

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-171/02 Ordered Pg-1  
allowed date-20/12/02

INDEX

O.A/T.A No. 314/2002

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

E.P/M.A No. 171/02

1.

1. Orders Sheet. O.A. 314/02 ..... Pg. 1 to 2
2. Judgment/Order dtd. 27/09/02 ..... Pg. No. ~~disposed~~ of order. Disposed
3. Judgment & Order dtd. .... Received from H.C/Supreme Court
4. O.A. 314/02 ..... Pg. 1 to 64
5. E.P/M.P. 171/02 ..... Pg. 1 to 10
6. R.A/C.P. .... N.I.2 ..... Pg. .... to ....
7. W.S. .... Pg. .... to ....
8. Rejoinder ..... Pg. .... to ....
9. Reply ..... Pg. .... to ....
10. Any other Papers ..... Pg. .... to ....
11. Memo of Appearance ..... Pg. .... to ....
12. Additional Affidavit ..... Pg. .... to ....
13. Written Arguments ..... Pg. .... to ....
14. Amendment Reply by Respondents ..... Pg. .... to ....
15. Amendment Reply filed by the Applicant ..... Pg. .... to ....
16. Counter Reply ..... Pg. .... to ....

SECTION OFFICER (Judl.)

( SEE RULE -4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

ORDER SHEET

Original Application No : 314 / 02

Misc. Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicant (s) M. C. Mukhajee

-Vs-

Respondent (s) H. O. D. Toms

Advocate for the Applicant (s) M. Chanda, S.N. Chakraborty

Advocate for the Respondent(s) H. Dutta, K.N. S.

Notes of the Registry	Date	Order of the Tribunal
76575268 20.9.02	25.9.02	List on 26.9.02 for Admission. ICC Union Member
Mr. Bhattacharya 26/9/02	26.9.	Letter on 27/9/2002 Mr. A. B. Toms 26/9
Shri D. Lakhera 26/9/02		

M

27.9.02 This is an application under section 19 of the Administrative Tribunals Act, 1985 assailing the propriety and correctness of the order dated 6.9.2002 passed by the Director, Navodaya Vidyalaya Samiti, terminating the service of the applicant.

Heard Mr. M.Chanda, learned counsel for the applicant and also Mrs. R.Choudhury, learned counsel for the respondents.

The order of termination is appealable. For the fitness of things it would be appropriate if the applicant prefers an appeal before the authority. Accordingly, the applicant is directed to prefer an appeal before the appellate authority within ten days from toady.

On receipt of the appeal, the appellate authority is directed to dispose of the same as expeditiously as possible preferably within two months from the date of receipt of the appeal.

1.10.2002  
Subject to the observation made above, the application is disposed of. No order as to costs.

Copy of the order  
has been sent to the  
District for issuing  
the same to the L/Advocates  
for the parties.

SL

mb

K. Chanda

Member

Vice-Chairman

4

S.13	S.14	S.15	S.16
Central Administrative Tribunals			
23 SEP 2002			
Guwahati Bench			

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**

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

Title of the case : O. A. No 314 /2002

Sri Mukul Chandra Mukherjee : Applicant

- Versus -

Union of India & Others: Respondents.

**INDEX**

SL. No.	Annexure	Particulars	Page No.
01	-----	Application	1-21
02	-----	Verification	22
03	1	Copy of suspension order dated 29/17.04/06.94	24
04	2	Copy of Memo dated 15.12.1994	25-32
05	3	Copy of Representation dated 30.12.1994	33-34
06	4 (Series)	Copy of Representation dated 10.1.1995, 31.1.1995	35-38
07	5	Copy of the letter dated 19/25.1.95	39
08	6	Copy of Representation dated 17.2.95	40-41
09	7	Copy of Order dated 8.3.1995	42
10	8	Copy of Representation dated 9.3.1995	43-44
11	9	Copy of Representation dated 20.3.1995	45-46
12	10	Copy of the letter dated 24.11.1995	47-48
13	11	Copy of Representation dated 12.12.1995	49-50
14	12	Copy of Representation dated 11.4.1996	51-53
15	13	Copy of letter dated 26.4.1996	54
16	14	Copy of the order dated 18.8.1998	55
17	15	Copy of order dated 20.12.2001	56
18	16 (Series)	Copy of Forwarding letter dated 14.8.2000 and representation dated 14.8.2000	57-61
19	17	Copy of impugned order dated 6.9.2002	62
20	18	Copy of impugned order dated 18.9.2002	63
21	19	Copy of impugned order dated 19.9.2002	64

Filed by

*Mukul Chandra Mukherjee*  
Advocate

Date 23-9-2002

*Mukul Chandra Mukherjee*

Filed by the applicant  
through Sri. Gopal  
Chakraborty on 23-9-2002

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## GUWAHATI BENCH: GUWAHATI

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

O. A. No. 314 /2002**BETWEEN**

Sri Mukul Chandra Mukherjee  
Son of Late Sailish Chandra Mukherjee  
Trained Graduate Teacher (Math)  
Jawahar Navodaya Vidyalaya,  
Morigaon, P.O. Morigaon,  
District Morigaon,  
Assam

...Applicant

**-AND-**

1. The Union of India,  
Represented by the Secretary to the  
Government of India, Ministry of Human Resources  
Development, department of Education,  
Government of India, New Delhi.
2. Navodaya Vidyalaya Samiti  
Admn. Block, IGSTDN,  
A-39 Kailash Colony, New Delhi.

Mukul Chandra Mukherjee

3. Commissioner,  
 Navodaya Vidyalaya Samiti  
 Admn. Block, IGSTDN,  
 A-39 Kailash Colony, New Delhi.

4. Joint Director (Admn),  
 Navodaya Vidyalaya Samiti,  
 A-39 Kailash Colony, New Delhi.

5. Assistant Director (Pers)  
 Navodaya Vidyalaya Samiti,  
 Shillong.  
 The Principal,  
 Jawahar Navodaya Vidyalaya  
 Morigaon, P.O. Morigaon,  
 Dist. Morigaon,  
 Assam.

...Respondents.

DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made against the impugned order termination issued under letter No. F. No. 3-3/96-NVS(Vig) dated 6.9.2002 issued by the Commissioner, New Delhi and also praying for setting aside the

Mukul Chandrika Mukherjee

Memorandum of charge sheet initiated against the applicant under Rule 14 of the CCS (CCA) rules, 1965 bearing letter No. F.5093/94-NVS(BPL)/4651 dated 15.12.1994 and also for a further direction upon the respondents to allow the applicant to continue in service as Trained Graduate Teacher (Math) (for short T.G.T.(Math) in the Jawahar Navodaya Vidyalaya, Morigaon with all consequential service benefits.

**2. Jurisdiction of the Tribunal.**

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

**3. Limitation.**

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

**4. Facts of the Case.**

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. The applicant initially appointed as TGT (Math) during the year 1992 and posted at Jawahar Navodaya Vidyalaya (for short JNV), Zinc Nagar, Orissa.

*Mukul Chandra Mukherjee*

4.2 That the applicant while working as TGT (Math) at Zinc Nagar, Orissa, he was placed under suspension vide Memorandum bearing letter No. F/94-NVS(BPL)/874 dated 29.04.94/17.06.94 by the Deputy Director, NVS, Bhopal on the alleged ground of contemplation of a disciplinary proceeding.

A copy of the suspension order dated 29/17.04/06.1994 is annexed as **Annexure-I**.

4.3 That thereafter a Memorandum of Charge sheet was issued against the applicant under Rule 14 of the CCS(CCA) Rules, 1965 bearing letter No. 5013/94-NVS(BPL)/4151 dated 15.12.1994. In the said Memorandum of charge sheet in as much as 5 article of charges were brought against the applicant. It is alleged in Article No.1 that the applicant attempted to establish illicit relationship with Kumari Leejanjali Nayak, a student of class IX and thereby violated the provisions of the CCA (Conduct) Rules, 1964. It is alleged in Article No.2 that the applicant has misused his official post and forced 2 girls student of class IX to report him beyond class hours and even at his residence violating the rules. In the Article No.3 it is further alleged that while functioning as TGS (Math) at JNV, Zinc Nagar he did not attend the Ganesh Puja celebration conducted in the said Vidyalaya instead the applicant was in the Girls' hostel with Kumari Smita Patil on the pretext of collecting copies.

Mukul Chandra Mukherjee

In the Article 4 it is alleged that the applicant did not carry out the order of higher authority regarding the change of Headquarter from JNV Zinc nagar to JNV, Sambalpur. It is also alleged in the Article No.5 that the applicant deserted his duties and abstained from the Vidyalaya with effect from 5.3.1994 thereby violated the provisions of Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964. The applicant immediately on receipt the aforesaid Memorandum of Charge Sheet dated 15.12.1994 submitted a representation addressed to the Deputy Director, NVS, Bhopal praying for the copies of documents/papers and records. The relevant portion of his representation dated 30.12.1994 is quoted below ;

"Copies of documents, papers and records wanted

1. Report or Reports of the Reporting Officer basing on which charges have been framed (all the charges).
2. Statement or statements obtained from Kumari Leezanjali Naik, Kumari Sunita Patel, Shri Jeenamani Naik and Mr. S. Patel, PET with specification of dates and final orders thereon.
3. Reports if any, sent by Sri R. Kujur, Ex-Principal, JNV, Zink Nagar, Dist. Sundargarh as also In-charge Principal, JNV, Sundargarh.
4. Report of the concerned officer regarding absence on leave from 5.3.94.

Mukul chandrea Mukherjee

I shall be submitting explanation (show-cause) to the charges within fifteen days after the date of receipt of copies of above documents, papers and records from the Headquarters Office.

In case it is intended not to give me any copy of the documents, papers etc. prayed for as above, I may kindly be intimated so that I shall be submitting explanation (show-cause) written statement to the charges basing on the information available with me."

Copies of the Memorandum No. 5013/94-NVS(BPL)/4151 dated 15.12.1994 and representation dated 30.12.1994 are annexed hereto and marked as **Annexure-2 and 3** respectively.

4.4 That it is stated that the applicant thereafter submitted a representation dated 31.1.1995 denying the charges labeled against him vide Memorandum dated 15.12.1994. The applicant also stated in the said representation that since no copies of documents, papers supplied to him along with the charge sheet although he had applied for the same. He is entitled to get the copies of listed documents to defend his case, as such the applicant is denied the reasonable opportunities to defend his case and prevented him to put forward his appropriate defence in total violation of Rule of Natural Justice and Constitutional rights.

Mukul Chandrea Mukherjee

Similar prayer for supply of documents also made earlier vide letter dated 10.1.1995.

Copies of representation dated 10.1.1995 and 31.1.1995 are annexed as **Annexure - 4** series.

4.5 That the Deputy Director, NVS, Bhopal, vide his Memorandum bearing letter No. F:50/Estt/NVS/BPL/95-4541 dated 19/25.1.1995 whereby it is informed to the applicant that the supply of documents desired by the applicant cannot be supplied to him as because the same are highly confidential. However, if he desires he can inspect certain papers from the Principal, JNV Chiplima. It is further stated in the said letter that in case his explanation did not reach the office of the deputy Director within 10 days then it would be presumed that he had no explanation to submit and no further correspondences would be entertained thereafter and the Inquiry would be held as usual.

Copy of the letter dated 19/25.1.95 is annexed as **Annexure-5**.

4.6 That your applicant begs to state that vide representation dated 17.2.1995 addressed to the Deputy Director, Bhopal again prayed for supply of document and also denied the charges.

A copy of the representation dated 17.2.95 is annexed as **Annexure-6**.

Mukul Chandra Mukherjee

4.7 That it is stated that Inquiry Officer was appointed by the Order bearing letter No. F./94-NVS(BPL)/5149 dated 8.3.1995.

A copy of the order dated 8.3.1995 is annexed as **Annexure-7.**

4.8 That your applicant vide representation dated 9.3.1995 and 20.3.1995 addressed to the Inquiry Officer as well as to the Deputy Director requested for supply of relevant documents and further requested well in advance to supply the name and addresses of witnesses relied upon by the Departmental Side/Prosecution together with the indication of nature of evidence sufficiently ahead of the date of Inquiry to enable him to prepare his defence to cross examine the prosecution witness, but to no result.

Copies of the representations dated 9.3.1995 and 20.3.1995 are annexed as **Annexure 8 and 9** respectively.

4.9 That the Inquiry officer vide his letter bearing No. F/95-NVS(BPL)/3096 dated 24.11.1995 fixed the date of Inquiry on 12.12.1995 the same was also communicated to the Presenting Officer. The applicant accordingly participated at the Inquiry proceedings held at JNV, Belpara. In the said proceeding on 12.12.1995. The inquiry was partly held and Kumari Sunita Patel fairly admitted that the applicant did not enter into the Hall of Dormitory as alleged in Article No.3. So far charges brought in Article No.1 the applicant prayed

Mukul Chandra Mukherjee

another date for hearing although deposition is made by Kumari Sunita Patel. It is stated that certain copies of documents were shown to the applicant on the spot of the Inquiry on 12.12.1995, therefore applicant prayed for another date for fixation of further hearing.

So far Articles 3 and 4 are concerned the applicant prayed for supply of reporting officer's report and prayed for fixation of another date of hearing but the same was refused by the Inquiry Officer. Similarly the applicant also prayed for another date to supply his reply so far Article 5 is concerned in the process, it can rightly be said that the Inquiry was partly held. The applicant also submitted his representation to the Inquiry Officer praying for a further date of Inquiry to enable him to cross examine the prosecution witnesses and to enable him to submit a list of defence witnesses and other documents but to no result.

Copy of the letter dated 24.11.1995 and representation dated 12.12.1995 are annexed hereto and marked as **Annexure 10 and 11** respectively.

4.10 That the Inquiry Officer vide his letter bearing No. F-NVS(BPL)/543 dated 26.4.1996 informed to the applicant with reference to his representation dated 11.4.1996 that the Inquiry Report has already been submitted to the Deputy Director i.e. the Disciplinary authority for further action, but surprisingly no Inquiry Report supplied to the applicant as required under the law.

Mukul Chandra Mukherjee

A copy of the representation dated 11.4.1996 and letter dated 26.4.1996 are annexed hereto and marked as **Annexure- 12 and 13** respectively.

4.11 That the Deputy Director, Bhopal vide Order bearing letter No. F.50-13(40)/NVS(R0)/BPL/98/2059 dated 18.8.1998 revoked the order of Suspension, thereafter vide Office Order No.F.36.I/98/NVS(BPL)/Estt.II/2167 dated 20.8.1998 transferred and posted the applicant to JNV WOKHA, Nagaland. The applicant accordingly joined at Wokha, Nagaland. However the applicant is presently posted at JNV, Morigaon, Assam.

Copy of the order dated 18.8.1998 is annexed hereto and marked as **Annexure-14**.

4.12 That the deputy Director NVS, Shillong wrote a letter to Chief Vigilance Officer NVS, New Delhi vide letter No. F.2-7/PF/2001-NVS(SHR) 2934 dated 20.12.2001 whereby it is requested to expedite the decision of the pending disciplinary case of the applicant. It is also certified by the Deputy Director that the present conduct of the teacher is very satisfactory, similarly the deputy Director, Shillong again wrote a letter to Chief Vigilance Officer for expeditious decision of the case of the applicant vide letter dated 14.2.2002.

Copy of the order dated 20.12.2001 is annexed and marked as **Annexure-15**.

4.13 That the Principal Morigaon, NVS also wrote a letter to the Deputy Director, NVS, Shillong recommending for

Mukul Chandra Mukherjee

early disposal of the disciplinary proceeding of the applicant vide letter bearing No. F.1-1/PF/JNVM/MEM/2000/181 dated 14.8.2000 and also forwarded the representation of the applicant dated 14.8.2000 addressed to vigilance officer NVS, New Delhi.

A copy of the forwarding letter dated 14.8.2000 and representation dated 14.8.2000 are annexed as  
**Annexure 16 (series)**

4.14 That your applicant while expecting a favourable order/decision from the end of disciplinary authority against the proceeding initiated vide Memorandum dated 15.12.1994 by the Deputy Director, Bhopal, under Rule 14 of CCS(CCA) Rules 1965. Most surprisingly the Director now re-designated as Commissioner, NVS, New Delhi. The Appellate Authority issued the impugned order, whereby the services of the applicant is sought to be terminated on the alleged ground, that a complaint of moral turpitude involving the immoral sexual behaviour towards girls student was received against the applicant, while he was posted at JNV, Zincnagar, Orissa.

It is stated in the impugned order that an enquiry was conducted against the charges has established that applicant is *prima facie* guilty of moral turpitude involving the exhibition of immoral sexual behaviour to wards 2 (two) Girls students of Class-IX of JNV., Zinc Nagar, Orissa. It is also stated

Mukul Chandra Mukherjee

that it is not expedient and practicable to hold a regular enquiry under the provisions of CCS(CCA) Rules 1965, on account of serious embarrassment will cause to the concerned girls student and their guardians, now therefore the Director, NVS, in exercise of powers under the provision of Notification F. 14-2/93-NVS(Vig) dated 20.12.1993 of NVS hereby terminates the services of the applicant with immediate effect and the applicant be paid pay and allowances for one month as admissible under the rules in lieu of the notice period. It is further directed to the Deputy Director, NVS, Shillong to relieve the applicant with immediate effect.

This decision of the Director/Commissioner, NVS, New Delhi to terminate the service of the applicant with one month salary, after initiating a disciplinary proceeding by the respondents under rule 14 of CCS(CCA) Rules 1965 and more particularly when the enquiry stated to have been completed on 12.12.1995 by the Inquiry Officer appointed by the Dy. Director Bhopal and said enquiry officer when already submitted his report to the disciplinary authority, the decision of termination of service of the applicant is highly arbitrary, illegal, unfair and contrary to rule and on that ground alone the impugned order bearing letter No. F. No. 3-3/96-NVS(Vig) dated 6.9.2002 is liable to be set aside and quashed.

A copy of the impugned order dated 6.9.2002 is enclosed herewith and marked as Annexure-17.

Mukul Chandrea Mukherjee

4.15 That your applicant begs to state that the Principal, JNV, Marigaon, in terms of the impugned letter dated 6.9.2002 and also in pursuance of Deputy Director's letter bearing No. P/PF/MCM/96-NVS(ASHR)/4429 dated 12.9.2002 passed the consequential impugned Office Order vide letter No. F. No. 1-9/95-2002/JNVD/749 dated 18.9.2002 and also vide letter No. F.No. 1-24/95-2002/JNVM/751-53 dated 19.9.2002 whereby the services of the applicant is terminated and he is being relieved with effect from 19.9.2002. By the order dated 18.9.2002 the applicant is directed to hand over charges of CBSE examination and also directed to obtain no dues certificate from various in charges and also stated that he would be paid pay and allowances for one month as admissible under the Rules in lieu of the notice period.

Copy of the impugned letter dated 18.9.2002 and letter dated 19.9.2002 are annexed hereto as **Annexure 18 & 19** respectively.

4.16 That it is stated that in the impugned order dated 6.9.2002 the Commissioner, NVS has stated that any enquiry is conducted regarding the charges and the same has been established that the applicant *prima facie* guilty of moral Turpitude, therefore, the very expression of the Commissioner, NVS, regarding the correctness of the charges seems to be doubtful as appears from the impugned order. It is further stated in the said impugned order that it is felt that it is

Mukul chandrea Mukherjee

not expedient and practicable to hold a regular enquiry under the provisions of CCS (CCA) Rules, 1965 on account of serious embarrassment it will cause to the concerned girls students and their guardians. Hence, the Commissioner, NVS, in exercise of power under the provisions of Notification F. 14-2/93-NVS(Vig)dated 20.12.1993 of NVS terminated the service of the applicant. In this connection it may be stated that the applicant is not aware of the Notification dated 20.12.1993. As such, not in a position to make any statement as regards the applicability of the aforesaid Notification in the instant case of the applicant. Be it stated that the regular inquiry under Rule 14 of the CCS(CCA) Rules, 1965 stated to have been completed by the inquiry officer in his letter dated 26.4.1996(Annexure-13) addressed to the applicant. Therefore contention of the Commissioner, NVS that it is not expedient and practicable to hold a regular enquiry is contrary to the records. It is pertinent to mention here that the Memorandum of Charge Sheet on the same issue under Rule 14 of the CCS(CCA) Rules, 1965 in fact initiated by the appointing authority against the applicant vide impugned letter dated 15.12.1994 and the said Memorandum and the proceeding against the present applicant is pending till filing of this application. Therefore respondents are not entitled to terminate the service of the applicant at this stage under the law while the proceeding is pending against the applicant on the same issue under Rule 14 of the

Mukul Chandrea Mukherjee

CCS(CCA)Rules, 1965 i.e. on the alleged complaint of moral turpitude. It appears that the Commissioner, NVS, made an attempt to ignore the pending disciplinary proceeding initiated under Rule 14 against the applicant through Memorandum dated 15.12.1994.

4.17 That it is stated that the Commissioner, NVS, seems to have invoked the provision of temporary service rules for the purpose of terminating the service of the applicant and with this view of intention he has proposed to pay salary for a period of one month in lieu of notice period. In this connection it may be stated that applicant is a regular and permanent employee of the Samiti as such the course adopted by the Commissioner, NVS, is contrary to rule. On that score alone the impugned orders dated 6.9.2002, 18.9.2002 and 19.9.2002 are liable to be set aside and quashed.

4.18 That your applicant begs to state that the incident alleged to have been took place during the year 1994 and the Memorandum of Charges served upon the applicant way back on 15.12.1994 and the Inquiry Officer completed his enquiry on 12.12.1995 and report was also duly submitted before the disciplinary authority way back in the year 1996. Thereafter a long period of six years have already elapsed in the meantime nothing was communicated to the applicant on the said issue. In the meanwhile the competent authority/controlling authority also certified the fact that the conduct of the applicant is very much satisfactory and the allegation

Mukul Chandra Mukherjee

against the applicant is fake. Therefore termination of the services of the applicant at this distant point of time is nothing but colourable exercise of power and the same is highly illegal unfair. It is ought to be mentioned here that the applicant after prolonged suspension reinstated in service in the month of August, 1998 and he has served thereafter to the best satisfaction of the concerned authorities as evident from the correspondences mentioned in the aforesaid paragraphs in this application. Therefore the impugned order of termination of services dated 6.9.2002, 18.9.2002 and 19.9.2002 are liable to be set aside and quashed.

4.19 That it is stated that the applicant got married in the year 1996 and as a result of such wedlock got two children therefore if the impugned order is not set aside in that event it will cause irreparable loss to the applicant as well as to his three dependent family members including two minor children. The applicant has no other alternative source of earning to maintain the dependent family members, more over the order of penalty is also disproportionate and on that score alone the impugned orders dated 6.9.2002, 18.9.2002 and 19.9.2002 are liable to be set aside and quashed.

4.20 That in the facts and circumstances stated above, it is a fit case for the Hon'ble Tribunal to interfere with to protect the rights and interests of the applicant by passing an appropriate interim order staying the operation of the impugned orders dated 6.9.2002,

Mukul Chandra Mukherjee

18.9.2002 and 19.9.2002 till disposal of this Original Application.

4.21 That this application is made bonafide and for the cause of justice.

**5. Grounds for relief(s) with legal provisions.**

5.1 For that, the issuance of the impugned order dated 6.9.2002 terminating the service of the applicant during the pendency of the disciplinary proceeding initiated under Rule 14 of the CCS (CCA) Rule 1965 against the applicant on the same subject matter is not permissible on the part of the respondents before completion of the said proceeding.

5.2 For that, regular inquiry under Rule 14 has stated to have been completed by the Inquiry Officer in terms of the Memorandum of charge sheet dated 15.12.1994 and the same was submitted before the disciplinary authority, therefore contention of the Commissioner, NVS, that it is not expedient to hold a regular inquiry is contrary to the records.

5.3 For that, copies of the listed documents were not supplied to the applicant in connection with the said disciplinary proceeding initiated under Memorandum dated 15.12.1994 in spite of repeated demands made by the applicant, thereby disciplinary authority denied

Mukul Chandra Mukherjee

the reasonable opportunities to the applicant to defend the case of the applicant adequately.

- 5.4 For that, the Inquiry Officer submitted the enquiry report to the disciplinary authority but the same was not supplied to the applicant as required under the rule and thereby denied reasonable opportunity to the applicant to defend his case.
- 5.5 For that, the Inquiry Officer submitted his enquiry report to the disciplinary authority in pursuance of the Memorandum of charge sheet dated 15.12.1994 way back in the year 1996 and on receipt of the enquiry report the disciplinary authority was pleased to revoke the suspension order and also pleased to reinstate the applicant in service.
- 5.6 For that, the services of the applicant cannot be terminated in the manner adopted by the respondent at this distant point of time i.e. after a lapse of eight years in connection with an incident alleged to have been took place during the year 1994 in total violation of the established rules and procedure of law.
- 5.7 For that the Memorandum of charge sheet initiated against the applicant under Rule 14 of the CCS(CCA) Rules, 1965 on the alleged ground of moral turpitude is still pending with the disciplinary authority.
- 5.8 For that in any view of the matter the order of termination of service at this distant point of time is highly disproportionate.

Mukul Chandra Mukherjee

5.9 For that in the impugned order dated 6.9.2002 the Commissioner, NVS has stated that on the basis of the inquiry conducted it appears that the applicant is *prima facie* found guilty, therefore, the decision of the Commissioner, NVS seems to be not based on facts.

5.10 For that the Commissioner, NVS invoked the Temporary Service Rules for the purpose of terminating the services of the applicant, proposing to pay one month salary with allowances in lieu of notice period but the said provision not applicable in the instant case of the applicant being a regular/permanent employee of Samity.

5.11 For that the respondents themselves reinstated the applicant in service revoking the order of suspension on their own and thereafter certified that the performance and conduct of the applicant is satisfactory. As such the order of termination is bad in law.

5.12 For that the decision of termination of service of the applicant by the Commissioner is too harsh and disproportionate.

5.13 For that the applicant got three dependent family members including two minor children, as such the impugned order of termination of service will cause irreparable loss to the applicant as well as to his family members including two minor children.

5.14 For that the applicant has no other alternative to maintain his livelihood as well as his dependent family members including two minor children.

Mukul Chandra Mukherjee

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned orders issued under letter No.F.No.3-3/96-NVS(Vig) dated 6.9.2002, (Annexure-17), letter No. F.No.1-9/95-2002/JNVD/749 dated 18.9.2002

Mukul Chandra Mukherjee

(Annexure-18) and letter No. F.No. 1-24/95-2002/JNVM/751-53 dated 19.9.2002 (Annexure- 19):

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue/reinstate in service in the same capacity as Trained Graduate Teacher in Jawahar Navodaya Vidyalaya, Morigaon with all consequential service benefits.

8.2 Costs of the application.

8.3 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

**9. Interim order prayed for.**

During pendency of this application, the applicant prays for the following relief: -

9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned orders issued under letter No.F.No.3-3/96-NVS(Vig) dated 6.9.2002, (Annexure-17), letter No. F.No.1-9/95-2002/JNVD/749 dated 18.9.2002 (Annexure-18) and letter No. F.No. 1-24/95-2002/JNVM/751-53 dated 19.9.2002 (Annexure- 19).till disposal of this application.

10. ....

This application is filed through Advocates.

Mukul Chandra Mukherjee

11. Particulars of the I.P.O.

i) I. P. O. No. : 76 575268  
ii) Date of Issue : 20-9-2002  
iii) Issued from : G.P.O, Guwahati  
iv) Payable at : GPO, Guwahati

12. List of enclosures.

As given in the index.

Mukul Chandra Mukherjee

### VERIFICATION

I, Shri Mukul Chandra Mukherjee, Son of Late  
Sailish Chandra Kumherjee, working as Trained Graduate  
Teacher (Math), in the Jawahar Navodaya Vidyalaya, Morigaon,  
P.O. Morigaon, District Morigaon, Assam, do hereby verify  
that the statements made in Paragraph 1 to 4 and 6 to 12 are  
true to my knowledge and those made in Paragraph 5 are true  
to my legal advice and I have not suppressed any material  
fact.

And I sign this verification on this the \_\_\_\_\_ day of  
September, 2002.

Mukul Chandra Mukherjee

Annexure - 1  
Phone : 563980  
563332  
Gram : NAVSAM

नवोदय विद्यालय समिति  
पानव संसाधन विकास मंत्रालय  
(शिक्षा विभाग) भारत सरकार  
क्षेत्रीय कार्यालय :  
६-३/३, अरेरा कॉलोनी, भोपाल-४६२ ०१६. (म.प्र.)



संख्या NO.F. ....  
No. ....

194-NVS(BPL)/874

प्रजान ब्रह्म

Navodaya Vidyalaya Samiti  
Ministry of Human Resource Development  
(Education Department) Govt. of India.  
Regional Office:  
E-3/3, Arera Colony, BIHOPAL-462 016. (M.P.)

दिनांक

29.04.1994

17.6

### SUSPENSION ORDER

Whereas a disciplinary proceeding against Sh. M. C. Mukherjee, TGT(Maths) is contemplated/pending.

Now, therefore, the Deputy Director, Navodaya Vidyalaya Samiti, Regional Office, Bhopal, in exercise of the powers conferred by sub rule (1) of Rule 10 of the Central Civil Services Rules, 1965, hereby places the said Shri M. C. Mukherjee, TGT(Maths), Jawahar Navodaya Vidyalaya Zincnager Dist. Sundergarh, Orissa, under suspension with immediate effect.

Received  
On 21/4/94

It is further ordered that during the period that this order shall remains in force the headquarters of Shri M. C. Mukherjee, TGT(Maths), should be JNV Zinc Nagar, Dist. Sundergarh, Orissa and the said Shri M. C. Mukherjee, TGT(Maths), shall not leave the Headquarter without obtaining the previous permission of the undersigned.

( DR. B. V. RAMANAIAH )

DEPUTY DIRECTOR

1. Copy to Shri M. C. Mukherjee, TGT(Maths), Jawahar Navodaya Vidyalaya, Zinc Nagar, Dist. Sundergarh, Orissa. Orders regarding subsistence allowance admissible to him during the period of his suspension will issue separately.
2. Copy to the Principal, Jawahar Navodaya Vidyalaya Zincnager Dist. Sundergarh, Orissa, for information.
3. Copy to the Deputy Director (P), Navodaya Vidyalaya Samiti New Delhi, for information.

Dated  
21/4/94

NAVODAYA VIDYALAYA SAMITI  
( Ministry of Human Resource Development )  
REGIONAL OFFICE, BHOPAL

NO.F.5013 /94-NVS(BPL)/4151 Dated 15-12-94

MEMORANDUM

The undersigned possess to hold enquiry against Shri M.C.Mukherjee, TGT(PCM) Sunder suspension Jawahar Navodaya Vidyalaya Zincnagar, Dist. Sundergarh, Orissa, 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 the enquiry is proposed to be held is set out in the enclosed statement of article of charge(Annex-1). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed(Annex-2). A list of documents by which, and a list of witnesses, by whom, the articles of charge are proposed to be sustained are enclosed (Annex-3).

*Received  
on 26/12/94*  
Shri M.C.Mukherjee, TGT(PCM) Sunder suspension is directed to submit within 10 days of the receipt of this memorandum and written statement of his defence and also to state whether he desire to be heard in person.

He is inform that a enquiry will be held in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

*Offered  
for signature*  
Shri M.C.Mukherjee, TGT(Maths) Sunder suspensions inform that if he does not submit his written statement or on or before the date of defence prescribed in para 2 above or does not appear before the enquiry authority or otherwise fails or refuses to comply with the provisions of rule 14 of the CCS (CCA) rules 1965 or the directions issued in pursuance of the said rule,

the enquiry authority may hold the enquiry against him ex-parte.

Attention of Shri M.C.Mukherjee, TGT(PCM)  
Gunder suspension§ is invited to Rule 20 of the  
Central Civil Services conduct rule 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 interest  
in respect of matters pertaining to his service  
under to Government. If any representation is  
received on his behalf from another person in respect  
of any matter dealt with in these proceedings it will  
be presumed that Shri M.C.Mukherjee, TGT(PCM) Gunder  
suspension§ is aware of such a representation and  
that it has been made at his instance and action  
will be taken against him for violation of rule 20  
of the CCS conduct rule 1964.

Kindly acknowledge the receipt of this  
memorandum.

*BVRamani*

DEPUTY DIRECTOR

Shri M.C.Mukherjee,  
TGT(PCM), Gunder suspension,  
Jawahar Navodaya Vidyalaya,  
Zincnagar, Dist. Sundergarh, Orissa.

Statement of articles of charge framed against Shri M.C.Mukherjee, TGT(Maths) (under suspension), JNV Zincnagar, Distt. Sundergarh with the temporary headquarters at JNV Chiplima, Distt. Sambalpur.

#### Article I

That, the said Shri M.C.Mukherjee while functioning as TGT(Maths) at JNV Zincnagar during the period from 28.10.92 to 5.7.94 and at JNV Chiplima, Distt. Sambalpur from 6.7.94 till date has misused his official post as teacher and attempted to establish illicit relationship with Ku. Leezanjali Nayak, a student of Class IX.

Thus he violated the provision of rule 3 (I) (iii) of CCS Conduct Rule 1964 which attracts disciplinary action against him under the said provision of rule.

#### Article II

That, the said Shri M.C.Mukherjee while functioning as TGT(Maths) at JNV Zincnagar, Distt. Sundergarh has misused his official post and forced two girls of Class IX to report him beyond class hours and even at his residence violating the rules.

Thus he violated the provisions of rule 3 (I) (iii) of CCS Conduct Rules 1964 which attracts disciplinary action against him under the said provision of the rules.

#### Article III

That, during the aforesaid period and while functioning in the aforesaid Vidyalaya, Shri M.C. Mukherjee has not attended the Ganesh Puja Celebrations conducted in the Vidyalaya and instead was in the girls' hostel with Ku. Smita Patel by the pretext of collecting copies.

Thus, he violated the provisions of 3 (I) (iii) of CCS Conduct Rules 1964 to attract disciplinary action against him under the said provision of rules.

#### Article IV

That, during the aforesaid period and while functioning in the aforesaid Vidyalaya, the said Shri M.C.Mukherjee, TGT(Maths) requested for his change of place of headquarters to some other JNV and accordingly the headquarters has been changed from JNV Zincnagar to JNV Sambalpur, but he has not reported and disobeyed the orders of the higher authorities.

Received  
on 26/9/94

Thus he violated the provisions of rule 3 (I) (iii) of the CCS Conduct Rules 1964 which attracts disciplinary action against him under the said provision of the rule.

Article V

That, during the aforesaid period while functioning in the aforesaid Vidyalaya Shri M.C. Mukherjee, TGT(Maths) deserted his duties and abstained from the Vidyalaya w.e.f. 5.3.94.

Thus he violated the provisions of rule 3(I) (iii) of the CCS Conduct Rules 1964 which attracts disciplinary action against him under the said provision of the rules.

BVRamji

..3..

ANNEXURE - II

Statement of impugnation of mis-conduct and misbehaviour in support of the articles of the charge framed against Shri M.C.Mukherjee, TGT(Maths) (under suspension), JNV, Zinc Nagar Dist.Sundergarh.

Article I

That, the said Shri M.C.Mukherjee, while functioning as TGT(Maths) during the period from 28.10.92 misused his official post as teacher and attempted to establish illicit relationship with Leezanjali Nayak. Shri Mukherjee has written letters to Ku.Leezanjali Nayak, the student of Class IX of JNV Zincnagar and girl also written letters to Sh.M.C.Mukherjee. The Navodaya Vidyalaya being a residential school, the students are available in the Vidyalaya during the whole time. As such there is no need of written communication from a teacher to a student. Thus he intentionally violated the norms of the rules and attempted to establish illicit relationship with the aforesaid student.

Thus he violated the provisions of rule 3 (I)(iii) of the CCS Conduct rules which attracts disciplinary action against him under the said provision of the rule.

Article II

That, during the aforesaid period, Shri M.C.Mukherjee TGT(Maths) neglected his duties and forced the girls to report to him beyond class hours and also asked them to report to his residence. He had said that in case Ku.Suneeta Patel is not writing letters to him, he won't feel good and compelled Ku.Suneeta to tell that she won't love anybody else. Other than Sh.Mukherjee.

Thus he violated the norms of the Vidyalaya and neglected his duties and tried to establish unwanted relationship with the girl students specially with Ku.Suneeta Patel. Thus he violated provisions of the rule 3(I). (iii) of the CCS Conduct Rules which attracts the disciplinary action against him under the said rules.

*Received  
on 26/12/94*

Article III

That, during the aforesaid period the said Sh.M.C.Mukherjee while functioning in the aforesaid Vidyalaya disobeyed orders of the Principal to attend the Ganesh Puja on 19.9.93 evening, instead Sh.Mukherjee were in the girl's hostel at 12.30 on the pretext of checking the note book of Ku.Suneeta Patel. Sh.Mukherjee is well aware that entry to girls' hostel for the male teachers is forbidden and he took no prior permission from the competent authorities to enter the girls' hostel. Thus he violated the provisions of CCS Conduct Rules 3(I) (iii) which attracts disciplinary action against him under the said provisions of the rules.

Article IV

That, during the aforesaid period the said Sh.M.C.Mukherjee has requested for change of headquarters from JNV Zincnagar to any other place. Accordingly, his temporary headquarters was shifted to the neighbouring JNV which is Sambalpur vide this Office letter No.1885 dt.6.7.94. However, the said Sh.Mukherjee never bothered

to report to Principal JNV Chiplima, instead put forward argument stating for release of pay and allowance etc. Thus, he intentionally neglected his duties to report to JNV Chiplima and thus disobeyed the orders of the competent authorities. Thus, he violated the provisions of CCS Conduct Rule 3 (I) (iii) which attracts disciplinary action against him under the said provision of rules. 34

#### Article V

During the aforesaid the said Sh.M.C.Mukherjee while functioning as TGT(Maths) neglected his duties and abstained from the Vidyalaya from 5.3.94 unauthorisedly. Inspite of instructions he never reported to his headquarters either to draw his pay or any other allowances. Thus he deserted the duties and violated the provisions of CCS Conduct Rule 3 (I) (iii) which attracts disciplinary action against him under the said provision.



BVR Ram  
Deputy Director  
Principal, JNV, Chiplima  
Education Department  
Delhi  
Central Office  
DOPAH

..5..

[5] ANNEXURE III

35

List of documents by which the articles of charge framed against Shri M.C.Mukherjee, TGT(Maths) at JNV Zincnagar, Dist. Sundergarh are proposed to be substantiated.

Article I

1. Letter written by Ku. Leezanjali Nayak.
2. Letter written by Sh. Jeenamani Nayak, guardian of Ku. Leezanjali Nayak.

Article II

1. Letter written by Ku. Suneeta Patel.
2. Letter written by Leezanjali Nayak dt. 9.12.93 etc.

Article III

1. Memorandum issued by the Principal dt. 21.9.93.

Article IV

1. Office Order issued from NVS, RO, Bhopal dt. 6.7.94.
2. Shri M.C.Mukherjee's letter dt. 23.8.94.

Article V

1. Principal, JNV, Zincnagar letter dt. 19.11.94.
2. Principal, JNV Zincnagar letter dt. 21.7.94

Article VI

contd. .6..

*BR Rao*

*Received*  
on 26/12/94

34

List of witnesses by whom the articles of charge framed against Sh.M.C.Mukherjee, TGT(Maths, JNV, Zincnagar are proposed to be substantiated.

Article I

1. Ku.Leezanjali Nayak
2. Sh.Jeenamani Nayak
3. JNV.SA. Patel, AGT, JNV, Zincnagar

Article II

1. Ku.Suneeta Patel, student of Class IX, JNV, Zincnagar.
2. Ku.Leezanjali Nayak, student of Class IX.
3. Shri Jeenamani Nayak.

Article III

1. Sh.R.Kuzur, then Principal, JNV, Zincnagar, Dist.Sundergarh.
2. I/c Principal, JNV, Sundergarh.

Article IV

1. Principal, JNV, Chiplima, Dist.Sambalpur
2. I/c Principal, JNV, Zincnagar, Dist.Sundergarh

Article V

1. I/c Principal, JNV, Zinc Nagar Dist.Sundergarh.

Received  
on 26/12/94

RVRamamurthy  
Deputy Inspector  
of Schools  
Sundergarh  
MOPAL

To

The Deputy Director,  
Navodaya Vidyalaya Samiti,  
Regional Office,  
E-3/3, Arera Colony  
Bhopal - 462 016 (M.P.)

Sir,

Beg reference to your Letter No.F.50-13/94-NVS (BPL)/4151 dated 15.12.94 forwarded with Principal M.V. Zinc Nagar, Sundargarh letter No.1036 dated 21.12.94 which was received by me on 26.12.94.

The letter refers to a memorandum addressed to me on 15.12.94 with an Annexure-I, Annexure-II, Annexure-III and Annexure-IV which have been received by me along with the communication.

The charges have been embodied in Annexure-I to Annexure-III comprising of five articles.

It has been intimated to me that an enquiry against me will be held on the sets and facts of charges. I as delinquent cannot make out if this enquiry will be conducted prior to submission of explanation to the charges or subsequent to the receipt of my written statement as desired in the second para of the memorandum. The general principle laid down in rules, viz., CCS (CCA) Rules 1965 and other decisions of the Competent Court of Law is that enquiry into the charges is to be done <sup>law</sup> after cases shown by the delinquent to the Disciplinary Authority and not before the receipt of explanation from the delinquent.

However, since I have been charge-sheeted as a delinquent, I am entitled to receive copies of papers concerning the charges as also report or reports of the Reporting Officer basing on which charges have been framed to enable me (the delinquent) to submit a satisfactory explanation (show-cause).

Copies of documents, papers and records wanted.

1. Report or Reports of the Reporting Officer basing on which charges have been framed (all the charges).

2. Statement or statements obtained from Kalpani Leezanjali Naik, Kumari Sunita Patel, and Jeetamani Naik and Mr. S. Patel, PET which specification of dates and final orders etc.
3. Reports if any, sent by Sri R. Kujur, Superintendent JNV, Zinc Nagar, Dist. Sundargarh as also In-charge Principal, JNV, Sundargarh.
4. Report of the concerned officer regarding absence on leave from 5.3.94.

I shall be submitting explanation (show-cause) to the charges within fifteen days after the date of receipt of copies of above documents, papers and records from the Headquarters Office.

In case it is intended not to give me any copy of the documents, papers etc. prayed for as above, I may kindly be intimated so that I shall be submitting explanation (show-cause) <sup>within fifteen days</sup> to the charges basing on the information available with me.

Solicit the favour of kindly sending me copies at the earliest since I am rotting under suspension.

Yours faithfully,

Mukul Chandra Mukherjee

Date: 30/12/94  
At/PO: Sahadevkhunta  
Dist. Balasore  
PIN-756 001

(Mukul Ch. Mukherjee)  
TGT (Maths)  
(Under Suspension,  
JNV, Zinc Nagar,  
Sundargarh.)

Copy submitted to the Principal, JNV, Zinc Nagar, Sundargarh/Principal, JNV, Chiplima, Dist. Sambalpur for favour of information with a prayer to kindly send me copies of above mentioned documents, papers and records to enable me to submit a satisfactory explanation to the Deputy Director, NVS, (RO), Bhopal (MP).

Mukul Chandra Mukherjee  
(Mukul Ch. Mukherjee)  
TGT (Maths)  
(Under Suspension)  
JNV, Zinc Nagar,  
Sundargarh

Date : 30/12/94

To  
The Deputy Director,  
Navodaya Vidyalaya Samiti  
Regional Office  
B-3/3, Arera Colony,  
Bhopal - 462016 (M.P.)

Sir,

Beg to make kind reference to yours honours fixing  
my Head Quarters during suspension Periods from  
JNV, Zirra Nagar to JNV, Chiplima and my submission  
that I shall be reporting myself at Chiplima on  
receipt of subsistence allowance.

Now that my S.A. to some extent has been paid to me,  
I am starting for Chiplima and will be joining before  
the Principal, JNV Chiplima, Dist- Damodarpur on the  
11-01-95 ( A/F ) . This is for favour of your kind  
information.

Since I am continuing under suspension for a pretty  
long period and some of valuable documents have not  
been given to me along with the Charge-sheet which  
I received on 26-12-94, I applied on 30-12-94 to give  
me copies of certain documents, papers and Records  
barely necessary for me to respond the charges. The  
suspension orders dated 17-6-94 served on me on  
2-7-94 that is the charges were served on me after  
six months of the suspension orders which has already  
damaged my estimation before the eyes of the public.

*Pls. see*  
*for ref.*  
*Ref. no. 100*

I want to be reinstated immediately and hence pray  
that copies of documents and papers etc. sought for  
by me on 30-12-94 may kindly be given to me by the  
return or in case of a negation to it, I may kindly  
be intimated so that, I shall be submitting explana-  
tion to the charged basing on the papers available  
with me with a view to get rid of the suspension as I  
can not withstand suspension any longer.

- 2 -

40

Further more I may move your honour to give me my Arrears pay and leave salary as the case may be because I am running under paucity of funds and my service benifits are at a stante.

Yours faithfully,

Mukul Chandra Mukherjee

Date 10-1-95

At/R.O.- Sahadevkhunta,  
Dist- Balasore(Orisa)

( MUKUL CHANDRA MUKHERJEE )  
TGT (Maths) (Under Suspension)  
JNV, Zinc-Nagar, Sundargarh.

U.O.R.

Copy submitted to the Principal, JNV, Zinc Nagar, Sundargarh for favour of information and kind action.

Mukul Chandra Mukherjee

( MUKUL CHANDRA MUKHERJEE )  
TGT (Maths) (Under Suspension)  
JNV, Zinc-Nagar, Sundargarh.

U.O.P.

Copy submitted to the Principal, JNV, Chiplima (Goshala) R.O.- Kalamati, Dist- Sambalpur for favour of information and kind action.

Mukul Chandra Mukherjee

( MUKUL CHANDRA MUKHERJEE )  
TGT(Maths) (Under Suspension)  
JNV, Zinc Nagar, Sundargarh.

*Stated  
Jitender  
Hector*

To

- 37 -

Rgd. L. No.

Date  
31/12/94

The Deputy Director,  
Navodaya Vidyalaya Samiti,  
Regional Office,  
B - 3/3, Akera Colony,  
Bhopal - 462 016 (M. P.)

Sir,

Beg to invite kind reference to your honour's orders No.

F.50 - 13/94-NVS (BPL)/4151, dtd. 15.12.94 received by me on the 26th December 1994 levelling charges against me directing me to explain and show cause and to submit that, since copies of documents, papers and records were not given to me along with the charge-sheet, I applied for giving me copies of some documents, papers etc. relevant to the charges to which I am entitled since I am a delinquent. But to my utter surprise, the Learned Principal JNV Chiplima (Goshala), Bhopal, intimated me in his letter no. 35, dtd. 21.1.95 that he will not allow me to either take down extracts of the documents etc. but only to go through them. That too he has not clearly mentioned it in his letter no. 35, dtd. 21.1.95 copy of which has been sent to your goodself by the Principal JNV Chiplima (Goshala) from which it may be evident that one can not make out the real meaning of a content of the same which reads, "You may contact immediately at any time during office hours and to go through the documents as Directed by the Deputy Director. Since some work is required in between to end through above, the meaning of the sentence remained unanswered.

That, I have been placed under suspension vide orders dated : 20.4.94, received by me on 2.7.94 and continuing under suspension till 17.6. till today. I witness some delatory methods are being adopted to longer my suspension as under the executive instructions and decisions of the Supreme Court of India, a servant should on no account be kept under suspension for more than six months. But I have not yet been reinstated because a proceeding is hanging over my head.

That in case of denial of natural justice and reasonable opportunities to me by way of not giving me copies or taking down extracts of documents, papers and records etc. relevant to the charges for which I had applied on 30.12.94, I submit the following explanation to the charges framed against me :-

"Since I am not allowed to take down extracts of or copies of the documents, papers and records relevant to the charges I deny all the charges framed against me".

*Revered  
Smt.  
Sarojini*

Contd. on page 2/2

That I reserve my right to submit further explanation as and when such copies are given to me in future.

Refusal to note down extracts and copies of the papers, documents etc. relevant to the charges amount to violation of natural justice and as such I further pray to kindly reinstate me in service pending finalisation of departmental proceedings against me as I smell some mischief is being played against me by delaying matters.

I crave mercy of my Employer, the Dy. Director J.N.V. S.C. Bhopal (M.P.) for reinstating me outright pending finalisation of the departmental proceedings started against me with a direction to pay me subsistence allowance for the months till end of January 31st 95.

Awaiting your kind orders.

Yours faithfully,

Mukul Chandra Mukherjee  
(Mukul Chandra Mukherjee)  
T.G.T. (Math.)  
(under Suspension)  
J.N.V., Zinc Nagar, Sundergarh.

Enclosure :

Xerox copy of letter no. 35,  
dated : 21.01.95.

Date : 31/1/1995

Copy submitted to the Principal, J.N.V., Chiplima (Cochala), Dist. Sambalpur,

Date : 31/1/1995

Mukul Chandra Mukherjee  
(Mukul Chandra Mukherjee)  
TGT (Math) (under suspension)  
J.N.V., Zinc Nagar, Sundergarh

Copy submitted to the Principal, J.N.V., Zinc Nagar, Dist. Sundergarh  
for favour of information.

Date : 31/1/1995

Mukul Chandra Mukherjee  
(Mukul Chandra Mukherjee)  
TGT (Math) (under suspension)  
J.N.V., Zinc Nagar, Sundergarh

NAVODAYA VIDYALAYA SAMITI  
(REGIONAL OFFICE)  
Bhopal

No. F.50/Estt/NVS/BPL/95- 4541

Dated 19.1.95

25

MEMORANDUM

It is brought to the notice of Shri Mukul Chandra Mukherjee, TGT(Maths) under suspension that vide his letter dated 30.12.94, he intended to prolong the case, the responsibility for which rests on him only. It is further brought to his notice that the copies desired by him is of highly confidential in nature and cannot be sent. In case he want to see certain papers, he can meet the Principal, JNV, Chiplima and can see the documents in presence of an officer and Principal, JNV, Chiplima. In case his explanation didn't reach this office within 10 days, it will be considered that he has no explanation to be given and no more correspondence in the matter will be entertained and the enquiry will be held as usual.

Received

on 02/02/95

mujeeb

BVRam (

(DR. B.V. RAMANAIAH)  
DEPUTY DIRECTOR

Sh. M.C. Mukherjee,  
TGT(Maths)  
JNV, Chiplima,  
Dist. Sambalpur(Orissa).

Copy to the Principal, JNV, Chiplima, Dist. Sambalpur for information.

DEPUTY DIRECTOR

Alles best  
J. N. Sambalpur

To

The Deputy Director,  
Navodaya Vidyalaya Samiti,  
Regional Office,  
E - 3/3, Arera Colony,  
Bhopal - 462 016 (M.P.)

Honoured Sir,

Reg reference to your communication No. F50/lett/JNV/BL/95-4541, dated : 19/25.01.95 in the matter of submission of explanation in the departmental proceedings case against me and to submit following for favour of kind judicious consideration and orders.

That I am so very paid in heart and soul that my appointing authority, the Disciplinary Authority had carried a notion that I intended to prolong the case the responsibility for which rests with me. I may kindly be permitted to make submissions in this regard as below.

That the original suspension orders received by me on 2.7.94. Chargesheet issued on 15.12.94 received on 26.12.94. Chargesheet was received after keeping me under suspension for more than five months.

Copies of papers, documents relevant to the charges not given along with the chargesheet even there was no denial that copies of any papers will not be given.

There has been a lot of correspondence only for giving me copies of papers etc. In case it was intended by the subordinate agencies not to give me copies of any papers basing on which the charges have been framed, the same might have been intimated to me along with the chargesheet as I have not a computerised brain to remember what I would have seen in the office. Since I have been rotting under suspension for a pretty long period, I have always prayed to reinstate me pending finalisation of the departmental proceedings. Even, I was denied subsistence allowance for a pretty number of months and after prolonged procrastination your goodself intervened and I was paid S.A. on getting of which I went and remained at JNV Chiplima, my headquarters.

Contd. .... P-2/-

Alfaret  
Jain  
Advocate

31/12/95  
Received 3/1/96  
X

However, I submit that since the charges are grave in nature, I am entitled to copy of all papers relevant to the charges but since I have been denied copies, I submit the following explanation to the charges.

"I deny all the charges levelled against me in the charge sheet vide no. F.50-13/94 NVS (BPL)/415/dt. 15.12.94 received by me on 26.12.94 and I reserve my right to submit further explanation as and when copies of all documents etc. prayed for by me given to me or when such papers, documents etc. are exhibited before a Competent Authority in my presence".

I pray again to kindly reinstate me in service pending finalisation of the departmental proceedings against me as my case has already been ripe for reinstatement.

And for which act of kindness, I shall ever pray.

Yours faithfully,

Date : 17/2/95

Sd/-

(Mukul Chandra Mukherjee)  
TGT (Maths) (Under Suspension)  
JNV, CHIPLIMA,  
Dist. - Sambalpur.

✓ Copy submitted to the Principal, JNV, Chiplima, Dist. Sambalpur, Orissa for favour of information.

Mukul Chandra Mukherjee

Date : 17/2/95

(Mukul Chandra Mukherjee)  
TGT (Maths) (Under Suspension)  
JNV, CHIPLIMA,  
Dist. - Sambalpur.

✓ Copy submitted to the Principal, JNV, Chiplima, Dist. Sundargarh, Orissa for favour of information.

Date : 17/2/95

Sd/-

(Mukul Chandra Mukherjee)  
TGT (Maths) (Under Suspension)  
JNV CHIPLIMA,  
Dist. - Sambalpur.

NAVODAYA VIDYALAYA SAMITI  
(REGIONAL OFFICE)

E-3/3, ARERA COLONY  
Bhopal-462016

No. F. /94-NVS(BPL)/ 5149

Dated: 08.03.95

O R D E R

Whereas an inquiry under rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Shri M.C.Mukherjee, TGT(PCM) under suspension, Jawahar Navodaya Vidyalaya Zinc Nagar, Dist. Sundergarh, Orissa and whereas the Deputy Director, Navodaya Vidyalaya Samiti, Regional Office, Bhopal, considers that a inquiry authority should be appointed to inquire into the charge framed against Shri M.C.Mukherjee, TGT(PCM) Under suspension) Jawahar Navodaya Vidyalaya Zincnagar, Dist. Sundergarh,

Now therefore the Deputy Director, Navodaya Vidyalaya Samiti, Regional Office, Bhopal, in exercise of the powers conferred by the sub rule(2) of the said rule hereby appoints Shri H.K.Dixit, Assistant Director, Navodaya Vidyalaya Samiti, Regional Office, Bhopal as the inquiring Officer to inquire the charge framed against Shri M.C.Mukherjee, TGT(PCM) & under suspension JNV, Zinc Nagar, Dist. Sundergarh, Orissa.

B.Ram  
DEPUTY DIRECTOR

Received  
on 14/3/95  
Copy to:-  
at 8 P.M.

1. Shri M.C.Mukherjee, TGT(PCM) & Under Suspension Jawahar Navodaya Vidyalaya, Zinc Nagar, Dist. Sundergarh, Orissa. C/o J N V Chiplana, Dist. Sambalpur
2. Shri H.K.Dixit, Assistant Director, Navodaya Vidyalaya Samiti, Regional Office, Bhopal for information.
3. Shri Balakrishna Rao, Principal, JNV, Narla, Dist. Kalahandi.

DEPUTY DIRECTOR

Received  
on 14/3/95  
Copy to:-  
at 8 P.M.

By Regd. Post

-43-

Annexure-8

To

THE DEPUTY DIRECTOR, NAVODAYA VIDYALAYA SAMITI,  
REGIONAL OFFICE,  
E-3/3, ARERA COLONY,  
Bhopal - 462 016 (M.P.)

HONOURABLE SIR,

I have the honour to approach your honour with the following grievances for favour of kind judgement, consideration and orders.

That one charge-sheet was served upon me on 26.12.94 and myself was suspended the order for which was received by me on 2.7.94.

That I, the delinquent sought for certain copies of papers, documents and records to enable me to answer charges by way of showing cause (Explanation) as such papers, documents etc. were not given to me along with the chargesheet.

That the officer with whom such papers etc. were available showed apathy towards me in giving me copies of such papers etc. relevant to the charges on the ground that those papers are confidential and copies etc. should not be given to any body. I submitted that as a suspended servant I am not entitled to even touch Government papers during suspension period. The officer however, told me only to peruse the concerned papers and not in any case I shall be allowed to take a note of it. I submitted that I, as delinquent am entitled to copies of all documents even though not called upon by the Prosecution in a departmental proceedings case as per decision of a Competent Court of Law but still then the officer insisted not to give me copies of all papers. I submitted, I have not got a computerised brain to remember all things and such perusal will not help the defence in any way. I had also sent copies of such submissions to your goodself but the concerned officer were bent upon not to allow me copies or allow me to note down extracts from the such papers, documents etc. But all my prayers proved futile and I was directed to submit explanation. This is as if blind-folded and then asking him to get his way out as the remark made by the Chief Justice of a High Court. The matter was procrastinated like anything and wrong information sent to my Appointing Authority, your goodself to form a notion that lingered the matter.

After 2nd  
Leave  
for 2nd  
Leave  
for 2nd  
Leave

That I would have submitted showing cause to the charge sheet within the time limit but due to non-furnishing of the concerned papers to the ingredients of the charges, I could not submit explanation in time. I was compelled to deny all the charges without substantiating the cause of such denial only due to not giving me copies of documents and records etc.

That the Charge-framing Authority is the only Authority to finalise the matter on getting the show cause or to order for an enquiry by an impartial Officer who is not related to the ingredients of the charges.

Therefore, I pray

1) An Officer may be appointed viz: JNV Bagnud in the district of Balasore or at Mundali in the district of Cuttack or at any other place ~~near~~ around Bhubaneswar the Capital of Orissa to vouchsafe for a impartial enquiry and findings as the relative officers are collectively trying to feed-fat their grudge against me to see that I am oust from service.

2) I may kindly be re-instated forthwith and posted at some other places other than in the district of Sambalpur and Sundargarh as I can not withstand suspension any longer because the suspension is unduly long and there is every possibility that a non-punitive suspension may be generated for a punitive action in the long run and specially I want to extend duties and earn livelihood pending finalisation of the present departmental proceedings against me.

Solicit kind immediate action in this regard.

Yours faithfully,

Mukul Chandra Mukherjee

(Mukul Chandra Mukherjee) 9/3/95

TGT (Maths)

(Under suspension)

JNV, CHIPLIMA

Date: 9/3/95

TO

SRI H. K. DIXIT, ASSISTANT DIRECTOR, NAVODAYA  
VIDYALAYA SAMITI, REGIONAL OFFICE, BHOPAL.  
HONOURABLE SIR,

Beg kind reference to the communication No. F. I. S. (1/94-NVS (BPL)/5149 dated 08.3.95 in which order the Learned Deputy Director, Navodaya Vidyalaya Samiti, Regional Office, Bhopal 462016 has appointed your goodself as an Enquiry Officer to enquire into the charges framed against me. I am so very grateful that at last an Enquiry Officer has been appointed and I very much hope that early enquiry will be taken up and case finalised early as I am continuing under suspension for an indefinite period even though the period prescribed for keeping a Government servant under suspension has already expired in my instant case.

Since I am rotting under suspension for the last eight months, I am confronting acute paucity of funds and as such it will be very hard for me to go over to a distant place, for confronting enquiry taking with me a Legal practitioner to assist me as Defence Assistant in the enquiry. It will be therefore very much necessary that the place of enquiry may be kindly fixed either at Bhubaneswar or at Cuttack to avoid hardship to all concerned.

Over and above, the Learned Deputy Director is yet to appoint a presenting (Marshalling) Officer to Marshall evidence on behalf of the Prosecution during the enquiry because a Presenting Officer (Marshalling Officer) can not be a witness in a departmental proceeding/case. I am making such submissions to the Learned Deputy Director to appoint a Presenting Officer in his enquiry case in which your goodself is the Enquiry Officer.

That as a delinquent, I am entitled to know the names and addresses of the prosecution witnesses together with indication of the nature of evidence they would give against me sufficiently ahead of the date of hearing and unless I am made aware of this fact it is obviously impossible for me to get ready to cross-examine the prosecution witnesses. This is admissible to me ahead of the enquiry date since as a delinquent, I am entitled to know the testimony by which the charges are sought to be proved. Hence it is submitted that the above information may kindly

(K. T. D.)

12/

Hence it is submitted that the above information may kindly be given to me sufficiently ahead of the date of enquiry (Hearing) so as to prepare myself and my Legal Practitioner for conducting satisfactory defence during the enquiry. Further submission will be made by me after date, time and place of enquiry are ordered by the Learned Enquiry Officer.

Yours faithfully,

Mukul Chandra Mukherjee

(M. C. Mukherjee)

(T. G. T.) (P. C. M.)

Under the Administrative Control  
of the Principal JNV CHIPLIMA

Date: 20/3/95 (Goshala) Dist: Sambalpur.  
(under suspension)

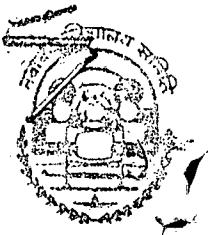
U. C. P.

Copy submitted to the Deputy Director, Regional Office P-3/3 Arera Colony, Bhopal-462 016 for favour of kind information and kind action.

Mukul Chandra Mukherjee  
(M. C. Mukherjee)

TGT (PCM) under the Administrative Control of the Principal JNV, CHIPLIMA (Goshala)  
Dist: Sambalpur. (U/s)

Date: 20/3/95



प्रज्ञान ब्रह्म

- 47 -

Phone : 563980  
563332

भृत्य विद्यालय समिति  
ग्रन्थालय  
ग्रन्थालय

नवोदय विद्यालय समिति

(ग्रन्थ संसाधन विकास पंक्तिमय)

(शिक्षा विभाग का एक स्वायत्त संस्थान)

NAVODAYA VIDYALAYA SAMITI

(An Autonomous Organisation of  
Ministry of Human Resource Development  
Department of Education)

NO.F. /95-NVS(BPL)/3096

Dated 24.11.1995

To

REGISTERED POST

Shri M.C.Mukherjee,  
TGT(PCM) ~~Sunder suspension~~,  
C/o Principal,  
Jawahar Navodaya Vidyalaya,  
Chiplima, Dist. Sambalpur, Orissa.

Syb:- Departmental enquiry against Shri M.C.Mukherjee, TGT(PCM)  
under suspension under rule 14 of the CCS(CCA) rules

Sir,

Under his order No.F. /95-NVS(BPL)/5149, dated 03.01.1995, a copy of which has been endorsed to you also, the Dy. Director (RO) Bhopal has appointed me as the Inquiry Authority to inquire into the charges framed against you vide his memo No.50-13/95(BPL) dated 14.12.1994.

I shall hold Departmental Inquiry in the case on Tuesday the 12th December 1995 at JNV Belpada, Dist. Bolangir, at 10.00 A.M. You are therefore requested to attend the proceedings without fail at the appointed date, time & place failing which the proceedings shall be held Ex-parte.

Yours faithfully,

(H.K.DIXIT)  
INQUIRY OFFICER

Copy to:-

1. Shri Balkrishna Rao, Presenting Officer, Principal, JNV Narla(Kalahandi). He is required to attend the Departmental Inquiry alongwith all the listed documents and copies statements of listed witnesses as well as witnesses in person etc. as per the programme above. Necessary instructions may be issued to all the concerned witnesses etc. to ensure their presence so that the proceedings can be held as per schedule.

2. The Principal, JNV Chiplima(Sambalpur). He is required to direct the charged official to attend the Departmental Inquiry on the appointed date, time & place. Shri M.C. Mukherjee, may please be relieved for attending the enquiry at JNV Belpada, Dist. Bolangir. Letter addressed to him may be got acknowledged from him.

-2-

3. The Principal, JNV Belpada, Dist. Bolangir, Orissa for information and request to make necessary arrangements for the stay of Inquiry Officer, presenting Officer, Witnesses and the charged official etc.

ENQUIRY OFFICER

To

Shri H.K. Dixit,  
Assistant Director,  
Navodaya Vidyalaya Samiti,  
Regional Office,  
E-3/3, Arera Colony,  
Bhopal,  
and Enquiry Officer.

Sir,

Beg respectfully to present myself to-day the 12th Dec. '95 before your goodself and attend the enquiry.

I regret to submit that I had at my hand no time to study matters and attending enquiry as I received your communication dated 24.11.95 posted on 27.11.95 in the A/N of 9.12.95. I am running under extreme paucity of funds as I have not yet got subsistence allowance for the months of April, '94, May, '94, June '95 and Nov '95. The law is that if a servant is denied subsistence allowance during any period of suspension his non-participation in the enquiry is justified. Hence there will be no question of proceedings to be held Ex-party as a person can not be held to be guilty unless he had had a fair trial and found to be guilty. .... a version of the world court. In this case I consider your goodself to be "A Daniel to judgement in my case" and this date is your honour's maiden <sup>one</sup> Hence I have come down to the fixed place at JNV, Belpada, Dist: Bolangir which is quite a greeck to me to attend the hearing with out being ready and bring my defence assistance with me.

In the departmental enquiry case, the prosecution will have to lead its evidence both oral and documentary, if any, first and after the delinquent cross examine the witnesses who will exhibit documents and papers and give oral evidence to prove the charges against me as neither the prosecution nor the learned enquiry officer will deal with extraneous matters other than the facts and matters embodied the charge sheet.

Contd. .... p/2.

Allesent  
Jew  
Dowdah

Hence a list of memo of evidence may kindly be given to me.

In case deposition of prosecution witnesses is recorded by your goodself today from all the prosecution witnesses, inclusive of the marshelling officer in case he, the marshelling Officer produces personally any documents, paper before your goodself, he will be considered as witness, as a witness can not be a marshelling Officer and judge of his own.

Therefore, I submit that in case depositions of prosecution witnesses are recorded today, copies of the same may kindly be given to me and a date may be fixed so that I shall be cross examining with the assistance of my Defence Assistance, so kindly allowed to be engaged by me during enquiry and thereafter another date is fixed to record my statement if necessary, and after cross-examination of prosecution witnesses, I shall be submitting a list of defence witness and other documents, papers and records etc, if any, & before your goodself after which your goodself and marshelling Officer may put questions to me concerning charges as the defence is to be questioned on completion enclosure of prosecution.

Date : 12/12/95  
JNV Belpada,  
Dist: Bolangir.

Yours faithfully,  
Mukul Chandra Mukherjee  
( MUKUL CH. MUKHERJEE )  
TGT (PCM)  
(under suspension.)

To

Sri H.K. Dixit,  
Asst. Director,  
Navodaya Vidyalaya Samiti,  
Regional Office, Bhopal.

A.H.D.

Enquiry Officer.

Respected Sir,

Beg kind reference to the enquiry conducted by your goodness on 12.12.95 in presence of the presenting officer and myself. Some prosecution witnesses whose identities were not given to me ahead of the date of enquiry, i.e. 12.12.95. Even though I prayed for it citing decisions of the competent court of law viz. Mr. Marriapan (then in-charge Principal, JNV, Chiplima (Ghosola) Sambalpur, Surendra Patel (part time P.T. JNV, Zinc Nagar, Sundergarh) and Ku. Umita Patel (student of XI class JNV, Zinc Nagar Sundergarh).

The Presenting officer (the Inappelling Officer), who is to furnish evidence from the side of prosecution did not lead questions to the above prosecution witnesses but the Learned Enquiry Officer, personally took the pains to put questions to all the above witnesses including myself. The greatest lacuna in the enquiry case is that before the close of the prosecution, the statement of the charged officer viz. myself Sri Mukherjee was obtained in almost all questions put by the Learned Enquiry Officer. This has jeopardised my cause that is the cause of the defence. The main target of the proceedings case against me as I could am for is "Kurnali Lejenjali Doyal" and this was not produced by the prosecution (by the Presenting Officer). Neither she was voluntarily appeared before

Shri  
Dev  
Dixit

the Enquiry Officer on 12.12.95. Curious enough Sri Jenamani Nayak, the father of above Ku. S. Nayak did not venture to appear before the learned Enquiry officer.

However, on that date copies of some important documents in this case was given to me by the Presenting Officer as per order of Enquiry Officer are not at all legible and as such cannot conveniently read. I append hereto such copies in four sheets (Serial No. 117, 119, 120 and 126 most probably from the relative correspondence file). However, legible copies may be given to me for my effective cross examination to the prosecution witnesses on a single date when it will be fixed by the learned officer.

By the by I also want to cross Sri Surendra Patel, part time teacher of J H V , Zinc Nagar , Bundarganj.

That, since 12.12.95, further enquiry date has not been fixed and days follow on, myself being shattered by the horrors of being under suspension. However, I am moving my Appointing Authority to release me from suspension , I am under going from 29.4.94/17.6.94.

Therefore, I pray to kindly send me legible copies of the above letters in Sl. No. 117, 119, 120 and 126 as per above submissions so that I shall be keeping ready myself to cross examine all the prosecution witnesses including Surendra Ku. Patel, part time teacher, J H V , Zinc Nagar, Bundarganj

with the submission that the enquiry need not further linger as I shall not be able to face any further period of suspension but to be get reinstated pending finalisation of departmental proceedings continuing against me.

Anxiously awaiting the date on which I shall be cross examining all prosecution witnesses before your goodself and thereafter I shall be submitting names of the defence witnesses and relative documents with me and a final written statement on behalf of my defence before your goodself for finalisation of enquiry.

Yours faithfully,

Date : 11.4.96

Mukul Chandra Mukherjee  
(Mukul Chandra Mukherjee)

T.G.T (Maths.)

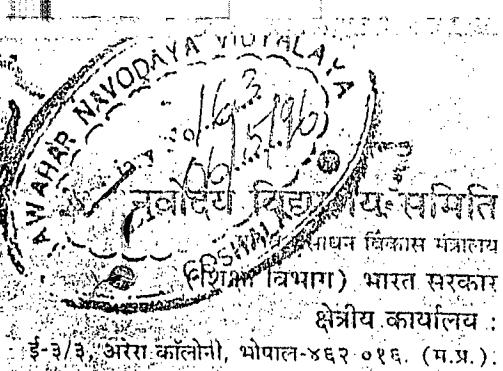
(Under suspension)

Present address

At : Sahsdevkhunta

P.O./Dist. Balasore (Orissa)

Phone : 565332  
Gram : NAVSAM



संख्या : NO. F. .... 96-NVS(BPL)/ 543  
No.:

Navodaya Vidyalaya Samiti  
(Ministry of Human Resource Development,  
(Education Department) Govt. of India,  
Regional Office:  
E-3/3, Arera Colony, Bhopal-462 016. (M.P.).

दिनांक : 26.04.1996  
Date:

To

✓ Shri M.C.Mukherjee,  
TGT(Maths)-Under suspension,  
Jawahar Navodaya Vidyalaya,  
Chiplima, Dist. Sambalpur, Orissa.

Sub:- Enquiry under CCS-CCA rule 14.

*Mr. M. and  
forward  
to  
the  
addressee*  
This has refers to your L. dated 11.04.1996 and I am to inform you that the enquiry report about the enquiry conducted by me on 10.12.1995, at JNV Belpada, Dist. Bolangir, Orissa, has been submitted to Deputy Director, alongwith statement of delinquent official, P.O and witnesses. You may correspond with the disciplinary officer regarding further action in your case.

Yours faithfully,

*H.K.DIXIT*  
( H.K.DIXIT )  
ASSISTANT DIRECTOR (P&A)

*Received  
on 14/5/96  
Mukherjee  
14/5/96*

*After 6  
J. P.  
Rowe*



प्रशान्त तत्त्व

नवोदय विद्यालय संगठन

(An Autonomous Organisation of

Ministry of Human Resource Development

Department of Education)

160 Zone II M.P. Nagar Bhopal

F.50-13(40)/NVS(RO)/BPL/98/2068

Dts: 18/8/98

P.S.

## O R D E R

Whereas an order placing Sh. M.C.Mukerjee, TGT (PCM) under suspension was made by the Dy. Director, NVS R.O. Bhopal vide No. F.NVS/94/Bpl/28 dt. 29/4/94.

The undersigned in accordance with NVS HQr letter No. F-3/3/96/NVS(Vig) dt. 5/8/98 and in exercise of the powers confirmed by clause (C) of sub rule (5) of rule 10 of CCS (CCA) Rules 1965 hereby revokes the said Suspension with immediate effect.

( S.C. RATH )  
DEPUTY DIRECTOR I/c

C.C: 1. Sh. M.C.Mukerjee, TGT (PCM) for information.  
2. Principal JNV Zinc Nagax Sundergarh.  
3. Principal JNV Chiplima, Sambalpur.  
4. Principal JNV Narka Dist. Kalahandi.  
5. Vigilance officer NVS HQr w.r.t his letter  
dt. 5/8/98.

DEPUTY DIRECTOR I/c

Mr. S. C. Rath  
Deputy Director  
NVS Bhopal

NAVODAYA VIDYALAYA SAMITI  
REGIONAL OFFICE  
NONGRIM HILL  
SHILLONG- 793 003

Phone No.: 0364-521363  
Fax : 0364-521362

F.2-7/PF/2001-NVS(SHR) 2934

Dated:-20/12/2001

Replies

The Chief Vigilance Officer,  
Navodaya Vidyalaya Samiti,  
New Delhi - 110002.

Subject:- Pending case of Sh. Mukul Chandra Mukherjee , TGT(Maths).

Sir,

The teacher referred above has been working in JNV Morigaon now a days. His case has been lying pending since 1994 in the vigilance section. Probably enquiry was also conducted but no decision or opinion is conveyed by the vigilance section so far.

Present conduct of the teacher is very satisfactory. Due to pending enquiry neither his pay could be fixed as per revised norms nor dues of any kind could be given to him. This dilemma has been proving a demotivating factor. Therefore, it is requested that his case may be decided without further delay.

Yours faithfully,

(M.L. SHARMA)  
DEPUTY DIRECTOR(OSD)

*Replies  
Jain  
Parashar*

In compliance of confidential Regd. Lt. 87 NVS(Vig), i.o.,  
F. 3-3/96-NVS(Vig), 08-02-03  
30

जवाहर नवोदय विद्यालय

(मानव संसाधन विकास मंत्रालय,  
गार्जिशराम, शिक्षा विभाग )

मोरिगाँव-७८२१०५

অসম

Ref..... NO. 1-1/PF/JNVM/M-3M/2000/181



57

Jawahar Navodaya Vidyalaya  
( Ministry of Human Resource Development,  
Govt. of India, Deptt. of Education )  
Series 16  
Date.....

1342  
Regd. Post. Phone: 40365  
Morigaon-782105  
ASSAM  
14/03/2000  
Date.....

61

To,

The Deputy Director,  
Navodaya Vidyalaya Samiti,  
Regional Office - Nongrim Hills,  
Shillong - 03.

Sub: Departmental proceeding against Shree M.C.Mukherjee, TGT(Maths).

Sir,

On the subject cited above please find enclosed here with a submission of Shree M.C.Mukherjee, TGT(Maths); which is self explanatory and send to your Office for onward transmission to NVS, HQRS(VIG), New Delhi, with strong recommendation.

I, too agree that the departmental proceedings hanging over his head should be dropped immediately because case matter is fake and fictitious and not proved yet. It is requested to finalise his suspension case to avoid any kind of hardship.

Thanking you, Sir,

Enclosed: As Stated.

Copy to:-

1. Shree M.C.Mukherjee, TGT(Maths) for information.
2. P/F of person concerned.

Yours faithfully,

Sd/-  
(P.K.Mishra)  
Principal i/c

(P.K.Mishra)  
Principal i/c.

Principal  
J.N.V. Morigaon  
ASSAM

Abesh  
Jyoti  
Associate

b2

WOE  
of a Wretched Servant  
before  
A Judicious Master

To,

The Vigilance Officer,  
Navodaya Vidyalaya Samiti,  
(An Autonomous Organisation  
of Ministry of Human Resource  
Development, Department of  
Education),  
A-39, Kailash Colony,  
New Delhi - 110048.

(Through the Deputy Director, NVS, R.O. Shillong.)

Honoured Sir,

The unfortunate TGT(Maths), Shree M.C. Mukherjee, at present working at JNV, Morigaon(Assam) transferred from JNV, Wokha, (Nagaland) at his own request, begs most humbly and respectfully to draw your kind attention to my earlier submissions and to extend with due dexterity .....

1) While serving as such under the Principal, JNV, Zinc-Nagar, Dist. Sundargarh(ORISSA), I was suddenly picked-up and sacked under suspension from 29-04-1994, as a result of which a departmental proceedings initiated against me which is now in a stand still position.

2) Several correspondances went on and I became reinstated to my post of TGT(Maths) and joined at JNV, Zinc-Nagar(ORISSA). Then transferred to JNV, Wokha, Nagaland with the approval of NVS, HQRS, letter No.F.3-3/96-NVS(vig) dated 05-08-98 which is communicated to me by the Deputy Director, NVS, R.O. Bhopal(M.P) vide his letter No.F.36.1/98/NVS(BPL)/Estt.II/2167 dated 20-08-98.

A copy of the case is attached herewith separately from page No.1 to page No.3.

3) That, obeying the order, No.F.3-3/96-NVS(vig) dated 5.8.98 of your good-self, humbly, I joined in JNV, Chukitong, Wokha, Nagaland on 7th September 1998. Joining information conveyed to your Office with reference of lt. No.F.3.3/96-NVS(vig), dated 08.09.98.

*Revised  
Rev. J.W.  
Navodaya*

Cont. 2.

( 2 )

4) At present I am resuming my duties at JNV, Morigaon(Assam) coming from JNV, Wokha on transfer at my own request. Any official communication in my favour regarding departmental proceedings may kindly be done to JNV, Morigaon(Assam) address instead of JNV, Wokha, Nagaland.

5) Regret, to state that four increments and arrears toward my pay and Allowances due to Vth pay Commission recommendation, are held-up by your magnanimous self. Also I am denied many service benefit.

6) I attended the enquiry on 12-12-95, on which date the Marshalling Officer produced some documents (not all) and only ~~one~~ one witness was examined by the Marshalling Officer and the Enquiry Officer where other witnesses and the reporting Officer did not venture to come forward to give witness against me.

It appears that charges framed against me by the learned charge framing officer are ~~false~~ and fictitious.

7) On the same date I requested the Enquiry Officer in written to give me a chance to cross-examine the only witness on else other date. But to my prayer no orders were passed allowing me to cross-examine the witness by my defence assistant. On 11-04-96, when no other date was fixed by one enquiry Officer, I applied to give LEGIBLE copy of some documents, given to me and also prayed to fix date to cross-examine all the witnesses.

But after the first enquiry date i.e., 12-12-95, no further intimation regarding further production of prosecution witnesses on allowing for cross-examining the only one witness, has yet been received and the Enquiry Officer vide his letter No. 543 dated 26-04-96 intimated me that the enquiry report has been sent to the Deputy Director, R.O. Bhopal (M.P.). He has also directed me to contact the Disciplinary Authority regarding the case matter.

8) After, a lot of procras tinations a letter was received by me in 1997 that the case matter of 1994 has been handed over to the vigilance officer, NVS, HQRS, New Delhi in the month of April-1997 and I have not been given a copy of inquiry report yet.

Oppressed  
Jai Jawat  
Sewa Seva

Cont...3

( 3 )

Sir, I have grave doubts some matters must have been arranged by this time to prove the concocted facts, placed against me before my Master, the Vigilance Officer, Navodaya Vidyalaya Samiti, HQRS, New Delhi.

9) That, I have not done anything wrong which will amount to misappropriation of Vidyalaya money, or extended uncourteous behaviour to any ranking personnel under the Navodaya Vidyalaya Samiti, have not done anything which will bind me down under a criminal offence but I can say at the Gates of Heaven that I have done nothing which may diminish the prestige of any Navodaya Vidyalaya or wound the feelings of any superior. I am confident, there has been a misunderstanding of speculations among the Principal and the teaching staff of ~~the~~ JNV, Zinc-Nagar, Sundargarh(ORISSA), which resulted "the departmental Proceedings" over the head of this poor wretched soul, Shree Mukherjee, TGT(Maths). The existing instructions do not allow your good-self to keep departmental proceedings on me any further, as all charges framed against me could not be proved yet through an enquiry and by now more than Six years passed.

10) Sir, matters are being delayed too much and the departmental proceedings have been continuing for a pretty long period only to feed-fat the grudge of some officers against me.

11) That, the legal principles of the jurisprudence is that "A man should not be held to be guilty unless he had had a fair-trial and found to be guilty".

In the instant case of mine, the suspension case should be finalised and departmental proceedings hanging over your servant should be dropped immediately.

12) Your wretched servant craves mercy of all at this hour of disaster faced by him and by his family. Many increments, arrears, pay allowances are now held up due to prolonged suspension case/departmental proceedings, by now more than six years, which has caused immense damage to my family because the backbone of my family has been completely broken down due to acute paucity of fund. Matters are adversely working on me when my family members feel "Slavery when comparing with our dress and diet, appeal and appeasement with those of Government servant family members and children in my surrounding area.

( 4 )

Submitting as above and referring my earlier submissions through proper channel in regard to drop the departmental proceedings, Shree Mukherjee, TGT(Maths) begs to pray that kind orders may kindly be passed to drop the departmental proceeding against me with immediate effect, treating the period of suspension as duty period and allowing all increments, arrears, pay allowances etc in my favour, with a copy to this poor soul.

And for which act of kindness the humble servant shall ever pray.

Date: 14-08-2000.

Yours faithfully,

*Mukherjee*

(M.C.Mukherjee)  
TGT-Maths.  
JNV, Morigaon, Assam.

Enc. A.B.

481  
14-08-2000

Forwarded  
Principal, *KP*  
JNV, Morigaon.  
S.A.I.

Fax : 339802

दूरध्वाय  
Telephone 3398057-60 (4 Lines)

- 62 - Regd. Post

Annexure 17

लाइन नंबर 16

Gram : NAVSAM

## नवोदय विद्यालय समिति

(मानव संरक्षण विकास मंत्रालय, शिक्षा विभाग  
का एक स्वायत्त संस्थान)  
प्रश्ना., खंड, इ. गा. स्टेडियम, इ. प्र. एस्टेट,  
नई दिल्ली-110002



संख्या

No.

F.No. 3-3/96-NVS(Vig.)

## NAVODAYA VIDYALAYA SAMITI

(An Autonomous Organisation of Ministry of  
Human Resource Development  
Department of Education)

ADMN. BLOCK, I.G. STDM., I.P. ESTATE,  
NEW DELHI-110002

Email. : navodaya@ren02.nic.in  
navodaya@nda.vsnl.net.in

Website : navodaya.nic.in

Sept'02

दिग्ंजक

### ORDER

Dated

WHEREAS, a complaint of moral turpitude involving the exhibition of immoral sexual behaviour towards girl students was received against Shri M.C. Mukherjee, TGT(Maths), JNV, Morigaon (Assam) while he was posted at JNV, Zincnagar, Sundergarh (Orissa).

WHEREAS, an inquiry conducted regarding these charges has established that Shri M.C. Mukherjee, TGT(Maths) is *prima facie* guilty of moral turpitude involving the exhibition of immoral sexual behaviour towards two girl students of class IX of JNV, Zincnagar, Sundergarh (Orissa).

AND WHEREAS, it is felt that it is not expedient and practicable to hold a regular inquiry under the provisions of CCS (CCA) Rules, 1965, on account of serious embarrassment it will cause to the concerned girl students and their guardians.

NOW, THEREFORE, the undersigned in the capacity of Director (now Commissioner), Navodaya Vidyalaya Samiti in exercise of the powers under the provisions of notification F. 14-2/93-NVS(Vig.) dated 20.12.1993 of Navodaya Vidyalaya Samiti, hereby terminates the services of Shri M.C. Mukherjee, TGT(Maths), JNV, Morigaon (Assam) with immediate effect. Shri M.C. Mukherjee will be paid pay and allowances for one month as admissible under the rules in lieu of the notice period.

Received  
on 14-09-2002  
at 11:00 A.M.  
12/05/02

*Sign/Stamp*  
(D. K. Kotia)  
Director  
(now Commissioner, NVS)

✓ Shri M.C. Mukherjee, TGT(Maths)  
JNV, Morigaon (Assam)

### Copy to :

1. Dy. Director, NVS, RO, Shillong, with directions to relieve Shri M.C. Mukherjee with immediate effect.
2. Dy. Director, NVS, RO, Bhopal, for information.
3. Principal, JNV, Morigaon, Assam. A copy of this order be served upon Shri M.C. Mukherjee at his level also.
4. Dy. Director(Estt.), NVS, Hqrs., New Delhi.
5. Guard file.

*Revised  
by  
Paras*

Annexure-14 18

JAWAHAR NAVODAYA VIDYALAYA  
MINISTRY OF HUMAN RESOURCE DEVELOPMENT  
(DEPARTMENT OF EDUCATION)  
Govt. of India  
P.O. DOLOICHURA, DISTRICT MORIGAON,  
PIN 782105

F. No. F.No.1-9/95-2002/JNVD/749

Date 18.9.2002

Office Order

In pursuance of Commissioner, NVS(HQ), New Delhi vide letter No. No.F.No.3-3/96-NVS(Vig) dated 6.9.2002, and Deputy Director NVS RO, Shillong letter No.F/PF/MCM/96-NVS(SHR)/4429 dated 12.9.2002 the services of Sri M.C. Mukherjee, TGT (Maths) are hereby terminated with immediate effect on the charges of moral turpitude. He is requested to hand over the charges of CBSE examination to Mr. M. Chakraborty, PGT (Maths) and Junior House Mastership of Shivalik House to Shri A. Pandey, TGT (Hindi).

Shri M.C. Mukherjee, TGT(Maths) also directed to obtain NO DUES CERTIFICATE from various in charges/stock holders by today (18.09.2002). He will be paid pay and allowances for one month as admissible under rules in lieu of the notice period.

Sd/- Illegible  
Principal,  
Jawahar Navodaya Vidyalaya  
Ministry of Human Resource Development

Copy to :

1. All the Incharges/Stock holders.
2. Mr. M.Chakraborty, TGT(Maths), for compliance the order.
3. Mr. A.K.Pandey, TGT(Hindi) for compliance the order.
4. Personal file
5. Office copy.

*sent to  
Mr. K. N. Roy  
for his  
signature*

*Mukul Chandra Mukherjee*



OFFICE OF THE PRINCIPAL

# JAWAHAR NAVODAYA VIDYALAYA

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(DEPARTMENT OF EDUCATION)

GOVT. OF INDIA

P.O. & DIST. MORIGAON: ASSAM

PIN-782105 Ph. (03678, 40365)

F.No. 1-24/95-2002/JNVM/ 7/21 - 5/2

Date: 19-09-2002

## TERMINATION ORDER

In pursuance of Commissioner, NVS(HQ) New Delhi Vide letter No. 3-3/96-NVS(Vig.) dated 06-09-2002 and Deputy Director, R.O. Shillong letter No. P/PF/MCM/96-NVS(SHR)/4429 dated 12-09-2002 the services of Sri M.C.Mukherjee, TGT(Maths) are hereby terminated with effect from 19-09-2002 (A.N) and relieved from this Vidyalaya.

(Y. DENNISON)  
PRINCIPAL

Jawahar Navodaya Vidyalaya  
Ministry of Human Resource Development  
Govt. of India, Deptt. of Education

Morigaon - 782108  
ASSAM

Copy to:

1. The Commissioner, NVS,(HQ)New Delhi for kind information and necessary action please.
2. The Deputy Director, NVS, R.O. Shillong for information and necessary action please.
3. Personal file.
4. Office copy.

Received  
on 19-09-02

(Y. DENNISON)  
PRINCIPAL