MIAN, father, and MRS. CHANDIA BIBI, mother. He has stated that the journey was performed from 8th Dec. to 13th Dec. 1992 under single ticket bearing No. 54886 for Rs. 7600/-. On enquiry it is learnt the MRS. A. Ansari, wife of Mr. M.G. Ansari is working as a Primary Teacher at Kendriya Vidyalaya, Upper Shillong ~~and~~ and she was physically present in the Vidyalaya on duty on the aforementioned dates of travel.

Further it is reliably learnt that the parents of Mr. Ansari were not staying with him at Shillong. The above facts go to prove that Mr. Ansari has preferred a false T.A. claim of Rs. 25640/- for the expenditure purported to have been incurred by him on his family members for the journey from Shillong to Vittal on 8.12.92 to 13.12.92 with the intention to ~~defraud~~ defraud KVS.

He has thus committed misconduct under Rule 3 (1) (i) and (iii) of CCS (Conduct) Rules 1964 as extended to the employees of KVS.

ARTICLE - II

Shri, M.G. Ansari had applied for 6 days casual leave from 3.7.93 to 11.7.93 on private affairs which was sanctioned by the Principal. On resuming duty on 12.7.93 he submitted an ultimatum vide his letter dated 13.7.93 to the Principal KV No.2, Mangalore that he will stop working from 13th July 1993, if his salary dues are not paid to him immediately. On 13th and 14th July 1993 he came to school, signed the attendance register but without attending to his duties left the premises after few minutes. From 15th to 21st July he used to come to school around 12 noon to collect personal letters and without attending to his duties left the premises. Substitution arrangement in his place was made by Mrs. Celiane Miranda, Class Teacher for VII. From 1st Aug. 1993 to 21st Oct. 1993 his periods had to be given to a part-time teacher Mrs. Shaina so that the classes may not suffer for want of teacher. From 22nd July 1993 his whereabouts were not known. He did not leave any address where he could be contacted. On 18th Oct 1993 he entered the Vidyalaya office and forcibly signed in the attendance register for the days he was absent inspite of the objection from the Principal. He was not seen in the Vidyalaya campus upto 6.11.93.

He was unauthorisedly absent from duties with effect from 13th July to 5th Nov. 1993 without even leaving his address where he could be contacted.

He has thus committed misconduct under rule 3(1) (ii) and (iii) of CCS (Conduct) Rules 1964 as extended to the employees of KVS.

ARTICLE - III

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ARTICLE - III

On 28th Oct 1993, Shri. M.G. Ansari who was unauthorisedly absent from duty w.e.f 13th July 1993 went to the Vidyalaya office around 9 A.M. and took the attendance register from the Clerk's table and started signing over the remark made by the Principal for the days he was not present and worked in the Vidyalaya. When the Principal came to know that, he rushed to the office and objected to the signing of Mr. Ansari and requested him not to tamper with Vidyalaya's records. Without obeying the orders of the Principal, Shri. Ansari behaved in a unruly manner and manhandled the Principal and completed signing the attendance over the Principal's remarks. The Principal had to report the behaviour of Mr. Ansari to the Police in order to ensure personal safety, safeguarding the property of Sangathan and smooth functioning of the Vidyalaya.

He has thus committed misconduct under Rule (1) (iii) of the CCS (Conduct) Rules 1964 as extended to the employees of KVS.

The following abbreviations have been used for the sake of convenience :

CO - Charged Officer	IO - Inquiry Officer
PO - Presenting Officer	DOS - Daily Order Sheet
DA - Disciplinary Authority	SW - State Witness
DW - Defence Witness	D - Document of Defendant
S - Document of State	IP - Inquiry Proceedings
A.C - Assistant Commissioner	BGR - Bangalore

P. Ansari
25/3/95
(I.O. - 1993)

CASE OF DISCIPLINARY AUTHORITY IN RESPECT OF ARTICLE I

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On 18.1.95 the PO produced documentary evidences in support of Article -I of charge filed against Mr. M.G. Ansari, TGT, KV 2, Mangalore. Documents were exhibited and admitted with Serial Nos. S - 1, S - 2, to ... S - 16.

The PO read the statement of imputation of misconduct in support of Article - I of charge framed against Mr. Ansari. When the IO asked the CO whether he admits the charge or not, the CO agreed that he had submitted the T.T.A bill dt. 11.1.93 but soon after that he realised the writing mistakes done he had also asked for its withdrawal and subsequent cancellation. the CO admitted that the bill submitted on 11.1.93 was not correct. (ref. Page 4, dt. 18.1.95, Inquiry proceedings)

The CO further admitted that due to his first experience he did not know the rules and he confessed his mistake in submitting T.A bill claimed on 11. 1.93 (S -1). The PO stated that it is true that Mr. Ansari asked for withdrawal of T.T.A bill dt. 11.1.93 but only when he knew that he was being checked. The PO further stated that on 29.1.93 (refer S B-2), the UDC and the PO had written in his own hand-writing that it is not possible to return the first T.A bill whereas the letter dt. 3.2.93, D -3, was submitted with the remark that old T.A bill for Rs. 25640/- is treated as cancelled was not written by him on the carbon copy of the letter. (refer D-3).

During the conduct of inquiry, the CO disagreed with the PO and stated that he did not know who made the remark on the letter dt. 3.2.93, D -3, but such remarks were there. The CO stated that the mistake committed in the bill dt. 11.1.93 was informed within a month of joining in the Vidyalaya on 14.12.92.

In the written brief submitted by the PO, it is noted that the CO showed that five persons travelled from Guwahati to Mangalore under single I Class ticket bearing No. 54886 for Rs. 7600/- But, while cross-examining, the CO said that he had made some mistakes about ticket no. and amount, which he came to know when his wife arrived in the last week of Dec.'92. The PO also pointed out that the subject T.A bill is dated 11. 1.93, submitted on 13.1.93 which was much after the date of his wife's arrival (date) at Mangalore.

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The PO drew the attention to the fact that the CO has stated that his parents were staying with him at Shillong but they joined him at Guwahati during his journey to Mangalore, implies that the CO's parents were not staying with him at Shillong, as may be observed, that the CO had submitted in the T.A. bill showing that entire party including his parents travelled by bus from Shillong to Guwahati and claimed Rs. 50/- per head towards the fare - which is a contradiction.

The wife of CO is working as PRT in Kendriya Vidyalaya, Upper Shillong. But during the period from 8.12.93 to 13.12.93, he showed in the T.A. bill, S - 1, that she was accompanying the party and performing the journey to Mangalore along with other family members under single ticket - this is a discrepancy which is also admitted by the CO.

The PO has also remarked that the CO has confessed the truth not because of his inexperience, but it can be construed as action of a person caught red - handed, doing a wrongful act and trying to wriggle out of the situation.

(ref. written brief by the PO, page 2, para 2)

The PO referred a letter dt. 16.7.93, S 16, addressed to Commissioner, KVS, wherein he had submitted that his family and all his belongings were left behind at Shillong and requested to treat the transfer as on public interest.

It is revealed by the PO that the subject T.T.A bill was not paid to him (CO) not because it was a 'bogus one' but, because he has not even completed three years of stay at Shillong, making him eligible for T.T.A on request transfer. The T.T.A bill is still relevant as he had appealed to Commissioner vide letter dt, 16.7.93, to treat the transfer as on public interest and to pay the T.T.A bill already submitted.

The PO further stated that a transfer T.A. advance of Rs. 17,500/- was erroneously paid to the CO, Mr. Ansari by the Principal, Kendriya Vidyalaya, Happy Valley, Shillong, which he (CO) did not spend the advance on his travelling expenses and hence the T.T.A bill was a bogus one (ref. written brief, page 2, para 4 & 5).

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CASE OF DEFENDANT

ARTICLE - I

1. In the defence evidence of the CO, Mr. Ansari has agreed that the T.A. bill dt. 11.1.93 for Rs. 25640/- was containing some mistakes and hence he had applied for its withdrawal and subsequently for its cancellation vide his applications dt. 29.1.93 (D-2) and 3.2.93 (D-3) respectively. and ~~also~~ the matter was reported to the Asst. Commissioner KVS, Hyderabad region, vide application dt. 8.2.93 (D-4).

2. All this happened within a month of submission of the bill in 1993.

3. He had never claimed for any payments against the aforesaid bill S-1, dt. 11.1.93, and hence his intention was not to defraud the KVS, as alleged.

4. On the above plea, he had refuted the charge to be wrong.

During the conduct of inquiry, it was revealed that the CO's wife had come to Mangalore in the month of Dec. '92 and also had gone back to Shillong in the month of Jan. '93. Thus, the second T.A. bill (revised bill) dt. 29.1.93 was submitted on 3.2.93. The CO has admitted that "his mistakes may be in so many respects" but, his perception was to claim the bill, once-for all and finish, as admitted earlier. (ref. Page 42 & 43, Inquiry proceedings dt. 21.1.95). He and also agreed that he did not produce any expenditure for transportation of personal effects (page 44, dt. 21.1.95).

It was revealed and stated by the CO that -

- His father was ill during July '93 and admitted to Naval Hospital, Bombay and then shifted to another hospital in Bombay and died on 3rd Sept. 93.
- For the treatment of his father, he wanted maximum amount to save his father's life during the months of July & August '93.
- In his absence only, his father was cremated and was in Mangalore on 3rd Sept. 93. He received the news of his father's death on 10th Sept. 93.

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 d) In the written brief submitted, he stated that as the admitted documents D-2, D-3, D-4, are correct, as admitted by the PO.

e) During the course of cross-examination, by the PO to the CO, on 21.1.95, it was accepted that letter dt. 16.7.93 was written to Commissioner, KVS, by Mr. Ansari regarding the admissibility of transfer T.A and earned leave, etc. highlighting the following :

- he has already served in two schools of North Eastern-Region for more than six years, without break, w.e.f 1.9.86 to 21.11.92 and transferred from North Eastern-Region to Mangalore and resumed duty at Mangalore w.e.f 21.12.92.

- that is why he has claimed transfer benefits, on request, after completion of the tenure in the N.E.R (irrespective of the situation).

- the Principal of Happy Valley, Shillong had confirmed the admissibility of transfer T.A to him and accordingly asked him to apply for the advance in writing, and that the Principal relieved him on 26.11.92 with transfer T.A advance of Rs. 45 Rs. 17500/-. Now, after a lapse of six months, the same Principal is writing the non-admissibility of transfer T.A and recovery of the entire amount. In para 5, of the same letter, in page 2 S - 16, the CO felt that if the advance is not admissible, he feels that he has been deceived. As per his conscience, had he been aware of the non-admissibility of the T.A advance, he would have ~~would~~ not at all moved from the old station at his own cost---, etc.

- In page 47, of the Enquiry proceedings dt. 21.1.95, the CO Mr. Ansari stated that he claimed the T.A bill amounting to Rs. 25640/- dt. 11.1.93 because once for all, because his wife was also transferred and hence he claimed for the entire family. whether she moves or not, "I moved first, she(wife) came along with his son later". However, the CO has accepted that his wife did not accompany him on 8th Dec. 92 to Mangalore from Shillong and also accepted that his wife was physically present in KV, Upper Shillong during his period of journey w.e.f 8th Dec. to 13th Dec. 92.

However, and thus his intention was not to defraud the KVS because he has already admitted his mistakes and, accordingly, submitted the second T.A bill which was duly accepted by the office of KV 2, Mangalore. (After page 35, 36, volume 2, (iv), dt. 21.1.95)

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ANALYSIS AND ASSESSMENT OF EVIDENCES OF ARTICLE I OF CHARGE

The statement of Article - I of charge framed against Mr. Ansari, the CO, is that Mr. Ansari preferred a - False transfer travelling allowance claim of Rs. 25, 640/- for the expenditure purported to have been incurred by him on his family members, for the journey from Shillong to Vittal, from 8.12.92 to 13.12.92, during the period Dec. 1992 to November 1994.

In order to find out the truth, we may proceed to answer the following questions -

- 1) Whether the CO, Mr. Ansari is entitled to prefer the claim for Transfer travelling allowance ?
- 2) Whether the claim preferred is false ?
- 3) Whether the claim is for the expenditure purported to have incurred on his family members ?
- 4) Whether the claim is from Shillong to Vittal (Mangalore) ?
- 5) Whether the journey performed between 8.12.92 to 13.12.92 and during the period Dec. 1992 and Nov. 1994 ?
- 6) Whether the claim preferred was with the intention to defraud KVS?

On the basis of the evidences and records, let us examine the truth of the above answers.

- 1) Let us examine why should Mr. Ansari submit T.T.A claim at all? As per the statement of imputation of misconduct in support of Article I, it is noted that Mr. Ansari was transferred from Shillong (to Mangalore), which is situated in the N.E.R, and Mangalore is situated in South Karnataka. He was transferred on request and yet availed fifteen days joining time? (As per joining time rules, joining time will be given to a government servant on public interest to enable him to join the new post either at the same station or other station.) As revealed by the PO and accepted by the CO vide Ref. S-4 and S 16, during the course of Enquiry that an amount of Rs. 17,500/- was duly sanctioned by the Principal, KV, Shillong (it is expected that while sanctioning the advance, the competent authority must have ascertained the eligibility of the employee to get the advance). As the advance was already sanctioned and the employee was relieved from the Vidya-laya, naturally, the CO, after reporting duty, to his new ...12

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place of posting, will have to submit the T.T.A bill, As stated by the CO that it was submitted on 11.1.93 with the 'perception of admissibility' (as revealed from the admitted document S 2 16) that he had served for a period of 5 years in the N.E.R. As per the provisions of the employee serving in the N.E.R, certain concessions are granted and ~~the~~ ~~relaxed-for-service~~ the Rule SR 116, is relaxed for T.A allowance for Journey on transfer(ref. page 639, Article VI, last 5 lines, Accounts for KVS); wherein ^{code} it is also written that the KVS employee will be entitled to the existing admissible T.A. including the cost of transportation of the admissible weights of personal effects according to the grade to which the officer belongs, irrespective of the weights of the baggages actually carrying. (Refer Rule - 38, vol. 2(iv), also).

Secondly, as per S-2, ref. No. CON/KV-US/94-95/79, dt. 18.4.94. , it is stated that Mrs.A.Anssari was transferred vide letter no. F. 18/1/92-KVS, estt. 2 , dt. 22.10.92 to KV, Mangalore, But, she did not take the transfer due to her son's education, etc. Probably, due to that the husband Mr. A nsari, the CO, preferred a claim on 11.1.93(ref. S-1) for both the husband and wife as per the provisions and interpretation of the meaning of the 'family accompanies' (ref. Appendix 15, page 537, Article 13,- 6 and 7). There is a provision that 'family members may travel in two or more batches when both the Husband and wife are transferred and if a member of a employee's family follows him within six months, he may be treated as accompanying him'. In this case, when as stated, that the wife of CO, although did not accompany him on 8.12.92, yet, at the same time, came to Mangalore during Dec. '92, i.e., within one month of joining of Mr. Ansari at the new station, at Mangalore as revealed, by, during the course of inquiry. (Also Refer page 16, vol.2 (iv).)

Hence to my mind the T.T.A bill claim submitted by the CO, is in order, as per the existing rules.

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2) However, it is true that the document S 1 was withdrawn and cancelled on account of mistakes which was informed as per the content of the letter dt. 3.2.93, D 3. It was also revealed that the CO claimed for five first class tickets for the journey from Shillong to Vittal, Mangalore which includes his wife also. It is also accepted by the CO that Mrs. A. Ansari is wife of Mr. M.G. Ansari, the CO, who is working as PRT in KV, Upper Shillong, and was also transferred to KV, Mangalore, but could not join the ~~Vidyaaya~~ ^{employee} on 8.12.92 in journey to Mangalore ~~to~~ due to her own problems and ^{his} wife Mrs. A. Ansari was present working in KV, Upper Shillong between 8.12.92 and 13.12.92, and was not accompanying during the aforesaid period of his journey to Mangalore, is proved to be true. (Refer Page 21 Vol. 2 (iv) Page 38)

Hence this act of the CO is an 'unbecoming conduct' of the employee, i.e., the CO, and hence the part of Article I of the charge is proved.

At this stage, it may also be observed, in the light of the statement revealed by the PO, that the office had accepted second T.A. bill of Mr. Ansari who had submitted a letter indicating separate travel programmed in the bill stating that the tickets were separate and he travelled from Shillong to Mangalore and came first and quoted his first ticket number and His wife and son came later during their vacation in the month of Dec '92 (ref. Inquiry Proceedings - page 7, dt. 18.1.95). Although, in his written brief, submitted, the PO had drawn the attention of the IO towards the remark written in ink on the carbon copy of the letter D-3 and stated that the remark is not written by the office; however, when we compare from the content of the letter D-2 and D-3, it is true that the office had accepted the letter and advised to give another T.A. form (ref. remark written on D2). The fact remains that there was a mistake in the T.T,A bill claimed which was informed and accepted by the PO, duly endorsed by the PO Principal (ref. page 19, Inquiry Proceedings, dt. 18.1.95).

At this stage, it may not be out of place to mention that the statement of the PO that the CO informed the office only when he knew that he was being checked is not consistent because as per letter dt. 18.4.94, S 2, the Principal of KV, Upper Shillong informed the Regional Office, the absence or presence of Mrs. A. Ansari, wife of the CO, only on 18.4.94, i.e., much after the date, on which the CO informed the Principal, KV -2, Mangalore (ref. D-2).

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Further, the PO has stated that the subject T.T.A bill was not paid to him not because it was a bogus one but because he (CO) had not even completed 3 years of stay at Shillong making him eligible for T.T.A claim on request transfer (ref. page - 2, para 4 , line 2 to 7) and stated that the T.T.A advance of Rs 17,500/- was erroneously paid to the CO by the Principal K.V. Shillong which he did not spend on his travelling expenses and hence the T.T.A bill was bogus one. It may be remarked that as per Accounts Code , for K.V.S Appendix 24, page 636(1), it is clearly written that a fixed tenure of posting of 3 years at time is only applicable for Officers above the grade of P.G.T. As Mr. Ansari is T.G.T, the fixed tenure of posting of 3 years at a time is not applicable for him.

FINDINGS :

On the basis of documentary and overall evidences, adduced in the case before me, and in view of the reasons given above, the charge under Article 1 against Mr. M.G. Ansari T.G.T K.V 2 Mangalore is proved to the extent that he (Mr. Ansari) submitted a false transfer claim of Rs 25.640/- for five persons viz Self, Father, Mother, Son & his Wife, however, his wife did not travel alongwith him for the journey from Shillong to Mangalore during the period viz from 8-12-92 to 13-12-92.

Date: 25-3-95

(Dr. B.P. Sharma)
Principal, KV. 2 Hubli
& Inquiry Officer.

CASE OF
DISCIPLINARY AUTHORITY

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ARTICLE -II of charge relating to unauthorised absence ~~for~~
with w.e.f. 15.7.92 to 5.11.92.

The PO stated that Mr. Ansari, the CO applied for six days casual leave w.e.f. 3.7.93 to 11.7.93 which was never disputed. On 13.7.93, he submitted an ultimatum vide (ref. S - 2, dt. 13.7.93), to the Principal stating that he will stop working w.e.f 13th July 1993, if his salary dues were not paid to him immediately. On 13th and 14th July '93 he came to the Vidyalaya and signed in the ~~as~~ Attendance Register and left the Vidyalaya after few minutes without attending to his duties. From 15th July to 21st July '93, Mr. Ansari used to come to school around 12 noon everyday and without attending to his duties used to leave the school premises after few minutes. Substitution arrangement in his place were made by Mrs. Celiane Miranda. It is also stated that one part-time teacher, Mrs. Shiana was appointed w.e.f. 1st ~~early~~ ^{August} 93 so that the classes may not suffer for want of teacher. This may be verified from the Staff Attendance Register wherein the fact that she was appointed against Mr. Ansari was noted for the months of August, September and October '92. The SW-1 and SW-2 have also categorically stated that the CO was not seen in the school premises from 22.7.93 to 17.10.93. In the Staff Attendance Register, ~~in~~ ^{which} the word 'absent' or A or red line is written against CO's name during that period also.

The PO had pointed out that the CO said that he was on leave from 13.9.93 ~~for~~ to 18.9.93, which is not a fact. It is very interesting to note and the fact was found during the course of inquiry, that the CO had visited KVS head quarter during that period and he did not want ~~that he be caught again like his bogus T.T.A~~ to be caught again like his bogus T.T.A bill and hence, he signed the Attendance Register on his return to Mangalore on 18.10.93 for all the days he was absent accepting for one week in Sept. 93 when he went to the KVS head quarter, and so very cleverly he marked himself EOL for the aforesaid period over and above the office remark of 'absent'.

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The PO pointed out that the charge-of CO during the course of inquiry admitted that he had given an ultimatum that he stop working from 13.7.93 if his salary arrears are not paid immediately. "As the position has not changed even now when he joined on 6.11.93, because he stopped attending to his duties from 13.7.93 as his demand was not fulfilled. The PO stated that there was an "absolute quiet" in the school front during the period, from the last week of July 93 to 17.10.93 and this, in itself shows, that he must have been out of station during that period.

The CO also commented, in his written brief, that it is impossible to believe that Mr. Ansari did not receive the message of the death of his father "in these days of STD and ISD" and the news of his father's death should reach him after more than one week. The PO said that this only goes to show that he was not at all in station during the time of his father's death. He further pointed out that the date 10.9.93 was mentioned (about his father's death) only because, 11th & 12th Sept. '93 were Second Saturday and Sunday, and he had already marked EOL for the period from 13.9.93 to 18.9.93.

The PO examined the State Witnesses SW-1, Mrs. Celiane Miranda who was also cross-examined by the CO, Mr. Ansari. The SW-1 stated that on 13th July '93, Mr. Ansari came to the school but did not go to the class, and hence she had to arrange substitution work. It continued for several days. She saw Mr. Ansari only on 19th Oct. '93 in the school premises, and not in the class, and after that she saw him on the re-opening day, i.e. 2nd Nov. '93. SW-1 stated that one part-time teacher, Mrs. Shilana, was appointed in his place on 31.7.93 and relieved on 21st of Oct. '93. SW-1 had also submitted a letter dated 11.11.93 (refer S - 7) informing that Mr. Ansari was absent on 13.7.93 and 14.7.93. During cross-examination of CO to SW-1, it was replied by SW-1, that on 1st Nov. '93, in assembly two police men came and took Mr. Ansari and when asked by the CO, "Did you report?", "No", she said, "Police were parent and so you did not go with the parent". SW-1 further stated that she did not see Mr. Ansari signing because the day he signed, she was absent, earlier he was not there, he came on 18th Oct. and signed from 14.7.93. But when asked why arrangement was made for Mr. Ansari when he was present on 13th and 14th of July, SW-1 replied that the CO attended the school but sat in the

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staff room and did not take classes.

It was further revealed from the Attendance Register of Class VII that Mr. Ansari who was class teacher for Class VII had signed on the Register only for the month of June '93 on 30.6.93. When asked the reason, Mr. Ansari replied that he went on leave w.e.f 3.7.93 to 11.7.93 and after his joining from that day onwards, the Register was not given to him (refer page 29, Inquiry Proceedings, dt. 19.1.95). The PO stated that w.e.f 1.8.93, Mr. Ansari was not found in the Vidyalaya nor his whereabouts were known and he did not leave any address where he could be contacted. Therefore, one substitute, Mra. Shiana was appointed in his place. But in reply to the question asked to the CO by the IO, the CO replied that inspite of his request to the Principal and a copy to the higher authority, the Principal was not allowing him to sign the Register daily and attend classes. However, he signed the Register whenever he got the chance and went to the class also. (Refer, Page-26, Vol. 2, (iv).)

During the course of inquiry the SW-2, Mr. M.D.Namboddi stated that the CO makes his appearance till 21st July '93 to collect his personal letters. Then he came on 18.10.93 and signed the Attendance Register for the absenting period from 15.7.93 to 17.10.93, at a stretch. In reply to the question asked by the PO that how he had signed the Attendance Register, the SW-2 showing the Staff Attendance Register, pointed out the difference in his way of signing on the Register during the normal days of attending the Vidyalaya. He said that there used to be no gap between morning and afternoon signatures, whereas signature made from 15.7.93 to 17.10.93 were far moved from each other (morning & evening), and in between, there was office remark indicating that the employee was absent from duty. Hence, it is very clear that the entire signature from the period 15.7.93 to 17.10.93 were done later. (refer, Page-9 Vol-2(dt. 19.1.95)). SW-2, Mr. Namboodri, further stated that when he was conducting prayer, the CO came to the office, and he snatched the Register from the LDC, Mrs. Vedqvathi, at about 9.05 a.m on 18.10.93. When he came to know about this, he tried to take the Attendance Register from SW-2 and pushed him in an unruly manner and completed signing with "EOL" remark in the middle w.e.f 13.7.93 to 17.10.93.

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SW-2 stated, that no leave application was received for the period 13th to 19th Sept. '93. He further confirmed, that CO was not allowed to join because he had not given any leave application and the Asst. Commissioner's permission was required to allow him to join as his period of absence exceeded 90 days. This was also informed to him vide ref, letter Memo dt. 18.10.93, S-10. Although the CO brought the letter of permission from the A.C, B'lore region, but the CO refused to give the JOINING REPORT in the proper form wherein he had to state the kind of leave applied and availed during the period of absence. He could not write the Joining Report because he had already signed the Attendance Register and it would be contradictory to his own acts of commission and commission, had he given the Joining Report. No leave application was given to him as on date but he was allowed to join duty on 6th November by the permission given by the A.C, B'lore region. The PO clarified that the remark 'EOL' in the Staff Attendance Register was marked by Mr. Ansari for 13th to 19th Sept, and the office had not made the entries in the Staff Attendance Register. Mr. Ansari has also confirmed and accepted that EOL was written by him in his own hand-writing and said that, "If the columns remain blank, I used to put the 'correct remark' in the register for which no authority was given by the competent authority. It was an usual practise". (Refer, page 10, 11, 16, 17, 19, Vol 2(i)).

In his written brief submitted by the PO, stated that during the conduct of inquiry and cross-examination, the PO argued that if Mr. Ansari was present, i.e. from 15.7.93 to 17.10.93, why should he himself mention about absence for more than 90 days? and vide his letter dt. 19.10.93 addressed to the Principal - stating that the Principal created the problem the day before, i.e. 18.10.93, just to calculate more than 90 days of absence (ref. Written Brief, page 4, para2).

The SW 3, Mr. K.G. Bady, Gr. D, stated that at about 8.50 a.m. He was sitting in the office on 18.10.93, Mr. Ansari came to the office, took the Attendance Register and sat for signing. At that time, Principal told him to bring the Attendance Register but Mr. Ansari did not give it. Then Principal himself came and asked Mr. Ansari to give the Register. Mr. Ansari did not give the Register and Principal proceeded to take from him. Then Mr. Ansari pushed the Principal and again started signing the Register.

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Principal went to his room. Mr. Ansari asked him to give the Attendance Register to the Principal. To this, the CO left the Register on the table. Principal got it from the table. The UDC also saw that the CO had signed for the entire period of absence.

The SW-4, Mrs. Vedavathi, LDC of the Vidyalaya, stated that on 18.10.93, Mr. Ansari came to the office and took the Attendance Register from her table and started signing. Then Principal came to the office and asked Mr. Ansari not to sign as he was absent for the past three months. Mr. Ansari started signing again. Principal took the Attendance Register. Mr. Ansari pushed the Principal and continued signing. However, during cross-examination by the CO, SW-4 stated that the CO took the Attendance Register from the table and "not snatched from her". She further clarified that she used 'took' and did not say that the CO was not allowed to sign. She saw the CO on 18.10.93, and stated that when Mr. Ansari did not obey the Principal's instructions, the Principal tried to take the Register from him. Mr. Ansari pushed the Principal using his elbow tossing him from one corner of the room to the other. She also stated that the signing on the Register took 8 to 9 minutes. Mr. Ansari started signing around 9 a.m and completed by 9.10 a.m on 18.10.93.

CASE OF THE DEFENDANT
In respect of Article II of charge

Mr. Ansari admitted that he had submitted an ultimatum to the Principal on 13.7.93, requesting him to pay his salary dues, otherwise he would not be in a position to work. His intention was only to get salary dues as the money was needed for the treatment of his father who was a cancer patient and subsequently died on 3.9.93. On 15.7.93, he gave another letter addressed to the Principal stating that he would come to the Vidyalaya and go but will not be able to work due to mental worries as his father was lying on the death bed for want of money. The CO further revealed that in the letter dated 17th July '93, D-6, requested to the Principal to allow him to do his duties and sign the Staff Attendance Register as he was prepared to work. (ref I.P, page 37, dt. 21.1.95)

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The CO examined himself as a witness (of his own) and stated that the Principal had already taken the stand on his ultimatum letters dated, 13th & 15th July '93 and was not allowing him to function.

Thereafter he ~~per~~ reported this matter to the A.C vide letter dt. 21st July 93, D-7, (ref. I.P. page 37, last para, dt. 21.1.95). In page 48, of the same Inquiry Proceeding dt. 21.1.95, he clarified that ultimatum means request to him and stated that it is not a threat and he did not know the correct meaning of the word 'ultimatum'.

In his Defence statement, D-1, he stated that he was not absent unauthorisedly from duties from 13.7.93 to 5.11.93.

He was on EOL with e.f. 13.9.93 to 18.9.93, en-606 and was on leave for 19th & 20th Oct. '93 and went to meet A.C at B'llore. He attended the school on 20.10.93 but was not allowed to sign the Attendance Register inspite of the permission given by the A.C, B'llore and that is why he had to give Joining Report because the Principal asked for the same. (ref. D-1, page 10)

In the written reply brief submitted, the CO stated that the matter was reported to the A.C vide his representation dt. 21.7.93, D-7, requesting the A.C for an early intervention and necessary action for solution. He stated that the Class teachership was not given again to him which was withdrawn vide-p while proceeding on casual leave. He applied for six days EOL from 13.9.93 to 18.9.93 in the same way as he had been applying earlier for other kinds of leave and joined duty w.e.f 20.9.93 (ref page 2, written brief). The CO stated that he gave joining report on 18.10.93 not because he was absent earlier, as referred by the PO, in his written brief. But, the Principal asked him to submit Joining Report in proper form. The CO pleaded his innocence by stating that he did not know when to give Joining Report and when not to give but, he gave it as and when asked by the Principal (ref. page 51, I.P., dt. 21.1.95). The CO had also accepted that he was on EOL for six days w.e.f 13.9.93 to 18.9.93 and went to his hometown after getting the sad news of the death of his father on 10th Sept, and came back to Mangalore via Delhi. At this stage the PO was not convinced and said that it is strange that he could visit his home town after 10 days of his father's death and continue to work in the Vidyalaya during the intervening period i.e, 3.9.93 to 10.9.93 (ref. page 52, last para, dt. 21.1.95) Vol. 2 (iv)

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When asked by the PO to the CO to produce any proof that he was working in the Vidyalaya from the last week of July, the CO answered that he did teaching work, correction and signing in the Register, but salary - he did not get from 1st March itself. Then why nothing was done on 30th Sept. to get the salary when all the staff members were getting their salaries, as reported to higher officers. The answer given by the CO was that he was asking exactly on these days and from time to time he kept asking for his salary. He was thinking that the office were recovering as the office was recovering the excess payment for the past four months.

On 21.10.93, the Principal insisted on another Joining Report prescribed for and yet another though they were not necessary. He obeyed the order. His statement that the CO was not seen in the school premises till 5.11.93 is totally false (ref. para 3, page 2, written reply brief of CO, last four lines) and further stated that on re-opening of the school on 1.11.93 after the Autumn Break, he signed the Attendance Register and while taking Class VII he was once again evicted from the class in front of the students by the police, with the result he was constrained to go to the A.C. (BGR) again on 5.11.93 on whose intervention he could join his duties w.e.f 6.11.93.

Thus, he was actually not unauthorisedly absent for the period from 13.7.93 to 5.11.93 and hence the charge is false and the same is refuted.

The CO accepted that he had received the Memo dt. 14.7.93 issued by the Principal, KV - 2, Mangalore where, " till evening" is cut in his copy, he was present on that day but the Principal did not allow him to sign.

The CO stated that he never tampered any school records and never man handled the Principal. All he wanted is the settlement according to rules and laws and not by man handling the Principal. (ref. I.P. dt. 21.1.95), Page 54, Volume 2 (iv)

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ANALYSIS AND ASSESSMENT OF EVIDENCE IN RESPECT OF ARTICLE -

The PO observed that there was 'absolute quiet' in the Vidyalaya during the period from last week of July to 17.10.93. And, he argued that "this itself shows that the CO must have been out of station during the period" (ref. para 3, page 3, written brief of PO).

What is the basis of this statement? Why was there 'quiet' on the school front? 1) The PO remarked that "Mr. Ansari was absent" and not seen in the Vidyalaya campus. 2) Because, the part-time teacher, Mrs Shilpa was appointed for that period, in place of Mr. Ansari. 3) Because, the Arrangement Register reflects the CO's absence and the arrangements were made by Mrs. Celiane Miranda, SW-1, who gave the statement that the CO was absent and not going to the class, therefore she made arrangement for the CO. 4) Because from the Staff Attendance Register also, it is clearly reflected that Mr. Ansari was absent as there is a clear remark of 'absent' / line drawn against the name of Mr. Ansari. 5) Because, the CO had given Joining Report - this itself is a proof that he was on leave/absent.

It may be observed that Mrs. Celiane Miranda, SW-1 was making substitution arrangement during the absence of the teacher (ref S-8). It is also noted that vide ref, S-7, Mrs. Celiane Miranda wrote a letter on 11.11.93 (addressed to whom) bringing to the notice that Mr. Ansari came to the Vidyalaya on 13th July and 14th July and did not go to the class for which she had arranged substitution work.

This statement may be true but raises two questions; - As,

- 1) Why SW-1 reported the absence of the teacher only for two days, i.e., 13th and 14th July ? (on 11-11-93, and why, after 2) After a long gap of more than three months? (as may be observed, S-7) she reported the matter on 11.11.93 for the absence of the teacher 120 days ago). Moreover, she had stated during the conduct of inquiry, that she saw the CO only on 19.10.93 in the school premises, but given the statement that on 18.10.93 the CO had signed for all days of absence w.e.f 14.7.93. (on 18-10-93 SW-1 was absent/leave) / ref, S-11

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This raises doubt regarding the ~~validity~~^{truth} of her statement as a witness. Even if we believe her statement to be true/valid that she saw the CO on 19th Oct. '93; it is not known what prevented SW-1 to inform the Principal about the absence of Mr. Ansari on 13th and 14th July '93 after a long gap of 120 days (i.e. she reported the matter on 11-11-93).

As stated by the PO, it is true that a part-time teacher was appointed in the Vidyalaya w.e.f. 1st August '93 and continued upto 20.10.93 afternoon, i.e., immediately before the start of Autumn Break of 10 days. It is also observed that Mrs. Shilpa was given arrangement even on 30th and 31st July '93 (refer S-8) and she was relieved on 20.10.93 much earlier than the joining of the CO on 6.11.93, although it is stated that she was appointed in place of Mr. Ansari.

The reason for the same is not known. Thus it is not proper to say that the presence of part-time teacher in the Vidyalaya justifies the absence of the CO during the period 15.7.93 to 5.11.93 because, as seen from the Staff Attendance Register, (S-11) there were other part-time teachers on role during the aforesaid period.

As stated by SW 1 and SW 2 that Mr. Ansari was not seen in the Vidyalaya campus w.e.f 15.7.93 to 5.11.93 but the letter dt. 16.7.93, S-16, addressed to the KVS was submitted to the Principal and accepted to be received the same by the Principal.

This indicates contradiction of the statement.

The letters D-6 and D-7, through which the CO intimated that he wrote a letter dt. 13th and 15th July to stop working etc., ~~etc.~~ in para 3 of the same letter D-6 dt. 17th July '93 reads as follows :

" You are preventing me from doing my duty and not allowing me to sign the Attendance Register. -- , whereas I had been attending the school daily for my duty and now you are telling me not to come to school. Further, if you are supposed to do all this, please confirm in writing so that the matter can be reported to the higher authority if necessary and in the last part -- " .

He had requested the Principal to pay some portion of his salary and he may be allowed to sign the Register and do his duty. (Also refer, para 13, vol 2 (iv).)

But whether the above statement is true or not ? Whether the letter dated 17th July '93 was received by the Principal ?

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As per oral evidence during cross-examination of SW 2 on 19.1.95, the Principal and SW-2 admitted that the document D-6 and D-7 are not directly received. Probably, they were received by Registered post after two days - he said (ref. page 6 & 7, SW 2 dt. 19.1.95). This contradicts the statement that the CO was absent as per the contents of the letter dt. 17th July '93.

It may further be observed from the Staff Arrangement Register, S 11, that Mrs. Shiana the part-time teacher was relieved on 21.10.92 forenoon because of the office order 9 (ref. F PF- 1/26/93/KVS(BGR) 4153, dt. 20.10.93) by the A.C. where, and the CO was asked to report back on-duty and report to the Principal, KV 2, Mangalore, duly requesting the Principal to allow him to report on duty to the Vidyalaya. But, as stated by SW-2, that the CO was not allowed to join, because he did not submit Joining Report in the prescribed form even though he was permitted by the KVS (BGR) vide letter ref. above. The reason given by the Principal was that Mr. Ansari has to state in the Joining Report the kind of leave and the period of leave availed. (ref. page 23, 23, Vol 2 (1)) Of course, may be interpreted to be sound, as per existing rules and norms. But, the main point of consideration is whether the absence was from 13.7.93 to 5.11.93 and As per the order after ^{receiving} the ~~due~~ order - a permission granted by the superior authority, i.e. A.C. (BGR). At ~~which~~ Mr. Ansari may be treated as present even before 5.11.93 in the Vidyalaya because between 22.10.93 and 31.10.93, a period of 10 days, may be included to account for his presence in the Vidyalaya because, the CO being TGT English, i.e., teaching staff, will be entitled for at least 10 days of leave during Autumn Break and hence, at least for that period, he should not be treated on "unauthorised absence." When the office order of A.C. (BGR) is received.

(Refer Page 24 Volume 2 (1))

This is further supported as per the statement of SW-1 that on 1st of Nov. '93, the police came and took Mr. Ansari from the class. Was he present or absent on 1-11-93?

Now the PO stated that Mr. Ansari put his signature at stretch on 18.10.93 and presented witness SW-1, SW-2, SW3 & SW 4 in support of the truth of the statement. Whereas, the CO stated that the Principal was hiding the Staff Attendance Register inspite of his request letter (ref. D-6 and D-7) and not allowing him to sign the Register daily. However, he signed in the Register whenever he got a chance. At this stage,

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At this, it may be noted that the letters dated 17th July and 21st July are denied by the Principal. Although both the documents D-6 and D-7 were exhibited, recorded and admitted on 21.1.95. ^{14/1/95} ~~14/1/95~~ ~~14/1/95~~

Now the point to be examined is whether the remark written as 'A' (Absent), 'Ab' (or 'line' drawn) in the Register are written first, and the sign of Mr. Ansari, who made next? In other words, what is the order? 'Remarks' and then 'signature' or 'Signature and then Remarks'?

Let us examine from the Staff Attendance Register (ref S. 110) wherein the signature of the 'CO' and the remarks of the office 'A/Absent/-Ab/-line' may be seen w.e.f. 13.7.93 to 31.11.93.

FOR THE MONTH OF JULY '93 :
On 13th and 14th July : 'ab' written and encircled.
Upto 21st July : 'ab' written in small letter and signature of Mr. Ansari above the remark, i.e., the remark 'ab' is in between the signatures.
From 22nd July to 31st July : Capital 'A' is in between the signatures.

FOR THE MONTH OF AUGUST '93 :-

From 2nd August to 7th August : Capital 'A' is in between the signatures.
For SEVEN days 'A' are put (What does this indicate?) (refer page 4(S.11)).

From 8th Aug. to 17th Aug. :
(refer page 4 & 5, (S.11)) -- 'A' line is seen in between the signatures but the remark of 'absent' written in small letters for 11th Aug., which was a holiday.

From 18th Aug. to 31st Aug. : Remark 'absent' written and a line seen in between the signatures and some of the signatures are far removed from each other, as stated by SW 2 is true.

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FOR THE MONTH OF SEPTEMBER '93 :-

On 1st Sept. : Capital 'A' written and underlined.
On 2nd Sept. : Capital 'A' seen in between signatures.
On 3rd Sept. : Capital 'A' seen but without arrival and
departure time and initials in between.
6th Sept. to 10th Sept. : 'Absent' and a line drawn.
From 13th to 18th Sept. : E.O.L written in between line may
be seen with the remark.
E.O.L for six days w.e.f. 13.9.93 to 18.9.93.

In the month of September, it may also be observed that the remark of E.O.L is written by the CO and ^{ABOVE} the official remark of 'absent' as stated by the PO. However, it is found that one line is drawn w.e.f. 12th Sept. to 17th Sept. (ref. S 11, page 8, Staff Attendance for the month of Sept. between 13th to 18th Sept.). From 19th Sept. to 30th Sept. it may be observed that the word 'Absent' is written and a line is seen to be drawn w.e.f 20th Sept. to 30th Sept. and the signature of Mr. Ansari, the CO. It may also be seen that the signatures of Mr. Ansari w.e.f 20th Sept. are close to each other and not far away from each other as stated by SW-2. In the month of October '93, from 1st to 8th Oct. a line ^{may be} seen in between the signatures of Mr. Ansari and the remark 'absent' written on 9th Oct. '93 which was closed holiday means Second Saturday, (maybe, sheer coincidence, again that the remark 'absent' was marked on the holiday) (refer pg.11 Staff Attendance Register). In this month of Oct. i.e., upto 17th Oct. the signatures of the CO are quite close to each other ~~which~~ may be observed that the signatures made by Mr. Ansari tally with the signatures of the CO and that they are close to each other as compared with the earlier signs made by the CO during the month of July '93, i.e., before 13th July '93 (refer page 10, S 11, Attendance Register).

W.E.F 18th Oct. to 31st Oct. there is a remark that "reported to S.I. Pandeswar, Mangalore" and signature of Mr. Ansari at 8.50 a.m. may also be seen.

In the month of November '93, immediately after the Autumn Break, the school was opened on 1st Nov. and signature was seen on 1st. Then on 2nd, 3rd & 4th three remarks of 'absent' are seen but on the 5th the remark 'O.A.D' is marked, and in between the signature of Mr. Ansari is seen, for 2nd, 3rd & 4th Nov.

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It may be seen that the absence remark and shown as 'A' from 2nd to 4th NOV, in respect of Mr. Ansari seems to be written non-uniformly, i.e., the size of 'A' is largest on 4th Nov. '93 and on 3rd it is smaller than 4th and the size of 'A' on the 2nd NOV. is even more smaller. Similarly, on 5th Nov., there is no signature of Mr. Ansari but 'absent' written in between O and D on that day. For which, the CO had stated that he went to the Regional Office for taking necessary permission to the A.C (BGR) to join him for duty in KV - 2, Mangalore. It is true that 6th Nov., i.e., the CO was permitted the second time by the A.C. (BGR) and was allowed to join the Vidyalaya. Here also a question arises as to what was the difficulty felt by the Principal to allow him to join on 21st and 22nd of OCT. '93, i.e., before the Autumn Break ? When the CO ^{had} already submitted the permission from the A.C. (BGR) - duly requesting, the Principal, to allow Mr. Ansari, at KV 2, Mangalore. At this stage, it is particularly important to remark that neither on 21st or 22nd Oct. nor on 6th Nov. '93, the CO had submitted the Joining Report in the prescribed form indicating the kind of leave applied and availed, etc.; as required by the Principal who, stated the reason for not allowing Mr. Ansari to join the Vidyalaya (ref. page 22, Deposition of SW 2; page 13, 24 & 26 - cross examination, page 18th, page 27th, Volume 2 (i)). Hence, the statements are not consistent.

If we consider the signature seen in the Attendance Register of the CO to be authentic proof for presence or absence of the employee, then, the signatures put in the Staff Attendance register is proving that the employee was present between the aforesaid period w.e.f 13.7.93 to 5.11.93. But, in the above situation this is disputed and doubtful, because the SW-2 stated that Mr. Ansari came on 18th Oct. '93 and signed in the register for the period 15.7.93 to 17.10.93. Whereas, in Article II, the period given for absence from duty is w.e.f 13th July to 5th Nov. The SW-2 further stated that there is a difference in his way of signing the Register during the normal days and he stated that, no gap may be seen between morning and afternoon signatures; whereas the signatures made from the period of 15.7.93 to 17.10.93 were 'far removed' from each other, And with another office remark, that the employee was absent from duty. It may be noted (ref. S-11) that in the month of July, after 17th July to 10th August, the signatures of Mr. Ansari are 'far removed' from each other, with the remark 'A' written in between. However, for rest of the days, the signature of Mr. Ansari are close to each other, as compared to his previously made signatures AND only a line is drawn in between, without any remark of 'A', 'absent', etc.; especially after 20th Sept 1993, during the period w.e.f 13.7.93 to 5.11.93.

Finally, let us examine whether Mr. Ansari absented himself from duties and whether the absence is unauthorised? But what is unauthorised absence? As explained and understood by SW 2 and the Principal while reporting to the police vide ref. S 12, that unauthorisedly means without any information of leave letter, line 4. ~~In this light~~. But the letters referred 17th July D6 and D 7 indicates that the matter was reported and informed by the CO. It may also be noted that the CO was permitted by the A.C.(BGR) to join duty and to report to KV - 2, Mangalore on 20.10.93, as stated by the SW 2 that the CO came to the Vidyalaya on 21.10.93 and reported to the Principal and requested him to allow him to join duty, as accepted by SW 2 and the Principal vide ref. Page 24, Vol. 2 (i), Deposition of Witnesses dt. 19.1.95. This means the CO was present on 21st Oct '93. But the statement of Imputation says that the CO was not seen in the Vidyalaya campus upto 6.11.93. The statement is contradictory.

Further, to my mind as the CO was permitted by the A.C(BGR) to join duty and accordingly Office Order was sent to the Principal also to allow Mr. Ansari, the CO, vide ref. No. PF-1/26/93/KVS(BGR)/4153. In this way, Mr. Ansari is entitled to avail Autumn Break w.e.f 22.10.93 to 31.10.93 being teaching staff and at least for this period he may not be considered unauthorisedly absent from duty as alleged. Hence, the statement is not found to be completely true and for the aforesaid period, i.e., 21.10.93 to 31.10.93 may be treated including and also on the day of reporting, may be treated as 'authorised leave' and not 'unauthorised leave'. Hence, to mind the above information, "impf" not unauthorised absence."

On the 1st of Nov. '93 it may be seen that the CO had reported duty and signed in the Staff Attendance register vide ref. S-11 (ix), and also evicted by the police as stated by the Principal. The Principal stated that he was not allowed to join because he did not give his Joining Report in the prescribed form as revealed during the course of inquiry. As already discussed when the higher authority had already ordered the Principal and instructed the employee to join duty in KV-2, Mangalore but, due to technical flaw the CO was not allowed to join, is perhaps not his fault. Because as revealed further the CO went to the Reg. Office and got necessary permission and instruction to the Principal to allow the CO to join KV - 2, Mangalore, the second time.

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As per the statement of SW -2, the CO was allowed to join duty on 6th Nov. '93 & that day also he did not submit any leave application as required to bridge the gap in the technical flaw, i.e., the statement required to be given by the CO, the kind of leave applied from which date to which date, etc., In order to ensure the presence or absence of the CO in the Vidyalaya. (ref. page 26, 27, vol. 2 (i), Deposition of witness) 8X

But whatever may be reason the fact remains, that on 21st Oct. and 6th of Nov. '93 the situation of the technical flaw remains the same, i.e on both dates, A.C. (BGR) had instructed the employee to join & the employee did not submit leave application on both days, to the Principal, as stated by the SW -2 & the Principal, K.V. 2, Mangalore (ref. page 27, vol 2(i), Deposition of State Witnesses; and also page 10, 13, 14, 22 - statement of SW -2)

To add further, it may be noted that the CO had stated that he was badly in need of money and requested the Principal for payment of atleast a portion of his salary, which was required urgently for the treatment of his father who was a Cancer patient. (Also refere page S-4; dt. 15th July '94)

Hence the period of Autumn Break from 22-10-93 to 31-10-93 & on the re-opening day, i.e on 1st Nov. '93 may not be treated as un authorised absence as the CO is a teaching staff & he is entitled to avail the Autumn Break.

F I N D I N G S :

On the basis of documentary & over all evidences adduced in the case, in respect of the Article 2 of the charge, & in view of the reasons given below, I hold that the charge under Article 2, against Sri M.G. Ansari, P.T.G.T (Eng.) , K.V. 2 , Mangalore is not proved for the period w.e.f 22-10-93 to 31-10-93.

(Dr. B.P. Sharma)

Date: 25-3-95 Principal, KV 2, Hubli, & Inquiry Officer.

ARTICLE - III

CASE OF DISCIPLINARY AUTHORITY

(Tampering of School records and man-handling the Principal)

On 18th Oct. '93 it was reported and alleged that the CO came to the Vidyalaya office around 9 a.m. and took the Attendance Register from the clerk's table and completed his signature for all days of absence, and did not obey the instructions of the Principal who requested him not to tamper with the school records. Without obeying the orders of the Principal Mr. Ansari behaved in an unruly manner and manhandled the Principal and completed signing the Attendance Register over the Principal's remark. The Principal had to report the behaviour of Mr. Ansari to the Police to ensure personal safety and for the property of Sangathan and for the smooth functioning of the Vidyalaya. The PO examined the witnesses who stated that they saw Mr. Ansari signing on the Register on 18.10.93, and when Principal objected the signing on the Register, Mr. Ansari pushed the Principal in an unruly manner. In his written brief, the PO argued that as Mr. Ansari, the CO did not produce any witness or evidence to show that he was present in the Vidyalaya, forcibly signed the Attendance Register on 18.10.93 ~~excepting for a period of a week between 13.9.93 to 18.9.93, for which he marked himself E.O.L. in an attempt to create evidence of his presence in the Vidyalaya.~~ The PO remarked that this can only be done through mutilation of office records. In his written brief, he has further indicated that the signature of PO for the period from 13.7.93 to 17.10.93 have been done with the same ink and he has put everyday at the time of arrival as 8.50 a.m and time of departute is 14.50 p.m.

then there is a big gap between morning and evening of signatures as in between the remarks 'A', 'absent' or 'line' had been marked by the Principal/ Office. He marked the presence in the register at a stretch signing the Attendance register for entire period of absence which took him 10 minutes, as stated by the SW-2, SW-3 & SW-4. He further pleaded that the very fact that the Principal had to call in the police goes to prove that there was man-handling of the Principal by the CO and counter complaining by the C.O. himself against the Principal with a Police vide his letter dt. 19-10-93. During the course of the inquiry the Presenting officer stated that the C.O. has already stated that he is used to sign the attendance register when ever he gets change.

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During the course of inquiry, the PO has pleaded that the statements of SW-3 & SW-4 are sufficient to prove that Art III A charge established against the CO. 189

In his written brief, the PO has stated the fact that the CO is much younger and stronger than the Principal and that was the reason the Principal has no option left other than calling the police and further stated that the CO has no knowledge of conduct rules should not justify the ignorance of the acts committed by the CO on 18.10.93.

CASE OF DEFENDANT

The CO denied that he had tampered with the school records and man handled the Principal and said that it is just a false allegation planned on with the false witnesses to harm him. He further stated that the first complaint lodged by the Principal on 18.10.93, the Principal has not mentioned of his manhandling as alleged. (Reply written brief part II)

He further stated that he had signed the Attendance Register for the days he was present and the way of signing is not different as pointed out by the PO.

The PO had pleaded that the place where 'A' can be written or a line can be drawn at in the Attendance Register between the aforesaid period, i.e., 13.7.93 to 5.11.93, which, could be drawn at a later stage also. His signatures are normal and as usual and it was proved that the signature tallies with the past and the present signature.

The CO said that all the above facts were reported to the competent authority vide his representation dt. 9.11.93 from time to time. Hence the charge is false and the same is refuted. During cross-examination the CO asked the SW 2 the reason for calling the police. The answer given by SW-2 was that when the CO handled him (Principal) and when his misbehaving and pushing the Principal itself shows disrespect and a crime which the CO had denied to be a criminal charge (rer. pages 21 & 22, Deposition of SW-2, dt. 19.1.95)

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ANALYSIS AND ASSESSMENT OF EVIDENCES

ARTICLE - III

It was reported and alleged that the CO came to the Vidyalaya office around 9 a.m and 'snatched' the Staff Register from the L.D.C, Mrs. Vedavathi, SW 4 and completed his signature at a stretch for all days of his absence as stated by SW 2. During cross-examination, the SW-4 Mrs. Vedavathi replied, that Mr. Ansari took the register from U.D.C's table and started signing and she used the word 'took' means the CO did not snatch the register. The SW-4 stated that she saw she charged the CO on 18.10.93, who did not obey the Principal when the Principal tried to take the register from the CO. When the U.D.C was asked whether he had seen Mr. Ansari signing, the reply was, that he had seen him that the signature in the Attendance register was completed by the CO for all days w.e.f. 13.7.93 to 5.11.93. But, when CO asked the PO whether he had seen him signing and pushing. "No, I have not seen him", said, the PO and U.D.C, and he had not seen the incident. As per the Staff register, on 18th Oct (ref. page 13), it is recorded that Mr. Ansari came at 8.50 a.m. The UDC, Mrs. Vedavathi came to school at 9 a.m. The UDC, Mrs. Yogeshwar Rao came at about 8 a.m. It is further stated that the signing took place inside the room and took nearly 8 to 9 minutes to complete all the signatures. Although the UDC and the LDC table are placed in the same room and the SW 4 said that the register was kept on the UDC'S table. It is strange how he did not see the incident. Further, 9 (ref. page 33, Deposition of SW 4, dt. 19.1.98) (see 32 & 36) The SW-4 has stated in her statement, that Mr. Ansari pushed the Principal and started signing and said that it was violent. But, when cross-examined by the CO, the SW-4 said that the CO took the register from the table and 'not snatched' as stated earlier. She further stated that she saw the CO in the office on 18th Oct. and Principal came to him. The Principal tried to take the register from him (ref. page 33, 34) Volume 2(i).

The statement of SW-4, in page 32, says, that Mr. Ansari came to the office and took the Attendance Book ? from her table and started signing. But, in page 33, in reply to the question asked by CO, "Did you see him moving or Principal came to him?", the reply given was, that the Principal came to the office and the CO took it from the UDC's table.

Clearly the statement of SW-4 is contradicting.

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The SW-2 when cross-examined by CO, stated in reply to a question wh, " How can the CO snatch the register from her, when LDC (SW-4) came at 9 a.m, whereas, he came at 8.50 a.m ? The reply given was that the time 8.50 a.m, written in the register is incorrect. SW-2, further, stated that exactly when, SW-2, (he) was going for the prayer at 9 a.m, the CO just entered then while 'Asatoma Sadgamaya' was been sung. On the 18th Oct. the CO came at 9 a.m only, which was not objected, earlier by the Principal. The LDC, Mrs. Vedavathi, during cross-examination had stated that the CO did not "snatch" the register but only "took" it from the table. But SW-2 had stated that the CO had snatched the register from the Principal. (ref page 10, 15, 33, vol 2(1))

The SW-2 and the PO had stated that on 18.10.93 the CO had signed the Attendance register for the entire period of his absence. And to prove that they are producing the staff Attendance register where the signature of the CO and the remarks 'A' or 'absent' or a line is drawn or written against the name of the Mr. Ansari. But the SW-2 had said that the CO signed in the register over and above the remark written by the Principal/Office.

But it may be observed that the Signature of the CO is not 'over' the remark of 'absent' or 'A'. However, it is true that there are signatures of Mr. Ansari above and below the remark of 'absent' or 'A'. In some places it is close to each other (morning and evening signatures) and in some places especially after 20th Sept., the signatures are very close to each other and except a line seen in between the signatures, No remark is written. (ref page 9, vol 2(1) and written brief by PO, para I, Art III)

The SW-3 & SW-4 had stated that the CO, Mr. Ansari pushed the Principal and SW-2 stated that on 18.10.93 the Principal had to call in the police to ensure personal safety and in order to safe-guard the property of the Sangathan and smooth functioning of the Vidyalaya. But in the complaint dated 18.10.93, the SW-2 and the Principal reported and lodged a F.I.R (First Information Report) to the police drawing his kind notice that Mr. Ansari is obstructing in the normal functioning of the Vidyalaya. -And--he--forced--to--snatch--the He forcefully snatched the register with his very rude behaviour (ref S. 12). It may be observed that the Principal had not reported that he was "man-handled" by the CO in his F.I.R. dt, 18.10.93. To my mind "snatching" the record will not be amount to man-handling and I don't understand why the Principal had

not reported the matter in his F.I.R. As was also remarked by the CO in his written reply brief (ref page 3, para 2, line 3 & 4). (and also "Swateling his record, from DC-SIV II, is not established")

It is true that, as per the evidences Mr. Ansari that he himself had marked E.O.L. for the period from 13.9.93 to 18.9.93 in the Attendance register which amounts to tampering of records. However, it is also true that the remark E.O.L. is not written over and above the office remark of 'absent', which was stated vide (ref. written brief, page 3, para 2, last two lines and S 11.) and also Page 19, Vol. 2(1).

Similarly, it may also be observed vide (ref. D-3) relating to the subject submission of T.A. bill, wherein the CO is denying that in the carbon copy, the remark "received fresh bill for action, Old bill for Rs. 25640/- is treated 'cancelled', is ~~not~~ written by him. Whereas, no reference of the above has been found in the first copy of the letter submitted in the office as stated by the PO vide (ref. written brief, Article I, para 1, first four lines). However, it is also true that the remark and the content of the letter vide para 3 is same. This ^{act} ~~indeed~~ maybe tampering with record.

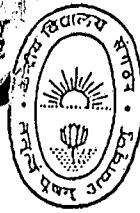
Reference statement of D-1, wherein the CO, Mr. Ansari submitted his statement, dt. 26th Nov '94, to the Asst. Commissioner KVS, (BGR). He had stated, that he had submitted it to the Principal for onward despatch to the A.C., but it was returned by the Principal on 21.12.94, for direct submission (and that is why he had submitted it directly on 28.12.94). But, no such remark is found on page 2, of the above statement of D-1, which has been sent to the IO. The remarks of the photo copy may be compared with D-1. The reason for such writing such note is not found. (May be compared with Photo copy of D-1 and the additional document 'D', submitted by the CO)

FINDINGS :-

On the basis of documentary and oral evidences, adduced in the case before me and in view of the reasons given above, I hold that Article III of charge that Mr. M.G. Ansari tampered with the school records, is proved.

13/3/95

Impunity Officer



केन्द्रीय विद्यालय संगठन
KENDRIYA VIDYALAYA SANGATHAN
(शास्त्रीय कार्यालय - बैंगलूरु धोत्र) / (Regional Office - Bangalore Region)

No:F.22-Estt/MGA/94-KVS(UCR)/15-708-77C

Opposite Naga Theatre
St. Johns Road,
BANGALORE - 560 042.

Date: 28 OCT 1996

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Q R U E R

WHEREAS disciplinary proceedings under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 were instituted against Shri M.G.ANSARI, TGT(Eng) Kendriya Vidyalaya No.2 Mangalore vide this Office Memorandum No.F.22-Estt/MGA/94-KVS(UCR) 21159 dated 16 Nov 1994 on the following articles of charges:

- (i) that he preferred a false transfer T.A.claim of Rs.25640/- for the expenditure purported to have been incurred by him on his family members viz. self, wife, son, father and mother for the journey from Shillong to Vittal(Mangalore) from 8.12.92 to 13.12.92.
- (ii) that he absented himself from duties unauthorisedly w.e.f. 13th July 93 to 5.11.1993;
- (iii) that he tampered with the school records and manhandled the Principal on 18th Oct 1993 around 9 AM.

Thus committed misconduct under Rule 3(1)(1) (ii) and (iii) of CCS(Conduct)Rules 1964 as extended to the employees of KVS.

A statement of imputations of misconduct/misbehaviour on which the Articles of Charges were based, together with a list of documents by which, and a list of witnesses by whom, the charges were proposed to be sustained, were also forwarded to him alongwith the above said memorandum dated 16.11.94.

2. Shri M.G.Ansari, TGT(Eng) denied the charges and requested to be heard in person vide his letter dated 26.11.94. Accordingly, Dr.B.P.Sharma, Principal, KV No.2 Hubli was appointed as Inquiry Officer to inquire into the charges vide order No.F.22-Estt/MGA/94-KVS(UCR)25942 dated 29.12.94. Shri I.Y.Rao, UDC KV No.2 Mangalore was appointed as Presenting Officer.

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केन्द्रीय विद्यालय संगठन
KENDRIYA VIDYALAYA SANGATHAN
 (केन्द्रीय विद्यालय - बैंगलूरु क्षेत्र) / (Regional Office - Bangalore Region)

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Opposite Naga Theatre
 St. Johns Road,
 BANGALORE - 560 042.

No:

Date:

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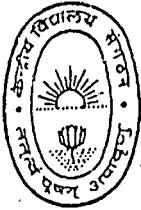
3. AND WHEREAS the Inquiring Authority vide his report No. F.1/94-95/517 dated 27.3.95 gave a finding that the charges against Shri M.G.Ansari is partly established and is therefore proved to that extent.

4. AND WHEREAS a copy of the report of Inquiry was sent to Shri M.G.Ansari vide memorandum No.22-ESTT/MGA/95-KVS(BGR)9890 dated 5.9.1995 and he was given an opportunity of making such submissions on the report of inquiry as he desired. His submissions on the report of inquiry were received vide his letter dated NIL received on 27.11.95. The representation of Shri MG Ansari has been carefully considered.

5. AND WHEREAS on careful consideration of the report of the Inquiry Officer and other records of the case in the light of the submissions made by Shri M.G.Ansari in his observations on report of enquiry and during his personal hearing, the undersigned has decided to accept the findings of the Inquiry Officer in respect of the charges and hold that the charges are proved to that extent.

6. NOW, THEREFORE, after considering the record of the Inquiry and the facts and circumstances of the case, the undersigned has come to the conclusion that Shri M.G.Ansari, TGT(Eng) (i) submitted a false transfer T.A.claim of 1.256/- for 5 persons viz., self, father, mother, son and wife even though his wife didnot accompany him during the journey from Shillong to Vittal(Mangalore) from 8.12.92 to 13.12.92; (ii) was unauthorisedly absent from the Vidyalaya w.e.f.13.7.95 to 5.11.95 (excepting the period from 22.10.95 to 31.10.95) and (iii) tampered with the Vidyalaya records and thus committed misconduct under Rule 3(1)(i)(ii) and (iii) of CCS(Conduct) Rules 1964 as extended to the employees of KVS and hence ends of justice require that the penalty of reduction to a lower stage of pay from Rs.1650/- to Rs.1600/- in the time scale of pay of Rs.1400-2600 w.e.f. 1.11.1996 for a period of TWO years with further directions that he will not earn increments of pay during the currency of punishment and on expiry of such period the reduction will have the effect of postponing the future increments of his pay be imposed upon him.

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केन्द्रीय विद्यालय संगठन

KENDRIYA VIDYALAYA SANGATHAN

(केन्द्रीय विद्यालय - बैंगलूरु धारा) / (Regional Office - Bangalore Region)

Opposite Naga Theatre
St. Johns Road,
BANGALORE - 560 042.

- 3 -

No:

Date:

7. It is, therefore, ordered that Shri M.G.Ansari, TGT(Eng) be imposed the penalty of reduction to a lower stage of pay from. Rs.1650/- to Rs.1600/- in the time scale of pay of Rs.1400-2600 w.e.f. 1.11.1996 for a period of TWO YEARS with further directions that he will not earn increments of pay during the currency of punishment and on expiry of such period, the reduction will have the effect of postponing the future increments of his pay.

8. A copy of this order be filed in his ACR dossier.

h.m.
(R.M.KANHIE)
Assistant Commissioner

Shri M.G.Ansari,
TGT(English)
Kendriya Vidyalaya No.2
Mangalore (Through the Principal)

Copy to : 1. The Principal, Kendriya Vidyalaya No.2 Mangalore for information and necessary action;

2. The Accounts-cum-Inspecting Officer, KVS, R.O Bangalore for information and necessary action.

h.m.
Assistant Commissioner

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I N Q U I R Y R E P O R T

IN THE CASE AGAINST

SHRI.M.G.ANSARI

TGT(ENGLISH)

KENDRIYA VIDYALAYA NO.2,

RAILWAY COLONY MANGALORE.

I AN INTRODUCTORY PARA, INDICATING APPOINTMENT OF INQUIRY OFFICER AND THE DATES OF HEARING:

Under Sub-Rule (2) of Rule 14 of CCS(CCA) Rules, I was appointed by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Bangalore Region, Bangalore as the Inquiring Authority to inquire into the charges framed against Shri.M.G.Ansari, TGT(English) vide his Memo No. F.22-Estt/MGA/KVS/BGR/16605, dated 06-12-1995.

DATE OF HEARING: Since the Charged officer failed to appear in First preliminary hearing, the following subsequent dates were fixed.

First preliminary hearing : 18th May '96

Second preliminary hearing : 18th June '96

Third & Final preliminary hearing : 10th July '96

II CHARGES THAT WERE FRAMED:

ARTICLE - I

That the said Shri.M.G.Ansari, while functioning as Trained Graduate Teacher in English, at Kendriya Vidyalaya No.2, Mangalore, during the period December 1992 to October 1994 preferred a false Leave Travel Concession claim of Rs.2810/- (Rupees Two thousand Eight hundred and ten only) for the expenditure purported to have been incurred by him for visiting his home town for the journey from Mangalore to Madhopur from 08-05-1994 to 25-06-1994.

He has thus committed misconduct under Rule 3(1) (i) and (iii) of CCS(Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

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ARTICLE - II

That during the aforesaid period and while functioning in the aforesaid Vidyalaya, the said Shri.M.G.Ansari preferred a false Travelling Allowance claim of Rs.4144/- (Rupees Four thousand one hundred and forty four only) for the expenditure stated to have been incurred by him for attending Inservice course for TGT(English) held at Bombay from 15-9-1994 to 05-10-1994.

He has thus committed misconduct under Rule 3(1) (i) & (iii) of CCS(Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE-III

That during aforesaid period and while functioning as Trained Graduate Teacher in English in the aforesaid Vidyalaya, the Said Shri.M.G.Ansari committed theft of office file which was later found in his suitcase in the Train on 21-03-1995.

He has thus committed misconduct under Rule 3(1), (i) and (iii) of CCS(Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

III CHARGES THAT WERE ADMITTED OR DROPPED OR NOT PRESSED:

All the Charges i.e. Article I, II & III framed against Shri.M.G.Ansari Trained Graduate Teacher (English), Kendriya Vidyalaya No.2, Mangalore were Examined since he had denied the charges in his reply dated 11 to the chargesheet.

IV CHARGES ACTUALLY INQUIRED INTO:

Shri.M.G.Ansari, TGT(English), while working in Kendriya Vidyalaya No.2, Mangalore, submitted a Leave Travel Concession bill for the Month of July 1994 for Rs.2810/- on 22-7-1994 for the expenditure purported to have been incurred by him for visiting his home town MADHOPUR for the journey from Mangalore to Madhopur during the period from 08-05-94 to 25-06-94. He has stated in his LTC bill that he has travelled in I Class by

train (Mail/Express) from Mangalore leaving at 0840 hours on 08-05-1994 with ticket No.14923017. He has given the fare as Rs.1395/- On verification from the Chief Reservation Supervisor, Southern Railway, Mangalore, it was confirmed that the name of Shri.M.G.Ansari, M-43 has not figured in the first class reservation chart of 6315 which leaves MAQ on 08-05-1994 on ticket No.14923017. The ticket was also not issued at Mangalore. The above facts goes to prove that Shri.M.G.Ansari has preferred a false ITC claim of Rs.2810/- for the expenditure purported to have been incurred by him for visiting Home Town from Mangalore with the intention to defraud Kendriya Vidyalaya Sangathan.

ARTICLE - II

Shri.M.G.Ansari, TGT(English) while working in Kendriya Vidyalaya No.2, Mangalore was deputed to attend Inservice Course for TGT(English) from 15-09-94 to 05-10-94 at KV IIT, Powai. He was paid an advance of Rs.4500/- on 05-09-94 towards TA/DA. He submitted a TA bill for Rs.4144/- on 18-10-1994 to the Principal, Kendriya Vidyalaya No.2, Mangalore and refunded Rs.356/- being the settlement of the advance taken on 05-09-94. As seen from the TA bill submitted, Shri.M.G.Ansari started his Journey from Mangalore at 1350 hrs. on 12-09-1994 and reached KURLA Terminus on 14-09-94 at 1200 by Mail/Express. He has stated that he travelled in I class by paying Rs.1047/- vide Ticket No.42442329. For return journey he has stated that he left KURLA Terminus on 05-10-94 at 1930 hrs and reached Mangalore on 08-10-94 at 1300 hrs.

On verification from the Chief Reservation Supervisor, Southern Railway, Mangalore, it was confirmed that the name of Shri.M.G.Ansari did not figure in the First Class reservation chart of 6636 on 12-09-1994 leaving Mangalore at 1350 hrs. It was also confirmed that the Ticket No.42442329 PNR No.710027 which was booked on 06-09-94 by 6636 Q of 12-09-1994 was subsequently cancelled on 10-09-1994. An amount of Rs.1042/- was refunded to the party retaining cancellation charges of Rs.5/-.

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The above facts goes to prove that Shri.M.G.Anssari has prefered a false TA claim of Rs.4144/- for the expenditure purported to have been incurred by him for attending the Inservice Course at KV, IIT, Powai, with the intention to defraud Kendriya Vidyalaya Sangathan.

ARTICLE - III

Shri.M.G.Anssari, TGT(English) was absent from his duties in the Vidyalaya from 21-3-1995. He has stolen the file No.1-5 'Principal's Correspondence' from the Vidyalaya and kept in his suitcase with the intention of taking it along with him on 21-3-1995. He was caught red-handed by the Railway Police, Mangalore and file was recovered from his suitcase from Compartment No. S-9, seat No.31 of Train leaving Mangalore on 21-3-1995 at 8-40 PM and returned to the Vidyalaya. By stealing the Official record he has failed to maintain absolute integrity and acted in a way unbecoming of an employee of Kendriya Vidyalaya Sangathan.

V BRIEF STATEMENT OF THE CASE OF DISCIPLINARY AUTHORITY IN RESPECT OF THE CHARGES INQUIRED INTO:

'ARTICLE - I

Shri.M.G.Anssari, TGT(English), while working in Kendriya Vidyalaya No.2, Mangalore, submitted a Leave Travel Concession bill for the month of July 1994 for Rs.2810/- on 22-7-1994 for the expenditure purported to have been incurred by him for visiting his home town MADHOPUR for the Journey from Mangalore to Madhopur during the period from 08-05-94 to 25-06-94. He has stated in his LTC bill that he has travelled in I class by train (Mail/Express) from Mangalore leaving at 0840 hours on 08-05-94 with ticket No. 14923017. He has given the fare as Rs.1395/-. On verification from the 'Chief Reservation Supervisor, Southern Railway, Mangalore' it was confirmed that the name of Shri.M.G.Anssari, M-43 has not figured in the first class reservation chart of 6315 which leaves

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MAQ on 08-05-1994 on ticket No. 14923017. The ticket was also not issued at Mangalore. The above facts goes to prove that Shri.M.G.Anasari has preferred a false ITC claim of Rs.2810/- for the expenditure purported to have been incurred by him for visiting Home town from Mangalore with the intention to defraud Kendriya Vidyalaya Sangathan.

He has thus committed misconduct under Rule 3(1) (i) and (iii) of CCS(Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - II

Shri.M.G.Anasari, TGT(English) while working in Kendriya Vidyalaya No.2, Mangalore was deputed to attend Inservice Course for TGT(English) from 15-09-94 to 05-10-94 at KV IIT, Powai.

He was paid an advance of Rs.4500/- on 05-09-94 towards TA/DA. He submitted a TA bill for Rs.4144/- on 18-10-1994 to the Principal, Kendriya Vidyalaya No.2, Mangalore and refunded Rs.356/- being the settlement of the advance taken on 05-09-94. As seen from the TA bill submitted, Shri.M.G.Anasari started his journey from Mangalore at 1350 hrs. on 12-09-1994 and reached KURLA Terminus on 14-09-'94 at 1200 by Mail/Express. He has stated that he travelled in I class by paying Rs.1047/- vide Ticket No.42442329. For return journey he has stated that he left KURLA Terminus on 05-10-'94 at 1930 hrs. and reached Mangalore on 08-10-'94 at 1300 hrs.

On verification from the Chief Reservation Supervisor, Southern Railway, Mangalore, it was confirmed that the name of Shri.M.G.Anasari did not figure in the first class reservation chart of 6636 on 12-09-1994 leaving Mangalore at 1350 hrs. It was also confirmed that the Ticket No.42442329 PNR No.710027 which was booked on 06-09-'94 by 6636 Q of 12-09-94 was subsequently cancelled on 10-09-1994.

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An amount of Rs.1042/- was refunded to the party retaining cancellation charges of Rs.5/- . The above facts goes to prove that Shri.M.G.Anssari has preferred a false TA claim of Rs.4144/- for the expenditure purported to have been incurred by him for attending the Inservice Course at KV, IIT, Powai, with the intention to defraud Kendriya Vidyalaya Sangathan.

ARTICLE - III

Shri.M.G.Anssari, TGT(English) was absent from his duties in the Vidyalaya from 21-03-1995. He has stolen the file No. 1-5 'Principal's Correspondence' from the Vidyalaya and Kept in his suitcase with the intention of taking it alongwith him on 21-03-1995. He was caught red-handed by the Railway Police, Mangalore and file was recovered from his suitcase from Compartment No.S-9, seat No.31 of Train leaving Mangalore on 21-3-'95 at 8-40 P.M. and returned to the Vidyalaya. By stealing the Official record he has failed to maintain absolute integrity and acted in a way unbecoming of an employee of Kendriya Vidyalaya Sangathan.

VI. BRIEF STATEMENT OF FACTS AND DOCUMENTS ADMITTED:

1. L.T.C. Bill for July,1994 for Rs.2810/- of Shri.M.G.Anssari, received by the Principal, KV No.2, Mangalore on 22-07-94.
2. TA bill for October 1994 for Rs.4144/- dated 18-10-1994 for the expenditure incurred by Shri.M.G.Anssari for attending Inservice course for TGTs at KV-IIT, Powai.
3. Letter No.J/C/60/MAQ/10-94 dated 07-11-1994 from the Divisional Railway Manager addressed to the Principal, KV No.2, Mangalore.
4. Letter No.MAQ/PRS/16/11/1 dated 16-11-1994 from the Chief Reservation Supervisor, Southern Railway, Mangalore, addressed to the Principal, KV No.2, Mangalore.
5. Letter No.F.4-17/94-95/403 dated 21-03-1995 from the Principal, KV No.2, Mangalore addressed to the Asst.Commissioner, KVS, Bangalore.
6. Letter dated 21.03.1995 from Shri.M.D.Namboodiri, Principal, KV No.2, Mangalore, addressed to the Inspector of Police, Railway Police Station, Mangalore.

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7. Letter No.KVM/II/F.4-17/95-96/4 dated 06-04-1995 of Principal KV No.2, Mangalore addressed to the Inspector of Railway Police, Railway Station, Mangalore.
8. Letter No.448/95 dated 07-04-95 from Inspector of Police, Railway Police, Mangalore addressed to the Principal, KV No.2, Mangalore.

VII POINTS FOR DETERMINATION OR ISSUES TO BE DECIDED

The Railway Police has taken the statement from Mr.M.G.Anasari on 21.03.95 and the Inspector of Police, Railway Police Station Mangalore has refused to give the copy of the statement as per their letter No.448/95 dated 07-04-95.

VIII BRIEF STATEMENT OF THE CASE OF THE CHARGED OFFICER

The charged officer in his reply letter No. Nil dated Nil has submitted his written statement in defence. The Article wise Defence statement is as follows;

ARTICLE - I

Charged officer agrees that he has visited his home town during the vacation of May-June '94. As per his discussion with the Principal and his application submitted on 8.8.94 for the cancellation and withdraw of the claimed L.T.C.bill, he submits that it is irrelevant.

ARTICLE - II

It is stated and reported that other three teachers also (from the Bangalore Region) have attended the course along with the charged officer at KV IIT, Powai(Bombay). All four went together, stayed together and returned together. He request their TA bill is to be verified first and then consider his TA bill for further comments and observations.

Contd..8.,

ARTICLE - III

It is stated that the particular file (namely Principal's Correspondence file) was given to charged officer by the Principal M.D.Namboodiri only showing that even the charged officer pay was not fixed (when he asked him for his pay with the increments). After going through the file, it was in possession of charged officer but since the charged officer was proceeding to shillong on 21.03.95, he had informed Principal in the previous night (while packing up the things to his suitcase) over the telephone that he was bringing the file to the Railway station in order to handover the same to the Principal before leaving the station. Surprisingly and knowingly, he created an unwanted scence. He was waiting for.

IX ASSESSMENT OF EVIDENCE IN RESPECT OF EACH POINT:

1. LTC bill for the month of July 1994 for Rs.2810/- for the journey from Mangalore to Madhopur from 08-05-94 to 25-06-94.

The documentary evidence for proving this fact is the journey particulars issued by Chief Reservation Supervisor vide his letter No. MAQ/PRS/16/11/1 dated 16-11-94 that Mr.M.G.Anssari M-43 does not figured in the first class reservation chart of 6315 which leaves MAQ on 08-05-94 on ticket No.14923017 and also, it is further confirmed that the ticket is not issued at Mangalore.

2. TA Bill for Rs.4144/- for the month of October '94 for the Journey from Mangalore to Kurla to attend Inservice Course for TGT(English) at KV, IIT Powai.

The documents for proving this fact is the Journey particular issued by the Chief Reservation Supervisor vide his letter No. MAQ/PRS/16/11/1 dated 16-11-94, that Mr.M.G.Anssari M-43 does not figure in the first class reservation chart of 6636 on 12-9-94 leaving Mangalore at 1350 hrs.

In fact ticket was booked on 6-9-94 by 6636 Q of 12/9/94 and subsequently cancelled on 10.9.94 and amount of Rs.1042/- refunded by the railway to the party retaining cancellation charge of Rs.5/-.

3. The Principal correspondance file No.1-5 is stolen from the Vidyalaya and kept in his (Mr.M.G.Anari) suitcase with the intention of taking it along with him on 21.3.95.

As per Mr.M.G.Anari written defence statement that he has received the file No.1-5 from the Principal. If so why he it did not return the file on 20.3.95 when he came to school to submit the leave application.

More over the Vidyalaya and Principal residence is very near to the Railway station Mr.M.G.Anari could have gone to the Principal's residence, to hand over the file, instead of calling the Principal to Railway station to collect the file.

As per the report given by Inspector of Police, Railway Police Station Mangalore vide their letter No.448/95 dated 7-4-95 that the file No.1-5 was recovered on 21-3-95 from Shri.M.G.Anari.

Thus the above facts proves that Shri.M.G.Anari has purposely kept the file 1-5 without disclosing it, with an intention of taking it alongwith him.

X FINDING ON EACH CHARGES:

1. The above facts proves that Mr.M.G.Anari has preferred a false LTC claim of Rs.2810/- for the expenditure purported to have been incurred by him for visiting Home Town from Mangalore with a intention to cheat K.V.S.
2. Shri.M.G.Anari has preferred a false TA claim of Rs.4144/- for the expenditure incurred by him for attending the Inservice Course at KV IIT Powai, with the intension of cheating K.V.S.

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3. Shri.M.G.Anssari has purposly kept the file 1-5 without disclosing it, with an intension of taking it alongwith him.

It is proved that Shri.M.G.Anssari has thus committed misconduct/guilty.

(I) Krishan Mehta

(II) Asstt. Secy. Kachwaha
Inq. Deptt.

Prm

To,

The Principal
KV No.2, Railways Colony, Mangalore - 5

Sub:- REPRESENTATION (After Resigning)

Sir/Madam,

Reference is made to my notice dated 19th August '95, my resignation letter dated 21st Dec. '95 and your letter No. KVM-II/F.4-17/95-96/360 dated 28th Feb. '96 (received on 8th March. '96 with a copy of KVS, RO letter No. F1-26/95-KVS(BCR)/20497 dated 2nd Jan. '96).

2. In view of the non-payment of the arrear of my Salary dues & regular salary with the due increments, I am not willing to work under the inefficient and partial Officers on administrative grounds because of the mal-administration of the Administrative Officer Shri. G. Srinath and the Assistant Commissioner Shri R. M. Kamble who remained incapable of taking any action against whom the corrupt and culprit principal Shri. M. D. Namboodiri against whom a lot of representations containing factual reports were submitted from time to time with the request to protect me from his inhuman excess. He is a false man eating the PTA's money and claiming the Hotel bills (charges) while staying in the school building itself. In fact all the corrupts have joined in the conspiracy to harm me. I, since belong to a weaker section and minority community, had no alternative but to move to the Court of law (of course after applying for the due permission from the Department) for the justice but again it seems it will take a long time to give me the justice, whereas the corrupts have became more cruel, harmful and harsh to me for my going to the Court. They create hurdle on one pretext or the other in the way of my transfer also by ~~inviting~~ ^{inviting} ~~and~~ ^{and} disciplinary cases against me at a very later stage for the reason of my going to the court. In this connection, I would like to know as to what are the two disciplinary cases pending against me and why are they still pending if they are of serious nature? Seriousness demands always Promptness. All these circumstances compelled me to resign from the Sangathan. Hence my resignation letter dated 21st Dec. '95 may be reconsidered and accepted with effect from 1st Jan. '96 (from the date of my absence from the duty and left the station with due permission).

Consequently, all the dues till 31st Dec. '95 may be paid ^{to me} at the earliest failing which a fresh court case will follow against the concerned people (by name). The present Court case will be withdrawn only on clearance of my dues for which it stands. If the aforesaid resignation is again not accepted, the matter may be taken up to

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the same Court for the legal action so that my court case (WP) will also have an early hearing.

3. It is further intimated that at present I am not in a position to undertake a long journey. However, on fitness, I may reconsider to join back for duty in the Sangathan if -

i. My representation dated 20th July '94 is heard and responded to me.

ii. An accommodation is provided for which I was in the queue from January 1993 to December, 1995.

iii. An appropriate action is taken against the Ex-Principal Shri M.D.Nanbodiri for his high handedness in evicting me from the Vidyalaya while I was on duty.

4. I, further, request that I may please be intimated about the decision taken on the above points so that to enable me to decide for the next action for my livelihood.

Thanking You

Your faithfully,

(M. G. Ayyar)

Shillong
Date 15. March '96.

Copy to

The Asstt. Commissioner,

KVS, RC, 156/2, Bangalore - 42

(For information, ref. KVS)

Enclosed - i) Copy of the Police report (for ref. 15)

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F.9-1/98-KVS(Vig.)

15-12-98.

ORDER

WHEREAS the penalty of removal from service was imposed upon Sh.M.G.Ansari, TGT(Eng.), Kendriya Vidyalaya No-2, Mangalore vide Asstt.Commissioner's (Bangalore Region) order dated 7/10-11-97.

WHEREAS Sh.M.G.Ansari filed an Appeal dated 24-12-97 against the impugned order of the Disciplinary Authority i.e. Asstt. Commissioner, K.V.S. Regional Office, Bangalore to the Appellate Authority i.e. Dy.Commissioner(Admn./Pers.) which has been considered by the Jt.Commissioner(Admn.), K.V.S.

Based on consideration of facts and circumstances of the case and the contents in the appeal including the grounds adduced by the Appellant, which do not negate the facts on record, the undersigned being competent Appellate Authority has come to the conclusion that Inquiry Officer has conducted the enquiry in a fair manner and in accordance with the procedure prescribed by the rules. The penalty imposed by the Disciplinary Authority is commensurate with the misconduct and is adequate as well as in accordance with the procedure prescribed by law and therefore, needs no modification in the order of Disciplinary Authority.

AND WHEREAS the undersigned being Appellate Authority hereby confirms the penalty imposed by the Disciplinary Authority and rejects the appeal filed by the Appellant.

D.K.SRIVASTAVA
(D.K.SRIVASTAVA)
Joint Commissioner(Admn.)
and Appellate Authority.

~~Sh.M.G.Ansari, Ex-TGT(Eng.).~~
Feroze Cloth Shop (Air Force Camp),
P.O. Nonglyer, SHILLONG-793009.

Copy to :-

- 1) The Asstt.Commissioner(Admn.), K.V.S.(Hqrs.), NEW DELHI-16.
- 2) The Asstt.Commissioner, K.V.S. Regional Office, BANGALORE.
- 3) The Principal, Kendriya Vidyalaya No-II, Mangalore, KARNATAKA.
- 4) The Guard file.

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
(AT Division)

Now Delhi
the 28th December, 1998
30

OFFICE MEMORANDUM

Subject : Jurisdiction of Central Administrative Tribunal for Non-Government/Autonomous Bodies - Regarding.

The undersigned is directed to enclose herewith this Department's Notification G.S.R. No.748(E) published in the Gazette of India (Extraordinary) on 27.12.98 on the above subject and to request that the organisations under the administrative control of your Ministry/Department figuring on the said notification who have been brought under the jurisdiction of Central Administrative Tribunal may be informed accordingly.

Sd/-

Under Secretary to Govt. of India
Tel. No.3017339

To.

1. The Secretary, Ministry of Human Resource Development, Doptt. of Education, Shastri Bhawan, N. Delhi in respect of Indian Institute of Advanced Study, Shimla, Kendriya Vidyalaya Sangathan and Navodaya Vidyalaya, Samiti (Five copies)
2. The Secretary, Ministry of Information & Broadcasting, Transport Bhawan, N. Delhi in respect of Film & Television Institute of India, Pune and Satyajit Ray Film & Television Institute, Calcutta (Three copies.)
3. The Secretary, Ministry of Power Shastri Bhawan, N. Delhi in respect of National Power Training Institute, Faridabad (Two copies)
4. The Secretary, Ministry of Environment & Forests Paryavaran Bhawan, CGO Complex Lohri Road, New Delhi in respect of Central Pollution Control Board, N. Delhi (Two copies)
5. The Secretary, Ministry of Health & Family Welfare, Nirmal Bhawan, N. Delhi in respect of Indian Council of Medical Research, N. Delhi (Two copies)
6. The Secretary, Doptt. of Tourism, Transport Bhawan, N. Delhi in respect of National Council for Hotel Management & Catering Technology and 20 others Institutes (Twenty two copies.)

Ministry of Personnel, Public Grievances & Pensions
(Dept. of Personnel & Training)

NOTIFICATION : NEW DELHI - the 17th Dec/98

GSR-748(E)-- In exercise of the powers conferred by sub-section(2) of section 14 of the Administrative Tribunals Act,1985 (13 of 1985), the Central Govt. hereby specifies the 1st day of Jan/99 as the date on and from which the provisions of sub-section(3) of section 14 of the said Act shall apply to the organisations owned or controlled by the Govt. and makes the following amendments in the notification of the Govt. of India in the Min. of Personnel, Public Grievances and Pensions(Deptt. of Per. and Training) number GSR 730(E), dated the 2nd May, 1986, namely :-

In the schedule to the said notification, after serial number 9 and the entries relating thereto, the following serial numbers and entries shall be added, Namely :-

Sl.No.	Name of the corporation/society/ (1) other authority (2)	Status (3)
10.	National Council for Hotel Management & Catering Technology, Library Avenue, Pusa, N. Delhi-12.	Registered under societies Registration Act,1860
11.	Institute of Hotel Management Catering and Nutrition, Library Avenue, Pusa, New Delhi-12.	- do -
12.	Institute of Hotel Management Catering & Technology & Applied Nutrition, Veer Savarkar Marg, Dadar, Mumbai-28	- do -
13.	Institute of Hotel Management Catering Technology & Applied Nutrition, CIT Campus, Tharamani PO, Chennai-600113	- do -
14.	Institute of Hotel Management Catering Technology & Applied Nutrition, P-16, Taratala Road, Calcutta-700088	- do -
15.	Institute of Hotel Management Catering Technology & Applied Nutrition, PO. Alto Porvorim, Bardez, Goa-403521	- do -
16.	Institute of Hotel Management Catering Technology and Applied Nutrition, SJ Polytechnic Campus, Bangalore-560001	- do -
17.	Institute of Hotel Management Catering and Nutrition, Sector-6, Aliganj, Lucknow-226020.	- do -
18.	Institute of Hotel Management Catering Technology & Applied Nutrition, 'F' Row, D.D Colony, Vidyanagar, Hyderabad-500007.	- do -
19.	Institute of Hotel Management Catering and Nutrition, Govt. O Poly Compound, Ambawadi, Ambawadi, Ahmedabad-380015.	- do -
20.	Institute of Hotel Management Catering Technology & Applied Nutrition, RSS Nagar, Bhubaneshwar-751004.	- do -

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21.	Institute of Hotel Management Catering Technology & Applied Nutrition, Sector-G, Aliganj, Lucknow-226020.	Registered Under Societies Registration Act, 1860.
22.	Institute of Hotel Management Catering Technology and Applied Nutrition 1100 Qrts., Near Academy of Admn. Bhopal-452016.	- do - 20
23.	Institute of Hotel Management Catering Technology and Applied Nutrition, Nehru Park, Bauluevard Road, Srinagar-190001.	- do -
24.	Institute of Hotel Management Catering Technology and Applied Nutrition, NISC Building, GS Road, (ABC Stoppage), Bhangagarh, Guwahati- 781005.	- do -
25.	Institute of Hotel Management Catering Technology and Applied Nutrition, Kherapati Colony, Opp. Sirdisai Baba Mandir, Gwalior-474002.	- do -
26.	Institute of Hotel Management Catering Technology & Applied Nutrition, GV Raja Road, Kovalam PO, Thiruvananthapuram-695527	- do -
27.	Institute of Hotel Management Catering & Nutrition, Sector-32A, Chandigarh-160047.	- do -
28.	Institute of Hotel Management Catering & Technology, Applied Nutrition, Guru Nanak Dev College, Hardochanni Road, Gurdaspur-143521.	- do -
29.	Institute of Hotel Management Catering Technology and Applied Nutrition, Kurfi, Shimla -171012.	- do -
30.	Institute of Hotel Management Catering Technology and Applied Nutrition, 31 Industrial Estate, Patna-800015.	- do -
31.	National Power Training Institute NPT Complex, Sector-33 Faridabad(Haryana)	- do -
32.	Central Pollution Control Board Parivésh Bhawan, East Arjun Nagar, Delhi-110032	Constituted under the Water(Prevention and Control of Pollution) Act, 1974
33.	Indian Institute of Advanced Study, Shimla - 171005	Registered under Societies Registration Act, 1860
34.	Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi - 16.	- do -
25.	Novadaya Vidyalaya Samiti, A-39, Kailash colony, New Delhi - 49	- do -
36.	Indian Council of Medical Research, Ansari Nagar, New Delhi-29.	- do -

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37. Film and Television Institute
of India, Law College Road,
Pune-411004

Registered under
Societies Registration
Act, 1860

38. Satyajit Ray Film and Television
Institute, BM Byepass Road,
PO, Panchasbari, Calcutta-700094

- do -

F.No.H-11C17/7/94-AT(Vid. III)
SM Sahariar, under Secy.

Footnote - Principal notification was published vide number GSR
730(E) dt. 2.5.1986 and subsequently amended vide :-

1. GSR 1172(E) dt. 31.10.1986
2. GSR 84(E) dt. 6.2.1987
3. GSR 409(E) dt. 20.4.1987
4. GSR 542(E) dt. 11.1.1995

Wali.

IN THE GAUHATI HIGH COURT.

(The High Court Assam, Nagaland, Meghalaya,
Manipur, Tripura, Mizoram and Arunachal Pradesh)

SHILLONG BENCH

civil Rule No 169 (5th) of 1995

Shri M. G. Ansari. Petitioner.

- Versus -

Union of India and Others. Respondents.

IN THE MATTER OF :

Rejoinder by the Petitioner to
the Affidavit - in- opposition
by or on behalf of Respondents
No. 1 and 2.

Most Respectfully Sheweth :-

I, Shri M. G. Ansari, son of Late Karim Mia,
aged about 50 years of Upper Shillong, Ex. T.G. Teacher
of Kendriya Vidyalaya Sangathan, do hereby solemnly
affirm and state as follows :-

1. That I am the Petitioner of this Writ Petition
and conversant with the facts and circumstances of the

That the Deponent Petitioner has no comments on
the averments made in paragraphs 1,2,3,5.

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3. That the Deponent Petitioner denies the correctness of the averments made in paragraph 4 of this affidavit-in-opposition. The true facts of the case has been stated in paragraph 2 of the Writ Petition. Both the Deponent Petitioner and his wife who is also a Primary Teacher at the Kendriya Vidyalaya, Upper Shillong were transferred to Kendriya Vidyalaya Mangalore at their request but the transfer order was issued at a time when their son who was studying in St. Edmund's College and was to appear at the final Degree (II year) Examination and as such both of them applied for cancellation of the transfer order. Accordingly the transfer order of his wife was cancelled and the Petitioner's request for cancellation was under consideration and the Assistant Commissioner (HGT) of the Sangathan issued order for not releasing them (Annexure VI (A) of the Writ Petition), the Principal of the Kendriya Vidyalaya, Happy Valley, intentionally released the Deponent Petitioner and paid him advance T.A. on transfer for Rs.17,500/- as admissible for which he duly submitted adjustment ^{7A} bills. The Petitioner resigned from Service w.e.f.21.12.1995 and as such he did not receive the order dated ^{28.10.1996} ₃₀ regarding reduction of pay and copy of enquiry report.

That after submission of resignation letter dated 21.12.1995, the Petitioner received Memo dated 6.12.1995 (Annexure-XXVIII of the Writ Petition) drawing

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drawing-up another disciplinary proceeding on false charges of preparing L.T.C. Bill, which was not submitted and also not paid T.A. Bill for the journey performed by him for training at Bombay, alleged theft of office file handed over to the Principal. The Petitioner vide his letter dated 28.12.1995 submitted written statement denying the charge (Annexure XXIX of the Writ Petition). The Petitioner came back to Shillong and received letter dated 9.5.1996 from Principal on 22.5.1996 fixing the date of enquiry on 18.5.1996. The Petitioner intimated the matter to the Principal on 23.5.1996 (Annexure XXXIII of the Writ Petition) and requested the Principal for fixing another convenient date and to remit advance TA/DA for the journey. Thereafter, inquiry was conducted exparte and the Petitioner was arbitrarily dismissed from service, vide order dated 7.11.1997 (Annexure XXXIV of the Writ Petition). The Petitioner submitted appeal to the Deputy Commissioner vide his letter dated 24.12.1997 issued two reminders dated 6.5.1998 and 31.8.1998 (Annexure XXXVI to XXXVIII of the Writ Petition) but no reply was received. Being aggrieved the Petitioner filed the instant Writ Petition.

4. That as regards the averments made in paragraph 6 of the Affidavit-in-opposition, the Deponent Petitioner states that his statement in paragraph 2 of the Writ Petition is true and correct as would be evident from K.V.S. letter dated 7.10.1992 (Annexure VI (A) of the

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of the Writ Petition) which specifically states that " they may not be relieved till final decision of the K.V.S. Hqrs. But the Deponent Petitioner was relieved by the Principal, K.V., Happy Valley relieved him against his wishes and order of the higher authority through his wife was retained by the Hqrs. (and the Principal of Upper Shillong).

It is not a fact that the Principal paid advance T A on transfer erroneously. The release order dated 26.11.1992 (Annexure VI of the Writ Petition) specifically states that he is entitled TA/DA. Besides as per K.V. Hqrs. order dated 22.8.1990 (Annexure IX of the Writ Petition) Transfer TA is admissible in case of request transfer for serving for 5 years in other places and 3 years in N.E. Region more than three years above at K.V. Khanapara, (Guwahati).

5. That the averments made in paragraph 7 and 8 of the Affidavit-in-opposition is an admission of the fact that he was not allowed to join initially by the Principal K.V. Mangalore but was allowed to join only after receipt of order from the Assistant Commissioner, dated 18.12.1992 (Annexure VIII of the Writ Petition). Besides, the Principal illegally recovered the whole amount of transfer T.A. advance, illegally thereby putting him unto acute hardship.

6. That ~~x~~ as regards the averments made in paragraph 9 of the Affidavit-in-opposition, the Deponent

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Deponent Petitioner states that the penalty for reduction of pay was not communicated to him during the period of service in K.V. Mangalore or after his resignation and as such he could not challenge the same as the Inquiry Officer came to the conclusion that he was entitled to T.A. on transfer. It has also been proved that he submitted revised transfer T.A. bill after cancelling the original T.A. Bill, dated 3.2.1993.

7. That the averments made in paragraph 10 of the Affidavit-in-opposition, is not correct. It was conclusively proved during Inquiry that the Petitioner was present during the period from 13.7.1993 to 5.11.1993 as per his signature in the attendance register and the period of Autumn break from 22.10.1993 to 31.10.1993 is not to be treated as unauthorised absence.

8. That as regards the averments made in paragraph 11 of the Affidavit-in-opposition, the Deponent Petitioner states that the Respondents did not deny that his whole salary has been adjusted by many unauthorised deduction. The statement that the salary was reduced for the period from April to July, 1994 as per penalty order issued by the Assistant Commissioner is also not correct as order for reduction of pay w.e.f. 1.11.1996 was issued by the Assistant Commissioner ~~xx~~ ³⁰ ~~xx~~ vide his order dated 28.10.1996 (Annexure RII of the Affidavit-in-opposition).

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9. That the averments made in paragraph 12 of the Affidavit-in-opposition is not correct. The police investigated the matter and as per their report dated 4.11.1993(Annexure XVII of the Writ Petition) the Principal made false complaint in order to harass the Petitioner.

10. That as regards the averments made in paragraphs 13, 14 and 15 of the Writ Petition, the Deponent Petitioner states that the said inquiry was conducted ex-parte behind the back of the Petitioner and this has been challenged in this Writ Petition.

11. That as regards the averments made in paragraphs 16,17 and 18 of the Writ Petition the Deponent Petitioner states that he was compelled to resign due to non-payment of salary and harassment by the Principal and came to Shillong with the permission of the Principal. Earlier in on one occasion while the was Deponent proceeding to Shillong, the Principal created a scene by coming to the Railway Station with the Police on the false allegations of non-returning a file by him. The Police took a statement of the Deponent Petitioner and allowed him to go. He was appointed by the All India Radio after proper verification including correspondence with the authorities of the K.V.S.

12. That as regards the averments made in paragraphs 19,20,21,22,23, 24 and 25 of the Affidavit-in-opposition,

contd...7...

the Depⁿent Petitioner states that the notice fixing the date of inquiry on 18.5.1996 was received by him on 22.5.1996 and as such requested the Principal vide his letter dated 23.5.1996 to fix another date of inquiry and to intimate the same in advance. But no further notice was issued to him and the inquiry was conducted ex-parte and the Petitioner was removed from service vide Memo dated 7.11.97 (Annexure XXXIV of 10 the Writ Petition). The Petitioner submitted an appeal dated 24.12.1997 (Annexure- XXXVI) to the Appealate Authority vide Deputy Commissioner (Adm/Pers), Hqrs, K.V.S. New Delhi against the illegal removal from service without giving him second show cause notice as well as copy of inquiry report. But the appeal was not decided even after issue of reminders dated 6.5.1998 and 31.8.1998 (Annexure XXXVII and XXXVIII of the Writ Petition). Ultimately after lapse of a period of one year, the Joint Commissioner (Adm) K.V.S., vide his order No. F.9-1/98-1/98-KVG(Vig) dated 15.12.1998(Annexure R V of the Affidavit-in-opposition) dismissed the appeal without application of mind by non-speaking order.

As regards resignation of the Petitioner it may be stated that the Principal of the school harassed the Petitioner at every step in order to compel him to leave the job by non-payment of salary, false complain to police, and preventing him to take classes. The Petitioner leaving alone in a new place felt so much helpless and

contd...8...

and insecure that he had no other alternative but to resign the job and came back to Shillong for searching new avenues of life. Ultimately he applied to the All India Radio for the post of Trex (F.W.) and after interview, verification of his antecedent character etc., including correspondence with the Kendriya Vidyalaya Authorities, he was appointed to the post.

13. That as regards the averments made in paragraph 26 of the Affidavit - in-opposition, ~~the Respondent~~ the Deponent states that the Respondent has not stated anything regarding non-payment of salary, leave salary, T.A. bill, ~~xxxx~~ LTC. bill, bonus GPF totalling a claim of Rs.1,28,000/- (Annexure- XXXVIII of the Writ Petition). The Writ Petition filed by the Petitioner before the Karnataka High Court for payment of his claims has been disposed by the Hon'ble Court with the direction to settle the claims of the Petitioner as admissible but no payment has yet been made to the petitioner.

14. That as regards the statements made in paragraph 27 of the Affidavit-in-opposition the deponent Petitioner states that the order of removal of the Petitioner was served in Shillong where the Petitioner is residing, the Hon'ble Court has also jurisdiction to adjudicate in the matter.

15. That as regards the averments made in paragraph 28 of the Affidavit- in-opposition, the Deponent states

contd..9..

states that no where in Central Civil Services(CCA) Rules, 1965 it is provided that the inquiry against the employee shall be conducted without giving any reasonable opportunity to the charged employee to defend him by giving evidence as well as ~~examining~~ examining the documents and cross-examining the witnesses. In this case, no opportunity was given to the Deponent Petitioner to defend himself and as such the inquiry is void.

16. That as regards the statement made in paragraph 29 of the Affidavit-in-opposition the Deponent Petitioner states that Kendriya Vidyalaya Sangathan has been brought under the jurisdiction of the C.A.T. w.e.f. 1.1.1999 only.

19. That except the statement specifically admitted in this Rejoinder, the rest of the averments of the Affidavit-in-opposition is denied.

20. That the statements made in paragraph 1, 2, 10
11 (partly) are true to the best of my knowledge and those
in paragraphs 3,4,5,6,7,8,9,11(partly),12,13 &/¹⁶ being matters
of record are true to my information derived therefrom and
the rest are my submission before this Hon'ble Court.

Identified by :-

✓ 8.3.09
02/05/01

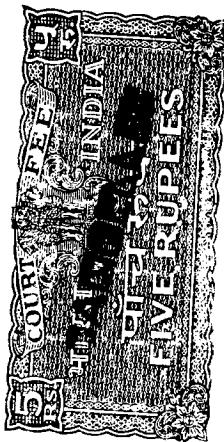
Advocate, Shillong.

231

Deponent.

Government of Bihar
of No. 12001
Mr. S. S. Das, A. M.
I certify that I have read and understood
and consent to the statement of the
Declarant Section 2 of the Registration
Act.

Asbury
Commission of 1818
Growth of Com
1818 no Banff



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:::

O.A.No. 225 of 2002

Md. M.B.Ansari..... Applicant.

- vs -

Union of India & ors. Respondents.

IN THE MATTER OF.

An additional Rejoinder submitted on
behalf of the applicant above named.

The Humble applicant above named;

4

MOST RESPECTFULLY SHEWETH;

1. That the applicant assailing the legality and validity of the impugned orders of removal and making a claim for some admissible dues, preferred Writ Petition before the Shillong Bench of the Hon'ble High Court. The said Writ Petition was subsequently transferred and now same is pending disposal before the Hon'ble Tribunal. During the course of hearing it could reveal that certain factual aspect in respect of the claim of the applicant is necessary and the applicant through this Additional Rejoinder.

2. That the applicant during his service under KVS as TGT (Eng), served a letter dated 19.8.95 (Annexure-XXVI), making a request for payment of his dues. He also indicated the fact that he may leave the job if the dues were not cleared.

3. That in the month of November, 1995 the applicant submitted his application for appointment to the post of Transmission Executive (TREX) in All India Radio. In the month of December, 1995 interview was held and pursuant to such interview

22/
Filed by
the applicant through
Asha Das
Advocate
31/10/02

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he got his appointment as TREX and joined his duty w.e.f., 12.1.1996. The applicant intimating this factual position addressed a letter dated 16.1.1996 to the Principal, K.V No 2 Magalore and also furnished his office address of All India Radio, Shillong. The Principal, K.V No 2 Magalore, thereafter issued a letter dated 23.4.96 to the Station Director All India Radio, Shillong, seeking clarification of the factual position. On receipt of the said letter dated 23.4.96, the Station Director issued a letter dated 12.6.96 clarifying the factual position.

Copies of the letters dated 16.1.1996, 23.4.96 and 12.6.96 are annexed herewith and marked as ANNEXURE-A/1, A/2, and A/3, respectively.

4. That the appeal filed by the applicant against the impugned order of removal, was rejected by the appellate authority and same has been communicated to the applicant vide order dated 15.6.96. The aforementioned order dated 15.6.96 was communicated to the applicant through the Station Director AIR, Shillong.

A copy of the said order dated 15.6.96 is annexed herewith and marked as ANNEXURE-A/4.

5. That the applicant after serving 15 years of service in Air Force as Para-trooper, opted for his retirement and in the year 1985 he was retired from his service. Thereafter, the applicant served as ad-hoc teacher in KVS. His such adhoc service was later on regularised. By now the applicant has completed the requisite years of service for being eligible for Sr scale TGT which is equivalent to his present pay scale as TREX.

6. That the applicant begs to state that the aforesaid facts may be treated as a part of this O.A, which may be helpful in disposing the matter.

7. The applicant under the facts and circumstances prays before this Hon'ble Tribunal for a direction towards the respondents to pay all the admissible dues and arrears salary by setting aside the impugned order of removal along with the appellate authorities order dated 15.6.96 with all consequential service benefits.

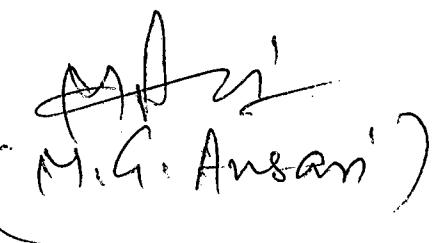
7. That this additional rejoinder has been filed bonafide and to secure.

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VERIFICATION.

I Sri M.G.Ansari, son of late Karim Mian, aged about 52 years, resident of Upper Shillong, Meghalaya, do hereby solemnly affirm and verify the statements made in paragraph 1-2 and 5 to are true to my knowledge and those made in paragraphs 3 and 4 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification on this the 2nd day of October, 2002.


(M.G. Ansari)

From: - M.G.Anasari, Ex TGT of KV No.2, Mangalore ,

Now in Shillong / Dated 16.1.1996.

To,
The Principal
KV No.2, Railway Colony,
Mangalore - 575001

Sub - INFORMATION & INTIMATION

Sir/Madam,

This is for your kind information that since I was not allowed to resume my duties on 1.1.96 (after the winter break) merely on submission of my final unconditional resignation letter on 21.12.95 (due to torture) and left the Station with your permission to meet the Asstt. Commissioner, KVS, R.O, Bangalore where first I met the Administrative Officer Shri G. Srinath and then the AC Shri R.M. Kamble. Both of them did not help me in any way either for resumption of my duties or for finalisation of my resignation letter which was already with them on 21.1.96. They also did not give me any office-order in writing like you except that they orally told that it is up to them whether to accept or reject the resignation which will be intimated to me in due course of time. They took my address also. I had no alternative then and hence I came back to Shillong to see " . This has caused my absence in your Vidyalaya w.e.f. 1.1.96

This is again to inform you that after coming here, I have joined a new post in AIR, Shillong on temporary basis due to financial crises and hoping that my resignation won't be accepted otherwise I will have to resign from this new post also and I have to come back to my old post if permitted to continue there.

Therefore, request you to intamate me the disposal of my resignation letter within a month say by 15/2/96 otherwise I will have no option but to continue my new job i.e. only for my livelihood because you didn't pay me any salary again w.e.f. 1.10.95 that is more than 6 months which has put me in financial problem. At the same time I don't want to lose the benefits of last services rendered in Kardhia Vidyalaya as also send my dues also to the address overleaf.

Thanking you.

Yours faithfully,
(M.G. ANSARI)

(PTO for address)

Printed
by
Advocate

✓ Address for sending dues and intimation : 225

① Sh. M. G. Ansari

40 FERROE CLOTH SHOP (Air Force Camp)

P. O. - NONGLYER, UPPER SHILLONG

SHILLONG - 793009

OR

②

Sh. M. G. Ansari

ALL INDIA RADIO, SHILLONG,

SHILLONG - 793001

(MEGHALAYA)

After
us or
advocate



केन्द्रीय विद्यालय नं. 2, मंगलूर

रेलवे कॉलोनी, मंगलूर - 575 001, कर्नाटक.

KENDRIYA VIDYALAYA No. 2
RAILWAY COLONY, MANGALORE - 575 001, D. K.

Confidential

REGD. POST. A.D.

मार्ग सं.
Ref. No. F.4-17/96-97/

दिनांक
Date 23-4-96

To

The Station Director,
All India Radio,
SHILLONG.

Sub : Disciplinary cases pending against Mr. M.G. Ansari -
Intimated for necessary action.

Sir,

I am given to understand that one Mr. M.G. Ansari has joined service under you as FIELD OFFICER recently.

The said Mr. M.G. Ansari has been working in Kendriya Vidyalaya, Shillong, Guwahati & Mangalore from 1986. Our Vidyalaya is part & parcel of Kendriya Vidyalaya Sangathan New Delhi - which is an autonomous body fully financed by Govt of India under Ministry of HRD. As such we are, i.e. staff of Kendriya Vidyalayas - including Mr. M.G. Ansari - are governed by C.C.S, C.C.A Rules applicable to Central Govt. servants. Mr. M.G. Ansari who was working as Trained Graduate Teacher till December '95 in this Vidyalaya - was facing numerous disciplinary charges & he stopped attending the Vidyalaya i.e. he is on un-authorised absence from the Vidyalaya from 1-1-96.

Under the above circumstances I hereby request you to please confirm that he is working under you at present so that necessary disciplinary proceedings can be initiated against the teacher.

An early reply is solicited.

Yours faithfully
R. M. Ansari
Principal
Kendriya Vidyalaya No. 2

*Attested
Bishnu Das
Advocate*

Confidential

Regd. Post.

Government of India
All India Radio: Shillong

No. SD (2)/Vig/96-97/199

Dated, Shillong, the
12th June 1996.

To,
The Principal
Kendra Vidyalaya
Railway colony
Mangalore-575001

Sub: Confirmation regarding employment of
Shri Md. Ansari.

Sir,

With reference to your letter No. F.4-17/96-97/ dated 23.4.96 this is to kindly inform you that Shri Md. Ansari has been working in All India Radio, Shillong as Trex(FW) since 12.1.96 after completing all necessary formalities including antecedent and character verification.

There is no vigilance case against him in this office nor is there any intention to draw disciplinary action against him as there is no complaint against him in A.I.R. Shillong.

Yours faithfully,

Malrosanga
(C. Malrosanga
Station Director.)

*Attested
ADM
ADM*

BY REGD. POST/CONFIDENTIAL

टेलिग्राफ/Telex : 31-73047 KVHS IN

मार्ग : (कैवियंग)

Telegram : KFVISANG

केन्द्रीय विद्यालय रांगड़ा

KENDRIYA VIDYALAYA SAHIGATHAN

18, इन्स्टीट्यूशनल एरा, मुम्बई,

शहीद जीत सिंह पार्क, नई दिल्ली-110016

18, Institutional Area

Shaheed Jeet Singh Park

New Delhi-110016

प्राप्तक

No..... F.9-1/98-KVS (Vig.)

प्राप्तक

Dated..... 15.-12-98.....

ORDER.

WHEREAS the penalty of removal from service was imposed upon Sh.M.G.Ansari, TGT(Eng.), Kendriya Vidyalaya No-2, Mangalore vide Asstt.Commissioner's (Bangalore Region) order dated 7/10-11-97.

WHEREAS Sh.M.G.Ansari filed an Appeal dated 24-12-97 against the impugned order of the Disciplinary Authority i.e. Asstt. Commissioner, K.V.S. Regional Office, Bangalore to the Appellate Authority i.e. Dy.Commissioner(Admn./Pers.) which has been considered by the Jt.Commissioner(Admn.), K.V.S.

Based on consideration of facts and circumstances of the case and the contents in the appeal including the grounds adduced by the Appellant, which do not negate the facts on record, the undersigned being competent Appellate Authority has come to the conclusion that Inquiry Officer has conducted the enquiry in a fair manner and in accordance with the procedure prescribed by the rules. The penalty imposed by the Disciplinary Authority is commensurate with the misconduct and is adequate as well as in accordance with the procedure prescribed by law and therefore, needs no modification in the order of Disciplinary Authority.

AND WHEREAS the undersigned being Appellate Authority hereby confirms the penalty imposed by the Disciplinary Authority and rejects the appeal filed by the Appellant.


(D.K. SRIVASTAVA)
Joint Commissioner (Admn.)
and Appellate Authority.

✓ Sh.M.G.Ansari, Ex-TGT(Eng.),
Feroze Cloth Shop (Air Force Camp),
P.O. Nonglyer, SHILLONG-793009.

Copy to :-

- 1) The Asstt.Commissioner(Admn.), K.V.S. (Hqrs.), NEW DELHI-16.
- 2) The Asstt.Commissioner, K.V.S. Regional Office, BANGALORE.
- 3) The Principal, Kendriya Vidyalaya No-II, Mangalore, KARNATAKA.
- 4) The Guard file.

BKT

Attested
by
Advocate

Rule 14(6) CCS 1963.

Where no option was
permitted optn. 230

6/12/95 Secd Chancery

Ann XXVIII P70

P71

Recd on 22.12.95

28.12.95. W.S. Ann XIX

P72-73.

9.5.96. Advice to appear for

18.3.96 @ KUDREMUKH

Manager - Recd by

Atm on 23.3.96.

Ann XXVIII P76

Prayn for him & Adv.

Time on

XXVIII P77.

No Commr.

7.11.97 Impy order 2 Remd

XXIV

P78.

Proc 15 p22-23.

16

17

18

19

20

Reply Proc 19 P7 & W.S.

18.5.96 Even postp'd

proc

18.6.96 Even Cndc

procedural Impairn.

proc

ENR Rep
2.7.97

23/

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:SUPPLEMENTARY CAUSE LIST FOR FRIDAY, THE 8TH NOVEMBER 2002 AT 10.30
A. M.B E F O R ETHE HON'BLE MR JUSTICE D.N. CHOUDHURY, VICE-CHAIRMAN
THE HON'BLE SHRI K. K. SHARMA, MEMBER, ADMINISTRATIVEI-FOR JUDGEMENT

1.O.A. 182/2002	Sri M. Chabeng & Ors	Mr. B. K. Sharma	Mr. A. Deb Roy, Sr., C.G.S.C.
	-VS-	Mr. S. Sarma	
	U. O. I & Ors	Mr. U. K. Nair	
2.O.A. 301/2001	Sri B. Sarma	Ms. U. Das	
M.P. 43/2002	-VS-	Mr. M. Pathak	
M.P. 44/2002	U. O. I & Ors	Mr. D. Baruah	Mr. A. Adeb Roy, Sr., C.G.S.C.

II-FOR ADMISSION

1. O.A. 357/2002	S. Suklababu	Mr. S. Dutta	KVS, S.C.
	-VS-		
	U. O. I & Ors		
3. O.A. 358/2002	Sri S. Kewat	- do -	- do -
	-VS-		
	U. O. I & Ors		
4. O.A. 359/2002	Sri K. V. Yadav	- do -	- do -
	-VS-		
	U. O. I & Ors		
5. O.A. 360/2002	Sri B. Choudhury	Mr. A. Ahmed	C.G.S.C.
	-VS-		
	U. O. I & Ors		
6. O.A. 361/2002	Sri S. Ahmed	- do -	Rly, S.C.
	-VS-		
	U. O. I & Ors		
7. O.A. 362/2002	Sri G. C. Borah	- do -	C.G.S.C.
	-VS-		
	U. O. I & Ors		

III-FOR HEARING

1. O.A. 225/2002(T) Pt. Heard	Mr. M. G. Ansari	Mr. S. Sarma	Mr. M. K. Majumdar,
	-VS-	Mr. S. K. Deb purkayatha	KVS, S.C.
	U. O. I & Ors		

Date: - 7.11.2002/

SECTION OFFICER(J)