

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

3

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

4) CP 51/03 order page 1 to 4

O.A/T.A No. 234/02

R.A/C.P No. 51/03

E.P/M.A No. 41/04

1. Orders Sheet.....Pg. 1.....to 2.....
MP 41/04 order page 1 to 2 MAD order 215/02
2. Judgment/Order dtd 4.2.2003.....Pg. 1.....to 10.....
CP 51/03 order dt. 30.03.04 page 1 to 3 CP disposed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
High Court order in CP 51/03 W.P. 2392/03 page 1 to 4
28/02
4. O.A.....Pg. 1.....to 175
5. E.P/M.P. 41/04.....Pg. 1.....to 5
6. R.A/C.P. 51/03.....Pg. 1.....to 22
7. W.S. R. No. 1x2.....Pg. 1.....to 12
W.S. R. No. 3 page 1 to 6
8. Rejoinder.....Pg.to
9. Reply.....Pg.to
10. Any other Papers.....Pg.to
11. Memo of Appearance.....
12. Additional Affidavit.....
Add'l Affidavit in CP 51/03 page 1 to 26
13. Written Arguments.....
O. by applicant to the MP 41/04 page 1 to 6
14. Amendement Reply by Respondents.....
15. Amendement Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 384/02
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant(s) : Radhay Shyam Maurya

- Vs. -

Respondent(s) : N. O. I. Form

Advocate for the Applicant(s) : In person

Advocate for the Respondent(s) : C.G.S. (K.V.S.)

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

10.12.02

Heard the applicant in per
Issue notice of motion.
List on 19.12.2003 for
ion.

76575037

28.11.02

mb

19.12.2002

Heard Mr. R.S. Maurya the
applicant in person.

The application is admit
Call for the records.

List on 23.1.2003 for c

Member

Vice-Chairman

Steps & Envelope later, Notice
prepared and sent to D/S
for filing the respondent
No 146 by Regd/Spd
Post.

11/12
D/No 3330 w 3325
etd 12/12/02

mb

23.1.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. S.K. Hajra, Administrative Member.

Heard Mr. R.S. Maurya, the applicant in person. Mr. M.K. Mazumdar, learned counsel for the respondents stated that he is filing written statement by Monday. The applicant may file rejoinder, if any. The matter may now be posted for hearing on 30.1.2003.

for
Member

[Signature]
Vice-Chairman

mb

30.1.2003

Present:- The Hon'ble Mr. Justice D. N. Chowdhury, Vice-Chairman
The Hon'ble Mr. S.K. Hajra, Administrative Member.

Heard in part. List the case again on 31.1.2003.

for
Member

[Signature]
Vice-Chairman

bb

31.1.2003

Put up again for hearing on 4.2.2003.

for
Member

[Signature]
Vice-Chairman

nkm

4.2.2002

Heard the parties. Judgment delivered in open Court, kept in separate sheets.

The application is allowed in terms of the order. No costs.

Sumit Kumar Hajra
Member

[Signature]
Vice-Chairman

bb

28. 1.03

N/S submitted

by the Respondent No. 1,

23 & 4.

Dom.

3.2003

*copy of the judgment
sent to the
office for filing it
as the applicant
is well off to the L/Hd
in the records.*

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / KXX. No.384.of 2002~~xx~~

DATE OF DECISION 4.2.2003.....

... Radhey Shyam Maurya. APPLICANT(S).

... Appeared in person. ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

... KVS & 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 S.K.HAJRA, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Ho'ble Vice-Chairman.

Yes

[Signature]

4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.384 of 2002.

Date of Order : This the 4th Day of February, 2003.

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

THE HON'BLE MR S.K.HAJRA, ADMINISTRATIVE MEMBER.

Radhey Shyam Maurya
S/o (Late) Ram Kumar
Post Graduate Teacher (P.G.T.), Chemistry
Kendriya Vidyalaya, Khanapara, Guwahati-22... . Applicant.

The applicant appeared in person.

- Versus -

1. Kendriya Vidyalaya Sangathan
Represented by the Joint Commissioner (Admn)
and the Appellate Authority
18, Institutional Area, Shaheed Jeet Singh Marg
New Delhi - 16.
2. The Assistant Commissioner
Kendriya vidyalaya Sangathan
Maligaon, Gauhati - 12.
3. Sri D.K.Saini
S/O Sri C.L.Saini
The Disciplinary Authority
Kendriya Vidyalaya Sangathan
Guwahati-12.
4. Mrs.J.Das Basu
W/O Sri A.K.Basu
The Principal
Kendriya Vidyalaya Khanapara
Guwahati - 22, Assam. . . . Respondents.

By Mr.M.K.Mazumdar, Standing Counsel for KVS.

O R D E R

CHOWDHURY J.(V.C.) :

This application under section 19 of the Administrative Tribunals Act, 1985 has arisen and is directed against the order dated 1.5.2002 removing the applicant from service as well as the order passed by the Appellate Authority dated 15.11.2002 dismissing the

the appeal in the following circumstances :-

1. The applicant, at the relevant time, was working as Post Graduate Teacher (P.G.T.), Chemistry in the Kendriya Vidyalaya, Khanapara. While he was serving as such the applicant was placed under suspension vide order dated 1.6.99 under Sub-rule (i) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 with immediate effect. The Article of charges was served upon the applicant vide memo dated 9.8.99. The full statement of Articles of charges framed against the applicant are reproduced herein below :-

"

ARTICLE-I

That the said Shri R.S.Maurya, while functioning as PGT(Chemistry) Kendriya Vidyalaya, Khanapara, Guwahati during the academic year 1998-89 went to Kendriya Vidyalaya, Dinjan to conduct practical examination of CBSE, Chemistry for Class XII (Sc.) on 15.02.1999 without permission/relieving by the competent authority.

This act on the part of Shri R.S. Maurya constitutes a misconduct, and thus violated Rule 3(1) (i), (ii) & (iii), Rule 1964 as extended to the Kendriya Vidyalaya Sangathan employees.

ARTICLE-II

That Shri R.S.Maurya, while functioning as PGT(Chemistry) Kendriya Vidyalaya, Khanapara had not conducted the practical classes of Class XI till January'99 and during the cumulative Test 1998-99 examination all students were awarded 30/30 marks in Practical examination of Chemistry.

Thus, Shri Maurya has acted in the manner of unbecoming of KVS employees and thus violated Rule 3(1) (i), (ii) & (iii) of CCS (Conduct) Rule, 1964 as extended to Kendriya Vidyalaya Sangathan employees.

7

ARTICLE-III

That during the session 1998-99 Shri R.S.Maurya while functioning as PGT(Chemistry), Kendriya Vidyalaya, Khanapara, has refused to take Practical examination of Chemistry of Class XI (1998-99) and asked the students to bring chemicals for Practical. Shri Maurya also refused to take CBSE (AISSCE)'99 Chemistry Practical examination for Private students.

Thus, Shri Maurya has violated the code of conduct for Teachers as laid down in Education code for Kendriya Vidyalayas in chapter VI and Rule 3(1) (i), (ii) & (iii) of the Central Civil Services (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE-IV

That Shri R.S.Maurya while working as PGT (Chemistry) in Kendriya Vidyalaya, Khanapara during the academic year 1998-99, had not submitted session ending question papers in the stipulated date as notified by the Principal.

Thus Shri Maurya, PGT(Chemistry) has violated Rule 3(1) (i), (ii) & (iii) of Central Civil Services (Conduct) Rules, 1964 as extended to the employees of the Kendriya Vidyalaya Sangathan.

ARTICLE-V

That the said Shri R.S.Maurya, while working as PGT(Chemistry) at Kendriya Vidyalaya, during the period 1998-99 never attended assemblies, staff meetings called by the Principal thus Shri R.S.Maurya had not obeyed the orders of the Principal.

This act on the part of Shri Maurya constitutes a mis-conduct which is unbecoming to teacher (employee) of KVS in violating of Rule 3(1) (i), (ii) & (iii) of CCS (Conduct) Rules 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE-VI

That Shri R.S.Maurya while functioning in the aforesaid capacity at Kendriya Vidyalaya, Khanapara during the

academic year 1998.99 had tampered the Official documents.

Thus Shri Maurya, has violated the Rule 3(1) (i), (ii) & (iii) of Central Civil Services (Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan."

The charges were accompanied with the statement of imputation of misconduct or misbehaviour in support of the Article of charges as well as a list of documents. The applicant prayed for time to submit his reply to the memo of charges. Instead the respondents proceeded with the enquiry exparte and the applicant was removed from service vide order dated 29.5.2000. The applicant assailed the said order of removal in O.A.20 of 2001 and by judgment and order dated 28.6.2001 the order of removal dated 29.5.2000 was set aside and the respondents were directed to start denovo enquiry by appointing new enquiry officer by providing him a fair opportunity to defend his case. The applicant thereafter submitted his written statement on 19.9.2001 explaining the charges and denying the allegations. The respondents conducted the enquiry through an enquiry officer and on consideration of the representation of the applicant by order dated 1.5.2002 the disciplinary authority accepted the findings of the enquiry officer and found the applicant guilty in respect of five of the charges, exonerating him from charge No.5 and accordingly removed the applicant from service with immediate effect. The applicant moved this Tribunal again by way of an Original Application which was numbered and registered as O.A.219 of 2002. By judgment and order dated 17.7.2002 the Tribunal thought it fit that since an

appeal was preferred before the appellate authority the appellate authority need to dispose of the appeal at the first instance and accordingly directed the respondents to dispose of the appeal within specified time, if not disposed earlier. By order dated 15.11.2002 the said appeal was also disposed of confirming the penalty of removal from service by the Joing Commissioner (Admn) & appellate authority. Hence this application assailing the action of the respondents as legally unsustainable.

2. The respondents contested the case and submitted ~~the~~ written statement. According to them, the applicant was given a fair opportunity to defend his case and on analysis of the evidence of record the authority rightly imposed the penalty of removal upon the applicant and therefore there is no scope to provide any relief to him.

3. We have heard Mr.R.S.Maurya, the applicant in person as well as Mr.M.K.Mazumdar, learned standing counsel for the KVS at length.

4. We have given our anxious consideration on the matter. We have already indicated the nature of the charges. Admittedly, in the departmental proceeding no witnesses were examined. The enquiry officer referred to some documents which ^{were} ~~was~~ relied upon, but on perusal of the materials on record submitted by Mr.M.K.Mazumdar, learned counsel for the KVS, we do not find any materials indicating the fact that applicant was confronted with the said documents and an explanation was recorded from him in

that regard. At the first instance a document and for that matter a content of the document ipso facto can be relied upon as a piece of evidence against the delinquent officer, unless the officer concerned is given an opportunity to contest the same by way of cross examination. The enquiry officer as well as the disciplinary authority and appellate authority fell into error in relying upon those materials by infringing the rules of natural justice. In this context it would be apt to recall the following observation of the Supreme Court of India in M/s. Bareilly Electricity Supply Co.Ltd. -vs- The Workmen and others reported in AIR 1972 SC 330 (330):-

" The application of principle of natural justice does not imply that what is not evidence can be acted upon. On the other hand what it means is that no materials can be relied upon to establish a contested fact which are not spoken to by persons who are competent to speak about them and are subjected to cross-examination by the party against whom they are sought to be used. When a document is produced in a Court or a Tribunal the question that naturally arises is, is it a genuine document, what are its contents and are the statements contained therein true. When the Appellant produced the balance-sheet and profit and loss account of the Company, it does not by its mere production amount to a proof of it or of the truth of the entries therein. If these entries are challenged the Appellant must prove each of such entries by producing the books and speaking from the entries made therein. If a letter or other document is produced to establish some fact which is relevant to the enquiry the writer must be produced or his affidavit in respect thereof be filed and opportunity afforded to the opposite party who challenges this fact. This is both in accord with principles of natural justice as also according to the procedure under Order XIX Civil Procedure Code and the Evidence Act both of which incorporate these

general principles. Even if all technicalities of the Evidence Act are not strictly applicable except in so far as Section 11 of the Industrial Disputes Act, 1947 and the rules prescribed therein permit it, it is inconceivable that the Tribunal can act on what is not evidence such as hearsay, nor can it justify the Tribunal in basing its award on copies of documents when the originals which are in existence are not produced and proved by one of the methods either by affidavit or by witness who have executed them, if they are alive and can be produced. Again if a party wants an inspection, it is incumbent on the Tribunal to give inspection in so far as that is relevant to the enquiry. The applicability of these principles are well recognised and admit of no doubt."

5. The enquiry officer in his findings nowhere took into consideration the explanation of the applicant cited in the written statement. The enquiry proceeding also indicated as to some objections raised by the applicant and it also did not take note of some documents mentioned by the applicant in writing before the enquiry officer. the enquiry proceeding also mentioned that the applicant infact submitted applications dated 19.1.2002 (Annexure-A 13 (ii) & (iii) in order to prove the genuineness and authenticity of the documents to be relied on. The enquiry officer endorsed that those applications were received on 19.1.2002 but no ostensible reason was shown as to why those witnesses were not called for. The conduct of the enquiry officer was seemingly one sided. He only took into consideration the point of view of the departmental authority without even considering the plea of the applicant. The findings arrived at by the enquiry officer ~~was~~^{were} also seemingly

perverse. The findings of the enquiry officer was made with total non-application of mind and lacked fair consideration of the case of the applicant. The disciplinary authority in its turn mechanically accepted the report of the enquiry officer. It seems that the enquiry officer also recorded the evidence of one Dr.C.B.Dwivedi and one Sh. Amulya Narzary as D.W.I & II. The order sheet does not show as to why those two witnesses were called for, at whose instance. Even in the copy furnished to the applicant in respect of depositions of Dr.C.B.Dwivedi & Sh. Amulya Narzary the signature of the enquiry officer was not discernible. It also appears to us that to a large extent there are even similarities in the reports of the two enquiry officers. It also appears that the findings of the enquiry officer ~~is~~ contrary to the charges levelled against the applicant. The disciplinary authority, as alluded, passed the impugned order of removal without application of mind and mechanically accepted the report of the enquiry officer.

6. An appeal is provided in the statutory scheme. The appellate authority is required to consider the appeal on merit and also to see as to whether the charged officer was provided with the procedural safeguard. The appellate and disciplinary authority also requires to consider as to whether the delinquent officer was provided with the procedural safeguard in the enquiry, whether the same was conducted by adhering to the procedural propriety, whether the findings arrived at are based on materials on record and also the punishment imposed was proportionate on the facts. The appellate authority in the instant case rejected the appeal without recording and considering

the pleas raised by the applicant. In the departmental enquiry the authority is to provide fairness in action and take into consideration the explanation submitted by the charged officer. An enquiry proceeding is not a empty formality. It is to conform to the principle of natural justice which also means that the plea of the charged officer is to be taken into consideration and thereafter only it would reach its own conclusion.

7. We have already indicated the nature of the charges. In Article-I the applicant was charged for contravention of Rule 3(1) (i), (ii) & (iii) in conducting practical examination of CBSE in Chemistry for Class XII Science on 15.2.1999 in K.V. Dinjan without permission/relieving by the competent authority. Admittedly, the applicant went to K.V., Dinjan on assignment to conduct practical examination. The T.A. D.A. was also seemingly paid to the applicant. What was the requirement of a reliever in conducting practical examination was not discernible. As regards Article-II, the applicant in his written statement explained that marks were allotted as per the direction issued by the Principal in the practical examination. In the facts and circumstances of the case the applicant even prayed for production of the witness, the Principal concerned. But no such steps were seemingly taken. At any rate, in the findings of the enquiry officer the defence of the applicant was totally brushed aside. No materials are discernible to hold the applicant guilty of chage Nos.3, 4 & 6, on analysis of the materials on record. The

disciplinary authority reached its decision based on consideration wherein the authority manifestly accorded inappropriate weight on the materials on record as well as the explanation submitted by the applicant. Similarly, the decision arrived at by enquiry officer and approved by the disciplinary and appellate authority are not supported by any materials on record and reasons cited by the authority in holding the applicant guilty ^{are} ~~is~~ seemingly incomprehensive on the basis of the materials on record. The findings arrived by the enquiry officer upheld by the disciplinary and appellate authority ^s ~~are~~ legally unsustainable in law.

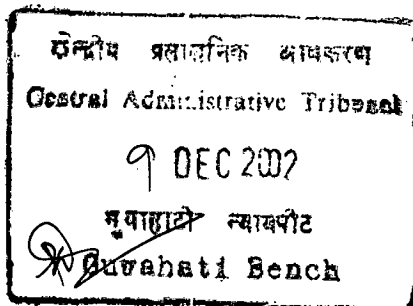
For all the reasons stated above, we are of the opinion that the impugned order of removal on the basis of enquiry is not liable to be sustained and accordingly we set aside the impugned order of removal dated 1.5.2002 as well as the appellate order dated 15.11.2002. The respondents are directed to re-instate the applicant within a month from the receipt of the order with full back wages. The applicant shall be deemed to be in service and entitled for the consequential benefits.

Subject to the observations made above, the application is allowed.

There shall, however, be no order as to costs.


(S.K.HAJRA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN



15
Filed by
APPLICANT
IN PERSON
Sharma

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH :: GAUHATI

O.A. No.384...../2002.

Radhey Shyam Maurya,

..... Applicant.

- Vs -

Kendriya Vidyalaya Sangathan & ors.

..... Respondents

INDEX

S.No.**	Annexures **	Particulars of the Documents	Page No(s)
1.	-	Original Application with Verification	1-30
2.	A 1	Purchase Bill dtd.3.2.99 with Objection	31
3.	A 2	Notice dtd. 7.1.99 for committee	32
4.	A 3	Duplicate Purchase Bill showing entry	33
5.	A 4(i-iv)	Letter dtd.16.2.99,24.4.99,7.5.99& Mrs. Q. Sharma's letter.	34-37
6.	A 5	Relevant portion of Audit Report.	38
7.	A 6	Suspension Order dated 1.6.99	39
8.	A 7	Memo. of Charges dated 9.8.99	40-51
9.	A 8	Ex-parte Inquiry Report with Memo.dtd 20.4.00	52-60
10.	A 9	Removal Order dtd. 29.5.2000	61-63
11.	A10	Hon'ble Tribunal's Order dtd.28.6.2001	64-72
12.	A11	Written Statement dtd.19.9.2001	73-89
13.	A12(i-viii)	Representations for documents	90-117
14.	A13(i-iii)	K.V,Dinjan letter dtd.3.2.99 & list of witnesses called for cross-examination	118-120
15.	A14(i-ii)	T.A./D.A. etc,payment dtd.26.5.99 and Sainik School letter dtd.31.3.1990	121-122

(ii)

S.No.	** Annexures **	Particulars of the Documents	Page No(s)
16	A15	Objection on Admissibility of documents dtd.19.1.02	123
17	A16	Daily Order Sheet dtd.22.2.99	124-127
18	A17(i-iii)	P.O.Brief, its reply & D.A. Order dtd.12.3.02	128-134
19	A18	Inquiry Report with Memo. dtd.22.3.02	135-142
20	A19	Representation dtd.11.4.2002	144-165
21	A20	Removal Order dtd.1.5.2002	166-168
22	A21(i-ii)	Forwarding letters of Appeals dtd.8.5.02 with postal receipts.	169-170
23	A22	Hon'ble Tribunal's order dtd.17.7.02 Passed in O.A. 219/2002.	171-174
24	A23	Appellate Order dtd.15.11.2002	174-178

Filed by,

Radhika

Shyam

Maharaja

(Applicant)

12

Filed by the
Applicant -
IN PERSON
9.12.02.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH :: GAUHATI
(ASSAM)

(An application under Section - 19 of the Administrative -
Tribunal Act, 1985)

O.A. No. 384/2002

BETWEEN

Radhey Shyam Maurya,
S/o. (Late) Ram Kumar,
Post Graduate Teacher (P.G.T.) Chemistry,
Kendriya Vidyalaya , Khanapara, Gauhati - 22.

..... Applicant.

- Vs -

1. The Kendriya Vidyalaya Sangathan,
Represented by the Joint Commissioner (Admin)
and the Appellate Authority,
18, Institutional Area, Shaheed Jeet Singh
Marg, New Delhi - 16.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan, Maligaon,
Gauhati - 12.

18

- 2 -

3. Sri.D.K. Saini,
S/o. Sri. C.L.Saini,
The Disciplinary Authority,
Kendriya Vidyalaya Sangathan, Gauhati - 12.

4. Mrs.J.Das Basu,
W/o. Sri.A.K. Basu,
The Principal,
Kendriya Vidyalaya, Khanapara,
Gauhati - 22,(Assam).

..... Respondents.

DETAILS OF APPLICATION :-

1. PARTICULARS OF THE ORDER(S) AGAINST WHICH THE APPLICATION IS MADE :-

1.1 Order No.F.14-5/2001-KVS(GR)/6692-94 dated 1.5.2002 (Annexure - A 20) passed by the Disciplinary Authority , Kendriya Vidyalaya Sangathan, Gauhati - 12 where by the service of the applicant was terminated by imposing the penalty of removal from service with immediate effect.

1.2 Order No.F.3-73/2002-KVS(Vig.) dated 15.11.2002 (Annexure - A 23)passed by the Appellate Authority, Kendriya Vidyalaya Sangathan, New Delhi - 16 whereby rejected the Appeal.

2. JURISDICTION :-

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :-

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

4. FACTS OF THE CASE :-

4.1 That the applicant is a citizen of India and was working as a Post Graduate Teacher (P.G.T. in short) Chemistry, in Kendriya Vidyalaya, Khanapara and as such he is entitled to all the rights, privileges and protections guaranteed to an Indian citizen by the Constitution of India and other laws of the land.

4.2 That the applicant after passing M.Sc. and M.Ed Examination was appointed as a Primary Teacher (P.R.T.) in Kendriya Vidyalaya Sangathan duly selected by the selection committee. He joined his duties in Kendriya Vidyalaya (K.V. Rupa, Arunachal Pradesh. Thereafter, he was selected as Trained Graduate Teacher (T.G.T.) in 1993 on merit. The applicant was subsequently also selected as Post Graduate Teacher (P.G.T.) in Chemistry in the year 1995 through the aforesaid process and joined his duties on 30.11.95 in Kendriya Vidyalaya, Khanapara, Gauhati - 22(Assam).

4.3 That the applicant respectfully states that since the date of his joining in Kendriya Vidyalaya Sangathan as a teacher, he has been rendering services for the all round development of the K.V.S. in order to

bring academic excellence. There were occasions when his services were appreciated and the certificates as well as remarks were given to the applicant by his superiors as a token of appreciation for his good performance & services.

Signature

The applicant craves the leave of the Hon'ble Tribunal to produce the said certificates and remarks at the time of hearing of this application.

4.4 That the applicant respectfully states that the Respondent No.-4 joined as Principal on 16.12.98 in Kendriya Vidyalaya, Khanapara. Just after sometimes a notice dated 16.12.98 was served upon the applicant by the Respondent No.-4 to submit the requisitions for purchases of Chemistry Department and accordingly the applicant submitted requisitions dated 22.12.98 to the Respondent No.-4 with a request in goodfaith to make purchases from the Government approved shops. The request so made by the applicant was with a view to obtain good quality of chemicals as per his past experiences the applicant knew that the chemicals purchased from shops other than the Government approved shops are of inferior quality, at higher rates and were of no use for chemical analysis for better, accurate and precise results. The aforesaid request made by the applicant was disliked by the Respondent No.-4 and the Respondent No.-4 became ill disposed and took this request as a reprisal and as such planned a strategy to take action against the applicant and consequently stopped the payment of the Special Duty Allowances (S.D.A.) to the applicant since, January'1999 without any genuine reason.

4.5 That on receipt of a letter dated 8.1.99 from the Assistant Secretary, Central Board of Secondary Education (herein after referred to as C.B.S.E.), Gauhati for completion of Class XII Chemistry Practical Examination'1998-99 on/before 15.2.99, the applicant vide an application dated 23.1.99 followed by Reminder dated 2.2.99 made a request to the Respondent No.-4 for the sanction of the sum of advance Rs.5000/- (Rs.Five Thousand only) to purchase some urgently required chemicals etc, from the Govt. approved shops for conducting Class XII Chemistry Practical Examination on 9,10,11 and 12 February'99 respectively in a fair and efficient manner. Thereafter, the Respondent No.-4 alongwith one Mrs. J.Borah (T.G.T.Maths) made some purchases from Appichem Enterprises without any intimation to the applicant and submitted a Bill of purchase dated 3.2.99 for immediate stock entry at 3:10 p.m. on the same day. The applicant returned the said Bill to the Respondent No.-4 by recording his objections and sought for guidance/instructions from the concerned end in order to incorporate the entry of the said Bill in the Stock Register. It is stated hereinthat the said shop is not a Govt. approved shop. It is also stated that the applicant being the Head of the Purchase committee of K.V,Khanapara as well as P.G.T. Chemistry and I/C of the Chemistry Laboratory/Department was totally unaware about the aforesaid purchase of the stores of Chemistry Department and thus illegality is apparent from the face of the records.

The copy of the Bill dated 3.2.99, the notice dated 7.1.99 are annexed as Annexures - A 1 and A 2 respectively.

4.6 That on receipt of the aforesaid Bill alongwith recorded objections seeking written guidance in the matter the Respondent No.-4 tutored several documents against the applicant, dictated students, teachers and parents etc. to write complaints against the applicant in a pre-planned manner. It is also stated herein that the Respondent No.-4 prevented the students from attending their Chemistry Practical Classes during Basant Mela period as well as in Examinations at several occasions. This led the applicant to believe that thereafter the Respondent No.-4 approached the Respondents No.-1 and 3 respectively and recommended them to start Disciplinary Proceeding against the applicant in order to fulfil her personal grudge. It is stated herein that the Stock Registers were with the applicant and the same were handed over to the Respondent No.-4 on 24.4.1999 and 7.5.1999 respectively in sealed covers. However, in order to make payment to the supplier a false endorsement was made on the duplicate copy of the Bill to the effect that the stock entry has been made on 3.2.99 but the same could not get favour in the Audit Report.

The copies of the documents substantiating the aforesaid facts are annexed as Annexures - A 3, A 4(i), (ii), (iii), (iv) and A 5 respectively.

4.7 That the applicant while serving as Post Graduate Teacher (hereinafter referred to as P.G.T.) Chemistry at

✓

Kendriya Vidyalaya, Khanapara (hereinafter referred to as K.V.) was placed under suspension pending Disciplinary Proceeding contemplated against him vide Order No.14-5/99-KVS(GR)/2091-93 dated 01.06.99 passed by the Assistant Commissioner (Respondent No.-3), Kendriya Vidyalaya Sangathan (Hereinafter referred to as K.V.S.). Thereafter, vide Memo. No. 14-5/99-KVS(GR)/5251-54 dated 09.08.99, the Memo. of Charges was served upon the applicant by the Respondent No.-3.

The copy of the Order dated
1.6.99 and Memo. of Charges dated
9.8.99 are annexed as Annexures -
A 6 and A 7 respectively.

4.8 That since the applicant was not furnished with the documents listed in Annexure - III of the said Memo. alongwith the Memo of Charges dated 9.8.99, he applied for the same alongwith some Additional Documents while denying the Charges levelled against him. The aforesaid enquiry proceeded ex-parte against the applicant without furnishing him the documents. Thereafter, an Inquiry Report was submitted against the applicant which ultimately led to his removal from service vide order dated 29.5.2000 and subsequently the applicant was forced to vacate his official accommodation within 10 days by Respondent No.-4 and since then the applicant is in a rented accommodation.

- 8 -

The copy of the ex-parte Inquiry Report and order of removal dated 29.5.2000 are annexed as Annexures - A 8 and A 9 respectively.

4.9 That after preferring a statutory Appeal to the Appellate Authority, the applicant approached this Hon'ble Tribunal against the Order of removal from service and vide judgement and order dated 28.06.2001 passed in O.A. No. - 20/2001 this Hon'ble Tribunal was pleased to set aside the impugned order of removal from service and directed the Respondents to re-start a fresh Inquiry after furnishing the documents etc. to the applicant and also directed to complete the Inquiry Proceeding within a period of four(04) months. It is to be stated that the Hon'ble Tribunal's ~~order~~ order dated 28.06.2001 passed in O.A. 20/2001 was immediately sent to the Respondents for implementation and the same was duly acknowledged by the Respondents No.-3 vide his Memo. dated 05.07.2001.

The copy of the Hon'ble Tribunal order 28.06.2001 passed in O.A. 20/2001 is annexed as Annexure - A 10.

4.10 That in pursuance of the aforesaid judgment and order dated 28.06.01, a Memo. dated 7.9.2001 was issued to the applicant for submitting his Written Statement which was submitted by the applicant on 19.09.01 denying all the Charges to the Respondent No.-3 and request was made to drop the proceeding.

The copy of the Written
Statement dated 19.09.01 ~~is not attached~~
~~is not attached~~ is annexed as Annexure -All

4.11 That thereafter for starting a fresh enquiry as directed by the aforesaid judgment and order dated 28.06.01, Mr.N.D. Joshi, Principal, Kendriya Vidyalaya, Srikona (Assam) and Mr.P.V.S. Ranga Rao, Principal, K.V,Tejpur No.1 were appointed as Inquiry Officer (I.O.) and Presenting Officer (P.O.) respectively.

It may be stated that the enquiry proceeding was conducted on 19.10.01, 29.11.01, 19.12.01, 18.01.02, 19.01.02 and 22.02.02 respectively on the basis of the Memo. of Charges dated 09.08.99 supplied to the applicant.

4.12 That during the Inquiry Proceeding the applicant was denied the inspection of the original documents having

- 10 -

direct bearing to the Charges. It is also stated that the applicant was not furnished the copy of list of documents relied by the I.O. and P.O. and therefore the applicant was prevented from making his proper and effective defence documents/statements. In this connection the applicant made several representations to the Inquiry Officer and some are being annexed here with and collectively marked as Annexures - A 12(i),(ii),(iii),(iv),(v),(vi),(vii)&(viii).

4.13 That while the learned Inquiry Officer was deliberating Charge No.-I, a document bearing No.F.39/KVD/98-99/3163 dated 03/02/99 was relied upon by the Presenting Officer which is a letter addressed to the Principal, Kendriya Vidyalaya, Khanapara by the Principal, K.V, Dinjan informing the former that the applicant was appointed to conduct the the Chemistry Practical Examination at K.V, Dinjan and a request was made to relieve the applicant on 14.02.99. An endorsement made on the said letter by the Principal, K.V, Khanapara, GHY-22 is as follows :-

" C.B.S.E. letter not recd.

Phone call with Choudhary

directed not to relieve him."

The applicant immediately requested the Inquiry Officer to call for Mr.K.K.Choudhary, Assistant Secretary, C.B.S.E., Gauhati and Mrs.J.Das Basu, Principal, K.V, Khanapara for cross-examination as it was made to appear by the Presenting Officer that the aforesaid appointment by the K.V, Dinjan cannot be treated as an appointment order, which was refused.

The copy of the letter dated 03/02/99 and two letters dated 19.1.02 are annexed as Annexures - A 13(i), (ii) & (iii) respectively.

4.14 That the applicant also submitted his defence documents in respect of this Charge to show that for conducting Chemistry Practical Examination at K.V, Dinjan he was paid T.A. and D.A. alongwith other places where he conducted the Chemistry Practical Examination. Further, it is also mentioned that the said examination was taken into cognisance by the C.B.S.E. in order to declare Class XII results. Further, the applicant also annexed a letter dated 31.3.1990 on being appointed by the Principal, Sainik School, Goalpara. Though these documents were accepted by the Inquiry Officer but the said Inquiry Officer has not even whispered these documents in the Enquiry Report.

The copy of the letters dated 26/5/99 and 31.3.1990 are annexed as Annexures - A 14(i) & (ii) respectively.

4.15 That it is also mentioned herein that your humble applicant also raised objections on the admissibility of the photocopy of the documents without proving the original ones and also made a request to call the witnesses for Cross-Examination in order to prove the contents of the documents but to no avail.

The copy of the objection dated 19.1.02 is annexed as Annexure - A 15.

4.16 That on 22/2/2002, the learned Inquiry Officer read over the remaining Charges contained in Articles II, III, IV, V and VI respectively which the applicant denied. The applicant also raised objection vide his letter dated 22.2.2002 regarding the documents as well as the violations of the provisions of Rule 14 of CCS(CCA) Rules, 1965 (The applicant craves the leave of the Hon'ble Tribunal to produce the copy of the said letter at the time of hearing). Thereafter, the proceeding came to an end allegedly for the day.

The True Typed copy of the
Proceeding (Daily Order Sheet) dated
22.2.2002 is annexed as Annexure - A 16.

4.17 That during the course of Inquiry the prosecution did not examine a single witness and utterly failed to prove the Charges. It may be stated herein that the learned I.O. also did not even receive the Defence Documents in respect of all the Charges except Charge No.-I.

Thereafter, the applicant was served with the Presenting Officer's brief vide letter dated 26.02.2002 by the Inquiry Officer to be relied on an unknown list of documents for submission of Written Brief and subsequently the same was submitted on 11.3.2002 to the said Inquiry Officer. It may be further submitted that by the aforesaid letter the applicant was also informed about the closure of the Inquiry Proceeding without passing any order in the Daily Order Sheet dated 22.02.2002, but vide Order dated 12.3.02 the applicant was informed by the Disciplinary Authority about the closure of the Enquiry Proceeding on 20.2.2002.

- 13 -

The copy of the P.O.'s brief, & its reply as well as order dated 13.3.02 are annexed as Annexures- A 17(i), (ii) & (iii) respectively.

4.18 That subsequently the Disciplinary Authority (Respondent No.-3) sent a copy of the Inquiry Report to the applicant on 22.03.02 wherein all the Charges under Articles - I,II,III,IV & VI were stated to have been proved.

The copy of the Inquiry Report is annexed as Annexure - A 18.

4.19 That on receipt of the aforesaid purported Inquiry Report, the applicant submitted a representation dated 11.04.02 to the Disciplinary Authority, challenging the validity and legality of the said Enquiry Report as well as the alleged findings of the I.O. and further requested the concerned authority to drop the charges.

The copy of the Representation dated 11.04.02 is annexed as Annexure- A 19.

4.20 That thereafter the Disciplinary Authority (Respondent No.-3) vide order dated 1.5.2002 imposed the penalty of removal from service with immediate effect upon the applicant. It is to be stated that the Disciplinary Authority is the same person who had also imposed the said penalty upon the applicant in the year 2000 which was set aside by this Hon'ble Tribunal.

The copy of the removal order dated 1.5.02 passed by the Respondent No.-3 is annexed as Annexure - A 20.

4.21 That the applicant unable to get any relief preferred an Appeal dated 8.5.2002 containing 1-99 pages to the Appellate Authority (Respondent No.-1) for interim as well as prayed to set aside the impugned order dated 1.5.02 . The applicant also sent a copy of the aforesaid Appeal to the Disciplinary Authority (Respondent No.-3) for onward submission to the Respondent No.-1 by Speed Post (The applicant craves the leave of Hon'ble Tribunal to produce the said Appeal at the time of hearing this O.A.)

The copy of the forwarding letter dated 8.5.2002 are annexed as Annexures- A 21 (i) & (ii) respectively.

4.22 That thereafter, the applicant filed an O.A. 219/2002 challenging his removal from service and the Hon'ble Tribunal was pleased to direct the Respondents to dispose the said Appeal dated 08.05.2002 within one (01) month from the date of the receipt of the order dated 17.7.02 passed in O.A. 219/2002. The applicant immediately took step and sent a copy of the order dated 17.7.02 passed in O.A. 219/2002 to the Appellate Authority which was received by him on 22.7.2002.

The copy of the order dated 17.7.02 passed in O.A. 219/2002 is Annexed as Annexure - A 22.

- 15 -

4.23 That the learned Appellate Authority (Respondent No.-1) though called your humble applicant for personal hearing, except for asking him to tell ^{al}verbly as to what were defects in Inquiry, he did not even allow the applicant to refer to his Appeal Memo. and the documents annexed thereto. Therefore, the personal hearing granted to your humble applicant did not solve any purpose.

Thereafter, vide order dated 15.11.2002 the Appeal of the applicant was dismissed (rejected) without a speaking order.

The copy of the Appellate Order dated 15.11.2002 passed by the Respondent No.-1 is annexed as Annexure - A 23.

4.24 That the applicant demanded justice which has been denied to him and on being aggrieved by the impugned orders, the applicant is approaching the Hon'ble Tribunal for seeking justice.

4.25 That there is no alternative and equally efficacious remedy except this Application before the Hon'ble Tribunal which is filed bonafide on the following grounds amongst the others.

5. GROUND S OF RELIEF WITH LEGAL PROVISIONS :-

5.1 For that the findings of the I.O.(Inquiry Officer) as to the Articles of Charges - I,II,III,IV and VI respectively being perverse and are not based on materials on records. Thus, the Disciplinary and Appellate Authority committed a serious error of law in relying upon the said purported Inquiry Report and its findings and as such the impugned orders dated 1.5.2002 (Annexure - A 20) and 15.11.2002(Annexure - A 23) respectively are liable to be set aside and quashed.

5.2 For that the impugned order dated 1.5.2002(Ann- A 20) passed by the Disciplinary Authority imposing the penalty of removal upon the applicant and the Appellate order dated 15.11.2002 (Ann - A 23) are per se illegal,arbitrary, malefide and violative of the principle of natural justice.

5.3(1) For that the Inquiry Officer committed grave error of law in holding that the Charge contained in Article - I against the applicant is proved without there being any basis for arriving at the said finding.

(ii) For that the finding of the Inquiry Officer that the letter written by the Principal, K.V,Dinjan dated 3.2.99 appointing the applicant as External Examiner for Chemistry Practical at K.V,Dinjan cannot be treated as Appointment Order is totally perverse.

- 17 -

(iii) For that the Inquiry Officer acted illegally and in gross violation of the principles of natural justice in denying the request made in writing by the applicant for calling the Principal, K.V, Khanapara (Namely Mrs. J. Das Basu) and Mr. K. K. Choudhary, the Assistant Secretary, Central Board of Secondary Education (C.B.S.E.), Gauhati for cross-examination who allegedly directed the Principal, K.V, Khanapara not to relieve the applicant for conducting Class XII Chemistry Practical Examination at Dinjan.

(iv) For that the Inquiry Officer as well as the Disciplinary Authority wholly ignored the fact that the applicant conducted the Practical Examination at K.V, Dinjan of Class XII students as otherwise they could not have questioned the Appointment Order made by the Principal, K.V, Dinjan for proving the Charges contained in Article - I.

(v) For that the Inquiry Officer, Disciplinary Authority as well as Appellate Authority also wholly ignored the fact that the applicant conducted the Practical Examination at K.V, Dinjan by furnishing prior information to the Principal, K.V, Khanapara vide letters dated 10.2.99 and 15.2.99 respectively and as such on this ground alone the said Charge is unsustainable in law.

(vi) For that if the Principal, K.V, Dinjan's letter dated 3.2.99 appointing the applicant as External Examiner for Class XII C.B.S.E. Chemistry Practical Examination cannot be treated as Appointment Order, it is surprising as to why the applicant was allowed to conduct the Practical Examination in K.V, Dinjan, and as to why the said Chemistry Practical Examination was taken into cognizance/consideration in

- 18 -

order to declare Class XII result of K.V, Dinjan students. Thus, the Inquiry Officer accordingly failed to apply his mind and reach the finding which could not have been arrived at by any reasonable and prudent person. Therefore, the entire Inquiry Proceeding is vitiated and the impugned orders dated 1.5.2002 and 15.11.2002 respectively are liable to be set aside and quashed.

(vii) For that the applicant submitted his T.A.&D.A. etc. Bills for going to K.V, Dinjan for conducting Chemistry Practical Examination alongwith other places where he conducted the Chemistry Practical Examination during the year 1998 - 99 and the same was paid to him vide Cheque No.-334018 dated 26.5.99. If, the conduct of said Chemistry Practical Examination at K.V, Dinjan was unauthorised then T.A. & D.A. etc. in respect of K.V, Dinjan would have not been approved and paid by Regional Officer, C.B.S.E., Gauhati. The I.O., Disciplinary Authority as well as Appellate Authority failed to consider the aforesaid circumstances and thus the impugned orders are accordingly liable to be set aside and quashed.

5.4(i) For that the Inquiry Officer acted illegally in relying upon the alleged Practical Note - Books of the four (04) students selected by the Presenting Officer by refusing to call for the Practical Note - Books of all the students of Class XI together with the attendance Registers as well as result registers etc.

- 19 -

(ii) For that as per the list of documents mentioned in Annexure - III to the Memo. of Charges, this Charge was to be proved " by the Practical Note - Books of the students of K.V, Khanapara " but the Presenting Officer chose to produce only alleged four (04) Practical Note-Books and for such act and omission the entire proceedings is vitiated.

(iii) For that out of the four(04) students two are Primary Teacher's ward who are ill disposed towards the applicant and they were also not called as a witness in the proceedings and as such the entire proceeding was conducted against the principle of natural justice denying the applicant the opportunity to cross-examine the aforesaid students.

(iv) For that the Inquiry Officer not only refused to examine any witnesses but also refused to call for all the Practical Note - Books of students of Class XI together with Attendance Register as well as Result Registers and also refused to look into the documents annexed alongwith the Written Statements pertaining to this Charge, while arriving at the findings that the applicant did not conduct Class XI Practical Classes till January'99 and thus the entire proceeding is conducted in gross violation of the Principles of Natural Justice.

(v) For that in so far as awarding 30 marks each to the students is concerned the Inquiry Officer totally ignored

- 20 -

the statements made by the applicant in Written Statements that the marks were given to the students with the consent of the then Principal, Sri.N.D. Bhuyan and I.O. refused to call Sri.N.D. Bhuyan as a witness. Such act and omission on the part of I.O. has the effect of vitiating the entire enquiry and thus the impugned orders are accordingly liable to be set aside.

(vi) For that the documents annexed with the Written Statement amply established that the required chemicals was made available only in the middle of November'98 and therefore the Chemistry Practical Examination could not be conducted before half - yearly (Cumulative Test) Examination. Maximum marks were allotted to each students with the consent of the then Principal. The learned Inquiry Officer ought to have considered the fact that there was not ^{any} complaint or disagreement regarding the award of marks, otherwise Cumulative Test being an Internal test the Principal could have asked for fresh test by cancelling the earlier marks when the chemicals became available.

(vii) For that the Inquiry Officer, Disciplinary Authority as well as Appellate Authority wholly ignored the facts that the said marks awarded to the students were taken into cognisance in toto in order to pass the Class XI students to Class XII by the Principal, K.V, Khanapara and as such on this ground alone the said charge including the impugned orders are liable to be set aside and quashed.

5.5(i) For that the findings of the Inquiry Officer that the applicant refused to conduct the Chemistry Practical Examination of Class XI is totally false and baseless in as much as the Practical Examination was conducted on 24.3.99, 25.3.99 and 27.3.99 respectively by the applicant.

(ii) For that the Inquiry Officer, Disciplinary Authority as well as Appellate Authority without going into the facts and circumstances of the case, were wrong in reaching their conclusions that the applicant asked the students to bring chemicals for Practical Examinations. For conducting Practical Examinations certain chemicals like, Methylated Spirit, distilled water etc, are required, and the last purchase of Methylated ~~spirit~~ spirit was made on 15.12.98 which got exhausted while the Practical Classes for Class XI and XII were conducted. Therefore, the applicant made a number of representations to the Principal for procurement of said chemicals, which was not acted upon and as such the applicant was constrained to request the students to bring the chemicals since the applicant bore the sincere desire to conduct the Practical Examination in a free, fair and efficient manner as per the prescribed curriculum of the C.B.S.E.

(iii) For that the applicant being unable to procure the said chemicals inspite of his sincere efforts, conducted

- 22 -

the Practical Examination by using the ordinary tap water and with whatever little amount of Methylated Spirit was left. The applicant divided the students into three groups and some how conducted the examination.

(iv) For that the Charge that the applicant refused to conduct the Practical Examination of Class XII Private students contained in Article - III of Memo. Of Charges, by no stretch of reasoning can be said to have been proved without oral evidence. The Inquiry Officer therefore acted against all canons of fair play and justice, recommending that the aforesaid Charge has been proved.

(v) For that the applicant was ready and willing to conduct the Practical Examination of Class XII Private students, but since the chemicals were not available, he informed the Principal vide his letter dated 31.3.99 and requested to sanction Rs.1000/- for purchase of chemicals. Thereafter, the applicant was not informed as to what has happened. Incidentally in the previous ex-parte inquiry, this Charge was held to be not proved.

(vi) For that in order to prove this charge, five (05) documents were sought to be relied upon by the Department ~~xxxxxxx~~ but, the Inquiry Officer has relied on 08 documents allegedly. Out of these documents, the document dated 22.3.99 addressed to the Assistant Commissioner written by

- 23 -

Principal, K.V, Khanapara was not shown in original. Documents dated 22.3.99, 23.3.99, 26.3.99 and 9.2.99 are with /without names and the contents of aforesaid documents were not proved by calling the authors of the said documents for cross-examination and as such the aforesaid documents have no evidentiary value. Therefore, there is nothing on record to show that the applicant was guilty of misconduct as alleged and accordingly this Charge including the impugned orders are liable to be set aside and quashed.

5.6(i) For that the reliance placed on the documents written by the so called Examination - in- Charge namely Sri.U.N. Adhikari is having no evidentiary value as because the prosecution failed to produce him ~~was~~ to prove the said contents as well as for cross-examination and as such the Inquiry Officer, Disciplinary Authority as well as Appellate Authority allegedly proved the said Charge and accordingly the said Charge is unsustainable in law and accordingly the entire proceeding is vitiated .

§11) For that the applicant in order to avoid any malpractices like leakage of Question Papers etc, honestly decided to submit Question Papers only a day before the examination and also because no stipulated time as alleged in the Charge was brought to the applicant's notice that the Question Papers were not submitted before hand. The aforesaid decision about the submission of Question Paper was informed to the Principal, who in turn did not object. However, on Principal's order dated 26.2.99, the Question Paper was immediately submitted to the Examination I/C namely Mrs.B.P. Goswami by the applicant.

- 24 -

(iii) For that in order to prove this Charge 03 documents were also sought to be relied upon by the Department as mentioned in the Annexure - II under Article - IV of Memo. of Charges. Out of the three documents the document at serial No.- 3 of Article - IV of the Charges was not even shown or relied upon. Document namely first notice dated 3.2.99 was also not relied upon because the same was entirely tampered with and forged signature of the the applicant was also made on it to implicate the applicant in false accusation. Therefore, there is ~~nothing~~ nothing on record to show that the last date of submission of Question Paper was 15.2.99 and that the applicant was guilty of insubordination as alleged. and thus, on this ground alone the entire proceeding is liable to be set aside and quashed.

5.7(i) For that the finding of the Inquiry Officer that the applicant tampered with the documents was without any reasonable basis.

(ii) For that the applicant conducted the Chemistry Practical Examination for Class XII students in K.V, Narangi on 5.2.99 and 6.2.99 respectively. On 6.2.99, the applicant conducted the said Examination and concluded it by 6:30p.m. and mentioned the said time of departure in the relieving order.

(iii) For that the Inquiry Officer failed to apply his mind to the facts that 6.2.99, being a Saturday, the

Answer - Scripts and Award List could not have been submitted because the C.B.S.E. office remains closed on Saturday.

(iv) For that the conclusion of the Inquiry Officer that the applicant tampered the relieving order in order to cover up his late arrival in the school on Monday i.e., on 8.2.99 is totally perverse, in as much as 6.2.99 being a Saturday the Answer - Scripts etc. could have been submitted in C.B.S.E. office on Monday only i.e., 8.2.99. and accordingly this Charge is unsustainable in law.

5.8 For that the impugned orders dated 1.5.2002 and 15.11.2002 respectively are based on extraneous matters and non-existence of facts and as such they cannot stand in the scrutiny of law and therefore they are bad in law and liable to be set aside and quashed.

5.9 For that the applicant was denied the assistance of Defence Assistant and therefore, there is a clear violation of Rule 14(8) of CCS(CCA), Rules 1965 and thus there was total denial of the principle of natural justice and on this ground alone the entire proceeding is vitiated.

5.10 For that there is no evidence on record to prove and substantiate the allegations/charges against the applicant and as such the entire proceeding including the Memo. of Charges, Inquiry Report and impugned orders are liable to be set aside and quashed.

5.11 For that the applicant was denied the reasonable opportunity to state his defence, to submit his defence documents, to produce and his defence witnesses and their lists, to examine himself as a Defence Witness before closing of the Inquiry by the Inquiry Officer and therefore, the entire proceeding is conducted in clear violation of the provisions of Rules 14(11), 14(16), 14(17) and 14(18) respectively etc, and thus there is a flagrant breach of principle of natural justice as well as the entire proceeding is unknown to law. i-stand

5.12 For that the reliance placed by the I.O. to the documents mentioned in the articles are wholly illegal and unsustainable in law. Somebody who has dealt with these documents or have authored them must prove them in the course of the Enquiry Proceedings to enable the applicant to cross - examine such persons and thereby challenge the legality, authenticity and contents of the said documents without which the documents referred cannot be relied upon to prove the allegations and such documents have no evidentiary value and therefore there is clear violation of the principle of natural justice and thus the entire proceeding including the impugned orders are liable to be set aside and quashed.

5.13 For that the said Enquiry Proceedings was not completed within the specified time and was wilfully unduly prolonged and as such it smacks of malafide and therefore, the entire proceeding is vitiated.

5.14 For that the penalty imposed is grossly excessive, disproportionate and did not commensurate to the alleged misconduct and as such the entire proceeding including the impugned orders are liable to be set aside and quashed.

5.15 For that the Inquiry Officer allegedly found the applicant guilty of misconduct under Rules 3(1)(i), (ii) and (iii) of CCS (CCA) Rules, 1965 in utter disregard of the Article - 55 of Education Code and for such act of omission the entire proceeding is vitiated.

5.16 For that in any view of the matter whether in fact or in law the impugned orders are passed in clear contraventions of the Articles 14, 16, 19 and 21 of the Constitution of India and therefore the same are liable to be set aside and quashed.

5.17 For that the learned Appellate Authority as well as Disciplinary Authority acted illegally by wholly ignoring the documents submitted by the applicant alongwith his Written Statement dated 19.09.2001 as well as Written Representation dated 11.04.2002 and as such the impugned orders cannot sustain in law and the same are liable to be set aside and quashed.

5.18 For that the day to day proceedings recorded by the Inquiry Officer, itself disclose the manner in which the Inquiry was conducted. The Inquiry Officer did not even allow the applicant to give his statement in order ^{to} bring

all the documents on which the applicant relied for his defence such irregularities has the effect of vitiating the entire Enquiry Proceeding and accordingly the impugned orders are liable to be set aside and quashed.

6. DETAILS OF REMEDIES SOUGHT FOR :-

The applicant declares that he has availed all the remedies available to him under the service rules and now there is not any other alternative and efficacious remedy except this application seeking immediate and urgent remedy.

7. MATTERS NOT PENDING BEFORE ANY OTHER COURT :-

The applicant further declares that he has not filed any other case in any Tribunal or Court against the Impugned Orders dated 1.5.02 and Appellate Order dated 13.11.02.

8. RELIEFS SOUGHT FOR :-

Under the facts and circumstances of the case, the applicant prays for the following reliefs :-

- (i) The order of removal dated 1.5.2002 (Ann - A 20) passed by the Disciplinary Authority be set aside and quashed.
- (ii) The Appellate Order dated 15.11.2002 (Ann - A23) be set aside and quashed.
- (iii) The applicant be reinstated in his original post in Kendriya Vidyalaya, Khanapara .

(iv) The applicant be paid /granted all past consequential Service benefits including monetary benefits with full backwages.

(v) Cost of the Application.

(vi) Any other reliefs to which the applicant is entitled to and as your Lordship may deem fit and proper for the interest of justice.

9. This application is filed by applicant in person

10. PARTICULARS :-

(i) I.P.O. - 575037

(ii) Date - 28.11.02

(iii) Place - Gauhati

11. LIST OF DOCUMENTS :-

As stated above.

- 30 -

VERIFICATION

I, Radhey Shyam Maurya, S/o. (Late) Ram
Kumar, aged about 42 years and resident of Six Mile,
Khanapara, Gauhati - 22 do hereby verify that the
contents of para 4.1.....4.23.....
..... are true to my personal
knowledge and paras 4.24.....4.25.....
are believed to be true on legal advice and that I
have not suppressed any material fact.

Date :- 09.12.2002

Radhey Shyam Maurya
Signature of the Applicant.

Place :- Gauhati.

47



APPICHEM ENTERPRISE

(A House of Chemicals & Quality Scientific Instruments)

HEM CHANDRA ROAD • UZANBAZAR • GUWAHATI-781 001

GRAM : APPICHEM PHONE : 541570

To,

Principal,
Kendriya Vidyalaya,
Khanapara,
Guwahati.

CHALLAN NO. 1363 dt. 03.02.98
ORDER NO. KVG/20/Sci/9899/676
DATE 03.02.99
BILL NO. AE/187/98-99
DATE 3.2.99

DESCRIPTION OF GOODS	Quantity	Rate Rs.	Per	Amount Rs.
<u>Deptt. of Chemistry.</u>				
1. Nessler reagent .	10x100ml.	100.00	100ml	1000.00
2. Ferric amm. nitrate .	2x100gm	334.00	100gm	668.00
3. Silver nitrate .	2x25gm	468.00	25gm	936.00
4. Pot. Iodide.	1x250gm	710.00	250gm	710.00
5. Sodium carbonate .	4x500gm	80.00	500gm	320.00
6. M. spirit.	10 lit	70.00	lit	700.00
7. Litmus paper , red & blue.	12 pkts.	68.00	pkt	816.00
				5150.00

Five thousand five hundred sixty two
Rupees only.

TOTAL 5150.00

A.G.S.T.-A-412, Central Sales Tax No. 1405 dt. 1-7-67

Our risk and responsibility ceases on delivery of the goods on Rail, Steamer or Carriers.
No complain will be entertained if not lodged within 3 days from receipt of goods. Interest
@ 25% per annum will be charged on all bills unpaid within one month.

এ পি কে ম এ ন্টা ব প্রাইজ

For APPICHEM ENTERPRISE

[Handwritten signatures and notes in the bottom right corner, including dates like 3.2.99 and 4.2.99.]

NOTIFICATION

48

The following persons have been entrusted the job of looking after the Committee as follows:

1. Admissions - Mr. D. K. Jha
2. Examinations - Mrs. B. P. Goswami
3. Accounts - Mr. S. K. Byspajee
4. Bus & Transport - Mr. R. S. Sakhle
5. Medical - Mr. S. K. Sakhle
6. Purchase - Mr. R. S. Sakhle

For the Committee as above

7/11/99

7/11/99

Annexure A4 (i-iv)

Date

12/2/77

Plaza Mills

at present allocation is fixed for the year 1978-79 under the head of

(a) Science Commission Rs. 20,000/-

(b) Science Emp. Commission Rs. 30,000/-

Total - Rs. 50,000/-

An amount of Rs. 50,000/- has already been spent through Mr. R.S. Manry, PGT, Chem. The item which he has purchased not yet settled by Mr. Manry only.

A bill from M/s. Appichem Exports amounting Rs. 5552/- is received for payment.

But no fund is available now under the head of Science.

Therefore, with the PGT, Chem.

conveys that it is with proper store

please see for payment of Rs. 5552/- and return it in this regard.

11/12/77
16/12/77

1. This document is the property of the Government of India and is not to be distributed outside the Government of India without the permission of the Government of India.

2. This document is the property of the Government of India and is not to be distributed outside the Government of India without the permission of the Government of India.

3. This document is the property of the Government of India and is not to be distributed outside the Government of India without the permission of the Government of India.

4. This document is the property of the Government of India and is not to be distributed outside the Government of India without the permission of the Government of India.

5. This document is the property of the Government of India and is not to be distributed outside the Government of India without the permission of the Government of India.

तारीख
Date

आदेश
ORDER

3

अच्छ
Sig

Annexure-A (ii)

Mr. Maurya. PGT Chemistry.
You are being given (2) (two)
New Registers for the Chemistry Dept.
Consumable & Non-Consumable.
You are requested to make
entries of articles purchased during
the session 1998-99. All necessary
entries are reqd. to be made and
bill submitted for payment to parties
to the undersigned by 4th May '99.
Receipt of Stock Register.

Received (2) (two)
new registers from
Principal for stock entry
of articles purchased 1998-99
Consumable & non-Consumable.

2002
24/4/99

24/4/99

Principal
Kendriya Vidyalaya
Khanapara
Gwahat-22

24/4/99
(R. S. Maurya)
At 11:55 AM

(36)

To WHOM IT MAY CONCERN

Annexure - A4 (i & ii)

Received the sealed stock Registers
(i.e. of consumable & non-consumable)
from the Dept. of Chemistry, K.V.
Khanapara along with sealed
envelope containing two (2) keys
only.

Sign of Teacher

Mamga
07/05/99

C.R. S. Mamga

P.G.T. (Chem)

K.V. Khanapara

Ganbali - 22

Date - 07th May, 1999

Sign of Principal

7/5/99
Principal

Kendriya Vidyalaya
Khanapara,
Guwahati - 22

37
The Principal,
Kendriya Vidyalaya Kharapara,
GUWAHATI-22.

Annexure - A4 (iv)

Sub:- Non-Entry of Chemicals in Chemistry Stock Register.

Madam,

An Stock verification of Chemistry Laboratory (i/c Mr. R.S. Meurya, PGT Chemistry) during April 1991. I have found that chemicals supplied by M/s Appichen vide Bill No AE/157/22-23 dated 3.2.91 was not entered in the stock Register by Mr. R.S. Meurya, for reasons best known to him.

This is for your kind information and necessary action please.

Thanking you,

Yours faithfully

(Signature)
(Shamika Sharma)
P.T.O.

Enclos:- Xerox copy of Appichen Bill.

Mrs. S. Sharma.
to enter following suspension
of Mr. Ramya off duty
on charge of Chem Lab-0-0-
from Principal w.e.f. 28.6.99.

(Signature)
Sharma

For examples are given below :

- | | | | |
|----|-----------|-------------|-------------|
| 1. | Vr.Nr. 10 | dt. 31.7.66 | Rs. 976/- |
| 2. | Vr.Nr. 17 | dt. - do - | Rs. 1143/- |
| 3. | Vr.Nr. 19 | dt. - do - | Rs. 3397/- |
| 4. | Vr.Nr. 20 | dt. - do - | Rs. 11127/- |
| 5. | Vr.Nr. 22 | dt. - do - | Rs. 1057/- |
| 6. | Vr. Nr 21 | dt. - do - | Rs. 5580/- |

Purchase procedure is laid down in Accounts Code fully avoided. Similar other all cases may be reviewed and exonerated sanctioned be xaxiama obtained under intimation to audit.

144 No.53 (Page 5)

- (2) In the below mentioned cases it has noticed that where s quotations called, commorative statement have been signed only by the Principal, no rates has been compared, due to this some over payments has been done which required a immediately recovery.

XxxDxxxkAxaxbaZxGtxRxBZ

Mr. No. 14 dt. 31.8.87 Rs. 2050 62.60 to be recovered

Vr. No. 2 dt. 30.3.00 p. 575 105 - 42 -

Vr.Nr.nil dt. 7006 7006 - d3 -

IM No. 53

- (3) Descripencies as mentioned in inspection memo may kindly be set right;

Mr. No. 252 dt. 23.12.85 Rs. 2740 M/S KB. Bhattacharyya & Co.
Gumhatti (Reg. Earn. money)

Vr.No.33 dt. 16.5.86 A.1300

Vr.No.316 dt.2.3.06 572*148 M/S B. Bhattacharya & Co.,
Guwahati, Res. Income Tax
@ 2% Rs.577/-

Private call one Rs. 96/-
to be recovered from the
employee concerned.

Sl.No. 1 to 4
Rs. 5562/- to be recovered
from above firm. Commer-
cial statement prepared
on 12.2.97 whereas
the purchases made on
3.2.99 payment made on
duplicate bill. Avoided
purchase procedure.

Ver No. 6 dt. 17.5.86 p. 144/-
SIB call was not
replied. Payment of Rs.
2.62/50 may be made
from employee concerned.

Vr.Nr.38 dt.10.6.48 Nr.307/-
 Nr.307/- may be
 referred as the call
 was not certified.

Similar all other cases as above may kindly be reviewed and action taken in this regard may be intimated to audit.

14 117,53.

price . . . 25/-

(39)

Annexure - A6

दूरभाष / Phone : 571797, 571798
Fax : 571799

केन्द्रीय विद्यालय संगठन KENDRIYA VIDYALAYA SANGATHAN

क्षेत्रीय कार्यालय Regional Office
मालीगाँव चारियाली Maligaon Chariali
गुवाहाटी : 781 012 Guwahati : 781 012

पत्रांक : 14-5/99-KVS(GR)/2091-93
No. F :

दिनांक :
Dated : 01.6.99

ORDER

WHEREAS a disciplinary proceeding against Shri R.S. Maurya, PGT(Chem), KV, Khanapara is contemplated.

NOW, THEREFORE, the undersigned in exercise of the powers conferred by Sub-rule(i) of Rule 10 of the Central Civil Services(Classification, Control and Appeal) Rules, 1965, hereby places the said Shri R.S. Maurya, PGT(Chem), KV, Khanapara under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarters of Shri R.S. Maurya should be Kendriya Vidyalaya, Khanapara and the said Shri R.S. Maurya shall not leave the headquarter without obtaining the previous permission of the undersigned.

(Dr. Lalit Kishore)
Assistant Commissioner

Shri R.S. Maurya,
PGT(Chem),
Kendriya Vidyalaya,
Khanapara. Guwahati
Teachers qrs. No.4-B(Top floor).
Copy to :-

1. The Principal, KV, Khanapara.

2. The Deputy Commissioner(Admn), KVS(Hqrs), New Delhi.

....

(40)

Annexure A7

KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE
CHAYARAM BHAWAN : MALIGAON CHARIALI
GUWAHATI : 12

No.F.14-5/99-KVS(GR)/5251-54

Dated : 09.08.99

CONFIDENTIAL
BY REGISTERED POST

M E M O R A N D U M
- - - - -

The undersigned proposes to hold an Inquiry against Shri R.S. Maurya, PGT(Chemistry), Kendriya Vidyalaya, Khanapara 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 (ANNEXURE-III) and IV).

(2) Shri R.S. Maurya, PGT(Chemistry) is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

(4) Shri R.S. Maurya, PGT(Chemistry) is further informed that if he does not submit his 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 ex parte.

(5) Attention of Shri. R.S. Maurya, PGT(Chemistry), 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 interest in respect of matters pertaining to his service under the 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 Sh. R.S. Maurya, PGT(Chemistry) 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 CCS(Conduct) Rules, 1964.

(6) The receipt of the Memorandum may be acknowledged.

To,
Shri R.S. Maurya,
PGT(Chemistry) (Under Suspension),
Teachers Qrt.No.4-B(Top Floor),
Kendriya Vidyalaya, Khanapara,
Guwahati : 22.

(DR. LALIT KISHORE)
ASSISTANT COMMISSIONER

Copy to :-

- (1) The Principal, Kendriya Vidyalaya, Khanapara.
 - (2) The Assistant Commissioner (Admin.) KVS(Hqrs) New Delhi : 16.
 - (3) Guard file.
-

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SHRI
R.S. MAURYA, PGT (CHEMISTRY) KENDRIYA
VIDYALAYA, KHANAPARA

ARTICLE - I

That the said Shri R.S. Maurya, while functioning as PGT (Chemistry) Kendriya Vidyalaya, Khanapara, Guwahati during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan to conduct practical examination of CBSE, Chemistry for Class XII (Sc.) on 15.02.1999 without permission/relieving by the competent authority.

This act on the part of Shri R.S. Maurya constitutes a misconduct, and thus violated Rule 3(1) (i), (ii) & (iii), Rule 1964 as extended to the Kendriya Vidyalaya Sangathan employees.

ARTICLE - II

That Shri R.S. Maurya, while functioning as PGT (Chemistry) Kendriya Vidyalaya, Khanapara had not conducted the practical classes of Class XI till January '99 and during the cumulative Test 1998-99 examination all students were awarded 30/30 marks in Practical examination of Chemistry.

Thus, Shri Maurya has acted in the manner of unbecoming of KVS employees and thus violated Rule 3(1) (i), (ii) & (iii) of CCS (Conduct) Rule, 1964 as extended to Kendriya Vidyalaya Sangathan employees.

ARTICLE - III

That during the session 1998-99 Shri R.S. Maurya while functioning as PGT (Chemistry),

Kendriya Vidyalaya, Khanapara, has refused to take Practical examination of Chemistry of Class XI(1998-99) and asked the students to bring chemicals for Practical. Shri Maurya also refused to take CBSE(AISSCE) '99 Chemistry Practical examination for Private students.

Thus, Shri Maurya has violated the code of conduct for Teachers as laid down in Education code for Kendriya Vidyalayas in chapter VI and Rule 3(1) (i), (ii) & (iii) of the Central Civil Services (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - IV

That Shri R.S. Maurya while working as PGT(Chemistry) in Kendriya Vidyalaya, Khanapara during the academic year 1998-99, had not submitted session ending question papers in the stipulated date as notified by the Principal. ✓

Thus Shri Maurya, PGT(Chemistry) has violated Rule 3(1) (i), (ii) & (iii) of Central Civil Services(Conduct) Rules, 1964 as extended to the employees of the Kendriya Vidyalaya Sangathan.

ARTICLE - V

That the said Shri R.S. Maurya, while working as PGT(Chemistry) at Kendriya Vidyalaya, during the period 1998-99 never attended assemblies, staff meetings called by the Principal thus Shri R.S. Maurya had not obeyed the orders of the Principal.

This act on the part of Shri Maurya constitutes a mis-conduct which is unbecoming to teacher(employee) of KVS in violating of Rule 3(1) (i), (ii) & (iii) of CCS(Conduct) Rules 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - VI

That Shri R.S. Maurya while functioning in the aforesaid capacity at Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had temped the Official documents.

Thus Shri Maurya, has violated the Rule 3(1) (i), (ii) & (iii) of Central Civil Services (Conduct) Rules 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

Temper
S.M.

STATEMENT OF IMPUTATION OF MISCONDUCT OR
MISBEHAVIOUR IN SUPPORT OF THE ARTICLE
OF CHARGES FRAMED AGAINST SHRI R.S.
MAURYA, PGT(CHEMISTRY), KENDRIYA VIDYALAYA
KHANAPARA.

ARTICLE - I

That Shri R.S. Maurya, while functioning as PGT(Chemistry) Kendriya Vidyalaya, Khanapara during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan(Army) to conduct Practical examination of Class XII(Sc.) CBSE on 15.02.99. He was not relieved/permited by the Principal, Kendriya Vidyalaya, Khanapara for same as per Principal, Kendriya Vidyalaya, Khanapara letter No. F.PF/KVK/93-99/773-76/PB-182, dated 18.02.1999 (Refer Para - 4) and letter dated 05.03.1999(Para-3).

Thus Shri R.S. Maurya, PGT(Chemistry) has committed a serious misconduct and violated Rule 3(1)(ii) and (iii) Rule 1964 as extended to the Kendriya Vidyalaya Sangathan Employees.

ARTICLE - II

That Shri R.S. Maurya, while working as PGT(Chemistry) in Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had not conducted the practical classes of class XI(Sc.)(Chemistry) till January'99 but in the cumulative Test(Half Yearly examination) all students were awarded 30/30 marks in the said practical examination.

<u>Roll No.</u>	<u>Name of Students.</u>	<u>Marks in Chemistry Practical</u>
01	Anjana Das	30
02	Absent	-
03	Banameeta	30
04	Bhaswati	30
05	Bonti Boro	30
06	Kasturi Saikia	30
07	Madhuparna	30

Contd.....

08.	Malita Das	30
09.	Mousomi	30
10.	Monalisa Das	30
11.	Nibedita Sarma	30
12.	Sangeeta	30
13.	Sikhamoni Das	30
14.	Shreeyasi	30
15.	Suranjana	30
16.	Sushila Das	30
17.	Swati Sarma	30
18.	Pinky Prasad	30
19.	Abhinav Pincha	30
20.	Adjhjer Bhuyan	30
21.	Arkander	30
22.	Arup Das	30
23.	Barabjit	30
24.	Chandan	30
25.	Deepjyoti	30
26.	Dhrubajyoti	30
27.	Divy Ninad	30
28.	Farooq Indad	30
29.	Feroj Hussain	30
30.	Gautam Kumar	30
31.	Indraneel	30
32.	Jitu	30
33.	Absent	-
34.	Naval Kishore	30
35.	Nilamani	30
36.	Parish Deka	30
37.	Pralay Roy	30
38.	Praveen J. Vasana	30
39.	Raktim Konwar	30
40.	Rupam	30
41.	Siddnaisha	30
42.	Vikram Jeet Khaund	30
43.	Daisy Khargharia	30

This act on the part of Shri R.S. Maurya constitutes a misconduct and thus violated Rule 3(1) (i.), (ii.) & (iii) Rule 1964 as extended to the Kendriya Vidyalaya Sangathan employees.

Contd.....6/-

(46) 62

(..6..)

ARTICLE - III

That the said Shri R.S. Maurya while working as PGT(Chemistry) in Kendriya Vidyalaya, Khanapara during the academic session 1998-99 has refused to take Practical of XI(Sc.) (Chemistry) final examination on 23rd, 24th, & 25th-March'99 and asked the students to bring Chemicals for the Practical examination.

Sl.No. Name of students of Class-XI(Sc.)

01. Anjana Das
02. Banoneeta Bharali
03. Bharnali Batabye
04. Barti Boro
05. Kasturi Saikia
06. Monalisa Das
07. Malita Das
08. Mousumi Dey
09. Madhuparna Gupta
10. Nibedita Sarma
11. Shikhamoni Das
12. Shryasi Debnath
13. Suvanjana Saikia
14. Vikramjit
15. Arkendu Bhardwaj
16. Arup Das
17. Nilmani Sarmah
18. Rupam Sarmah

Shri R.S. Maurya also refused to take CBSE (AISSCE) 1999 Practical examination of (Chemistry), Private students. Due to that the venue of Practical examination of said students has been shifted from Kendriya Vidyalaya, Khanapara to Hindustani Kendriya Vidyalaya on a telephonic request by the Secretary, CBSE Guwahati Regional Office.

Thus, Shri Maurya has violated the code of conduct for teachers as laid down in Education code for Kendriya Vidyalayas in chapter VI and violated Rule 3(1) (i), (ii) & (iii) of the Central

Contd.....7/-

Civil Services (Conduct), Rules 1964
as extended to the employees of Kendriya Vidyalaya
Sangathan.

ARTICLE - IV

That Shri R.S. Maurya while working as
PGT(Chemistry) in Kendriya Vidyalaya, Khanapara,
during the academic year 1998-99 had not submitted
the session ending Question papers of Chemistry
(his Class) in the stipulated date. As per Notice
issued on 03.02.99 the last date of submission of
Question papers was 15.02.99.

01. 1st Notice issued to all concerned on
03.02.99 by the Principal, Kendriya
Vidyalaya, Khanapara.
02. 2nd Notice (Reminider) issued to Mr. R.S.
Maurya on 26.02.99 by the Principal,
Kendriya Vidyalaya, Khanapara.
03. 3rd Notice (Reminder) issued to Mr. R.S.
Maurya on 02.01.99 by the Principal,
Kendriya Vidyalaya, Khanapara.

Thus, Shri Maurya has done insubordination
leading to unbecoming behaviour of Kendriya Vidyalaya
Sangathan Employees and violated Rule 3(1) (i), (ii) &
(iii) of CCS(Conduct) Rule, 1964 as extended to the
Kendriya Vidyalaya Sangathan Employees.

ARTICLE - V

That the said Shri R.S. Maurya while working
as PGT(Chemistry) at Kendriya Vidyalaya, Khanapara
during the period 1998-99 never attended assemblies in
the Vidyalaya, staff meetings called by the Principal,
thus Shri Maurya disobeyed the orders of his controlling
Officer i.e. Principal, Kendriya Vidyalaya, Khanapara.

This act on the part of Shri Maurya constitutes
insubordination, misconduct which is unbecoming to as

Contd.....8/-

teacher(employee) of Kendriya Vidyalaya Sangathan in violating of Rule 3(1) (i), (ii) & (iii) of CCS (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan. 64

ARTICLE - VI

That, Shri R.S. Maurya, while functioning in the aforesaid capacity at Kendriya Vidyalaya, Khanapara, during the academic year 1998-99 had tempered the Official documents to cover up his late arrival to the Kendriya Vidyalaya, Khanapara at 11.30 A.M. on 08.02.99. Relieving Order issued by the Principal Kendriya Vidyalaya, Narangi vide Ref.No.4-5/KVN/98-99/795-97, dated 06.02.99 Shri Maurya had used peon book against Sl.No.211 for sending his replies to the Principal, Kendriya Vidyalaya, Khanapara. Thus, Shri Maurya has tempered the Official documents which is a serious misconduct and violation of the Rule 3(1) (i), (ii) & (iii) of Central Civil Service (Conduct) Rule 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

What

Officer D.O.

Peon B/c

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF
CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST
SHRI R.S. MAURYA, PGT (CHEMISTRY) KENDRIYA
VIDYALAYA KHANAPARA

01. Show cause Notice issued by the Principal, Kendriya Vidyalaya, Khanapara vide Ref.No. F.PF/KVC/98-99/773-76/PB-182, dated 18.02.99 Para-4, and Principal, Kendriya Vidyalaya, Khanapara letter dated 5th March, 1999 addressed to the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, Para-3.
02. (i) Principal, Kendriya Vidyalaya, Khanapara letter KVC/PF/RSM/98-99/632-33, dated 27/28.01.99 address to Shri R.S. Maurya, PGT (Chemistry).
- (ii) Complaint of guardians of children studying at Kendriya Vidyalaya, Khanapara dated 21.01.99 and publication in Sentinel dated 09.04.1999.
- (iii) Practical Note Books of students of Kendriya Vidyalaya, Khanapara
- (iv) Copy of the Marks slip of Class XI, A (Science).
- (v) Report submitted by the Principal, Kendriya Vidyalaya, Khanapara vide letter dated 21.06.99.
03. (i) Copy of the letter No. KVG/58/XI/98-99/868, dated 22.03.99 from Principal, Kendriya Vidyalaya, Khanapara.
- (ii) Copy of the letters addressed to the Principal, Kendriya Vidyalaya, Khanapara, by the students of Class XI-A, dated 22.03.99, dated 23.03.99, dated 26.03.99 and 09.02.99.

Contd.....

04. (i) Copy of the letter of Shri U.N. Adhikary, Examination I/C, Kendriya Vidyalaya, Khanapara.
- (ii) Copy of Memo dated 26.02.99 issued by the Principal, Kendriya Vidyalaya, Khanapara.
05. (i) Para 5(viii) of the report submitted vide letter dated 21.06.99 by the Principal, Kendriya Vidyalaya, Khanapara.
- (ii) Copy of the Notice/Memo dated 05.03.99 of Principal, Kendriya Vidyalaya, Khanapara, addressed to Mr. Maurya.
- (iii) Copy of the guardians letter dated 12th Jan'99 with remarks of the Principal, Kendriya Vidyalaya, Khanapara
06. (i) Copy of the Relieving Order No.F.4-5/KVN/98-99/795-97/, dated 06.02.99, issued by the Principal, Kendriya Vidyalaya, Narangi. Copy of Shri R.S. Maurya and copy of the Principal Kendriya Vidyalaya, Khanapara.
- (ii) Copy of the Peon Book Sl.No. 210 and 211.

ANNEXURE - IV

STATEMENT OF WITNESSES BY WHICH THE ARTICLES OF
CHARGES ARE PROPOSED TO BE SUSTAINED
AGAINST SHRI R.S. MAURYA,
PGT(CHEMISTRY),
KENDRIYA VIDYALAYA
KHANAPARA

(52)

KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE : GUWAHATI

Annexure - A8

VB

No.F.14-5/99-KVS (GR)/2000

Date: 20.04.2000

Conf./Speed Post.

MEMORANDUM

WHEREAS the disciplinary proceedings under Rule 14 of CCS (CCA). Rules, 1965 were initiated against Shri R.S. Maurya, PGT (Chem.), (U/S), Kendriya Vidyalaya, Khanapara, vide this office Memorandum No. F.14-5/99-KVS (GR)/5251-54, dated 09.08.99 and he was served the Articles of charge and imputation of Misconducts through the above memorandum.

AND WHEREAS, Shri R.K. Gautam, Principal, Kendriya Vidyalaya, Upper Shillong and Shri P.V.S. Ranga Rao, Principal, Kendriya Vidyalaya, No.1 Tozpur were appointed as Inquiry Officer and presenting Officer respectively to inquire into the charges against Shri R.S. Maurya and to present the case.

AND WHEREAS, Sh. R.K. Gautam, Principal, Kendriya Vidyalaya, Upper Shillong and the Inquiry Officer vide his letter No.F.RSM/KV-US/99-2000/1033, dt.27.03.2000 has submitted report on the charges against Shri R.S. Maurya in which Articles I, II, IV & VI of the charge sheet has been established and Article III Partially Proved.

NOW, THEREFORE, the undersigned forward a copy of Inquiry report submitted by the Inquiry Officer to Shri R.S. Maurya, PGT (Chem.) (U/S), Kendriya Vidyalaya, Khanapara and provide an opportunity to Shri R.S. Maurya to submit his written representation or submission if any, to the undersigned on the report of the inquiring authority within 15 days from the issue of this Memorandum, failing which it will be presumed that Shri R.S. Maurya does not wish to make any written representation or submission and further necessary action will be taken as per CCS (CCA) Rules.

To,

Shri R.S. Maurya,
PGT (Chem.) (U/S),
Teachers Qrt. No.4-B (Top Floor)
Kendriya Vidyalaya, Khanapara,
Guwahati : 22.

D. K. Saini
(D. K. SAINI) 20/4/2000
ASSISTANT COMMISSIONER
&
DISCIPLINARY AUTHORITY

....

INQUIRY REPORT INTO THE CHARGES FRAMED AGAINST
SHRI. R.S. MAURYA. PGT (Chem.) (UNDER SUSPENSION) OF
KENDRIYA VIDYALAYA KHANAPARA, GUWAHATI.

INTRODUCTION:

I, R.K. Gautam, Principal, K.V. EAC Upper Shillong was appointed as inquiry officer vide KVS(GR) office order No.14-5/99-KVS(GR) 7018-22 dated 13-9-1999 to inquire into the charges framed against Shri. R.S. Maurya, PGT (Chem.) (under suspension), of K.V. Khanapara, Guwahati and the said order was received on 20-9-99. The Disciplinary Authority, the Charged Officer and the Presenting Officer were informed of the appointment of the inquiry officer, vide DOS - 1 of dated 23-9-99 and corrigendum of dated 28-9-99. The Charged Officer was given the opportunity to present himself for preliminary hearing through letters no. RSM/KV-US/99-2000/553-57 dated 12-10-99, and No. RSM/KV-US/99-2000/590-94 dated 25-10-99 (through registered post) on 25-10-99 at 11.00 hrs and 4-12-99 at 11.00 hrs. In the office of the Inquiry Officer at K.V. EAC Upper Shillong respectively.

The Charged Officer raised certain objections regarding the conduct of the enquiry and its place, subsistence allowance and security for self and his family through his representation dated 25-11-99 received on 2-12-99 by the Inquiry Officer. The representation of the Charged Officer was disposed off vide letter No. RSM/KV-US/99-2000/683-85(DOS-9) dated 4-12-99, the C.O. was provided another opportunity to present himself for preliminary hearing on 28-12-99. (Incidentally the P.O. vide letter No. F. Conf. /KVT/99-2000/945-46 dated 31-11-99 has also requested for the deferment of the inquiry on 4-12-99).

Instead of presenting himself the C.O. again made two representations dated 15/16-12-99 received by the I.O. on 23-12-99 raising objections of criminal conspiracy against officers of KVS, non-payment of subsistence allowance, place of conduct of inquiry & security for himself and his family. Inquiry officer deferred the inquiry till the disciplinary authority ensures the payment of suspension allowances vide letter No. RSM/KV-US/99-2000/579-81 (DOS-11) dated 28-2-99. The Disciplinary authority vide his letter No. 14-5/99-KVS (GR) 8990 dated 5-1-2000 disposed off the representation stating that the payment of suspension allowance can not be and has not been made because the Charged Officer did not submit the certificate under F.R. 53(2) to D.D.O. The I.O. also being of the opinion that the onus of submission of certificate under FR 53(2) lies on the C.O. The Charged Officer vide office order no. RSM/KV-US/99-2000/597-600 dated 13-1-2000 was given the opportunity to present himself and to co-operate with the inquiry on 27-1-2000 as the inquiry was to be conducted on day to day basis at K.V. Maligaon, Guwahati. To facilitate the Charged Officer the inquiry was shifted to K.V. Maligaon, Guwahati at the insistence of the C.O. for not being able to attend the inquiry at Shillong, with the instructions that the inquiry shall proceed as Ex-parte if he still decides not to attend it.

Inquiry was conducted at K.V. Maligaon in the office of the Inquiry Officer at 11.00 hrs. Since the C.O. did not present himself as such, the order vide letter No. F. RSM/KVM/99-2000/868-69 dated 27-1-2000 was passed to proceed with the Ex-parte inquiry and the Presenting Officer was directed to present the document, for to be taken on record on 28-1-2000 at 10.30 hrs. The C.O. was informed of the decision through the letter referred above and telegram dated 27-1-2000. The inquiry was conducted on 28-1-2000 in the office of I.O. at 10.30 hrs. Since the C.O. did not present himself, the Inquiry Officer

Contd. on page - 2

- 2 -

Waited for the C.O for one hour. When the C.O did not report till 11.30 hrs, the P.O was requested to present the documents on record. The P.O presented the documents and were marked in red as SW-1, SW-2, ... SW-15 in support of the case against Article of charges I to VI. Inquiry Officer vide his order (DOS-15) No. RSM /KVM /99-2000/883-84 dated 28-1-2000 directed the P.O to complete his presentation of the case on 29-1-2000 and proceedings were resumed at 10.00 hrs. The C.O was also informed of the same through registered post.

The presenting officer presented his case in complete on 29-1-2000. The inquiry officer passed the order dated 29-1-2000 (DOS -16) directing the P.O to send his written brief in duplicate latest by 14-2-2000. The D.A once again vide letter No.14-5/99-KVS (GR)/9135 dated 12-1-2000 requested the C.O to send the certificate under FR 53(2) in order to enable the D.D.O to disburse suspension allowance and the same was received by the I.O on 30-1-2000. Inquiry Officer received two representations from the C.O on 31-1-2000 regarding subsistence allowance. His representations were considered and rejected as he did not comply with the rules as laid down under FR 53(2). Submission of certificate under FR 53(2) is the responsibility of the charged officer and not the D.D.O.

Presenting officer sent in his written brief in duplicate as directed through his letter No. PF/PVSR/Principal /KVT/99-2000/1125 dated 5-2-2000 and the same was received by the I.O on 12-2-2000. The charged officer was provided once again with the opportunity as laid down in the rules and the copy of the written brief was sent to the Charged Officer so that he may defend himself even at this stage, if he so desires. This request was made to the C.O vide letter No. RSM/KV-US/99-2000/869-872 dated 16-2-2000 (DOS-19) and the charged officer was requested to send in his defence by 6-3-2000.

Inquiry Officer made all possible efforts under the rules to facilitate the Charged Officer to participate in the inquiry and to defend himself but it seems that C.O. had his own reasons for not participating in the inquiry.

DEFENCE OF THE CHARGED OFFICER.

Finally in response to the written brief of the P.O, the reply of Charged Officer was received by the inquiry officer by speed post on 13-03-2000 and is disposed off as under.

Para. -1 -Matter of fact.

Para. -2 & 3 -The C.O. has raised the objection that he was not allowed to inspect the original documents as a result he could not submit his written statement. The objection of the charged officer is not maintainable, as Disciplinary Authority vide his letter no. F .14-5 / 99 - KVS (GR) / 5897 -900 dated 29-09-99 informed the C.O. that since the I.O. has been appointed in the case, he shall be given opportunity for inspection of documents as per rules, however the C.O chose not to co-operate in the inquiry and avail the opportunity as laid down in the rules.

Para. -4, 7 & 8 -Regarding non-payment of subsistence allowance. The C.O. was informed time and again by Drawing and Disbursement Officer and Disciplinary Authority to furnish certificate under FR 53(2) to D.D.O but he did not comply with it. As such the onus of non-payment of subsistence allowance lies on the C.O. and not the Disciplinary Authority, Inquiry Officer or the Drawing and Disbursement Officer.

Para. -5,9&10. -The Charged Officer has charged the Presenting Officer, of bias and the same

Contd. on page -3

was earlier rejected by the disciplinary authority vide letter no.F.14-5/99-KVS (GR)/8990 dated 05-01-2000. Even otherwise the presenting officer cannot be expected too be neutral, as he has to defend the case on behalf of the department.

Para. -6 -The Charged Officer raised objections that he made several requests to conduct inquiry at Khanapara, Guwahati, keeping his sentiments in view the inquiry was conducted and concluded at Kendriya Vidyalaya Maligaon, Guwahati which is just a few kms. away from K.V. Khanapara. He simply did not want to co-operate for his own reasons.

Para.11 -Charges has been denied by the Charged Officer in response to written brief of the presenting officer, which validates the conduct of the inquiry.

Para.12-13 -The charge of the Charged Officer is baseless that a reasonable opportunity has not been given to him. This is his own creation, as whenever he was requested to present and defend himself in the case he chose to stay away. He is to accuse no one other than himself.

INQUIRY REPORT

The Charged Officer Shri.R.S.Maurya PGT (Chem) (Under Suspension) has been charged of six charges under Article of charges as Article I to VI vide memorandum no.F.145/99-KVS(GR)/525-54 dated 9-8-99. The report of inquiry officer in respect of all charges, for the consideration of disciplinary authority and necessary action is as under.

Article of Charge-I

That the said Shri.R.S.Maurya, while functioning as PGT (Chem) Kendriya Vidyalaya, Khanapara, Guwahati during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan to conduct practical examination of C.B.S.E., Chemistry for Class XII (Sc) on 15-02-99 without permission/relieving by the competent authority.

This act on the part of Shri.R.S.Maurya constitutes a misconduct, and thus violated Rule 3 (1) (i), (ii) & (iii), Rules 1964 as extended to Kendriya Vidyalaya Sangathan employees.

Analysis of evidence: -

Presenting Officer based his arguments on the documents brought on record as SW-1/1-5. SW-1/4-5 cannot be accepted for to be based for the purpose of evidence because the copy of the same was not given to the charged officer to explain his conduct and also it is not authenticated by any officer of KVS, it is merely a photocopy. The charged officer did not defend his case in spite of all opportunities given to him. The inquiry officer had no option but to decide on the basis of SW-1/1-3. SW-1/1 is the order of appointment of Shri.R.S. Maurya, PGT (Chem) of Kendriya Vidyalaya Khanapara as practical examiner of Chemistry at Kendriya Vidyalaya, Dinjan.

The question is not who authorised Shri.R.S. Maurya and what C.B.S.E authorities say on his appointment as examiner as put in by the Presenting Officer. Nothing is proved out of this point. On the basis of application of Shri.R.S.Maurya of dated 15-2-99 (SW-1/2) and show cause notice (SW-1/3) it is proved that Shri.R.S.Maurya, PGT (Chem) was given sufficient opportunity to explain his conduct. He was served with the show cause notice through peon book on 18-2-99 at S.No. 182 page 20. (SW-15)

Contd. on page -4

In his application dated 15-2-99 addressed to the Principal (SW-1/2). Shri.R.S.Maurya, wrote, "I am proceeding to Kendriya Vidyalaya, Dinjan (Army) to conduct the class XII chemistry practical examination on 15-2-99" shows that he had no respect for rules as laid down for the conduct of an employee. This expression also proves an act of insubordination and disrespect to the chair. It seems that he left his duties without the approval of the competent authority and left the children under his charge, as unattended. This proves that the Charged Officer left his duties and station without the approval of competent authority, which constitutes misconduct on the part of the Charged Officer.

Finding

Thus this act of Shri R.S.Maurya, PGT(Chem) of Kendriya Vidyalaya, Khanapara, proves the charge of misconduct under rule 3(I), (i), (ii) and (iii) of CCS Rules 1964 as extended to K.V.S. employees that he left the school without the prior approval of the competent authority.

Article of Charge-II

That Shri.R.S.Maurya, while functioning as PGT (Chem) Kendriya Vidyalaya, Khanapara had not conducted the practical classes of class XI till January, 99 and during the cumulative Test 1998-99 examination all the students were awarded 30/30 Marks in Practical examination of Chemistry.

Thus, Shri Maurya has acted in the manner of unbecoming of KVS employees and thus violated Rule 3(1), (i), (ii) & (iii) of CCS (conduct) Rule, 1964 as extended to Kendriya Vidyalaya Sangathan employees.

Analysis of evidence: -

In order to defend his case the presenting officer based his case on documents (SW-2 to SW-9) as already placed on records. Shri.R.S.Maurya, PGT (Chem) has been presumed to be served with a letter (SW-2/1) but it is not proved whether the same had been served to him. SW-2/1 is a photocopy and has not been authenticated by the competent authority. Collective complaints of parents (SW-2/2-3) have not been confirmed through independent witness and also bears no diary no. as such its authenticity is again in question. SW-2/4-8 a copy of the newspaper can be made the base for a fact-finding inquiry but not as the conclusive evidence in a regular inquiry.

SW-3 to SW-6 placed on records are the practical notebooks of, Master Gautam Kumar of XI-A (Sc), Master Deepjyoti Das of XI-A (Sc), Master Aditya Bhuyan of XI (Sc), and Kasturi Saikia of XI respectively. As per the index-page of these notebooks no practical was conducted before 12-1-99, and the subject teacher has initialed the entries on the index-page. It is proved that no practical was conducted in XI (Sc) class before 12, Jan. 99.

SW-7 is the award list of cumulative test for class XI-A (Sc) for 1998-99 giving marks for theory and practical in Chemistry, duly signed by Shri.R.S.Maurya, PGT (Chem). The cumulative test as per KVS schedule is conducted in the month of November during every academic year. It is proved that the marks have been awarded, without conducting practical in the class. Under no circumstance students can get equal marks in practical particularly when weak in theory, it is proved that students at Sl. No.34 & 38 have been awarded 30 marks in practical whereas they have scored 29 and zero marks in theory respectively.

Contd. on page -5

SW-8 cannot be taken as authentic as has not been verified by independent witness. SW-9 can also not be relied upon because it is a report of the Principal to the Assistant Commissioner, KVS (GR) against Shri.R.S.Maurya and Shri Maurya has neither been provided with the copy of complaint nor provided with opportunity to defend himself.

Finding

SW-3, SW-4, SW-5, SW-6 and SW-7 prove that Mr.R.S.Maurya, PGTChem) awarded marks to children without conducting practical. This is not only dereliction of duty but also a criminal /unethical act on the part of Shri.R.S.Maurya, PGT (CChem). Hence this act on the part of Shri. Maurya constitutes misconduct and proves the charge of misconduct under rules 3(1) (i), (ii) and (iii) of Rule 1964 as extended to KVS employees.

Article of Charge-III

That during the session 1998-99 Shri R.S.Maurya while functioning as PGT (Chem), Kendriya Vidyalaya, Khanapara, has refused to take Practical examination of Chemistry of class XI (1998-99) and asked the students to bring chemicals for practical. Shri.Maurya also refused to take CBSE (AISSCE) 99 Chemistry Practical examination for private students.

Thus, Shri Maurya has violated the code of conduct for Teachers as laid down in Education Code for Kendriya Vidyalayas in chapter VI and Rule 3(1) (i), (ii), (iii) of the Central Civil Services (Conduct) Rules, 1964 as extended to the employee of Kendriya Vidyalaya Sangathan.

Analysis of evidence: -

SW-10/1 cannot form the basis of evidence, as neither it is an authenticated document (a photocopy of the letter written by the Principal to the Asstt.Commissioner, KVS (GR)) nor the copy of the same was endorsed to Mr.R.S.Maurya for the observance of the principal of natural justice. SW-10/2 is a copy of the notice written by Shri R.S.Maurya, PGT (Chem). The copy of the same noted down by Mrs. J. Dasbasu, Principal, K.V.Khanapara shows clearly a violation of conduct rules on the part of the Charged Officer. SW-10/3 was written by Shri.R.S.Maurya, does prove that it had been written by him beyond his competence. SW-10/4 to 9 are the letters written by students. It proves that the Charged Officer did not discharge his duties as directed by the controlling officer.

As regards the refusal of Shri.R.S.Maurya, PGT (Chem) to conduct the CBSE (AISSCE) 99 practical examination nothing has been placed on record except its mention in the charge sheet and statement made by the presenting officer while presenting the case and in his written brief as such the contention of prosecution is not accepted.

Finding :-

The charge of misconduct that Shri Maurya has violated the code of conduct for Teachers as laid down in Education Code for Kendriya Vidyalayas in chapter VI and Rule 3(1) (i), (ii), (iii) of the Central Civil Services (Conduct) Rules, 1964 as extended to the employee of Kendriya Vidyalaya Sangathan. is partially proved

Contd. on page -6

Article of Charge-IV

That Shri.R.S.Maurya while working as PGT (Chem) in Kendriya Vidyalaya Khanapara during the academic year 1998-99 had not submitted session ending questions papers in the stipulated date as notified by the Principal.

Thus Shri.Maurya, PGT (Chem) has violated Rule 3(1), (i), (ii) & (iii) of CCS (Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

Analysis of evidence: -

SW-11/1 refers to non-submission of question paper by Shri R.S.Maurya by 15-2-99. The said report of dated 23-2-99 by Shri.U.N. Adhikary is addressed to the Principal. This report is about non-submission of question paper by Shri Maurya, as a result question paper could not be sent to the press. It also points out that Mr.Maurya did the same at the time of half yearly exam. This shows that the Charged Officer is habitually irregular in the performance of his duties.

SW-12 is an office order in the Office Order Register on page 1. Through this order the Principal ordered Shri.R.S.Maurya on 26-2-99 to submit the question paper by 3 PM on 26-2-99. Afterwards there is nothing to show that he did not submit the question paper of session ending examination by the stipulated date and time.

Shri.Maurya complied with the instructions of dated 26-2-99 as contained in SW-12 on page - 1, marked in red ink in box proves that he does not care for rule of law.

Finding: -

The charge of misconduct that Shri.Maurya, PGT (Chem) has violated Rule 3(1), (i), (ii) & (iii) of CCS (Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan is proved for non-compliance of instructions.

Article of Charge-V

That the said Shri.R.S.Maurya, while working as PGT (Chemistry) at Kendriya Vidyalaya during the period 1998-99 never attended assemblies, staff meetings called by the Principal thus Shri.R.S. Maurya had not obeyed the orders of the Principal.

This act on the part of Shri Maurya constitutes a misconduct which is unbecoming of a teacher (employee) of KVS violating of Rule 3(1) (i) (ii) & (iii) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

Analysis of evidence: -

As per article of charge Shri.R.S.Maurya, PGT (Chemistry) never attended morning assemblies and staff meetings called by the Principal. The presenting officer has based his arguments on SW-13/1-2 & SW-13/3

Contd. on page -7

SW-13/1-2 relates to request of parents to see the answer scripts as their wards who got unexpectedly low marks in Chemistry in Cumulative exam. On this document the examination In-charge has written that Mr. Maurya and Mr. Dwivedi has not submitted the answer scripts to the examination department. It seems that the parent's grudge is that when their wards got 30/30 in Chemistry practical than how come they got less marks in theory and even does not explicitly relates to the article of charge.

SW-13/3 is a note sent to Mr. Maurya to meet the Principal at 2 PM on 5-2-99. This note appears to have been sent to Mr. Maurya when earlier he did not meet the Principal as he had a class. In this note however the Principal had mentioned that he was free, but the Presenting Officer has not been able to prove either by way of arguments or documents. SW-13/3 is again not an authenticated document being only a photocopy. Of the documents brought on record and the argument presented by presenting officer does not prove the charge as to when did Mr. Maurya not attend the above referred assembly and staff meetings. Neither Mr. Maurya has been served with a show cause notice nor any evidence of his declining to attend the meeting has been brought on record.

Finding: -

That the evidence on record does not prove that Shri R.S. Maurya did not obey the orders of the Principal hence the act on the part of Shri Maurya does not constitutes a misconduct which is unbecoming to teacher (employee) of KVS violating of Rule 3(1) (i) (ii) & (iii) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

Article of Charge-VI

That Shri R.S. Maurya while functioning in the aforesaid capacity at Kendriya Vidyalaya Khanapara during the academic year 98-99 had tampered the official documents.

Thus Shri Maurya, has violated the Rule, 3(1) (i) (ii) & (iii) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

Analysis of evidence: -

SW-14/1 and 2 are copies of the relieving order of Mr. R.S. Maurya, PGT (Chem) from Kendriya Vidyalaya Narangi on the basis of which the Presenting Officer has tried to prove the tampering of records by the Charged Officer. On the personal scrutiny by the Inquiry Officer of the documents it is observed that both the documents are the copies of the same order and clearly show that the time of departure has been written later on to suit the interests of the Charged Officer on the copy of the relieving order submitted in the office thus he not only tempered the records but also cheated the Govt. by way of excessive claim of TADA. This proves the misconduct on the part of the Charged Officer.

i) Both the documents (SW-14/1, & SW-14/2) are the carbon copies of the same order but the entries column for writing date of relieving are different in both of them.

ii) Despatch no., has been written in pen on both copies (SW-14/1 and 2) by the same person.

Contd. on page -8

SW-15 is the peon book in which the Presenting Officer has drawn the attention of Inquiry Officer on the receipt columns at Sl.No.182, 184, 211, 212, 219 and 236.

At Sl.No.182 the Charged Officer has written 'Time received (1.45pm) a letter in sealed envelope with unknown content and signed with date. At Sl.No.184 the Charged Officer has written 'received a sealed' envelop with unknown content' (At 12 Noon) and signed with date.

At Sl.No.211 it is the remark of the Principal and not of the Charged Officer as such does not constitute an offence. ✓

At SL. No. 212 the Charged Officer signed and wrote in the column of "by whom delivered" name of the concerned peon is not mentioned

At SL. No. 219 the Charged Officer wrote a note in the peon book regarding submission of employment certificate after his suspension. Similarly at Sl.No.236 he wrote a request to provide the details of subsistence allowance.

As regards the charge of tampering of records by way of changing /addition of time in the relieving order is proved. The use of peon book for correspondence and replies is also an act of misconduct on the part of the Charged Officer. As such the charge of misconduct is proved.

Finding: -

That the charge of tampering of official documents is proved as such Shri Maurya, has violated the Rule, 3(1) (i) (ii) & (iii) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan

CONCLUSION: -

Defence lead by the Charged Officer in response to the written brief of the Presenting Officer is vague and can not accepted as rational defence.

The Charged Officer is found guilty of misconduct under Rule 3(1) (i) (ii) and (iii) of CCS (Conduct) Rules 1964 in the following Article of charges.

Article I -	Proved
Article II -	Proved
Article III -	Partially proved
Article IV -	Proved
Article V -	Not proved
Article VI -	Proved

It is proposed that the Charged Officer be imposed penalty as under the rules against Article of Charges I, II, III, IV and VI.

Dated:- March 25, 2000

(R.K.GAUTAM)

Inquiry Officer & Principal,
Kendriya Vidyalaya, EAC Upper Shillong.

KENDRIYA VIDYALAYA ORGANIZATION
Regional Office
Chayaram Bhawan, Maligaon Chariali,
GUWAHATI-12

No.F.14-5/99-KVS(GR)/1999-20

Dated : 29.5.2000

ORDER

ORDER

WHEREAS disciplinary proceedings under Rule 14 of Central Civil Services(Classification Control and Appeal), Rules, 1965 were instituted against Shri R. S. Maurya, PGT(Chemistry), KV, Khanapara, vide this office Memorandum No. 14-5/99-KVS(GR)/5251-54, dated 9.8.99 on the following Articles of charges :-

- (i) That the said Shri R.S. Maurya, while functioning as PGT(Chemistry), Kendriya Vidyalaya, Khanapara, Guwahati during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan to conduct practical examination of CBSE, Chemistry for class XII(Sc) on 15.02.1999 without permission/relieving by the competent authority.
- (ii) That Shri R.S. Maurya, while functioning as PGT(Chemistry), Kendriya Vidyalaya, Khanapara had not conducted the practical classes of Class XI till January'99 and during the cumulative Test 1998-99 examination all students were awarded 30/30 marks in Practical examination of Chemistry.
- (iii) That during the session 1998-99, Shri R.S. Maurya while functioning as PGT(Chemistry), Kendriya Vidyalaya, Khanapara, has refused to take Practical examination of Chemistry of Class XI(1998-99) and asked the students to bring chemicals for Practical. Shri Maurya also refused to take CBSE(AISSCE)'99 Chemistry Practical examination for Private students.

W. M. Maurya
29/5

(2)

- (iv) That Shri R. S. Maurya while working as PGT(Chem) in Kendriya Vidyalaya, Khanapara during the academic year 1998-99, had not submitted session ending question papers in the stipulated date as notified by the Principal.
- (v) That while he working as PGT(Chemistry) at Kendriya Vidyalaya, Khanapara during the period 1998-99 never attended assemblies, staff meetings called by the Principal thus Shri R.S. Maurya had not obeyed the orders of the Principal.
- (vi) That Shri R.S. Maurya while functioning in the aforesaid capacity at Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had tampered the Official documents.

A Statement of imputations of misconduct/misbehaviour on which the Articles of charges were based, together with a list of documents by which, the charges were proposed to be sustained, were also forwarded to him alongwith the above said Memorandum dated 9.8.99.

AND WHEREAS, Shri R.S. Maurya has failed to submit his written statement of his defence on the above chargesheet within the stipulated time. Accordingly Shri R.K. Gautam, Principal, Kendriya Vidyalaya, EAC Upper Shillong was appointed as Inquiry Officer to inquire into the charges vide Order No.14-5/99-KVS(OR)/9025-29, dated 13.9.99 and Shri P.V.S. Ranga Rao, Principal, Kendriya Vidyalaya No.1, Tezpur was appointed as Presenting Officer, vide Order No.F.14-5/99-KVS(OR)/7018-22, dated 13.9.99.

AND WHEREAS, the Inquiring Officer, vide his letter No.F.RSM/KV-US/99-2000/1033, dated 27.3.2000 gave the findings that Articles-I,II,IV & VI against Shri R.S. Maurya has been established and proved and Article III has partially established & proved.

AND WHEREAS, a copy of the report of Inquiry was sent to Shri R.S. Maurya, vide Memo. No.F.14-5/99-KVS(GR)/490, dated 20.4.2000 and he was given an opportunity of making such submissions in his defence on the report of inquiry as he desired. Shri R.S. Maurya has not made any submission in this regard within the stipulated period.

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 Articles I, II, IV & VI as proved and Article III partially proved.

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 Shri R.S. Maurya (i) left his duties without the approval of the competent authority and left the children under his charge, as unattended. (ii) He awarded marks to children without conducting the practical examinations. (iii) He refused to take practical examinations of CBSE(AISSCE)'99 Chemistry & asked the students to bring Chemicals for practical. (iv) during the academic year 1998-99 had not submitted session ending questions papers in the stipulated date as notified by the Principal. (v) that during the year 1998-99 Shri R.S. Maurya had tempered the official documents and thus committed misconduct under Rule 3(1)-(i), (ii) & (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.

IT IS, THEREFORE, Ordered that Shri R.S. Maurya, PGT(Chem), Kendriya Vidyalaya, Khanapara presently under suspension be imposed the penalty of removal from service with immediate effect which shall not be a disqualification for future employment under the Kendriya Vidyalaya Sangathan.

D. K. SAINI
D. K. SAINI
ASSISTANT COMMISSIONER

Kendriya Vidyalaya Sangathan
Regional office, Guwahati

To
Shri R.S. Maurya,
PGT(Chem)(Under Suspension),
Teachers Or. No.4-B(Top Floor),
Kendriya Vidyalaya, Khanapara,
Guwahati-781022

(64)

SL. No. 401 80

Annexure - A10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 20 of 2001
Date of Order: This the 28th Day of June, 2001.

HON'BLE MR. D. N. CHOWDHURY, VICE-CHAIRMAN
HON'BLE MR. K. K. SHARMA, ADMINISTRATIVE MEMBER

Radhey Shyam Maurya,
S/O. Sri Ram Kumar,
Post Graduate Teacher (P.G.T.) Chemistry,
Kendriya Vidyalaya, Khanapara and at
present resident of Khanapara,
Six Mile, Gauhati-22 (Assam) Applicant

By Advocate Mr. D. K. Mishra
Ms. S. Jahan
Mr. I Longen

-vs-

1. Union of India,
represented through the Secretary,
Dept. of Education under Ministry of
Human Resources & Development (M.H.R.D.),
Shashtri Bhawan,
New Delhi-1.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-16.
3. The Deputy Commissioner (Personal)
(The appellate authority)
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet
Singh Marg, New Delhi-16
4. The Assistant Commissioner,
(The Disciplinary Authority)
Kendriya Vidyalaya Sangathan,
2nd Floor, Chhaya Ram Bhawan,
Maligaon, Guwahati-12 (Assam)
5. Dr. E. Prabhakar,
Ex-Educational Officer, (K.V.S.)
Gauhati Regional Office and at present
Education Officer,
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet
Singh Marg, New Delhi-16
6. Mrs. Jayshree Das Basu (Principal)
Kendriya Vidyalaya Khanapara,
Guwahati-12.
7. Mr. G. S. C. Bosebabu (Principal)
K.V.S. Narangi, Guwahati-27. Respondents.

By Advocate Mr. D. P. Todi,

contd/.

10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000. 1001. 1002. 1003. 1004. 1005. 1006. 1007. 1008. 1009. 1010. 1011. 1012. 1013. 1014. 1015. 1016. 1017. 1018. 1019. 1020. 1021. 1022. 1023. 1024. 1025. 1026. 1027. 1028. 1029. 1030. 1031. 1032. 1033. 1034. 1035. 1036. 1037. 1038. 1039. 1040. 1041. 1042. 1043. 1044. 1045. 1046. 1047. 1048. 1049. 1050. 1051. 1052. 1053. 1054. 1055. 1056. 1057. 1058. 1059. 1060. 1061. 1062. 1063. 1064. 1065. 1066. 1067. 1068. 1069. 1070. 1071. 1072. 1073. 1074. 1075. 1076. 1077. 1078. 1079. 1080. 1081. 1082. 1083. 1084. 1085. 1086. 1087. 1088. 1089. 1090. 1091. 1092. 1093. 1094. 1095. 1096. 1097. 1098. 1099. 1100. 1101. 1102. 1103. 1104. 1105. 1106. 1107. 1108. 1109. 1110. 1111. 1112. 1113. 1114. 1115. 1116. 1117. 1118. 1119. 1120. 1121. 1122. 1123. 1124. 1125. 1126. 1127. 1128. 1129. 1130. 1131. 1132. 1133. 1134. 1135. 1136. 1137. 1138. 1139. 1140. 1141. 1142. 1143. 1144. 1145. 1146. 1147. 1148. 1149. 1150. 1151. 1152. 1153. 1154. 1155. 1156. 1157. 1158. 1159. 1160. 1161. 1162. 1163. 1164. 1165. 1166. 1167. 1168. 1169. 1170. 1171. 1172. 1173. 1174. 1175. 1176. 1177. 1178. 1179. 1180. 1181. 1182. 1183. 1184. 1185. 1186. 1187. 1188. 1189. 1190. 1191. 1192. 1193. 1194. 1195. 1196. 1197. 1198. 1199. 1200. 1201. 1202. 1203. 1204. 1205. 1206. 1207. 1208. 1209. 1210. 1211. 1212. 1213. 1214. 1215. 1216. 1217. 1218. 1219. 1220. 1221. 1222. 1223. 1224. 1225. 1226. 1227. 1228. 1229. 1230. 1231. 1232. 1233. 1234. 1235. 1236. 1237. 1238. 1239. 1240. 1241. 1242. 1243. 1244. 1245. 1246. 1247. 1248. 1249. 1250. 1251. 1252. 1253. 1254. 1255. 1256. 1257. 1258. 1259. 1260. 1261. 1262. 1263. 1264. 1265. 1266. 1267. 1268. 1269. 1270. 1271. 1272. 1273. 1274. 1275. 1276. 1277. 1278. 1279. 1280. 1281. 1282. 1283. 1284. 1285. 1286. 1287. 1288. 1289. 1290. 1291. 1292. 1293. 1294. 1295. 1296. 1297. 1298. 1299. 1300. 1301. 1302. 1303. 1304. 1305. 1306. 1307. 1308. 1309. 1310. 1311. 1312. 1313. 1314. 1315. 1316. 1317. 1318. 1319. 1320. 1321. 1322. 1323. 1324. 1325. 1326. 1327. 1328. 1329. 1330. 1331. 1332. 1333. 1334. 1335. 1336. 1337. 1338. 1339. 1340. 1341. 1342. 1343. 1344. 1345. 1346. 1347. 1348. 1349. 1350. 1351. 1352. 1353. 1354. 1355. 1356. 1357. 1358. 1359. 1360. 1361. 1362. 1363. 1364. 1365. 1366. 1367. 1368. 1369. 1370. 1371. 1372. 1373. 1374. 1375. 1376. 1377. 1378. 1379. 1380. 1381. 1382. 1383. 1384. 1385. 1386. 1387. 1388. 1389. 1390. 1391. 1392. 1393. 1394. 1395. 1396. 1397. 1398. 1399. 1400. 1401. 1402. 1403. 1404. 1405. 1406. 1407. 1408. 1409. 1410. 1411. 1412. 1413. 1414. 1415. 1416. 1417. 1418. 1419. 1420. 1421. 1422. 1423. 1424. 1425. 1426. 1427. 1428. 1429. 1430. 1431. 1432. 1433. 1434. 1435. 1436. 1437. 1438. 1439. 1440. 1441. 1442. 1443. 1444. 1445. 1446. 1447. 1448. 1449. 1450. 1451. 1452. 1453. 1454. 1455. 1456. 1457. 1458. 1459. 1460. 1461. 1462. 1463. 1464. 1465. 1466. 1467. 1468. 1469. 1470. 1471. 1472. 1473. 1474. 1475. 1476. 1477. 1478. 1479. 1480. 1481. 1482. 1483. 1484. 1485. 1486. 1487. 1488. 1489. 1490. 1491. 1492. 1493. 1494. 1495. 1496. 1497. 1498. 1499. 1500. 1501. 1502. 1503. 1504. 1505. 1506. 1507. 1508. 1509. 1510. 1511. 1512. 1513. 1514. 1515. 1516. 1517. 1518. 1519. 1520. 1521. 1522. 1523. 1524. 1525. 1526. 1527. 1528. 1529. 1530. 1531. 1532. 1533. 1534. 1535. 1536. 1537. 1538. 1539. 1540. 1541. 1542. 1543. 1544. 1545. 1546. 1547. 1548. 1549. 1550. 1551. 1552. 1553. 1554. 1555. 1556. 1557. 1558. 1559. 1560. 1561. 1562. 1563. 1564. 1565. 1566. 1567. 1568. 1569. 1570. 1571. 1572. 1573. 1574. 1575. 1576. 1577. 1578. 1579. 1580. 1581. 1582. 1583. 1584. 1585. 1586. 1587. 1588. 1589. 1590. 1591. 1592. 1593. 1594. 1595. 1596. 1597. 1598. 1599. 1600. 1601. 1602. 1603. 1604. 1605. 1606. 1607. 1608. 1609. 1610. 1611. 1612. 1613. 1614. 1615. 1616. 1617. 1618. 1619. 1620. 1621. 1622. 1623. 1624. 1625. 1626. 1627. 1628. 1629. 1630. 1631. 1632. 1633. 1634. 1635. 1636. 1637. 1638. 1639. 1640. 1641. 1642. 1643. 1644. 1645. 1646. 1647. 1648. 1649. 1650. 1651. 1652. 1653. 1654. 1655. 1656. 1657. 1658. 1659. 1660. 1661. 1662. 1663. 1664. 1665. 1666. 1667. 1668. 1669. 1670. 1671. 1672. 1673. 1674. 1675. 1676. 1677. 1678. 1679. 1680. 1681. 1682. 1683. 1684. 1685. 1686. 1687. 1688. 1689. 1690. 1691. 1692. 1693. 1694. 1695. 1696. 1697. 1698. 1699. 1700. 1701. 1702. 1703. 1704. 1705. 1706. 1707. 1708. 1709. 1710. 1711. 1712. 1713. 1714. 1715. 1716. 1717. 1718. 1719. 1720. 1721. 1722. 1723. 1724. 1725. 1726. 1727. 1728. 1729. 1730. 1731. 1732. 1733. 1734. 1735. 1736. 1737. 1738. 1739. 1740. 1741. 1742. 1743. 1744. 1745. 1746. 1747. 1748. 1749. 1750. 1751. 1752. 1753. 1754. 1755. 1756. 1757. 1758. 1759. 1760. 1761. 1762. 1763. 1764. 1765. 1766. 1767. 1768. 1769. 1770. 1771. 1772. 1773. 1774. 1775. 1776. 1777. 1778. 1779. 1780. 1781. 1782. 1783. 1784. 1785. 1786. 1787. 1788. 1789. 1790. 1791. 1792. 1793. 1794. 1795. 1796. 1797. 1798. 1799. 1800. 1801. 1802. 1803. 1804. 1805. 1806. 1807. 1808. 1809. 1810. 1811. 1812. 1813. 1814. 1815. 1816. 1817. 1818. 1819. 1820. 1821. 1822. 1823. 1824. 1825. 1826. 1827. 1828. 1829. 1830. 1831. 1832. 1833. 1834. 1835. 1836. 1837. 1838. 1839. 1840. 1841. 1842. 1843. 1844. 1845. 1846. 1847. 1848. 1849. 1850. 1851. 1852. 1853. 1854. 1855. 1856. 1857. 1858. 1859. 1860. 1861. 1862. 1863. 1864. 1865. 1866. 1867. 1868. 1869. 1870. 1871. 1872. 1873. 1874. 1875. 1876. 1877. 1878. 1879. 1880. 1881. 1882. 1883. 1884. 1885. 1886. 1887. 1888. 1889. 1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 208

(65)

81

-2-

ORDER.

K.K. SHARMA, ADMINISTRATIVE MEMBER:

In this application under Section 19 of the Administrative Tribunals Act 1985, the applicant has challenged the impugned order of termination dated 29.5.2000 and has also prayed for reinstatement. The applicant was a Post Graduate Teacher (PGT) in Chemistry at Kendriya Vidyalaya, Khanapara. Earlier he was appointed Primary Teacher (P.R.T.) in August 1985. In 1993 he was selected as a TGT Teacher and in 1995 he was posted as PGT Kendriya Vidyalaya, Khanapara. It is stated that with the posting of by respondent No.6 on 16.12.98, the applicant's problems started. His SDA was stopped from the month of January 1999. On 9.8.99 the applicant was served with the Memorandum of charges. Five Articles of charges were mentioned in the Memorandum of charges which are summarised below:-

- I) The applicant went to conduct the practical examination of CBSE, Chemistry to Kendriya Vidyalaya, Binjan. (Army) for the academic year 1998-99 without the permission of the Principal.
- II) The applicant did not conduct the practical classes for class XI for chemistry for the academic year 1998-99 till Jan.99 and awarded 30/30 marks to all students in half yearly Test.
- III) The applicant refused to conduct Practical Examination of Chemistry of Class XI for the year 1998-99 on 23rd, 24th, 25th March 1999 and asked the students to bring chemicals for practical Examination. He also

16/11/99

contd/-3

66

82

-3-

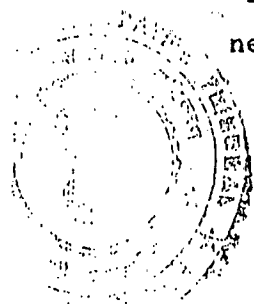
refused to take CBSE(AISSCE) '99 Chemistry Practical Examination for private students. Due to this act of the applicant the test had to be shifted from Khanapara to Hindustan Kendriya Vidyalaya.

- IV) The applicant did not submit session ending question papers for the academic year 1998-99
- V) During the period 1998-99 the applicant never attended assemblies, staff meetings called by the Principal and did not obey the orders of the Principals.
- VI) The applicant while working at Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had tampered with the official documents to cover his late arrival on 8.2.99.

The applicant was required to submit his reply to the Memorandum of charges within 10 days of receipt. The Memorandum of charges was received by the applicant on 19.8.99. By letter dated 25.8.99 addressed to the Assistant Commissioner, KVS Guwahati Region, the applicant replied as under:-

" With reference to your aforesaid letter bearing Memo No.F.14-5/99-K.V.S.(GR)/5251-54 dated 09.08.99. I am to inform you that I want to inspect/procure the following relevant documents for the submission of written statements in defence against the charges levelled against me. "

The applicant sent two reminders dated 13.9.99 and 23.9.99. The applicant did not file any written statement for the



K. C. Choudhary

contd/4

(67)

83

-4-

Reasons as stated by the applicant, as the respondents did not give the opportunity to inspect the documents. Some of the documents were the same as mentioned in the memorandum of charges. The Enquiry Officer was appointed by order dated 13.9.99 and the presenting officer by order dated 23.9.99. The Enquiry Officer fixed hearing at Shillong on 25.10.99, 4.12.99 and 28.12.99. The applicant replied by letter dated 25.1.99, 16.12.99, 23.12.99 that as he was not getting subsistence allowance, he could not attend the Inquiry at Shillong. By letter dated 17.1.2000, the Enquiry Officer informed the applicant that the enquiry would be conducted at Maligaon. The applicant did not participate even at Maligaon. The Enquiry Officer submitted the enquiry report on 25.3.2000. The charges at serial No. I, II, IV & VI of the memo of charges have been established as proved and charge at serial No III partially proved. The charge at serial No 5 was not proved. By letter dated 20.4.2000 the Disciplinary Authority sent a copy of the Enquiry Report to the applicant to submit his representation/submission on the Inquiry Report within 15 days from the date of issue of the said letter. By a letter dated 3.5.2000 the applicant sought 20 days time for replying. By another letter dated 5.5.2000 the applicant wrote a letter to the Disciplinary authority.

Enclosure :-

That I am in receipt of a Memorandum under reference dated 20.4.2000 issued by your goodself whereby I am asked to submit my representation/submission if any before your goodself. In this connection I intend to write that for the preparation of the reply of the said Memorandum dated 20.4.2000, I urgently needed the Documents (original and additional) as listed in my representation dated 25.8.99 sent to your good office. Therefore, some other developments have taken place and exparte proceedings have been conducted by the inquiry Officer. During the exparte proceeding, the I.O. has recorded some documents and as SW 11,....

K Usha contd...5

SW.15 in his D.O.S. No. 15 dated 28.1.2000 but none of the said documents of either D. O.S. No.15, or listed documents dated 25/8/99 have been supplied to me. Therefore I am facing difficulty to prepare my reply of the instant Memorandum in question and therefore your goodself is requested to supply the aforesaid documents within 10 days from today so that I can prepare my reply properly and I can send the same to your good office within the prescribed time."

By this representation the applicant requested for the supply of documents and asked for another 10 days time to prepare reply properly. The applicant however was not given opportunity to inspect requested documents. Not receiving any reply in respect of the reply dated 5.5.2000 another representation was sent to the Disciplinary authority on 25.5.2000 which was received by the Disciplinary authority on 26.5.2000. The disciplinary authority did not consider this representation on the ground that the ^U same was not received within the stipulated period. Thereafter the Disciplinary Authority passed the impugned order dated 29.5.2000 imposing the penalty of removal of the applicant from service with immediate effect, which has been challenged through this application. The impugned order is challenged on the ground that the applicant was not given any opportunity to inspect the Original documents and also the copies of the documents were not furnished by the Assistant Commissioner, KVS, Guwahati. The applicant sought 20 days time on 5.5.2000 for submission of his reply and he also requested to furnish the documents by his representation dated 5.5.2000. The applicant was denied reasonable opportunity of inspecting the documents and as such he was prevented from submitting his written statement against the Articles of charges. There has been total denial of the principles of natural justice.

IC Vishwanath contd/-6.

The Disciplinary Authority committed a grave error of law and acted in violation of the principles of natural justice in refusing to consider the said representation dated 26.5.2000 on the ground that it was not received within the time allowed before passing the impugned order dated 29.5.2000. The impugned order dated 29.5.2000 casts a "social stigma" on the applicant including himself and the same is 'punitive' nature having been passed with "ulterior motives." The same is challenged as malafide.

2. We have heard the learned counsel Mr. D.K. Mishra appearing on behalf of the applicant. He argued that the proceedings were bad in law for denying the applicant opportunity to inspect the documents for preparing his defence. There was violation of principles of natural justice by not considering the representation dated 25.5.2000 imposing the penalty of removal from service. On 25.8.99 the applicant requested for inspection of documents to prepare his defence, yet without giving opportunity the respondents on 13.9.99 appointed Enquiry Officer. The applicant's certificates of non-employment by registered post for the release of subsistence allowance as the Principal had refused to receive him. The respondents were pre-determined and prejudiced against the applicant. The learned counsel for the applicant ^U ~~laid down~~ ^{relied on U} the following Judgment :-

"State of U.P. Vs. Shatrughan Lal (1998) 6 SCC
-651.

3. In this case the documents relied on in the charge sheet were not supplied to the applicant. A plea was taken

contd/-7.

1c. 2.5 hours

that the documents could be inspected at any time. The Supreme Court held that principles of natural justice were violated as the respondents did not afford effective opportunity. He argued that the denial of the opportunity to inspect the documents was serious lacuna. There were serious irregularities, legal infirmities and biasness in the conduct of proceedings. The applicant had filed an appeal against the penalty order on 12.6.2000 which was not considered within a period of six months. As such the applicant has filed this O.A.

4. On the other hand Shri S.Sharma appearing for the respondents disputed the submissions for the applicant. He referred to the written statement filed by the respondents. He argued that the applicant was a teacher and his conduct affected the students behaviour. The applicant was not a responsible teacher. The charges against him were very serious viz not conducting classes, not holding examination, asking the students to bring materials for the examination. The applicant did not conduct himself as a disciplined teacher. The applicant also did not co-operate in the enquiry. He has been awarded the penalty after conducting enquiry as per rules.

5. We have carefully considered the submissions of the parties and have perused the material placed before us. The undisputed fact is that the applicant did not participate in the enquiry and the report submitted by the Enquiry Officer was exparte. The charges against the applicant were such that he had to refer to the documents ^{relied on} /

contd..8

K C Sharma

by the respondents to admit or deny the charges. At different stages the respondents denied that opportunity to him. Before the disciplinary authority the applicant made a representation which was received by the respondents on 26.5.2000. The Disciplinary Authority had not passed any order by then yet he chose to ignore the representation before passing the order dated 29.5.2000. The applicants case for subsistence allowance through registered letters did not receive any attention. The enquiry was fixed at Shillong - through the applicant was serving at the time of his suspension at Khanapara, Guwahati. The conduct of the applicant is also not appreciated. He had no justification for not presenting himself at Maligaon when the enquiry proceedings were held there. He had no business to question the "academic/professional back ground as well as expertise of the I.O." as done by his letter dated 23.9.99. Yet it is clear to us that the proceedings suffer from a major defect that vitiates the whole proceedings - viz denial of opportunity to inspect the documents on which the respondents were relying. The Supreme Court has held in the above mentioned case that the supply of documents should be at the earliest stage of the Proceedings. The applicant's requests to inspect the documents by letters dated 25.3.99 and 5.5.2000 were ignored. No reasons were given for denying him this opportunity. For this reasons the proceedings, as well as the penalty order dated 29.5.00 cannot be sustained. The Departmental proceedings are set aside and the penalty order dated 29.5.00 is quashed. The respondents are directed to restart the enquiry by appointing a new Enquiry Officer. The enquiry should be held at Guwahati.

contd/9.

VC Lushan

The applicant is directed to submit his written statement within two weeks from the date of receipt of the order. The respondents are directed to provide opportunity to the applicant for inspection of documents. The respondents shall be free to take all measures to prevent tampering with the records/documents at all relevant time. The applicant may submit additional written statement, if any, within two weeks after inspection of the documents. The applicant is directed to render the necessary co-operation to the authority for expeditious completion of the enquiry. The applicant shall remain under suspension till completion of the enquiry proceeding. The respondents are directed to complete the enquiry proceeding within a period of 4 months. The respondents are also ordered to take all the necessary steps for regular payment of the subsistence allowance.

The application is disposed of as above. There shall be no order as to costs.

Sd/VICE CHAIRMAN
Sd/MEMBER (ADM)

Certified to be true Copy
प्रमाणित प्रतिलिपि

[Signature]
29/6/2001

Section Officer (A)

कार्यालय सचिव (अ) (प्रशासनिक शाखा)
Central Administrative Tribunal

केन्द्रीय प्रशासनिक अदालत
Guwahati Bench, Guwahar 2
गाँव: २ - बायचौड, गुवाहाटी-२

165
29/6/2001

(73)

Annexure - A11

89

Date - 19.9.2001

To,
The Assistant Commissioner,
and
Disciplinary Authority,
Kendriya Vidyalaya Sangathan,
Maligaon, Gauhati - 12,
(Assam)

IN THE MATTER OF:-

"Written Statement" in respect
of Articles of Charges framed
against the undersigned and
communicated to him by Memo No.
F.14-5/99 - KVS(CR)5251 - 54 dated
9.8.99.

- AND -

IN THE MATTER OF:-

Order No.F.14-5/2001 - KVS(CR)/
15689 dated 7/9/2001 passed pursuant
to the Judgement and order dated
28/6/2001 passed by the Hon'ble
Tribunal, Gauhati in O.A. 20/2001.

- AND -

IN THE MATTER OF:-

Radhey Shyam Maurya,
P.G.T.(Chemistry) U/S
K.V,Khanapara and P/o.
C/o. Universal Book Depot,
Six Mile, Khanapara,
Gauhati - 22 (Assam).

..... Applicant.

74

90

- 2 -

R/Sir,

The humble applicant submits his Written Statements as follows :-

ARTICLE - I

1. That with regards to Article of Charges contained under Article - I of Memo of Charges, I respectfully states that I was appointed as External Examiner for conducting Chemistry Practical Examination for Class XII students in K.V, C.R.P.F., Amarigog, Gauhati and K.V, Narangi, Gauhati vide Order No. C.B.S.E.; GHY; CONF. 7(6) : PRAC .Exam. 99 dated 8/1/99 by the Assistant Secretary, C.B.S.E., Regional Office, Gauhati. I was also appointed as an External Examiner for conducting Chemistry Practical Examination in K.V, Dinjan vide Order No. F.39/KVD/98-99/3165 dated 3/2/99. The aforesaid Chemistry Practical Examinations were to be completed by 15.2.99 and Award List duly completed along with answer - scripts were to be sent to C.B.S.E. office.

The copy of the orders dated 8/1/99 and 3/2/99 are Annexed as Annexures 1 and 2 respectively.

2. That the Principal, K.V, Khanapara vide Order No. F.58/KVG/97-98/685 - 686 - 687 dated 4/2/1999 relieved me for conducting Chemistry Practical Examination in K.V, Narangi on 5th and 6th February, 1999. However, no formal "Relieving Order" was issued in respect of K.V, C.R.P.F., Amarigog, Gauhati and K.V, Dinjan respectively. Thereafter, by seeing the plight of the Class XII students, I submitted an application to the Principal, K.V, Khanapara on 10/2/99 for relieving me to conduct the Chemistry Practical Examination at K.V, C.R.P.F. as well as K.V, Dinjan.

(75)

- 3 -

91

However, there was no response from the Principal, K.V, Khanapara. I met her personally and requested her to relieve me. But she refused to respond. I was in affixed as what should I do so that I am not put in difficulty. Since, I was appointed as External Examiner to conduct the Chemistry Practical Examination of Class XII at K.V, C.R.P.F. and K.V, Dinjan by the C.B.S.E. & by the Principal respectively. I felt duty bound to conduct the Chemistry Practical Examination at both the places on or before 15.2.99. I am astonished as to why no mention has been made of my conducting Chemistry Practical Examination in K.V, C.R.P.F., Amerigog, Gauhati. Be it stated that I again submitted an application dated 15/2/99 to the Principal and accordingly informed her my action/departure to K.V, Dinjan for conducting Chemistry Practical Examination in respect of Class XII students. Further, it is also stated that neither I was given any "Phone Call Message" by Mr. K.K. Choudhary, Regional Officer, C.B.S.E. nor I was asked not to go to K.V, Dinjan for the same. It is also to be worth mentioning herein that there is no closed nexus between myself and Mr. Achhar Singh, Principal, K.V, Dinjan. Mr. A. Singh is well known to me being the former and neighbouring Principal of K.V, C.R.P.F. wherein the present Principal, K.V, Khanapara tried for her posting in the year 1993 by replacing him.

I, therefore, emphatically deny the Charges contained under Article - I that I have committed a serious misconduct and violated Rule 3(1)(i), (ii) and (iii) of CCS(Conduct) Rule 1964.

The copy of the letter dated 10/2/99 and 15/2/99 respectively are Annexed as Annexures 3 and 4 respectively.

ARTICLE - II
FIRST PART

3. That with regards to the Charges framed under Article - II of Memo of Charges, I state that in K.V. Khanapara, the Chemicals required for conducting Chemistry practicals Classes were not purchased in the Academic year 1996 - 97 and 1997-98 respectively. As a result, Chemistry Practical Classes of XI and XII could not be conducted till the Mid - November 1998. In absence of the required Chemicals, I was not in a position to conduct Practical Classes of not only Class XI but also Class XII. This led to a hue and cry and the guardians/parents of Class XII students held a meeting in the School on 18.7.98 and met the Principal and demanded that "Quality Brand Chemicals/Equipments" should be purchased immediately so as to resume the Chemistry Practical Classes.

The meeting was followed by another meeting which was held on 1.8.98 in school premises. The minutes of the meeting clearly shows the reasons for not holding the Chemistry Practical Classes.

The guardians/parents also met the Joint Commissioner, K.V.S. during his visit to Gauhati and Education Officer namely Dr. E. Prabhakar, K.V.S. (G.R.) on 23.3.98 and discussed the problem facing K.V. Khanapara including resumption of Chemistry Practical Classes.

The guardians/parents concerned about the working of K.V. Khanapara in general and inability to hold Chemistry Practical Classes was reported in Local News Paper "The Assam Tribune" on 10.9.98.

Because of the efforts of the guardians/parents and my personal effort in meeting the Hon'ble Chairman, Vidyalaya Management Committee (V.M.C.), K.V. Khanapara and apprising him of all

the facts and reasons for not holding Chemistry Practical Classes, the first lot of Chemicals were purchased on 12.11.98 followed by another lot of Chemicals on 18.11.98 after which the Chemistry Practical Classes were resumed. In this connection, the Hon'ble Chairman, (V.M.C.), K.V, Khanapara issued an "Appreciation Letter" appreciating my efforts in running of the Chemistry Practical Classes.

I first took extra efforts to take the Chemistry Practical Classes of Class XII students as it was final year for the students and after completing their Chemistry Projects and Practicals etc., I started taking Chemistry Practicals Classes of Class XI from December, 1998. Therefore, it is not true and correct that I intentionally did not take up the Chemistry Practical Classes of Class XI till November, 98 but it was because of the reasons as stated above and as such no fault could be attributed to me and therefore, the first part of the Charge is accordingly false, baseless and is emphatically denied.

The copies of the letters dated (combined) 1.8.98, 23.3.98, 10.9.98, 6.11.98 and 23.11.98 respectively are annexed as Annexures 5, 5, 7, 8 and 9 respectively.

SECOND PART

3(B). That with regards to awarding 30 Marks to each in Chemistry Practical Examination for Class XI students in Cumulative Test (Half-Yearly Examination) 1998-99, I have to state as follows :-

The Cumulative Test (Half - Yearly) Examination was held from Mid - November, 1998 during the regime of Mr. N.D. Bhuyan as Principal, K.V, Khanapara and no Chemistry Practical was conducted for Class XI till then due to the reasons as stated above. It is

- 6 -

to be noted that as per the Senior School Curriculum of C.B.S.E., the Examination of Chemistry subject is divided/conducted in two parts namely - Theory and Practicals. The Maximum Marks allotted for Theory is 70 and for Practicals is 30 and accordingly I decided to follow the said Curriculum of C.B.S.E. and set the Question Paper of Chemistry Theory for 70 Marks and allotted separately 30 Marks for Practicals. Since the Chemistry Practical Classes could not be conducted due to shortage as well as non-availability of Chemicals arising due to reasons stated above, for which students could not be made to suffer. After completion of the Class XII Projects and Practicals, I wrote a letter to the then Principal namely Sri.N.D.Bhuyan on 13.12.98 seeking his guidance into the matter. The aforesaid letter was handwritten letter and the same was handed over to the then Principal, K.V, Khanapara. It was felt that since the Chemistry Practical Examination cannot be taken and therefore uniform Marks should be given to the students without making any discrimination and therefore each students were given 30 Marks.

It is to be stated that in other subjects namely Physics and Biology, no practical Examinations were conducted at all during the Cumulative Tests and Question Papers of 100 Marks were set covering only Theory which is against the Senior School Curriculum of C.B.S.E. as referred to above. ✓

I, respectfully wish to point out that in respect of this part of the Charges the Department has relied upon a letter/ complaints of parents addressed to the Principal, K.V, Khanapara. It is to be noted that the said complaint is a tutored one and is made at the behest of the said Principal, K.V, Khanapara in which date, "Dt. 21.1.99" is written in her own handwriting just before one day of Saraswati Puja. It is further stated that the said tutored complaint neither bears any Diary Number nor is authenticated. In this connection, it is also stated that rest of the

documents to be relied upon by the Department in connection with the said part of the charge are also not genuine as because some of them are taken during the summer vacation by breaking the lock of the Chemistry Department more particularly the Index Pages which is signed and examined by me on 27.3.99 etc.

In this connection, Sir, I would like to invite your kind attention towards the Editorial Published in the Sentinel dated 9.4.99 with special reference to Para - 2 wherein it is clearly stated that the Pacticals were started in Chemistry subject in the month of December, 98. Thereafter, a rejoinder dated 25.4.99 was published by me wherein all the ~~name~~ accusations were stoutly denied and the true and correct picture was given to the parents. It is also to be noted that the said publication was made at the behest of the said Principal of K.V, Khanapara just to malign my dignity, status and reputation gained in the society. It is also to be noted that the said publication was made after taking into cognisance the 30/30 Marks of cumulative test and the students were promoted from Class XI to Class XII. Therefore, Sir, it is crystal clear that the documents to be relied upon by the Department are tutored under the dictation of the Principal, K.V, Khanapara with a malice motive to ~~indxx~~ implicate me in false accusations and therefore, I emphatically deny this part of Charge also, as alleged.

Thus, I therefore stoutly deny that I have acted in the manner of unbecoming of K.V.S. employee and thus violated Rule 3(1)(i), (ii) & (iii) of CCS(Conduct)Rule, 1964.

The copy of the rejoinder dated
25.4.99 ^{of B. paper (only relevant portions)}
is annexed as Annexure-19

10/6/99
Sd/-

ARTICLE - III

FIRST PART

4(A). That with regards to the Charges framed under Article -III

of Memo of Charges, I state that the charges that I refused to take the Chemistry Practical Examination (98 - 99) is totally false and baseless.

I conducted the Chemistry Practical Examination of Class XI students in 3-Batches on 24.3.99, 25.3.99 and 27.3.99 respectively. I, further state that 15 Litres of Methylated Spirit was bought on 15.12.1998, out of which 10 Litres were for the Chemistry Laboratory and 5 Litres were for the Junior Science Laboratory and some amount of distilled water was in stock when the Chemistry Practical classes were resumed in November, 1998. After conducting the Chemistry Practical classes of XI and XII, both these items namely Methylated Spirit and Distilled water were almost exhausted. And in the interest of the students of class XI, I asked them to bring these two chemicals so that the Chemistry Practical Examination may be conducted in a fair and efficient manner. (Please refer Annexure - 6). I have no otherwise personal interest in the matter.

The Notice dated 20/3/99 was sent by me to the Principal, K.V, Khanapara for her counter - Signature and when she refused to sign, it was pasted on the Notice - Board as well as displaced on the door of the Chemistry Laboratory and the same was informed to the students also. 23.3.99 was fixed for Chemistry Practical Examination for girl - students, however, none of them reported to the laboratory, rather they were found in the Principal's Chamber. On 24.3.99 and 25.3.99 respectively, the boys came and informed me that the Principal has asked them neither to appear in the Chemistry Practical Examination nor to bring any chemicals as you all are paying Science Fee etc. But the students express their willingness to appear in their Chemistry Practical Examination. I, accordingly somehow by using tap water and with whatever little amount of Methylated Spirit was left conducted the Examination in groups, instead of doing individually. I also made it a point to save a small quantity of Methylated Spirit for girl students.

(81)

- 9 -

on 26/3/99, the girl students led by Miss. Monalisa Das came into the Chemistry laboratory and handed over a letter dtd. 26.3.99 to me. Seeing the language of the letter, I doubted that the letter could be written by these girl students and I asked them as to who dictated the said letter. All the girls said that the said letter was dictated by the Principal, K.V, Khanapara and she has forced us to write the said letter and give it to me. On such revelation, I requested Miss. Monalisa Das, who had taken dictation from the said Principal to write the said facts on this letter and accordingly, she wrote on the said letter as follows:-

"Note:- This letter is dictated by the Principal madam under coercion and duress."

All the girls students who came on 26.3.99, signed on the back of the said letter. I have no hesitation, therefore, Sir, that all the complaints with regards to the charges in the said para was written at the dictate of the Principal, who bears grudge against me, for being an upright, competent, dedicated and honest teacher.

The copy of the Attendance sheet dtd. 24/3/99, 25/3/99 and 27/3/99 and letter dtd. 26/3/99 ^{combined} are annexed as Annexures 11 & 12 respectively.

SECOND PART

4(B). That I deny the Charges that I refuse to take the Chemistry Practical Examination (AISSCE), 1999 in respect of Private Students as alleged. In this connection, I state that the Principal, K.V, Khanapara in her office order dated 31.3.99 asked me to conduct Chemistry Practical Examination for Class XII Private Students. Since, the Kendriya Vidyalaya, Khanapara Chemistry Lab. did not have Methylated Spirit and Distilled Water. Therefore, there was no way to conduct the Chemistry Practical Examination

- 10 -

of Class XII, Private Students. I have stated while replying to the First Part of the Charge that the Stock of Methylated Spirit and Distilled Water has exhausted and with great difficulty? I conducted Internal Chemistry Practical Examination of Class XI with the help of tap water and by grouping the students in view of acute shortage of Methylated Spirit. Therefore, I wrote a letter dated 31.3.99 to the Principal, K.V, Khanapera requesting her to sanction an amount of Rs.1000/- only for purchase of Methylated Spirit and Distilled Water etc., after which only a date for Practical Examination could have been fixed and notified by me. However, there was no reply of the aforesaid letter. Therefore, I deny the aforesaid Charge. I reiterate that I have not violated the code of conduct for teachers as well as Rule 3(1)(i)(ii) and (iii) of CCS(Conduct) Rule, 1964 as alleged.

The copy of the letter dated 31.3.99 is annexed as Annexure-13 ..

ARTICLE -- IV

5. That with regards to the Charge framed under Article IV of Memo of Charges , I state that I learnt that the Question Papers submitted in advance in the Office of the Examination I/C namely Sri.U.N.Adhikari(T.G.T) is being leaked to the students ,more particularly to the teachers Wards ,teaching in K.V,Khanapara .In order to stop this evil practice ,I talked to the Principal, K.V,Khanapara . I requested her to permit me ^{to} use cyclostyled Question Paper by cutting stensils one day prior to the Examination. However, she did not say anything. I took her ^{silence} as her permission.~~xxxxxxxxxxxxxx~~

~~BumkztxxexTest~~ Moreover, under similar situation I prepared the cyclostyled Question Paper one day before the Cumulative Test by seeking the verbal permission of the then Principal.

However, there was no complaint or no advice by the Principal/Exam. I/C and my action appeared to have been approved by the Principal.

In final Examination also, I informed her that like Cumulative Test, I intend to use cyclostyled Paper in Chemistry. However, she ordered me to handover the Question Paper to the Senior Most P.G.T. namely Mrs. B.P. Goswami and accordingly I handed over the paper to Mrs. B.P. Goswami (Senior Most P.G.T.). My action was made for the well being of the students and to ensure that undeserving students do not score over the meritorious students by means of fraudulent action namely ^{by} leakage of Question Paper. The very fact that the Article of Charges do not make any reference to the Cumulative Test. Therefore, it is crystal clear that the Principal was averse to the method adopted by me. The fact, that on being ordered by the Principal on 26.2.99, I immediately handed over the Question Paper to the Senior Most P.G.T. namely Mrs. B.P. Goswami. Therefore, it itself would establish that I did not violate her order and thus there was no insubordination leading to unbecoming behaviour etc., as alleged.

In this connection, I further intend to write that since, 4.2.99 till 16.2.99, I was very much busy in conducting the AISSCE Chemistry Practical Examination as an External as well as an Internal Examiner and as such there is no violation of Rule 3(1)(1)(11)&(111) of CCS(Conduct) Rule, 1964 as alleged and I therefore, deny the Charges in toto.

ARTICLE - V

6. That the Charge framed under Article V of Memo of Charges are totally denied. I state that I always attended the Morning Assembly in the Vidyalaya as well as Staff Meeting called by the Principal, K.V, Khanapara.

- 12 -

In this connection, I am to state that the Department has relied upon a note written by the Principal, K.V, Khanapara on a paper to meet her before 2.00 p.m. to discuss an important issue but I was astonished that the said note has no specific agenda for that important issue which were to be discussed. However, I complied the order and there was no discussion with the said Principal, on any important issue as mentioned in the note, rather she scolded me very badly and showed emotional and unharmonious behaviour towards me.

Further, it is also stated that the Department has also relied on a complaint written by one Mrs. Archana Bhuyan, who is none, other than a Primary Teacher (P.R.T.) of K.V, Khanapara. She has complaint not only of high Practical Mark but also unexpected mark in Chemistry Theory. To see the list and supporting documents in connection with the instant Charge I respectfully state that this complaint is tutored complaint to implicate me in false accusation. It is pertinent to mention herein that the documents to be relied on by the Department has no relevancy with the the said Charge at all.

I therefore, stoutly deny that the said action constitutes a misconduct, insubordination and violate Rule 3(1) (i)(ii) & (iii) of CCS (Conduct) Rule, 1964 as alleged in the said Article of Charge.

ARTICLE - VI

7. That with regard to the Charge contained in Article VI of Memo. of Chh Charges I am to state that there was no tempering of documents as alleged and therefore I deny the Charges.

In this connection, I am to state that the school timing of K.V, Narangi at that relevant point of time was from 8:30 a.m. till 2:40 p.m. on 6/2/99, I was conducting Practical Exam which

- 13 -

was likely to go beyond the scheduled timing of closing of the Vidyalaya namely 2:40 p.m. The concerned office clerk handed over the relieving order without making the last entries which contained ~~xxx~~ the date and time of my release after conducting the Chemistry Practical Examination for Class XII students from K.V, Narangb . Saying, "You may fill up the date and time when you leave the school". This, he did because the school timing was over and he had to go to his house. Therefore, in the relieving order, everything was filled up except the date and time of my release from K.V, Narangi. This is a normal affair as it is a fact that I did conduct the Chemistry Practical Examination on 6/2/99 upto 6:30 p.m. It is also not a case of the Department that the Practical Exam was over in the forenoon for which the copy of the relieving order relied upon by the Department also contain entries A/N. Therefore, there was no question of tempering of the documents as alleged. It is not the case of Department that the entries were made after erasing the earlier entries.

The motive for alleged tempering is stated to be to cover up my late arrival to K.V, Khanapara at 11.30 a.m. on 8/2/99 . In this connection, I state that 6/2/99 was a Saturday and C.B.S.E. Regional office remains closed on Saturday and there was no way that I could have submitted the Answer - Scripts and Award Lists on Saturday i.e., on 6/2/99. In any case, the copies could have been submitted on Monday i.e., 8/2/99 on/after 10 a.m., which I did. As a result, I reached to K.V, Khanapara at 11.30 a.m. Therefore, to say that to cover up my late arrival, I have tampered the official document is not correct at all in any point of view.

So far as the use of Peon Book is concerned, Sir, the attitude of the Principal, K.V, Khanapara because of reasons which are mentioned herein below, I was apprehended that if I do not keep a proof of my reply to her letter, she will try to harm me and therefore, I sent my reply immediately through the

- 14 -

Peon Book. Peon Book is nothing but proof of the acknowledgement of receipt by the concerned person. The Principal had refused to talk to me, ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ and she had already refused to accept my F.R.53(2) Certificate of Unemployment and therefore, it is crystal clear that she was refusing all the letters which I used to send to her. Under the circumstances, in order to protect me from being further harassed I sent my reply through the Peon Book and therefore, I emphatically deny that I have committed any misconduct and violated Rule 3(1)(i)(ii)&(iii) of CCS(Conduct)Rule, 1964 in my action as alleged.

8. That, Sir, I want to bring it to your kind notice that the entire action initiated against me is at the behest of the Principal, K.V, Khanapara, who became ⁰¹⁻indisposed towards me within a week from the date she joined her office in Khanapara. She joined K.V, Khanapara on 16.12.98. On the same day, she issued notice to the Science teachers including myself to submit details of the items for purchases for the year ending 99, March. Pursuance to the said notice dated 16.12.98, I wrote a letter to the Principal on 22.12.98 wherein submitted the requirements for purchases and also informed her that the list of required Chemicals are in the office. In good faith, I also wrote that some selected Chemicals and equipments were to be purchased as per the amount sanctioned with reasonable restrictions from Govt. Approved Shop at printed price of the standard companies. This sole remark offended the Principal, K.V, Khanapara to unimaginable extent. She was visibly angry and questioned my authority to advice her in the matter of purchasing pertaining to the Department of Chemistry where I was the Head of the Department. Since, that day onwards her

- 15 -

attitudes towards me changed and on any given opportunity she did not hesitate to show her dislike for me. Sir, this incident is the beginning of the trouble and harassment of the undersigned.

In January, 99, she stopped my S.D.A. without any notice to me. On 3/2/99 on my requisition, she herself purchased the Chemicals along with one namely Mrs. J. Bora (T.G.T.) and sent the Invoice/Bill to incorporate necessary entries in the Stock Register. But, due to unawareness of the process I very gently requested her to make an endorsement on the Invoice/Bill that the Chemicals were purchased by her directly, which she refused. She even refused to take back the original Bill, which she sent to me and the same is still lying with me.

Sir, what has astonished me is that she appears to have a Xerox copy from the supplier and got an entry made by Mrs. Q. Sharma (T.G.T.) with following entries:-

"Received the articles in good condition and entered them in the stock - register under page nos mentioned above."

From above endorsement, it is shown that the entry of the Chemicals purchased by aforesaid invoice dated 3/2/99 was made into Stock - Register on 3/2/99 whereas the register was lying with me till 24.4.99, on which date I deposited the Old Stock - Registers under sealed cloth bags and another two registers were issued and counter signed by the Principal and the undersigned after proper paging. It will be interesting to see a note by Office U.D.C. namely Mr. H.C. Soud of K.V. Khanapara dated 16/2/99, which will clearly show that the stock entry was not made till 16/2/99.

Further, there is a letter by Mrs. Q. Sharma (T.G.T.) that no entry was made in respect of the Chemicals purchased

- 16 -

on 3/2/99 by the concerned P.G.T. namely R.S. Maurya till April, 99 which she found during April end while verifying the stock of Chemistry Laboratory. It is also to be noted that there is an endorsement of the Principal, K.V. Khanapara for Mrs. Q. Sharma, which is as follows:-

"To enter following suspension of Mr. Maurya after taking over Charge of Chemistry Lab. from Principal, w.e.f. 28/6/99."

Further, it is stated that the said purchases made by the Principal on 3/2/99 have been objected by the Auditors in their Audit Report dated 4/22.5.2000. From above, the actions of the Principal would go to show that she bears a 'grudge' against me and made several false and fabricated complaints to your goodself and higher authorities and requested for initiation of the said Disciplinary Proceeding with a pre-planned strategy. Sir, those complaints have now been subject matter of Charges framed against me. While replying the Charges contained in Article - III, I have substantiated the malice in the action of the Principal in instigating the girl students to boycott Chemistry Practical Examination, by coercing them to address a letter to me, which is self explanatory.

Further, I respectfully stated that most of the listed documents to be relied upon by the Department had not been supplied to me with reference to your letter dated 7/9/2001 which has prejudiced to me to prepare my proper and effective Written Statement of defence. Therefore, Sir, I once again request your goodself to supply me the rest of the listed documents and if they are voluminous kindly allow me for the inspection of the original as well as additional documents. It is further stated that after perusal of the supplied documents, I also needed some more additional documents to prepare a proper and effective Written Statement of defence to disprove the Charges. Now therefore, I may kindly be given next chance to file another Written Statement.

If necessary after inspection of the documents.

The copy of notice dated 16/12/98, the BL11 dated 3/2/99, letter dated 16/2/99 and 28/6/99 are annexed as Annexures - 14, 15, 16 and 17 respectively.

Sir, with great respect, I state that the Charges are baseless and have been framed on the basis of malicious and false complaints written by the Principal, K.V, Khanapara and I therefore, request you to kindly examine the Written Statement under Rule 14(5)(a) of the CCS(CCA) Rules, 1965. As there is Govt. of India instructions issued by the M.H.A. under O.M.No.11012/8/82 dated 8/12/1982 which empowers your goodself to drop the Charges after the consideration/examination of the Written Statement of defence and Charges under the aforesaid provisions.

Enclosures :-

As stated above.

Total pages 1 - 44 including
17 number of Annexures.

Signature of the applicant.

R.S.Maurya,
P.G.T.(Chemistry) U/S
K.V, Khanapara,
C/o. Universal Book Depot,
Six Mile, Khanapara,
Gauhati - 22. (Assam)

Date:-19/10/2001

To,

The Inquiry Officer,
Venue :- K.V, Maligaon,
Gauhati - 12.

Subject:- Prayer for supply/inspection of Original Listed
and Additional Documents in order to submit
Additional Written Statement of Defence.

Reference:- 1. Vide a Letter No.F.14-5/2001 - KVS/GR/17015 - 17
dated 11/12.10.2001
2. Vide a letter No.F.14-5/2001 - KVS(GR)/ dated
17.10.2001.

R/Sir,

With due regards and humble submission I am to
state as follows :-

1. That, Sir, the copy of the some relevant listed
documents have not been furnished to me alongwith the Order
dated 7.9.2001 passed by the Hon'ble A.C., KVS(GR) which has
greatly prejudiced to me in preparation of my Written Statement
of Defence. However, Sir, under a great difficulty and
handicappedness I prepared and submitted the Written Statement
of Defence to the Competent Authority on 19.9.2001. Therefore,
Sir, I shall be highly obliged to your great honour if you
would be kind enough to furnish the same to me and/or allow
me to inspect the same, if they are voluminous. It is to
be noted that the said documents are very much required to
prepare my Additional Written Statement of Defence.

The list of relevant
Listed Documents to be furnished
is annexed as Annexure - 1.

2. That, Sir, some other Additional Documents are
also required to be supplied/inspected by me in order to
prepare my proper/ effective and exhaustive Additional Written

Manoj

Statement of Defence.

107

The list of other Additional Documents is annexed as Annexure-2.

3. That, Sir, all the documents mentioned in the representation dated 25.8.99 and 5.5.2000 are also required to be supplied/inspected by me in order to prepare proper, effective and exhaustive Additional Written Statement of Defence. In this connection, I am to state that some photostate copies of some of the documents (Additional) as per a letter dated 25.8.99 have been furnished to me by the Principal, K.V, Maligaon at 5:30 p.m. on 18.10.2001. It is pertinent to mention herein that some of the documents handed over to me by the Principal, K.V, Maligaon on 18.10.2001 are not as per the list enclosed, even then, I have received the same as Additional Documents as because they come under the requirements.

The copy of the list of Additional Documents dated 25.8.99, 5.5.2000 and 18.10.2001 are annexed as Annexures - 3, 4 and 5 respectively.

4. That, Sir, I would like to bring in your kind notice the statement made by me in para - 8 of my Written Statement of Defence dated 19.9.2001 submitted to the Hon'ble A.C., K.V.S. (GR) wherein I requested to provide me the reasonable opportunity for the inspection of required Listed and Additional Documents in order to enable me to prepare my proper, effective and exhaustive Written Statement of Defence, if necessary, after the inspection of documents.

Therefore, Sir, it is prayed that your honour would be pleased to allow this representation and would also be pleased to issue an Order/direction to the concerned end to furnish the said ~~document~~ documents as per the list attached (Annexures - 1, 2, 3, 4 and 5 respectively).

Signature

- AND -

Further, it is also prayed that your great honour would be pleased to allow me two weeks time to submit my Additional Written statement of Defence from the date of completion of the inspection of the documents in question for the interest of justice.

And for this act of kindness I am duty bound and shall ever pray.

R. S. Maurya
19.10.01

Yours faithfully,

(R.S. Maurya),

PGT (Chem.) U/S.

K.V, Khanapara,

C/o. Universal Book

Depot,

Six Mile, Khanapara,

Gauhati - 22.

ANNEXURE - 1
RELEVANT LISTED DOCUMENTS

109

ARTICLE - II

02.(111).

The Practical Note Books of all the students of K.V,Khanapara in respect of Class XI Science students of the year 1998-99.

ARTICLE - V

05.(111).

The copy of the guardians letter.

ARTICLE - VI

06.(1A).

The Office copy of the relieving order dated 6.2.99 issued by the Principal , K.V,Narangi in respect of Shri.R.S.Maurya.

Dya

PART - AARTICLE - I

- (i) The Appointment letter of External Examiner issued by C.B.S.E. Gauhati to Mr.G.S.C.Bose Babu, Principal, K.V,Narangh. In the year 1998 - 99 in respect of Class XII Chemistry Practical.
- (ii) The relieving order of Mr.Bose Babu issued by the Chairman, V.M.C.,K.V,Narangh dated 8.2.99.
- (iii) The Appointment and relieving orders of Mr.S.K.Kushwaha, PGT (Geography), Mr.J.Selvans,PGT(Bio) and Mr.Balvinder Singh (P.E.T.) as External Examiners in the year 1998-99 and 1999 - 2000 etc.
- (iv) The application of the aforesaid teachers to the Principal requesting for their relieving orders to conduct Practical Examinations.
- (v) The relieving order of Mr.D.K.Jha , Mr.S.K.Kushwaha and others to work on C.B.S.E. duties.

ARTICLE - II

- (i) The Practical Note Books of Class IX - X as well as Class XI - XII Science and Geography students of the years 1998-99 and subsequently.
- (ii) Practical Examination Answer Scripts of Cumulative/Session Ending Test of Class XI and Class XII Science students in Physics , Chemistry and Biology respectively.
- (iii) Answer Scripts of Class Xth Science, C.B.S.E. Board Examinations of the students of the instant matter of year 1997-98.
- (iv) Answer Scripts of Class XII students in English subject of C.B.S.E. in respect of K.V,Khanapara of 1999-2000 etc.

Jy2

(95)

(16)

M

ARTICLE - III

- (1) Letter Written by Mr. Maurya to the students in connection with spirit.
- (11) All office orders/notices issued by the Principal in connection with the conduct of Chemistry Practical Examinations.

ARTICLE - IV

- (1) The orders/notices issued by the Examination Department I/C namely by Mr. U.N. Adhikari (T.G.T.).

ARTICLE - V

- (1) The office order issued by the Principal for allotment of teachers duties on 22.1.99 in Saraswati Puja.
- (11) The duty allotment registers of invigilators in External/Internal Examinations including C.B.S.E. to be conducted in K.V, Khanapara since, November 1995.
- (111) The students attendance register in respect of XXAM January '99 etc.

ARTICLE - VI

- (1) The Peon Book containing serial Nos. 182, 184, 211, 212, 219 and 236 respectively.

PART - B

THE SUPPLEMENTARY ADDITIONAL DOCUMENTS ARISING AFTER PERUSAL OF SUPPLIED DOCUMENTS DATED 7.9.2001.

BASED ON MARKED DOCUMENT No. 01 in 'RED INK'

- (1) Service Book of R.S. Maurya showing degree of LL.M. (Law).
- (11) Copies of all allegations from previous Principals, teachers, guardians and students.

[Signature]

- (96) 7 112
- (iii) Proof of mass tuition carried out at the resident of Shri.R.S.Maurya.
 - (iv) List of the four(04) practicals conducted in one(01)Class.
 - (v) Copy of the anonymous letter attached with the instant letter dated 3.3.99.

BASED ON MARKED DOCUMENT No.02

- (vi) The list of the eight practicals in two(02) classes with reference to a letter dated 27/28.01.99.
- (vii) Complaint of P.G.T.(Physics and Biology).

BASED ON MARKED DOCUMENT No.2(V) and 5(1)

- (viii) All the documents contained in letter dated 21.6.99 issued by the Principal, K.V,Khanapara to the A.C., K.V.S.(GR).

BASED ON MARKED DOCUMENT No.3(1)

- (ix) Despatch register dated 22.3.99 alongwith the follow - up action taken in connection with letter dated 22.3.99.

PART - C

MISC. RELEVANT ADDITIONAL DOCUMENTS(VITAL)

- (i) Stock registers of Chemistry Department containing entries of Invoice/Bill dated 3.2.99 incorporated by Mrs.Q.Sharma (T.G.T.).
 - (ii) Audit Report of K.V,Khanapara .
 - (iii) Quotations dated 25.1.99 in connection with purchases made on 3.2.99 and its comparative statement.
 - (iv) The letter dated 16.2.99 issued by the U.D.C. namely Mr.H.Soud addressed to the Principal , K.V,Khanapara.
 - (v) The two letters dated 9.6.99 issued by the Principal, K.V,Khanapara in connection with the Charge of Chemistry Department.
- 8/2

(97)

(82)

~~Annexure 3~~

113

To,

Date:- 25/8/99

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Gauhati Region ,
Gauhati-12,
Assam .

Subject:- 1) Inspection of original documents .
ii) Inspection & procurement of additional documents etc.,

Reference :- Vide your office even letter No.F.14-5/99-KVS(OR)/ 5251-54 dated 09.08.99

Sir,

With reference to your aforesaid letter bearing Memo No. F.14-5/99-K.V.8(OR)/5251-54 dated 09.08.99 , I am to inform-you that I want to inspect / procure the following relevant documents for the submission of written statements in defence against the charges levelled against me .

01. Show cause Notice issued by the Principal , Kendriya Vidyalaya , Khanapara vide Ref.No. F.PF/K.V.C./ 98-99/ 773-76 /PB-182 , dated 18.02.99 Para-4, and Principal, Kendriya Vidyalaya ,Khanapara letter dated 5th March , 1999 addressed to the Commissioner , Kendriya vidyalaya Sangathan ,New Delhi , Para -3.
02. (i) Principal ,Kendriya Vidyalaya , Khanapara letter KVC/ PF/RSM/98-99 /632-33, dated 27/28.01.99 address to Shri R.S.Maurya,PGT(Chemistry).
(ii) Complaints of guardians of children studying at Kendriya Vidyalaya ,Khanapara dated 21.01.99 and publication in Sentinel dated 09.04.1999.
(iii) Practical Note Books of students of Kendriya Vidyalaya ,Khanapara .
(iv) Copy of the Marks slip of Class XI . A(Science).
(v) Report submitted by the Principal,Kendriya Vidyalaya, Khanapara vide letter dated 21.06.99.

03. (1) Copy of the letter No.K.V.G/58/XI/ 98-99/868, dated 22.03.99 from Principal, Kendriya Vidyalaya, Khanapara.
- (ii) Copy of the letters addressed to the Principal, Kendriya Vidyalaya, Khanapara, by the students of Class XI- A, dated 22.03.99, dated 23.03.99, dated 26.03.99 and 09.02.99.
04. (1) Copy of the letter of Shri U.N.Adhikary, Examination I/C, Kendriya Vidyalaya, Khanapara.
- (ii) Copy of Memo dated 26.02.99 issued by the Principal, Kendriya Vidyalaya, Khanapara.
05. (1) para 5(viii) of the report submitted vide letter dated 21.06.99 by the Principal, Kendriya Vidyalaya, Khanapara.
- (ii) Copy of the Notice / Memo dated 05.03.99 of Principal, Kendriya Vidyalaya, Khanapara, addressed to Mr. Maurya.
- (iii) Copy of the guardians letter dated 12th Jan'99 with remarks of the Principal, Kendriya Vidyalaya, Khanapara.
06. (1) Copy of the Relieving Order No.F.4-5/KVN/98-99/795-97/, dated 06.02.99, issued by the Principal, Kendriya Vidyalaya, Narangi. Copy of Shri R.S.Maurya and copy of the Principal Kendriya Vidyalaya, Khanapara.
- (ii) Copy of the Peon Book Sl.No.210 and 211.

(B) ADDITIONAL DOCUMENTS :

1. Letter of Sri .A.Singh, Principal, K.V.Dinjan written to the Principal, K.V.Khanapara for the appointment as External Examiner in Chemistry for Class XII practical 1998-99.
2. Letter of refusal by the said P.G.T. Chemistry of K.V.Khanapara given to the Principal in r/o Class XI (1998-99) Chemistry Practicals.

(99)

-3-

3. Letter of P.G.T. Chemistry written to the Principal , regarding refusal to conduct class XII C.B.S.E. Chemistry Practical 1999 in r/o Private Students .
4. List of all I/Charges of different departments of K.V. Khanapara in hierarchy.
5. List of I/C Examination including name , designation and capacity to rule over a P.G.T.
6. Letter of all the notices circulated by Principal , K.V. Khanapara regarding staff meetings with appropriate agenda and minutes of the meeting duly complete in all respects .
7. Letters of conducting subject committee meeting in all subjects /convenors /assembly etc., issued by the principals and follow up actions taken in this regard and duly completed in all respects .
8. Appointment letter of Mrs. J. Das Basu as Principal in K.V.S.
9. Application for transfer of Mrs. J. Das Basu to K.V. Khanapara.
10. Transfer order of Mrs. J. Das Basu , Principal from K.V. Umroi Cantt. to K.V. Digaru.
11. Relieving order of Mrs. J. Das Basu from K.V. Umroi Cantt.
12. Joining Report of Mrs. J. Das Basu , Principal in K.V. Digaru.
13. Transfer Application of Mrs. J. Das Basu , Principal from K.V. Digaru to K.V. Khanapara .
14. Transfer order from K.V. Digaru .
15. Relieving order from K.V. Digaru .
16. Joining Report of K.V. Khanapara .
17. Caste Certificate in r/o the said Principal , Mrs. J. Das Basu .
18. Permanent Address of Mrs. J. Das Basu , at the time of first joining in K.V.S.
19. Letters/circulars regarding stoppage /continuation of S.D.A. to K.V.S. employees & eligibility criteria thereof .
20. Guidelines of Transfer/Tenure of a K.V. employee (Principal etc.,) at a particular station /Vidyalaya /Region .
21. Purchase Bills in r/o Chemistry Department/laboratory after 16.12.99.
22. Payment of Bills regarding repair of electrical fittings

in the Dept. of Chemistry /laboratory .

23. Notice issued by the Principal ,K.V.K.dated 03.02.99.

24. Remander notice issued by the Principal ,K.V.Khanapara on 26.02.99 to R.S.Maurya .

25. 3rd Notice dated 02.01.99 issued by the Principal ,K.V.Khanapara to R.S.Maurya .

26. Rules /guidelines regarding communications of grienvances of the employee to the Principal on wilful denial by the principal to receive any representation .

27. Aim and objectives of the Peon Book .

28. Agencies of communication of grievances of a suspended employee to his immediate superior.

29. Guidelines /instructions to the I/C of Chemistry Dept. in purchases /conduct of Practicals etc.

30. Cause of non-relieving the P.G.T.(Chemistry) to conduct C.B.S.C. XII Chemistry Practical Examination of 1998-99.

31. Time-table copy of 1995 -99 till date along with split up periods including appointment of convenors of Time -table .

32. The guidelines /Instructions regarding setting of the Question Papers inr/o Class XI&XII Science students .

33. The lists of Practicals conducted in BIOLOGY/PHYSICS during the year 1998-99 in classXI & notebooks etc.

34. List of V.M.C./E.C. of K.V.Khanapara and guidelines /Instruction for the formation of same of 1997-98 and 1998-99 and after 16.12.98 till date .

35. Reasons of appointment of Mr.G.S.C.Dase Babu as an External in Chemistry Practical in K.V.Khanapara .

36. The circular of K.V.S. containing the name of competent a ppointing authority for P.G.T's before 1993 and after 1993 w.s.r. . to 1995 .

37. Guidelines /Instructions regarding appointment /selection of Class teachers etc.

38. Circulars regarding the exemption granted to the Principal for not putting sign in the attendance with timing (Arrival/ departure) .

39. Relieving orders of the P.G.T.'s & centre supratendent

appointed by C.B.S.E 1998/99.

40. Appointment order of Mrs.J.Das Basu ,Principal , K.V.Khanapara as centre superintendent H.E./Examiner for marking scheme etc.for 1998-99.

41. The leave application of Mrs.J.Das Basu ,Principal ,K.V.-Khanapara of her absence during July till 08th August 1999 including Station leave permission and joining report there of.

42. The circulars authorising the Principal of a K.V.Khanapara to open the department /laboratory during long Summer Vacation by breaking the seal .

43. The list of inventories prepared by the Magistrate /Experts including the names ,designations,degree etc., of the experts .

44. Results Analysis of Class XII 1998-99 Science .

45. Results of Class XII ,ENGLISH 1998-99 marks of a critical analysis .

46. Result Analysis of Class XI Science 1998-99.

47. List of guardians who submitted reports for Publication of Editorial in the Sentinel .

Mangra

25.8.99

(R. S. Mangra)

P.G.T. Exam

K.V. Khanapara

25/8/99

SUPPLEMENTARY LIST OF DOCUMENTS:-

1. The practical records note books of first 5 position holders from class 9th till class 12 th in the year 1999-2000.
2. The question papers of Physics, Chemistry and Biology in respect of class XI th Science students of Cumulative tests and Session Ending Examination 1999/2000 as well as in respect of class XII th students Cumulative tests and pre-Boards.
3. The marks slip of Session Ending , annual Examination of class XI th and XII th in particular and of class 9th and 10 th students in general with special reference to Science subjects.
4. The result register in respect of class XI th and XII th Science students.
5. The names / designation with subjects of the Co-ordinators appointed in class XII th English C.B.S.E. examination evaluation commenced from 24 th March till 25 th May/2000 and the names of A.H.E. in the said evaluation.
6. The names and designation of the contractual P.G.T's/ T.G.T.'s teachers who were assigned the evaluation work in C.B.S.E. at K.V.Khanapara and the reasons there of.
7. The attendance of Mrs.J.Das Basu, Principal/A.H.E. during the entire period of evaluation since 24th March till 25th May/2000.
8. The attendance register of staff members of K.V.Khanapara.
9. The details of the amount received by the disposal of the answer scripts etc. from the examination department since 1995 till date by Mr. U.N. Adhikari.
10. The Unit Test copies of first 5 position holders in class XI th and XII th in the year 1999/2000 in Physics, Chemistry and Biology.

(14)

(103)

119

- 2 -

11. The details of the enhanced fee structures collected by Mrs. J. Das Dasu, Principal, K.V. Khanapara along with relevant documents and reasons there of.
12. Purchase bills in respect of Chemistry department 1999/2000.
13. The name of the paper setter of class XI th Session Ending Examination paper in Physics/Chemistry subjects and the blue prints there of.

[Signature] 05/10/00

12113)

(104)

SPEED - POST

REMINDER No .1

Ann A12(ii) 120

To,

Date :-11.10.2001.

The Disciplinary Authority,

K.V.S.(CR), Maligaon ,

Gauhati - 12.

Subject:- Prayer for inspection of Listed and Additional Documents in order to submit Additional Written Statement of defence.

Reference:- Vide my representation dated 7.10.2001 sent to your good-office by Speed Post bearing SPEE781652352

Sir,

With due regards and humble submission I wish to invite your kind attention to the subject cited above and reference dated 7.10.2001 as referred to above and in this connection I once again request to your great honour to kindly allow me the inspection of said documents under reference and provide me the reasonable opportunity to submit a proper, effective and exhaustive Written Statement of defence (Additional) pursuance to the Hon'ble Tribunal order dated 28.6.2001 for the ends of justice, within stipulated time.

Further, it is also requested to your great honour to grant 15 days time (Two (02) weeks) from the date of the inspection of the said documents to submit the Additional Written Statement to your good-office, Sir.

R.S. Maurya
11.10.2001

Sincerely Yours,

(R.S. Maurya),
PGT (Chemistry), U/S
K.V., Gauhati,
C/o. Universal Book
Depot,
Six Mile, Khanapara,
Gauhati - 22.

| | |
|--|--|
| SPEED POST | |
| RECEIVED | DATE 22/10/01 |
| 51538 | TIME |
| To: D.K. Gouda
(D.A.)
K.V. Gauhati | Sender: R.S. Maurya
Universal Book Depot
Six Mile, Gauhati |
| Mou. for Charge | Speed Post Charges |
| Rs. 20/- | |
| DATE | OFFICER IN CHARGE |

12/11/01
To,

94
The Principal,
K.V, Khanapara,
Gauhati - 22.

By Hand

105

Ann-A120111

Date: 17/11/2001

Subject :- Prayer for supply of Xerox copies of the documents as per the list dictated to Mrs.A.Saikia, TGT (English) on 13/11/2001.

Madam,

With due regards I wish to invite your kind attention and request to furnish the Xerox copies of the documents as per the list submitted through your representative namely Mrs.A.Saikia TGT (English), by the instruction of the P.O..

In this connection, it is also stated that the Xerox copies of the said documents ought to have been provided to me on the same day/date and time, but it was not done. The reason for the same is not known to me. Although, the Xerox machine is in the school itself and the same was in order.

It is also to be noted that 3 days (Three days) time has already passed but I could not get the copies of the said documents in question.

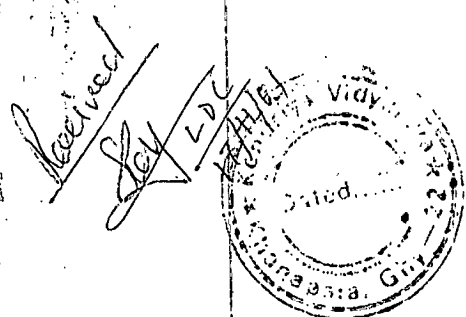
Therefore, I shall be highly obliged to you, if you would kindly be pleased to handover/supply the said documents in question as earliest as possible for the ends of justice.

Copy to :-

1. The A.C., KVS (GR),
through the P.O.
2. The I.O. for kind
information.

R. S. Maurya
17/11/2001
Yours faithfully,

(R.S. Maurya),
PGT (Chemistry) U/S,
K.V, Khanapara,
C/o. Universal Book Depot,
Six Mile, Khanapara,
Gauhati - 22.



BY HAND

127

Date :- 17/11/2001

To,

The Principal,
K.V, Khanapara,
Gauhati - 22.

Subject :- Further submission of Xeroxed documents regarding.

Reference:- Vide Letter No.F.PF/KVG/2001-02/800-03 dated
17/11/2001.

Madam,

In response to your letter dated 17/11/01 served to me by the Peon Book at serial No.78 I am to inform you the following facts :-

1. That, the documents mentioned below are not the true copy of the original documents which were produced before me on 13.11.01 in the presence of P.O.

(i) Document at S.NO. 5 dated 11.12.98.

(ii) Document at S.No. 6 dated 15.12.98.

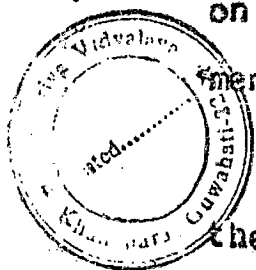
(iii) Document at S.NO. 7 dated 16.12.98.

2. That, the original documents have been concealed by your goodself and the copy of the other fabricated document have been provided to me and as such I receive the said document under protest and reserve the right for the inspection of the original documents before the commencement of the next proceeding.

That, the statement made by your honour in the letter dated 13.11.01 followed by another letter dated 17/11/01, are totally misleading by way of concealing the material fact on various pretext to produce the original copies before the members of the enquiry committee.

Therefore, kindly provide the xeroxed copies of the original documents to me latest by Monday for the ends of justice.

Mouja
17/11/01



107

- 2 -

123

It is for your kind information and necessary action.

Thanking You.

Copy to:-

1. The A.C., KVS (GR) for
kind information through P.O.
2. The I.O., for kind
information.

R.S. Maurya
17.11.01

Yours faithfully,

(R.S. Maurya),

PGT (Chemistry) U/S,

K.V. Khanapara,

C/o. Universal Book Depot,

Six Mile, Khanapara,

Gauhati - 22.

Regd. Post / Special Post

Am-A12(V)

108

Date:- 18/11/01

To,

1. The Assistant Commissioner,

Disciplinary Authority,

K.V.S., Maligaon,

Gauhati - 12.

2. The Inquiry Officer,

The Principal,

K.V-ONGC, Sirkena,

Silchar, Assam,



INDIA POST
NAME: D. JOSHI,
CITY: SILCHAR 00026

INS FOR RS. 0 / P-STAMP RS. 0
AM: 75.00 / Bst. 400 / 20/11/2001 11:38

| | | | | | |
|-----------------|--|---------------------|--|--------------------|--|
| 51715 | | RECEIVED | | DATE 20/11/01 | |
| To D. K. Sorei | | Sender R. S. Mawrya | | TIME | |
| K. V. Sengupta | | R. B. Sengupta | | Speed Post Charges | |
| Maligaon. Gr-12 | | Rs. 20/- | | | |

Subject :- Inspection of documents regarding.

- Reference :-
1. Vide a Letter No. F/KV/ONGC-SNA/2001-2002/512-515 dated 22.10.2001.
 2. Vide a Letter No. F.14-5/2001-02/KVS(GR)/18110-13 dated 2.11.01.
 3. Vide my Letter dated 17.11.01 .

R/Sir,

With due regards and humble submission and with reference to the subjects cited above and the letters as referred to above, I most respectfully would like to submit the contents for your kind information and introspection to be inferred out of the inspection of the documents which are as under.

1. That, Sir, I followed your instructions/directives in toto and rendered my best possible co-operation to the concerned end.
2. That, Sir, I most respectfully state that only partial inspection of the documents was conducted on 13.11.01 in K.V, Khanapara at 1:00 p.m. sharp. It is further stated that

the inspection of documents was scheduled to be held on 12.11.01 at 11:00 a.m. but, the P.O. namely Sri.P.V.S.Rangarao informed me telephonically on dated 11.11.01 at 7:00 p.m. and expressed his inability to conduct the process on 12.11.01 and directed me to co-operate for the same on 13.11.01 as he is pre-occupied on the scheduled date. Accordingly, I accepted his directives.

3. That, Sir, vide a Letter dated 22.10.2001 the learned I.O. namely Sri.N.D.Joshi informed me that to facilitate the proper examination followed by inspection ~~the~~ of documents, the P.O. has already been requisitioned during the course of proceeding dated 19.10.01 at K.V, Maligaon and the process of the inspection of documents should be completed by 10th of Nov' 2001 instant. But, Sir, the reason for being not materialised may be best known to the concerned ends only.

4. That, Sir, as per the directives of the P.O., I presented myself in the campus of K.V, Khanapara at 11:00 a.m. sharp under maintaining proper official decorum for the inspection of the documents. It is to be noted that the P.O. entered into my room at 1:00 p.m. sharp on 13.11.01.

5. That, Sir, at the outset the P.O. showed me ~~the~~ a Peon Book in original followed by four Practical Records in respect of class XI th students of 1998-99. Thereafter, again I was shown a file containing some original copies of documents and some photostate copies of the listed documents mixed together in a haphazard way and I was told by the P.O. that this file contains all the original documents as per the listed documents in the Annexure - III of the Charge - sheet. In this connection I intend to write that only a few documents were in original form in the said file which was provided to me in the name & style of so called 'original listed documents'.

and most of the documents were placed in the said file were photostate copies and on my gentle request to the P.O. to produce the original copies of those documents but, the P.O. showed his inability for the same at the instant time.

6. That, Sir, thereafter the P.O. provided me the photostate copies of 14 (fourteen) number of documents and took my signature before hand. In this connection, I humbly state that in this case also the documents were not as per the list provided and attached therein. In this connection, I am to state that on my request to the P.O. to produce the all original copies in respect of these 14 number of documents, again the P.O. showed his inability to produce the same. Further, it is also stated that in the instant case only few of the original documents were shown to me whose photostate copies were there in the said bunch of the documents but, in majority of the cases the originals were not shown to me. It is hereby made a point to note that I was shown some original documents but their photostate copies were not there in the said list and thereafter I immediately made a request to the learned P.O. to provide me the Xerox copies of these documents having vital importance in my defence but, the P.O. ignored my request and asked the representative of the Principal, K.V, Khanapara namely Mrs. Ajanta Saikia to provide the same within a day or two which is still awaited.

7. That, Sir, I wish to bring in your kind notice that some of the documents sought for their inspection were just shown to me in a most haphazard way without giving me a fair, adequate and reasonable opportunity and time to study, to examine, to verify and to inspect the same within a very short period of time of 05 hours i.e., 1:00 p.m. to 6:00 p.m.

8. That, Sir, thereafter I was made dead sure assured

to make available the rest of the documents within a day or two and as such I was also prevented to take notes or extracts as I expressed my desire for the same in respect of the shown documents. It is also to be noted that the P.O. dictated and directed Mrs. Ajanta Saikia, TGT(English), K.V, Khanapara to provide the Xerox copies of all the documents sought for but, the Xerox copies of only 8 (eight) documents were handed over to me by Sri. B. Talukdar, Peon, K.V, Khanapara on dated 17.11.01 at 1:15 p.m. sharp through the Peon - Book entered as S.No. 78. However, it was observed from the documents supplied by the Principal, K.V, Khanapara on 17.11.01 that 3(three) documents were such which were not shown to me during inspection neither in original and nor the contents were seen in photostate part.

9. That, Sir, it was observed that the services of Mrs. Ajanta Saikia, TGT(English), K.V, Khanapara used by the P.O. for recording the statements/instructions/directions could not serve the purpose as few of the documents were found changed with the dictated statement of P.O. because of certain gaps simply owing to in different nature of work perhaps. It was also observed that few original documents were shown at their part of length but not with full coverage. Similarly, few documents were shown in original but their photostate copies were not handed over to me and I was asked to provide the same later on by the P.O. It is also worthwhile to mention herein that the P.O. was having an acute shortage of time and told me that he has to stop at three places on the way while going back to destination on 13.11.01, stating that he has to handover few official papers to the Principals of K.V, Digaru, K.V, Jagir road, and K.V, Nagaon etc. It might be one of the valid reason for his shortage of time in pre-planned strategy in official favour but it made me jeopardised to extract all the relevant inferences during such stressful situation and a fate deciding juncture, even then I fully co-operated and signed based upon the assurance

of the P.O. in the said expeditious proceeding.

10. That, Sir, still some documents are required to meet request in order to prepare and submit my proper, effective and exhaustive Written Statement of Defence within stipulated time under legal norms in reference to my earlier letters dated 7.10.01 and 19.10.01 respectively addressed to the concerned end .

11. That, Sir, it is obviously understood and apparently quit clear of passing more than four months period given by Hon'ble Tribunal, Gauhati in its Order dated 28.6.01 for completion of the enquiry proceeding but, the Order was not complied in toto by the concerned ends. Moreover, it was equally and eventually more shocking and surprising that the action was initiated only before 10 (ten) days on dated 18.10.01 while the stipulated period given at the length was to be ended on 28.10.01.

12. That, Sir, this action made me quite perplexed and transitional situation keeping awaited good for nothing almost for four months indicating a deliberate delay in the process, the reason for the same may be best known to the concerned ends simply.

13. That, Sir, I believed on the statement of P.O. and signed where ever he required my signature in order to extend necessary co-operation in expeditious proceeding, trusted with the hopeful and needful action on his part. I wish to make a point clear that the P.O. took my signature on a paper without providing me the reasonable opportunity to go through the contents and that too without giving the copy of the same to me at the most crucial and knocking hours of his departure

while handing over all the documents to Mrs.A.Salkia ,TGT(English) of K.V,Khanapara and a representative of Principal,K.V,Khanapara.

14. That, Sir, this is the entire matrix of the process of partial inspection of documents to be allowed to me to make a deciding point in my life to protect my services under your kind judicious guidance and favour for the ends of justice.

15. That, Sir , my participation in the said proceeding is under protest and the entire process completely embodied prejudiced and prevented me for the same and as such I still reserve my right for inspection of documents sought for in order to prepare and submit my Additional Written Statement of Defence within ~~stipulated~~ stipulated time pursuance to the order dated 28.6.2001 to meet the ends of justice..

It is for your kind information and necessary action please .

Thanking you.

R.S. Maurya
18/11/01
Yours faithfully,

(R.S.Maurya),

PGT(Chemistry)U/S,

K.V,Khanapara.

C/o.Universal Book Depot

Six Mile,Khanapara,

Gauhati - 22. Assam.

128m/

To,

The Inquiry Officer,
Venue:- K.V., Gauhati,
Khanapara.

114

Ann-A12(vi)
Date:- 29.11.01

130

Subject :- Inspection of documents regarding.

Reference:- 1. Vide my representations dated 7.10.01 and
19.10.01 etc.
2. Vide the I.O. Letter dated 22/10/2001 .

R/Sir,

The humble applicant states :-

1. That, pursuance to the Hon'ble Tribunal Order dated 28.6.2001 , the humble applicant submitted several representations to the Disciplinary Authority , K.V.S., G.R. etc., but, the concerned authority took cognisance for the inspection of documents only on 18.10.2001 and 13.11.2001.
2. That, the humble applicant was not provided a fair and adequate opportunity to study , to examine , to verify the most of the documents sought for either in original or in xeroxed form. In this connection, it is also stated that the humble applicant was also asked to sign on some documents before hand without going through the contents thereof.
3. That, the humble applicant has been prevented from the inspection of documents as per the representations as referred to above and as such he reserves his right for the inspection of all the original (Listed and Additional) documents in order to prepare and submit his Additional Written Statement of defence within stipulated time pursuance to the Order dated 28.6.2001 passed by the Hon'ble Tribunal, Gauhati.

It is for your kind information and n/a please.

Maung
Signature of the applicant.

(R. S. Maung)
P.G.T. (Chn) N/S, K.V.K.

12(7)

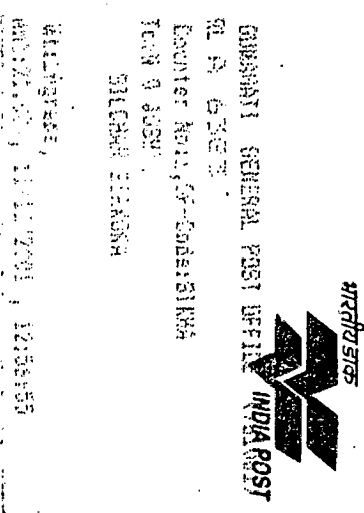
115

Ann-A12 (vii)

Date:- 11.12.2001

131

To,
The Inquiry Officer,
C/o.K.V,ONGC , Sirkona,
Slichar , Assam.



Subject :- Inspection of documents regarding, in connection with expeditious proceeding.

Sir,

Most humbly and respectfully I do hereby state the following facts in connection with the expeditious enquiry proceeding as well as inspection of documents.

1. That, Sir, vide a letter dated 7.9.2001 passed by the Assistant Commissioner and Disciplinary Authority, K.V.S.(GR) I was supplied a list of documents annexed therewith the Xerox copy of Listed documents as stated by the Disciplinary Authority. In this connection, I intend to state that in para - 3 of the said letter dated 7.9.2001 I was directed to submit my Written Statement within two weeks from the receipt of this Order and accordingly I complied the same in toto.
2. That, Sir, I humbly wish to inform you that I was not supplied the Xerox copies of all the Listed documents from the concerned end w.s.r. to Articles of Charges No. II, III, V and VI respectively as per the list of the documents .
3. That, Sir, being an upright , dedicated and honest PGT of K.V, Khanapara , I submitted my Written Statement to the Disciplinary Authority within stipulated time even in my handicappedness by way of not supplying all the listed documents and as such I am very much prejudiced till date.
4. That, Sir, since 30.6.2001 I have been requesting to the Disciplinary Authority and others for the supply of -

D. Mung
11.12.01

the copies of the listed documents and/or to allow me the inspection of all the original, Listed and Additional documents in order to prove my INNOCENCE, but the same has been denied to me as per the procedure .

5. That, Sir, I have been served letters in connection with the inspection of Additional Documents by the Principal, K.V, Khanapara vide a letter dated 27.11.01 wherein the said list bears no signature of the concerned authority and that too I have been prevented from the supply/inspection of the documents on various pretext and as such I have been prevented from free, fair and adequate reasonable opportunity for the inspection of documents .

6. That, Sir, a list of documents supplied by the P.O. dated 13 November 2001/29.11.01 clearly speaks that on several occasions I have been shown only a few of the original documents and most of the documents supplied/shown to me are only the Xerox copies of the documents and therefore, Sir, I have been denied the inspection of the documents as per letter and spirit in toto. It is further stated that, the Xerox copies of the documents are not the genuine documents to be relied upon in the said expeditious proceeding. Moreover, I have been very much prejudiced and put in mental distress due to prolonging the said proceeding without any reason and rhyme and my various dues are also ^{being} stopped In the name of said proceeding as I had a reason to believe .

Therefore, I shall be highly obliged to you Sir, if your honour would be kind enough to provide me the reasonable opportunity to supply/allow me for the inspection of all the original copies of the all Listed and Additional documents in order to prove my innocence in the said proceeding.

(Signature) 11.12.01

Yours faithfully,
C.R.S. Maung (P.G.T. (Chem))
W.S. K.V. Khanapara.

To
The Inquiry Officer,
10 K.V. Khanapara
G-7-22

Subject: - Request to supply the original records of the listed documents / Additional documents in 810 charges under Article - I.

R/Sir,

I most humbly request your great honour to provide the copies of the original listed / additional documents -

Original Listed Documents as per Annexure - I

① The Principal letter dtd. 18/2/99 (Para-4)

② The Principal letter dtd. 05.03.1999 (Para-3)

Additional documents -

① The permission of the Principal, K.V. Khara para from the Hon'ble Commissioners, K.V. (H.B.) for C.B.S.E. duty for 1998-99.

② The copy of the Relieving Orders and this permission letters in 810 Mr. S.R. Kushn P.G.T. (Geo), Mr. J. Selvan, P.G.T. (Bio), Mr. Balwinder Singh, P.E.T. and others and the copy of the appointment of C.B.S.E. office for 1998-99.

③ The letter of refusal / communication sent by the R.O., C.B.S.E. etc. 1998-99

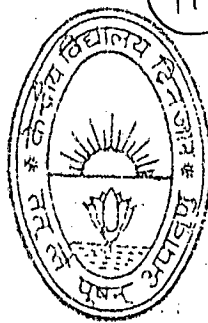
Recd. at 11:35 a.m.

18/1

Yours faithfully
C.R.S. Manoj
P.G.T. (U/S)
K.V. Khanapara

दस्तावेज : ८८४६०
एस० टी० डी० २०३०४

केन्द्रीय
KENDRIYA



118

SW-1

1-S

Phone : 88490
STD : 0374

विद्यालय

VIDYALAYA

Annexure-A13 (i-iii)

P.O. - DINJAN

Via - PANITOLA (Assam)

Pin - 780185

34

पोस्ट : दिनमान
द्वारा : पानीतोला (असम)
पिन - ७८६१८६

पत्रांक/Ref. No. F.39/KVD/98-99/3163

दिनांक/Date 02.02.99

To
The Principal
Kendriya Vidyalaya Khanapara
Guwahati.

Subjects: - Appointment for External Examiner for Chemistry practice
of Kendriya Vidyalaya Dinjan, (Army).

Sir,

I filled immense pleasure to appoint Sh.R.S.Mauriya, PGT (Chm) of your vidyalaya to conduct practical Exm. in our vidyalaya on 15.02.99 as C.B.S.E did not sponsor any name for the same, practical Exm. kindly relieve Sh.R.S.Mauriya on 14.02.99 for the same.

Your cooperation in this ~~matter~~ matter is highly appreciated.

Thanking you,

Yours faithfully,

Copy to:-

- (i) C.B.S.E. Guwahati
- (II) Sh.R.S.Mauriya, PGT (Chm.)

(A. Singh) 3/2/99
Principal.

प्रमुख, दिनांक

केन्द्रीय विद्यालय

KENDRIYA VIDYALAYA

पानीतोला / असम

Principal

CBSE letter not recd.
Please call with Chandhury
directed not to relieve him

Done
14/2/99

19/1

113/1111 To

Annexure - A13(ii)

(119)

Date

19.01.02

The Inquiry officer,

10 K.V. Khanapara

Gny-22

135

Subject:- Prayers to produce the P.W. for the Cross-Examination in connection with the charge under Article-I.

R/Sis,

Kindly produce the concerned P.W. namely Mr. K.K. Chondhary, the then Assistant-Secretary, C.B.S.E., Gambhati for Cross-Examination in order to prove the statement written on a letter dtd. 03.02.99 to be relied on by your honours under the signature of the concerned Principal, K.V. Khanapara. The Cross-Examination of the said P.W. is of utmost importance to refute/disprove the allegation under Article-I of the Memo. of charges dtd. 09.8.99.

Recd.
19/1

Manoj
19.01.02

Yours faithfully,

(R. S. Manoj)

P.G.T. (Chem) 4/15

K.V. Khanapara

Gny-22

19.01.02

120

136

To
The Inquiring Officer,
C/O K. V. Khanapara

Gny-22

Subject: - Prayer to produce the P.W. for the
Cross-Examination in connection
with the charge under Article-I.

R/S

Kindly produce the concerned P.W.
namely Mrs. J. DAS BASU, The Principal,
K. V. Khanapara for Cross-Examination
in order to prove the genuineness and
authenticity of the documents to be relied
on by your honour in connection with
the charge under Article-I of Memo. of
Charges dtd. 09.08.99.

Recd.
19/1

19.01.02

yours faithfully,

(R. S. Maurya)

P. G. T. (Chem) u/s

K. V. Khanapara

Gny-22

(121)

Ph-0361-528224

CENTRAL BOARD OF SECONDARY EDUCATION
REGIONAL OFFICE
RAJGARH ROAD, RAJGARH DISTRICT
GUWAHATI-781003

Annexure - A-14 Li-ii

No.

To

Sh. R. S. Maniyan, PET (Ch)
K.V. Khamapara

DATE: 26-5-99

137

Sir/Madam,

Please find enclosed a Cheque/Bank Draft No. 334018 dated 26-5-99 for Rs. 1516/- (Rupees One Thousand Five Hundred and Sixteen only) towards payment of Ramprasad and T.A.D.A. 602.1744 Exam.

The receipt of the above may kindly be acknowledged by filling in the Receipt hereunder and sending to the Office, duly signed.

Thanking you,

Yours faithfully,

Encl: as above.

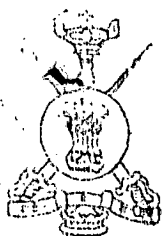
SECTION OFFICER

cut here neatly

Five Cops
Attached

Dr. Vijay Prakash Sharma
Senior Research Officer
Central Silk Board, Guwahati-5

1991



NO. ISC/SSCE/EXAM/0383.

SAINIK SCHOOL
GOALPARA
P.O. RAJAPARA
DIST. GOALPARA (ASSAM)
PIN: 783133

31 March 1990

To

Mr. RS Marya, PGT in Chem,
C/O Principal,
Kendriya Vidyalaya,
Bongaigaon (BIFL),
PO DHALIGAON-783385 (Assam).

ALL INDIA SENIOR SCHOOL CERTIFICATE PRACTICAL
EXAMINATION IN CHEMISTRY - APRIL 1990.

Sir,

1. I am to inform you that you have been appointed as External Examiner for the conduct of Practical Examination in Chemistry in respect of Class XII students.
2. The Practical Examination will be conducted on 8th, 9th, 10th and 11th April 1990 as per the instructions of CBSE, DELHI.
3. You are requested to report here a day in advance.
4. You will be paid remuneration and TA/DA by CBSE.

Yours faithfully,

[Signature]

(G. ADHAR)

Colonel
PRINCIPAL

Copy to:

1. The Controller of Exams,
CBSE, Shiksha Kendra,
2, Community Centre,
Preet Vihar, DELHI-110022. for info.
2. The Principal,
KV, Bongaigaon (BIFL)
PO DHALIGAON-783385 (Assam)

✓ You are requested to relieve
Mr. RS Marya for conducting
our Chemistry Practical Exam.

True copy
for
24/3/2001

For the Principal, Kendriya Vidyalaya,
Bongaigaon (BIFL)
Colonel S. C. Datta, Commandant-5

Principal,
Sainik School Goalpara
Goalpara

To

The Training Officer,

Mo K.V. Khanapara

GNY-22

(123)

Annexure-A15

Date

19.01.02

139

Subject - Objections regarding the "Admissibility of documents" in the Proceedings.

R/Sir,

I most humbly and most respectfully state as follows:

- ① That Sir, your honour is admitting documents which you are likely to rely in proving the charges without the original documents being produced and proved in the enquiry.
- ② That Sir, your honour is also not calling the Prosecuting Witness(s) (herein referred as P.W's) of the Department to enable me to cross-examine them in respect of the documents which you are accepting without being proved in spite of my repeated objections filed before your honours time to time.
- ③ That Sir, I am very much 'prejudiced' and I have been denied the reasonable opportunity to defend my case properly & effectively to meet the ends of justice.

① page

Recd. 19/1

Mawga 19.01.02

Yours faithfully,

(R. S. Mawga)

P.G.T. (Chem) U/S
K.V. Khanapara

Enquiry proceedings held at K.V. Khanapara on 22.2.02 in respect of the charges framed against Shri R.S. Maurya, P.G.T. Chemistry (U/S):

1. I/O Shri N.D. Jeshi, Principal, K.V., ONGC, Srikona, Silchar.
2. P.O. Shri P.V.S. Ranga Rao, Principal, K.V. No. II, Tezpur.
3. C/O Shri R.S. Maurya, P.G.T. Chemistry (U/S).

I/O to C/O :- The recordings of 19.1.2002, which were taken by you for preparing a fair copy may be handed over now.

C/O to I/O :- The C.O. most respectfully denied allegations of the learned I.O. because as per Rule 14 of CCS(CCA) Rules, 1965 the question of handing over the papers of proceedings for making fair copy by the C/O does not arise at all. Hence, there is no substance in the said allegations.

I.O. to C.O. :- I.O. advised to C.O. to maintain decorum & decency in the proceedings and do not try to personalise the matters. The I.O. further asked the C.O. to clarify as to why all the students of Class- XI Science were awarded 30 out of 30 marks in the Chemistry Practical Exam in ~~Cumulative~~ without holding Practical Examination in Cumulative test during the year 1998-99.

C.O. to I.O. :- The C.O. most humbly and respectfully submitted before the learned I/O. Kindly adhere to provisions of rule 14 C.C.S. (C.C.A.) Rules, 1965. Then the learned I.O. adopted indifferent attitude and tried to coerce the situations and made false accusation in the name of proper decorum and decency which is hereby emphatically denied. However, the C.O. most humbly and most respectfully also denied the Charge No. 2 as mentioned in the Memo of Charges and C.O. again requested to conduct the proceedings in the free, fair and just manner by keeping the provisions of Rule 14 as well as providing the fair adequate reasonable opportunity to the C.O. ^{He} also denied to personalise the issue. However the most of the representations etc. submitted before the learned I.O. have ^{neither} been looked into ~~nor been looked into~~ nor been mentioned in the I.O.'s letter dated 06.2.2002.

I.O. to C.O. :- the statement made by C.O. in para I of the above answer categorically disagreed and he is further advised to restrict himself to the points and maintain decorum.

[Signature]
I.O.

[Signature]
P.O.
[Signature]

[Signature]
(Under Protest)

W

In continuation the I.O. asked the C.O. whether he has refused to take practical Examinations of Class XI Science students in Chemistry during the session ending Examination 1998-99 and also asked the students to bring the Chemicals for the said practicals as stated in article III of the charges. He is further asked to clarify whether he has refused to take Chemistry Practicals for C.B.S.E. Examination, 1999 for Private students as a result the Venue for practical was shifted to Hindustani Kendriya Vidyalaya for conducting Practical for the Private candidates.

C.O. to I.O. :- The C.O. most respectfully and most humbly submitted before the learned I.O. that the C.O. is a law abiding Citizen and K.V.S. employee and is always presenting himself under the proper official decorum, adheres to the rules of the KVS and others related matters which is well documented and recorded. The C.O. always maintains sincerity and punctuality too. The C.O. most respectfully ~~that~~ ^{and} humbly denied the charge No.3 of Memo of charges.

I.O. to C.O. :- It is expected that the statement made by the C.O. is adhered to and put into Practice at all time. The I.O. further asked the C.O. to clarify whether while working as P.G.T. (Chemistry) in K.V.K. during the year 1998-99, he had not submitted Question papers of Chemistry for session ending Examination as per the notice issued on 3.2.99. The last date of submission of paper was 15.2.99. The Principal issued another reminder dated 26.2.99 asking Sri R.S. Maurya to submit the paper as stated in Article IV of the charges, which has attracted the Provision of conduct rules and led to in-subordination leading to unbecoming behaviour of the K.V.S. employee under rule of III of CCS conduct Rules 1964. Mr. Maurya may clarify his position in this regard.

C.O. to I.O. :- The C.O. most happily accepted the advice furnished by the learned I.O. in order to observe the Principle of natural Justice and offers his gratitude to the learned I.O. for his advice.

The C.O. most humbly denied the charge No. IV under Memo of charges. The C.O. most humbly filed objection, ~~for~~ ignoring the recording ~~xxx~~ of III notice (reminder) dated 02.01.99 which has been mentioned on Page 7 under article IV of the memo of charges by the learned I.O. in his recorded statement as stated above in charge No. 4.

Contd.....page No.3.

By *[Signature]*
(C.O.)
[Signature]
[Signature]

I.O.:- The point No.3 (III notice) dated ~~xx~~ 2.1.99 as mentioned in article IV of charges was not found in the order Book which carries all the orders in respect of the examination department for the year 1998-99. This would suffice to the objections filed by the C.O.

C.O.:- The C.O. ~~xx~~ most humbly & respectfully submitted before the learned I.O. to produce the Honourable Disciplinary Authority to clarify the matters and as such filed objections again on the statement of the learned I.O. as because it is a matter of record on which a learned ^{ab} Disciplinary Authority ought to have been relied upon while framing the charge No.3. (4)

I.O. to P.O. :- The point III of article IV i.e. III notice (reminder) dated ⁰²⁻⁰¹⁻⁹⁹ 2.2.99 may be enquired with the K.V. Authority on the basis of which the point has been added in article IV of the charges framed against Shri R.S. Maurya.

P.O. to I.O. :- Regarding the III notice under article IV of charges issued to Shri R.S. Maurya dated 2.1.99, the matter will be taken up with ~~xxxxxx~~ competent authority to clarify his position. However, the first notice dated 3.2.99 and the reminder on 26.2.99 remain valid.

I.O. to C.O. :- Under Article V of the charges it is stated that Shri Maurya while working as PGT (Chem) at K.V. Khanapara during year 1998-99 never attended the Asssemblies, Staff meetings convened by the Principal and thus disobeyed the orders of his controlling officer i.e. the Principal, K.V.K. which leads to insubordination, misconduct and unbecoming of KVS employee.

Shri Maurya may clarify his position on the said charges.

C.O. to I.O.:- The C.O. most humbly and ~~xxxx~~ respectfully denied the Charge No.5 under Memo of charge as stated above by the learned I.O.

I.O. :- The charges are framed under article V of the charges which were reproduced for seeking clarification from the C.O. They were not statements of I.O. as stated therein in the statement by the C.O.

C.O. to I.O. :- The C.O. most respectfully ~~& xxxxxx~~ submitted before the learned I.O. that the charges should be produced by the departmental representative namely the honourable P.O. and hence denied the above recorded statement of the learned I.O.

I.O. to P.O. :- Please comment on the statement made by the P.O.

P.O. :- The charges asked by I.O. to C.O. are as per Memorandum issued by D.A. on 9.8.99. The P.O. read out Article No.6 on the instruction of I.O.

I.O. to C.O. :- Article No.6 as read out by P.O. states that Shri Maurya has tempered with the official document in the year 1998-99. Shri Maurya may clarify his position in this regard.

C.O. to I.O. :- the C.O. most humbly & respectfully submitted before the learned I.O. and denied the charge No. 6 of Memo of Charges.

The C.O. most humbly & respectfully submitted before the learned I.O. Kindly be please to record all the representations submitted to him in the proceeding the records and pass reasoned order today itself for the interest of justice.

I.O. to C.O. :- (1) All the representations submitted by the C.O. were disposed off either on the spot or with in a week's time and forwarded to concerned competitive authorities for sympathetic consideration, Right from first sitting held in October, 1999. 2001.

(2). The grievances which falls ⁱⁿ perview of I.O. , were immediately taken up for suitable action as per rules with the concerned authorities and it was ensured that the C.O. is helped ^{out} by solving ^{some of} his problems, at all levels in every respect (viz: Subsistence Allowance, L.P.C. Adv., Refund of Twisting Fee & other dues which are available in the Office of the Principal.

(3). The request letter dated 22.2.2002 for seeking personal interview with the Commissioner/Joint Commissioner will be forwarded to-day itself, through the P.O. .

The enquiry ^{proceeding of the day} came to an end in the presence of the I.O. , P.O., C.O. and writer Shri D.K. Gupta , Senior Mest P.G.T. (Geography), at 12.15 P.M. on 22nd Feb, 2002.

Signature
of I.O.

Signature
of P.O.

Signature
of C.O.

(D.K. Gupta)
(writer)

22/2/02
[Under Protest]

**K.V. ONGC, SRIKONA,
P.O. SRIKONA, CACHAR : ASSAM**

F 1-8(a) / KV-ONGC-SNA / 2001-2002 / 195

Dt. 26/02/2002

Office of the Inquiry Officer

Registered

To

✓ Sh. R. S. Maurya
PGT (Chem.) (U/S)
K.V. Khanapara,
C/O. Universal Book Depot.,
Six Miles, Khanapara,
Guwahati - 22.

Sub. : Forwarding of Presenting Officer's Brief.

Sir,

Please note the following:

- 1) The enquiry proceedings in r/o. the Charges framed against you vide KVS (GR) letter no. F. 14-5 / 2001-KVS(GR) / 15532-33 dt 31/08/2001 are closed.
- 2) The Presenting Officer's Brief is enclosed herewith for your information.
- 3) You may submit your Brief within 10 days to the undersigned.

Yours faithfully,

(N. D. Joshi) 26/2/02

Principal,
K.V. ONGC, Srikona
&
Inquiry Officer.

Copy to:

- i) Sh. P. V. S. Ranga Rao, Presenting Officer & Principal, K.V. No.1, Tejpur, P.O. Dekargaon, Distt. Sonitpur - 784501 (Assam) for necessary action.
- ii) The Assistant Commissioner & Disciplinary Authority, KVS (RO) Maligaon, Guwahati for information, please.
- iii) Guard File.
- iv) Inquiry file.

Inquiry Officer

**Presenting Officer's Brief on Inquiry against Mr. R.S. Maurya, PGT Chem (U/S)
Kendriya Vidyalaya Khanapara**

The undersigned has been appointed as Presenting Officer vide letter No. 14-5/2001/KVS(GR)/18,691 dated 7-9-2001 to present the case pertaining to Shri R.S. Maurya PGT Chem U/S Kendriya Vidyalaya, Khanapara.

Shri R.S. Maurya PGT Chem U/S K.V. Khanapara has been charge sheeted vide letter No. F.14-5/99-KVS(GR)/5521-54 dated 7-8-99 and proposed to hold inquiry against him for various charges. After having gone through all the stages of Inquiry proceedings the undersigned presents the following Brief on Entire Case.

Statement of Imputation of misconduct in support of the article of charges framed against Shri R.S. Maurya.

Article - I

The charged Officer Shri R.S. Maurya while functioning as PGT Chem. At K.V. Khanapara during the Academic year 98-99 went to Kendriya Vidyalaya, Dinjan (Army) to conduct Practical examination of class XII Chemistry of CBSE on 15-2-99 on the request of Principal K.V. Dinjan, without taking relieving orders from Controlling authority i.e. Principal K.V. Khanapara. It is gross violation of conduct rules and serious misconduct on part of Shri R.S. Maurya. It clearly shows his vested interest to rush up to K.V. Dinjan to conduct Practical examination without being relieved by competent authority. This act on the part of Shri R.S. Maurya constitutes a misconduct and thus violated rule 3,1,(i) (ii) & (iii) rule 1964 extended to KVS employees. This can be substantiated vide document S.No. 23a, 23b, 24, 26 which is sufficient evidence to take disciplinary action against Shri R.S. Maurya, PGT Chem U/S Kendriya Vidyalaya Khanapara.

Article II

That Shri R.S. Maurya while functioning as PGT Chem at K.V. Khanapara had not conducted the practical classes of class XI Science till Jan '99 and during Cumulative Test held in Nov '98 all students awarded 30/30 marks in said practical examination. It is totally arbitrary, mischievous, illogical and defective evaluation technique to award 30 out of 30 to all the students without conducting even single practical. This act created utter confusion among students and may lead to disbelief in the system of examinations. By committing this blunder Shri R.S. Maurya has betrayed the sacred evaluation system and made fun of Practical examination. There by he failed miserably to uphold ethical values of noble teaching profession. This act definitely renders Shri R.S. Maurya unbecoming KVS employee. These charges can be proved beyond doubt vide documents 25 a,b,c,d, S.No. 8, S.No. 9, S.No. 5, S.No. 6, S.No. 10.

Article III

Shri R.S. Maurya, PGT Chem during the Academic session 98-99, refused to take CBSE, AISSCE '99 Chemistry Practical examination for Private Candidates. This has led to lot of Inconvenience to the students as well as CBSE authorities. Finally CBSE authorities had to shift the Venue from K.V. Khanapara to Hindustan Kendriya Vidyalaya for conducting the above Practical exam. It is mere violation and defiance of

14-5-2001

(13D)

higher authorities on part of Shri R.S.Maurya. He also refused to take Practical exam of class XI Science on 23rd, 24th and 25th March 99 and asked the students to bring Chemicals for the practical exams. As per KVS rules all the required chemicals and other materials to be provided by Vidyalaya itself. It is highly objectionable to ask students to bring chemicals that too the chemical like Methylated Sprit, which is highly poisonous. 146

He directly displayed a notice on the board without approval/consent of Principal K.V.Khanapara in which it is stated that the students should bring the methylated sprit.

It is again violation and misconduct and insubordination on the part of Shri R.S.maurya. The students complained that the syllabus was completed in a month's time without understanding the content. The parents also expressed deep concern over misconduct of Shri R.S.Maurya through letters to the Principal as well as News paper.

The aforesaid acts brought down the image of Kendriya Vidyalaya in the society, thereby Shri R.S.Maurya damaged and defamed the reputation of Educational institution. The discontent among students, parents over the issue causes serious concern on the functioning of Vidyalaya. Hence Shri R.S.Maurya clearly ignored very basic values of noble teaching profession and unbecoming the teacher of KVS. These charges can be proved vide documents No. S.No. 11,12,13,14,15,16,17,18

Article -IV

Shri R.S.Maurya PGT(Chem) while working in KV Khanapara had not submitted the question paper of Chemistry during session ending examinations 98-99 in the stipulated date. He was issued two reminders on 3-2-99 and 26-2-99. The last date to submit question papers was 15-2-99. It had caused great inconvenience to the Vidyalaya Administration and detailed examination schedule.

The examination Incharge had also complained to Principal K.V.Khanapara regarding non submission of question papers by Shri R.S.Maurya in time. It clearly shows insubordination and false egoism towards authorities. It amounts to the negligence of his duty as PGT in Kendriya Vidyalaya. Thus Shri R.S.Maurya has done insubordination leading to unbecoming behaviour of KVS employee and violated rule 3(i), (ii) and III (iii) of CCS rule 1964 as extended to the KVS employees. These charges can be proved vide document No. S.No. 19, 2-B (order book)

Article- V

That Shri R.S.Maurya while working as PGT(Chem) at K.V.Khanapara, during the period 98-99 never attended morning assembly in the Vidyalaya as well as staff meetings called by Principal. He always avoids discussion on academic matters with Principal on the pretext of busy work. Thus Shri R.S.Maurya disobeyed the orders of his controlling authority i.e. Principal K.V.Khanapara. This act on the part of Shri R.S.Maurya constitutes insubordination, misconduct which is unbecoming to KVS employees. These charges can be substantiated vide document No. S.No. 20,21,22

Article-VI

Shri R.S.Maurya PGT Chem while working as PGT (Chem) at K.V.Khanapara, during the academic year 1998-99 had tampered the official documents to cover up his late arrival to K.V.Khanapara at 11.30 a.m. on 8-2-99. The relieving order issued by the Principal, K.V.Narangi vide ref. 4-5/KVN/98-99/795-97 dated 6-2-99 shows tampering for his vested interest by adding "after 6.30 p.m." in the said relieving order of his copy, where as office copy does not show any addition. It is a gross misconduct on the part of

File
23-11

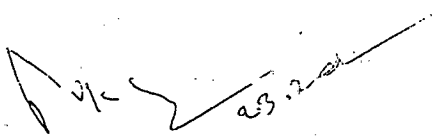
(131)

Shri R.S.Maurya and deliberate attempt to tamper official documents leads to violation of conduct rules.

He also misused Vidyalaya's peon book for replying letters in negative manner to controlling officer.

The peon book is meant for receipt of letters and should not be used as medium for correspondence. All these acts amount to misconduct and violation of conduct rules. These charges can be proved vide documents No. S.No. 23 A, 23 B, S.No. 1

The charged officer is involved in all above allegations which can be proved by available documents (1-26)


(P.V.Sai Ranga Rao)
Presenting Officer -
and
Principal, K.V.No.1, Tezpur.

To
Sri. N.D. Joshi
The Inquiry Officer
&
Principal
K.V. O.N.G.C.
Srikona, Assam

(132)

Annexure-A17 (ii)

Dated- 11 March, 02

148

Subject:- Inquiry against the undersigned regd.

Reference:- Wide Letter No. F.1-8(a)/KV-ONGC-SNA/2001-2002/995
dated-26/2/2002.

Sir,

1. I have received the aforesaid letter dated 26/2/2002 under reference on 06/03/02 in the afternoon. In this connection, I respectfully state that filing of written brief by the learned Presenting Officer (P.O.) as well as by the Govt. Charged Officer (C.O.) as provided under Rule 14(19) of the C.C.S. (CCA) Rules, 1965 are meant for making a brief submission before the Hon'ble I.O. with regards to the evidences on record. I may be permitted to state that the department did not produce a single witness to prove and substantiate the allegations/charges against the undersigned. And at the same time no opportunity was given to me to produce my defence witnesses. This was so, as I believe because in absence of the evidence on record, I could not have been asked to enter defence as nothing has been proved against me.
2. The so called Presenting Officer's brief is nothing but the repetition of the charges framed by the Hon'ble Disciplinary Authority vide Memo No. F.14-5/99-KVS(GR)/5251-54 dated 09.08.99 to which I have already replied in detail by my Written Statement dated 19.9.2001.
3. The reliance placed by the Learned Presenting Officer to the documents mentioned in the articles are wholly illegal and unsustainable in law. Somebody who has dealt with these documents or have authored them must prove them in the course of the enquiry proceedings to enable me to cross-examine such persons and thereby

(Signature)
11.03.2002

challenge the legality, authenticity and contents of the said documents without which the documents referred cannot be relied upon to prove the allegations.

149

4. With great respect, kindly permit me to state that the procedure adopted during the so called proceedings of the enquiry is unknown to law.

I, therefore, most humbly request you to kindly consider the aforesaid facts and drop the proceedings by exonerating the undersigned to meet the ends of justice.

R.S. Maurya
11.03.2002

Yours faithfully.

(R.S. MAURYA)

P.G.T. (Chemistry)

K.V. Khanapara C/O Universal Book
Depot, Six Mile, Khanapara, Ghy 22

((ASSAM SACHIBALAYA) Cntr.1
REG AD: 5571
NAME: N. D. JOSHI, O N GC SRIKONA
CITY: SILCHAR 788



INS FOR RS. 0 / P-STAMP Rs. 0
AMT: 24.00/ Gms. 10M / 11/03/2002 10:08



134

Annexure - A17 (iii)

दूरभाष / Phone : 571797, 571 798

Fax : 571799

केन्द्रीय विद्यालय संगठन

KENDRIYA VIDYALAYA SANGATHAN

क्षेत्रीय कार्यालय
मालीगाँव चारियाली
गुवाहाटी : 781 012

Regional Office
Maligaon Chariali
Guwahati : 781 012

REGISTRED

पत्रांक :
No. F :

दिनांक :
Dated :

No.F. 14-5/2001-KVS(GR)/4556

Dated:- March 12, 2002

MEMORANDUM

With reference to his letter dated 23-02-2002 regarding his request to change the I.O. namely Shri N. D. Joshi and to appoint a new I.O. of non KVS, from outside the North East Region has been considered but can not be acceded to.

Further, the inquiry proceedings were closed which has already been informed by the Inquiry Officer, vide his letter dated 20/2/2002.

To

Shri R. S. Maurya
PGT(Chem.), (U/S)
KV, Khanapara,
C/O Universal Book Depot,
Six Mile, Khanapara
Guwahati - 22

(D. K. Saini)
(D. K. Saini)
Disciplinary Authority
&
Assistant Commissioner

(135)

KENDRIYA VIDYALAYA SANGATHAN
Regional Office,
Guwahati-12.

Annexure-A18

151

No.F.14-5/2001-KVS(GR)/5046

Dated : 22-3-2002

SPEED POST

MEMORANDUM

WHEREAS, the disciplinary proceedings under Rule 14 of CCS(CCA) Rules, 1965 were initiated against Shri R. S. Maurya, PGT(Chem) (U/S), Kendriya Vidyalaya Khanapara, vide this office Memorandum No.F.14-5/99-KVS(GR)/5251-54, dated 9-8-99 and he was served the Articles of charge and imputation of misconducts through the above memorandum.

WHEREAS as per the direction of the Hon'ble CAT, Guwahati Bench order dated passed in OA NO.20/99 Shri N. D. Joshi, Principal, Kendriya Vidyalaya, Srikona, Silchar and Shri P.V.S. Ranga Rao, Principal, Kendriya Vidyalaya, No.I, Tezpur were appointed as new Inquiry Officer and presenting officer respectively to re-start inquiry into the charges against Shri R. S. Maurya and to present the case.

Shri N. D. Joshi, Principal, Kendriya Vidyalaya Srikona and the new inquiry officer, vide his letter dated 9-3-2002, has submitted report on the charges against Shri R. S. Maurya in which Articles I, II, III, IV and VI of the charge - sheet has been established/proved and Article V not proved.

NOW, THEREFORE, the undersigned forward a copy of the Inquiry report submitted by the new inquiry officer to Shri R. S. Maurya, PGT(Chem.), (U/S), Kendriya Vidyalaya, Khanapara and provide an opportunity to Shri Maurya to submit his written representation or submission if any, to the undersigned on the report of the inquiring authority within 10 days from the issue of this Memorandum, failing which it will be presumed that Shri R. S. Maurya does not wish to make any written representation or submission and further necessary action will be taken as per CCS (CCA) Rules.

To,

Shri R. S. Maurya,
PGT(Chem), (U/S),
Kendriya Vidyalaya,
Khanapara,
C/O. Universal Book Depot.,
P.O. Khanapara,
Six Mile,
Guwahati-781 022.

D. K. Saini

(D. K. SAINI) 22/3/2002

ASSISTANT COMMISSIONER

* * * * *

3/9/3

INQUIRY REPORT INTO THE CHARGES FRAMED AGAINST
SHRI. R. S. MAURYA, PGT(Chem.) (UNDER SUSPENSION) OF
KENDRIYA VIDYALAYA KHANAPARA, GUWAHATI.

INTRODUCTION:

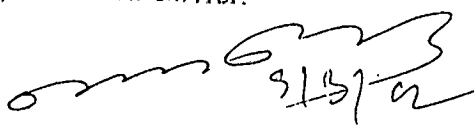
I, N. D. Joshi, Principal, K.V. ONGC, Srikona, Silchar was appointed as an Inquiry Officer vide KVS(GR) office order No. F. 14-5/2001 KVS(GR)/15532-33 dt. 31.08.2001, on the instruction of the Honourable CAT vide its order dt. 28.06.2001 passed in OANo. 20 of 2001 to inquire into the charges framed against Sh. R. S. Maurya, PGT(Chem) (Under suspension) of K.V. Khanapara, Guwahati and the said order was received on 05-09-2001. The Disciplinary Authority sent a copy of the said order to Charged Officer and the Presenting Officer respectively intimating the appointment of the Inquiry Officer vide order even no. dt. 31.08.2001. The Charged Officer was further given an opportunity to submit a written statement vide KVS order no. F. 14-5/2001-KVS(GR) 15689 dt. 07-09-2001 and accordingly the Charged Officer submitted his written statement on 19.09.2001 to the Disciplinary Authority. The Disciplinary Authority vide his letter no. F.14-5/2001-KVS/GR 17015-17 dt. 11.10.2001 provided an opportunity to the Charged Officer for inspection of original and additional documents at 2 pm on 18.10.2001 at K.V. Maligaon. Accordingly, the Charged Officer was provided with 12(twelve) relevant documents by the Principal, K.V. Maligaon on behalf of the Presenting Officer.

The Inquiry Officer held first sitting of Inquiry at 10-30 am on 19.10.2001 at K.V. Maligaon. The Charged Officer was given ample opportunity to speak out his mind and clear all the points whatever he wished to express therein. In turn, the Charged Officer requested for providing the original and additional listed documents in addition to those already supplied on 18.10.2001. The Inquiry Officer asked the Presenting Officer to provide all the relevant documents, which are directly related to the charges. The Presenting Officer agreed to provide all the documents at the earliest within stipulated date to the Charged Officer. On written request of the Charged Officer, the venue of inquiry proceedings was shifted from K.V. Maligaon to K.V. Khanapara from second sitting onwards. To fulfill the requisition of the Charged Officer as stated above, the Presenting Officer had shown the following documents and photo copies handed over as per the details furnished below:-

- | | |
|---------------|--------------------|
| a) 18.10.2001 |12 documents. |
| 13.11.2001 |39 documents |
| 17.11.2001 |08 documents |
| 29.11.2001 |02 documents |

Total 61 documents.
 List of documents duly acknowledged
 by the Charged Officer is enclosed herewith.

- b) The second sitting of inquiry was held on 29.11.2001 at K.V. Khanapara and the Presenting Officer had once again shown all the listed documents in original and satisfied the queries of the Charged Officer. This exercise was repeated due to frequent request made by the Charged Officer. By this date the total documents shown and handed over to him come to 61 (Sixty one) as stated earlier.


 31/3/02

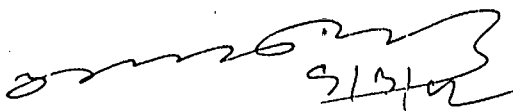
- c) As regard the grievances are concerned, the Inquiry Officer very promptly ensured timely payment of Subsistence Allowance to the Charged Officer. In addition, LTC Advance, reimbursement of Tuition Fees in respect of his wards and Medical Allowance etc. were released to help out the Charged Officer during the inquiry proceedings, utmost care was taken in order to satisfy the aggrieved official in every respect to meet the end of natural justice.
- d) The Charged Officer was provided with as many as directly relevant documents requisitioned by him and in turns he expressed his satisfaction over the inspection of original documents and procurements of its copies while recording his statements during the proceedings held on 29.11.2001 (ref. page No. 2 of the proceedings of 29.11.2001).
- e) The Presenting Officer, under the direction of the Inquiry Officer, presented the original documents duly marked serially from serial no. 1- 26 on 29.11.2001 and the same were taken in possession by the Inquiry Officer in the presence of the Charged Officer on 29.11.2001, itself.
- f) Third sitting of inquiry was held on 19.12.2001 and the statement in respect of the charge No.1 was recorded wherein the Charged Officer admitted of having left the station without permission of Competent Authority to hold the practical in Chemistry for the Students of Class XII Science of Board Exams. in K.V. Dinjan.
- g) The fourth sitting of inquiry was held at 10-00 am on 18.01.2002. The Charged Officer introduced two Defence witness namely Dr. C.B.Dwivedi, father of Master Rohit Dwivedi, a student of Class XI B (Arts) and Sh. Amulya Narzary, father of two children studying in Class I & II at K.V. Khanapara. Their statements were recorded in the presence of the Inquiry Officer, Presenting Officer & Charged Officer. Both the Defence witness did not specifically mention any point relevant to the case. In addition, article II was discussed at length wherein the point of awarding 30/30 marks was thoroughly examined.
- h) Fifth sitting of Inquiry was held at 09-00 am on 22-02-2002 wherein 5 charges ie, S. No. 2 to 6 were discussed at length and the Charged Officer denied all the charges while recording his statements.

BRIEF REPORT OF PRESENTING OFFICER.

The Presenting Officer presented his brief report on 23rd February' 2002 and the same was forwarded to the Charged Officer on 26.03.2002. The Inquiry Officer made all possible efforts to make the Charged Officer to feel at ease since very beginning till last proceedings so as to enable him to defend his case properly.

DEFENCE OF THE CHARGED OFFICER.

The Charged Officer was given an opportunity to furnish the details of the Defence Assistant from within the KVS serving / retired employees which he failed to comply with within the stipulated time and thus himself defended the case.

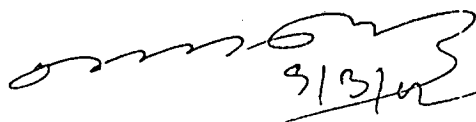


OBSERVATION ON WRITTEN STATEMENT OF CHARGED OFFICER,
SH. R. S. MAURYA Dt. 19.09.2001 IN RESPECT OF THE CHARGES.

1. (a) In Article I (I) Sh. R. S. Maurya referred the letter of the Principal K.V. Dinjan who requested the Principal K.V. Khanapara to relieve him for conducting practical in Chemistry at his K.V. Here, the fact remains that neither CBSE Authority nor the Principal K. V. Khanapara consented in confirmation of his appointment as an External Examiner for Chemistry practical at K.V. Dinjan. It is surprising to note that Sh. R. S. Maurya took the risk of leaving the K.V. Campus without permission of Controlling Authority keeping all the KVS rules aside.
1. (b) In response to Article I & II, it is concluded that Sh. R. S. Maurya conducted the practical at K.V. Narangi and Amerigog on the basis of appointment order issued by the CBSE whereas such appointment order was neither made nor confirmed by the CBSE / Principal K. V. Khanapara for conducting practical Exams. in Chemistry at K.V. Dinjan.
2. In response to Article No. II wherein he tried to justify his act of awarding 30/30 marks Arbitrary to all the students without conducting practicals in Commutative Tests is full of flaws and against exam bye-laws and thus can not be appreciated. This act of Mr. R. S. Maurya has underestimated the importance of practical exams. and thus the Inquiry Officer disagrees with all his comments as stated therein.
3. Part-(I) In response to Article III of the charges, he accepted that he asked the students to bring two chemicals namely, Mythylated Spirit and Distilled Water for conducting practicals (Ref. page no. 8 para 2 of his written statements dt 19.09.2001). It is to be noted that Mythylated Spirit is highly dangerous and can lead to major ill effects in the body which may be fatal if consumed / used unknowingly by the students. Secondly, asking the students to bring any kind of material for practical purposes is highly objectionable as per the KVS rules. Infact, all the items used in practicals are to be supplied by the Vidyalaya and in no case the students be asked to bring Chemicals. In case of shortage of chemicals in Lab., the Lab. In-charge is responsible for procuring the same through the Principal to ensure smooth conduct of practicals. Hence, the comments made in written statement by Mr. R. S. Maurya stand invalid and thus disagreed.

Part-(II) Non-Conduct of practicals for Class XII private students: The arguments of Mr. R. S. Maurya for non-conduct of practical in Chemistry for private students of Class XII cannot be appreciated. He should have ensured availability of chemicals in advance in consultation with the Principal. In any case, depriving the students from taking Board Exams. (ie. practicals) is an offence and against the principles of teaching profession.

4. In response to statement made therein Article IV, Mr. R. S. Maurya's justification for late Submission of question paper is found to be baseless. Infact, the tests / exams. are conducted by the Exams. Committee comprising the teachers from among the staff who are considered to be trustworthy to the exams system. Thus the apprehensive of leakage of question paper by Exams Committee as mentioned by Mr. Maurya does not carry any weightage.


 31/3/02

5. In response to Article V of the charges, it was found that Mr. Maurya did not comply with the orders of the Controlling Officer under lame excuses. There was an occasion wherein Mr. Maurya refused to meet the Principal on the pretext of academic discussion on his subject matter with the SUPW teacher and PGT (English) who are not directly concerned with the Chemistry. This clearly shows his disregard to the Chair.
6. In response to his statement under Article VI, Mr. Maurya made an willful attempt by making an additional entry in his relieving order (ie, "after 6-30 pm") which was issued by the Principal K.V. Narangi to justify his late arrival on next working day in the Vidyalaya. Thus the comments made by Mr. Maurya in his written statement are unsustainable. The documents submitted by Mr. Maurya in support of his defence are not directly related to the charges and thus are set aside.

INQUIRY REPORT.

The Charged Officer Sh. R. S. Maurya, PGT (Chemistry) U/S has been charged of 6 (Six) charges under Article of charges as Article I to VI vide memorandum no. F.14-5/2001-KVS(GR)15532-33 dt. 31.08.2001. The report of the Inquiry Officer in respect of all charges, for perusal of Disciplinary Authority and necessary action is as under:

ARTICLE OF CHARGE I

That the said Sh. R. S. Maurya while functioning as PGT Chemistry at K.V. Khanapara during the academic year 1998-99 went to K.V. Dinjan to conduct practical examination of CBSE in Chemistry for Class XII Science on 15-02-2-1999 without permission / relieving order of the Competent Authority.

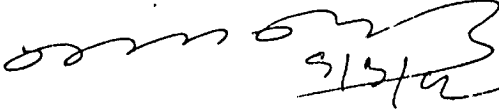
This act on part of Sh. R. S. Maurya constitutes a misconduct, and thus violated rule 3 (1) (I) (ii) (iii) Rules 1964 as extended to KVS employees.

ANALYSIS OF DOCUMENTARY EVIDENCES.

Mr. Maurya, in his application dated 15.02.1999 addressed to the Principal (Serial No.24) mentioned - "I am proceeding to K.V. Dinjan (Army) to conduct Class XII Chemistry practical examination on 15-2.1999. It shows that he had no respect for rules as laid down in respect of the conduct of an employee. This expression further proves an act of insubordination and thus disrespect to the Chair. It is understood that he left the place of duty without the approval of the Competent Authority and left the students unattended who were under his charge. This act of Mr. Maurya constitutes misconduct on his part. The letter (S.No.26) written by the Principal K.V. Dinjan cannot be treated as an appointment order and thus the justification furnished by Mr. Maurya cannot be sustained.

FINDINGS.

Thus the said act of Mr. Maurya, PGT (Chem), U/S of K.V. Khanapara proves the charge of misconduct under rule 3(1) (I) (ii) & (iii) of CCR rules 1964 as extended to KVS employees that he left the K.V. premises without the prior approval of the Competent Authority.


3/5/99

140
9/3

5
156

ARTICLE OF CHARGE II.

That Sh. Maurya while functioning as PGT Chemistry at K. V. Khanapara had not conducted the practical Classes of Class XI till January' 1999 and during the Cumulative Test 1998-99, all the students were awarded 30/30 marks in practical exams. of Chemistry. Thus Sh. Maurya has acted in a manner of unbecoming of KVS employee and hence violated Rule 3(I) (i) (ii) & (iii) of CCS (conduct) Rule 1964 as extended to KVS employee.

ANALYSIS OF DOCUMENTARY EVIDENCE.

In order to defend his case, the Presenting Officer based his case on documents serial No. 25 a, b, c & d, placed on records are the practical note books of Master Gautam Kumar of XI (Science), Master Deepjyoti Das of XI (Sc), Master Aditya Bhuyan of XI (Sc) Kasthuri Saikia of XI (Sc) respectively. As per the Index page of these note books no practical was conducted before 12.01.1999.

Serial No.8 is the award list of Cumulative Test of Class XI for 1998-99 indicating marks awarded in theory and practical in Chemistry duly signed by Mr. Maurya, PGT(Chem). As per KVS schedule the Cumulative Tests are conducted in the month of November during every academic year. It is proved that the marks were awarded without conducting practicals in Chemistry. Under no circumstances all the students can get equal marks in practicals particularly, when some of them are weak in theory. It is observed that students at Sl. No. 37 & 38 have been awarded 30/30 in practicals whereas they have scored 02 & 00 marks out 70 marks in theory respectively.

9/3/99

FINDING.

Serial No. 25 a, b, c, d and Serial No. 8 proved that Sh. R. S. Maurya, PGT(Chem) awarded practical marks to the students without conducting practicals. This is not only dereliction of duty but also a criminal and unethical act on part of Sh. R. S. Maurya. Thus this act on part of Mr. Maurya constitutes misconduct and proved the charge of misconduct under rule 3(i) (ii) & (iii) of rule 1964 as extended to KVS employee.

ARTICLE OF CHARGE III.

Sh. R. S. Maurya while functioning as PGT(Chem) during the year 1998-99 has refused to conduct practical examination of Chemistry of Class XI and asked the students to bring chemicals for practical examinations. Sh. Maurya also refused to conduct practicals in Chemistry for private candidates who were to take exams of Class XII CBSE 1999.

Thus Sh. Maurya has violated the code of conduct for teachers as laid down in Education Code for Kendriya Vidyalaya in Chapter VI and Rule 3 (i) (ii) & (iii) of CCS conduct Rules 1964 as extended to the employees of the KVS.

ANALYSIS OF DOCUMENTARY EVIDENCE.

Serial No. 11, 12, 13, 14, 15, 16, 17 & 18 are the documents as placed on records by the Presenting Officer and prove that Sh. Maurya asked the students to bring chemicals for practical examination which is highly objectionable and against the KVS rules. He also violated the

9/3/99

6
157

913 (141)

conduct rules by directly displaying the notice, asking the students to bring the chemicals, on the School Notice Board without the permission of the Competent Authority.

Mr. Maurya did not conduct the practicals for private candidates of Class XII in Chemistry under the pretext of non-availability of chemicals. This had created uneasiness among the students and thus the CBSE had to shift the venue for practicals from K. V. Khanapara to Hindustan Kendriya Vidyalaya. This act of Mr. Maurya has not only created trouble for the students but also earned disrepute to the Institution, which is declared a Model Kendriya Vidyalaya by the Organization. Mr. Maurya would have ensured availability of chemicals required for conducting practicals well in time in consultation with the Principal. Thus the arguments of Mr. Maurya cannot be appreciated in this regard.

FINDINGS.

The charge of misconduct that Mr. Maurya has violated the code of conduct for teachers as laid down in Education Code for Kendriya Vidyalaya in chapter VI and rule 3(I) (i) (ii) & (iii) of CCS conduct Rule 1964 as extended to the employee of KVS is proved.

ARTICLE OF CHARGE IV.

That Sh. Maurya while functioning as PGT(Chemistry) at K. V. Khanapara during the academic year 1998-99 had not submitted the question papers for Session Ending Exams in the stipulated period as notified by the Principal.

Thus Mr. Maurya, PGT(Chem) has violated the rule 3(I) (i) (ii) & (iii) of CCS conduct rules 1964 as extended to the employees of KVS.

ANALYSIS OF DOCUMENTARY EVIDENCE.

Serial No. 19 is the report of dated 23.02.1999 written by Sh. U. N. Adhikari and addressed to the Principal which refers the non submission of question paper by Sh. R. S. Maurya within stipulated date i.e., 15.02.1999. As a result, the question paper could not be sent to press for printing. The said report further points out that Mr. Maurya did the same at the time of Cumulative Test. This shows that the Charged Officer is habitually irregular in performing his duties and does not care for orders signed by Competent Authority.

Serial No. 2-b is an office order dated 26.02.1999 on page no. 1 in the order book. The Principal, through this order, asked Mr. Maurya to submit the question paper by 3 pm on 26.02.1999 itself. It is to be noted that the last date for submission of question paper was 15.02.1999. This shows a very casual attitude on part of Mr. Maurya towards his duties. While going through the records it is noticed that Mr. Maurya had developed the habit of writing remarks / comments on the peon book / order book of the Vidyalaya which is highly objectionable and thus proves that Mr. Maurya does not care for rules.

FINDINGS.

The charge of misconduct that Sh. Maurya, PGT(Chem) has violated rule 3(I) (i) (ii) & (iii) of CCS conduct Rule 1964 as extended to the employees of KVS is proved for non-compliance of

21/3/99

Instructions of his immediate superior authority (ie, non-submission of question papers within stipulated date)

ARTICLE OF CHARGE V.

That Sh. Maurya while working as PGT (Chemistry) at K. V. Khanapara during the year 1998-99 never attended assemblies and staff meetings called by the Principal. Thus Mr. Maurya did not obey the orders of Principal.

This act on part of Sh. Maurya constitutes a misconduct which is unbecoming of an employee of KVS and violated the rule 3(I) (i) (ii) & (iii) of CCS conduct rules 1964 as extended to employees of KVS.

ANALYSIS OF DOCUMENTARY EVIDENCE.

As per article of charge Sh. R. S. Maurya, PGT(Chemistry) never attended the morning assemblies and staff meetings called by the Principal. On perusal, no documentary evidence was found in records. The Presenting Officer could not provide any kind of documentary evidence to prove the said charge.

FINDINGS.

Since there is no documentary evidence in records and thus the charge that Sh. Maurya did not obey the order of the Principal, cannot be sustained. The act on part of Mr. Maurya does not constitute misconduct which is unbecoming on part of KVS employee and thus did not violate rule 3(I) (i) (ii) & (iii) of CCS conduct rules 1964 as extended to the employee of KVS. Thus the charge is set aside.

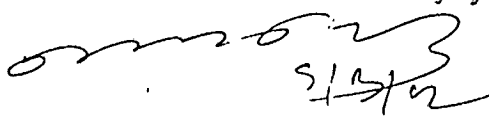
ARTICLE OF CHARGE VI

That Sh. R.S. Maurya, PGT(Chem) while working at K. V. Khanapara during the academic year 1998-99 had tampered with the official documents. Thus Sh. Maurya had violated the rule 3 (I) (i) (ii) & (iii) of CCS conduct rules 1964 as extended to the employees of KVS.

ANALYSIS OF DOCUMENTARY EVIDENCE.

Serial No. 23 a & b are copies of relieving order of Mr. Maurya, PGT (Chem) from K.V. Narangi. On the basis of which the Presenting Officer has tried to prove the charge that is tampering with the records by the Charged Officer. On close perusal and personal scrutiny of the documents by the Inquiry Officer, it is observed that both the documents are the copies of the same order and clearly indicate that the time of departure had been written (as 6-30 pm) at later stage on the copy of Mr. Maurya to suit his personal interest so that he could justify his late arrival by 2 hours in the Vidyalaya on next working day. This act on part of Mr. Maurya has proved beyond doubt that he has tampered with the official records and thus misconduct sustained.

Both the documents serial No. 23 a & b are the carbon copies of the same order but in the entry column on one of the copies the relieving time is shown differently by adding 6-30 pm though


5/12/02

143

159

8

the despatch No. etc. has been written by the same person with same pen in both copies. It proves that Sh. Maurya added 6-30 pm in his relieving order at his own level to suit his interest.

Serial No. 1 is the Peon book in which the Presenting Officer has drawn the attention of the Inquiry Officer on the receipt columns at serial no. 182, 184, 211, 219 & 236. At all the places it was found that the Charged Officer had given remarks / observations which were uncalled for. It clearly indicates that the Charged Officer feels his bonafide right to record his remarks / observations anywhere whether it is an order book or the peon book which cannot be appreciated at any level.

As the charge of tampering with the records by way of additions in time at his level to suit his interest in the relieving order is proved, in the same way the use of peon book or order book for endorsing his remarks / comments has proved beyond doubt, the misconduct on part of the Charged Officer. As such the charge of misconduct is proved.

FINDINGS.


That the charge of tampering with official documents is proved as such Mr. R. S. Maurya has violated the rule 3(I) (i) (ii) & (iii) of CCS conduct Rules 1964 as extended to the employees of KVS.

CONCLUSION.

The Charged Officer is found guilty of misconduct under rule 3(I) (i) (ii) & (iii) of CCS conduct Rules 1964 in the following articles of charges:

- Article I : Proved
- Article II : Proved
- Article III : Proved
- Article IV : Proved
- Article V : Not Proved
- Article VI : Proved

DATED: 09/12/2002


N. D. JOSHI
PRINCIPAL
K.V. ONGC, BRIKONA SILCHAR
&
INQUIRY OFFICER

(1)
144

Annexure - A19

To,

Date:-11.04.2002

The Disciplinary Authority,

&

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Maligaon, Gauhati - 12.

Subject :- Disciplinary Proceedings against R.S.Maurya(PGT
Chemistry),U/S, K.V,Khanapara,

Reference:- Inquiry Report submitted by the I.O. (Inquiry
Officer) sent vide Memo.No. F.14-5/2001-KVS(GR)/
5046 dated 22.3.2002.

Sir,

1. I received the aforesaid Memo. under reference
on 30.3.02. Since, I received the Memo. under reference late,
I immediately sent a telegraphic message vide receipt No.
942 dated 30.3.2002 and also a letter dated 30.3.02 seeking
15 (fifteen) days time for submission of my representation
against the Inquiry Report .

2. Before, I proceed to make my Written Submission
in respect of the Inquiry Report I wish to point out the
manner in which the Inquiry was conducted which is as follows:-

1) The Article of Charges namely Charge - I to IV & VI
said to have been proved by the I.O. are of such nature
that they cannot be proved merely on the basis of the
documents referred to in the Article of Charges, for example-
Article of Charge - I namely that I left to conduct Practical
Examination in Chemistry to K.V, Dinjan without permission/
relieving order from competent authority. It is a fact that

Int-SP EE781144939IN
PA : RABU
To: DR D K SAINI,
GUWAHATI, PIN: 781012
From: R S MAURYA, GH
IN: 110, 12/04/2002, 11:04:13
HAVE A GOOD DAY



no relieving order was issued by the Principal, K.V, Khanapara for conducting Chemistry Practical Examination for either K.V, C.R.P.F., Amerigog or for K.V, Dinjan. However, I have not been charged for conducting Chemistry Practical Examination at K.V, C.R.P.F., Amerigog because the appointment order was made by C.B.S.E., Gauhati. In case my appointment order as External Examiner was passed by C.B.S.E., I would not have been charged for going to K.V, Dinjan even without formal relieving order. The I.O. therefore, tried to distinguish the two by holding interalia that the appointment order by the Principal, K.V, Dinjan cannot be treated as an appointment order. This issue was required to be proved by the Prosecution by producing witnesses in absence of rules/ circulars on the point. There is nothing on record what so ever from which the I.O. could have hold that the appointment made by the Principal, K.V, Dinjan cannot be treated as an appointment order.

Sir, similarly the other charges also required to be proved by oral witnesses and because of the said facts I submitted a number of requests for calling the witnesses so that I can cross - examine them, however my request was refused. I am enclosing the photocopy of my request letters dated 19.1.2002 which was duly received by the I.O. Therefore, the whole enquiry is vitiated.

The copy of the letters dated 19.1.2002 are annexed as Annexures - 1 and 2 respectively.

146

1462

ii) Sir, when I was provided with the Presenting Officer's (P.O.'s) brief, I pointed out again that in order to challenge the veracity of the documents produced by the Prosecution, the persons who dealt with these documents and authored them may be called for cross-examination. Even this request was unjustly denied and the I.O. has not even whispered about my objection dated 11.3.2002 in the Inquiry Report.

The copy of the C.O.'s brief dated 11.3.02 is annexed as Annexure-3.

iii) That Sir, I was also denied the assistance of defence Counsel/Defence Assistant. Vide letter dated 21.12.01 the I.O. informed me that under the K.V.S. Rules, no other persons other than the serving/retired employee of K.V.S. can be permitted to assist me as defence assistant in response to which I requested the I.O. by showing him the Education Code and Accounts Code of K.V.S. that if there are some other rules in K.V.S., please furnish me a copy of the same. The response of the I.O. was that the copy of the K.V.S. Circulars will be made available to the Court, if necessary. This way I was denied the Assistance of the Defence Counsel/Defence Assistant.

The copy of the letter dated 19.12.01, 21.12.2001, telegraphic message dated 26.12.01 and letter dated 18.1.01 respectively are annexed as Annexures -4, 5, 6 and 7 respectively.

(147)

(1)

163

iv) The documents No. 11 and 12 are accepted in evidence without showing me the original and have been relied upon inspite of my objection that photocopy cannot be accepted without original. Infact in the beginning of the hearing itself I submitted the photocopy of the decision of the Hon'ble Supreme Court on the admissibility of the photo(Xeroxed) copy of the documents(AIR 1994 S.C. 591)

The copy of the letters dated 19.01.02 are annexed as Annexures - 229 respectively.

v) Sir, the observations of the I.O. on my Written Statement have been made separately and has been held to be non-acceptable by the I.O. without any valid reasons. The learned I.O. failed to consider the statements made in my Written Statements in its proper prospective ignoring the vital submissions made therein . The law requires that an adjudicating authority should first deal with the Charges, the evidence in support of the Charges and the defence against the said Charges and discuss them in his report before reaching the findings which could be based only on the discussions made in the manner as stated above but, that has not been done in the instant case and the defence has been dealt with first in total isolation and thereafter the prosecution case has been dealt with . This has caused a great prejudice and the Inquiry Report is accordingly vitiated.

vi) On 19.1.2002, two persons known to me reached the

place where the enquiry was being conducted in respect of Article of Charge - I. Since, their wards are also studying in K.V, Khanapara, the I.O. enquired from them about the Practical classes and asked me to put questions to them. Their statements were recorded surprisingly as DW-1 and DW-2. However, when their statements did not support the stand of the Department regarding Practical classes, the I.O. refused to counter sign their statements. Although, in his enquiry report he mentions that both the Defence Witnesses did not specifically mention any point relevant to the case. The fact of the matter is that the I.O. even refused to examine me and thus, prevented me from defending myself. Accordingly, the enquiry proceedings are in violation of the principles of natural justice and thus, the same is vitiated.

vii) Sir, I wish to point out that throughout the enquiry proceedings the learned I.O. was reluctant to call oral witnesses and even refused to record my statement. This led me to believe that, the I.O. was pre-determined and bent upon to prove the Charges and thus, the entire proceeding was conducted in clear violation of the principle of natural justice.

viii) That, Sir, the I.O. conducted the entire proceeding arbitrarily, in as much as where it suited the prosecution he ignored even the listed documents on which the prosecution has relied while framing the charges and took into consideration to haul me the Additional documents which I relied for my defence by giving a perverse interpretation to the said documents. I was denied the reasonable opportunity to defend myself and thus the said Inquiry Report is accordingly vitiated.

3. The Charge - wise reply are as follows :-

6

149

105

ARTICLE OF CHARGE - I

That the said Sh.R.S.Maurya while functioning as PGT(Chemistry), at K.V,Khanapara during the academic year 1998-99 went to K.V,Dinjan to conduct practical examination of CBSE in Chemistry for Class XII Science on 15.02.1999 without permission/relieving order of the Competent Authority.

This act on part of Sh.R.S.Maurya constitutes a misconduct and thus violated Rule 3(1)(i)(ii)&(iii) Rules 1964 as extended to KVS employees.

DEFENCE

I respectfully state that jumping to the conclusion on the basis of my application dated 15.2.99 (Sl.No.24) that I have no respect for rules as laid down in respect of conduct of an employee cannot be sustained in law without taking into consideration the attending circumstances under which I wrote the letter dated 15.2.99, which is in a very simple ,respectful and generoud language. (Ann.-4 to my Written Statement).The I.O. failed to take into account the documents submitted by me which are on the records of the enquiry proceedings. In this connection, I specifically refer to my letter dated 10.2.99(Ann.-3 to my Written Statement) by which I made a request to the Principal,K.V,Khanapara to relieve me for conducting Chemistry Practical Examination at K.V,C.R.P.F.,Amerigog and K.V,Dinjan respectively but, no relieving order was given to me in respect of either K.V,C.R.P.F.,Amerigog or K.V,Dinjan by the Principal,K.V,Khanapara whereas the Principal issued relieving order in respect of other teachers on various dates namely 8.2.2000,31.1.2000,28.2.2000,28.2.2000,28.1.2000, 9.2.2000,28.1.2000,9.2.2000 , 9.2.2000, order dated 03.02.1999, 08.02.2000 and 09.02.2000 etc.

The I.O. was duty bound to call the Principal, K.V, Khanapara to verify as to what were the circumstances under which she did not issue relieving orders either for K.V, C.R.P.F., Amerigog or for K.V, Dinjan respectively.

The I.O. has mentioned in his report that the letter written by the Principal, K.V, Dinjan (Sl.No.26) cannot be treated as an appointment order, if this is so, then, the examination which was conducted by me in K.V, Dinjan should have been annulled but this was not done because there has been convention/practice in K.V.S./other C.B.S.E. affiliated schools that the Principal also appoints external examiner for conducting Practical Examination. Not only that I have placed on record a letter dated 26.5.99 by Section Officer of C.B.S.E.(R.O.), Gauhati by which payment towards remuneration and T.A./D.A. for conducting Chemistry Practical Examination at K.V, Narangi, K.V, C.R.P.F. and K.V, Dinjan was made vide Cheque No. 334018 dated 26.5.99. If the appointment by the Principal, K.V, Dinjan cannot be treated as the appointment order as held by the I.O., I am astonished how remuneration, T.A./D.A. in respect of K.V, Dinjan could have been given to me by CBSE, R.O., Gauhati.

I have also placed on record an appointment order appointing me to conduct Chemistry Practical Examination issued by the Principal, Sainik School, Goalpara vide letter No.HSC/SSCE/Exam/O383 dated 31 March'1990, which shows that the External Examiners are also appointed by the Principals in respective Kendriya Vidyalayas and other C.B.S.E. affiliated schools.

It is worth mentioning that the comments written

by the Principal, K.V, Khanapara on the body of the appointment letter dated 3.2.99 alleging that C.B.S.C. letter not received and phone call with one Mr.Choudhary who directed not to relieve him(me). On this point I made a prayer before I.O. to allow me to cross-examine the Principal, K.V, Khanapara which was denied. For argument sake even if it is admitted that C.B.S.E. letter was not received and one Mr.Choudhary directed the Principal not to relieve me, the question is whether any alternative arrangement in that case was made for conducting Chemistry Practical Examination on 15.2.99 by C.B.S.E., Gauhati. The answer is that no alternative arrangement was made for that, had it been so, I would not have been allowed to conduct Chemistry Practical Examination in K.V, Dinjan and also I would not have been paid remuneration and T.A./D.A. for conducting the Chemistry Practical Examination at K.V, Dinjan.

Sir, with all humility at my command I state that had I not gone to K.V, Dinjan for conducting Chemistry Practical Examination I would have still been charged for the dereliction of my duty. I made a request to the I.O. to call the appointment orders of teachers of K.V, Khanapara who were appointed as External Examiners in 1998-99 etc. and then to see whether all the appointments were issued by the C.B.S.E., Gauhati or some were also issued by the Principal of the respective Vidyalaya. This request was denied unjustly.

In view of the above I respectfully submit that no reasonable and prudent person could have reached a finding that I am guilty of misconduct as alleged and therefore, the finding of the I.O. is unsustainable in law.

ARTICLE OF CHARGE - II

That Shri. R.S.Maurya, while functioning as PGT (Chemistry) Kendriya Vidyalaya, Khanapara had not conducted the practical classes of Class XI till January '99 and during the cumulative test 1998-99 examination all students were awarded 30/30 marks in Practical Examination of Chemistry.

Thus, Shri. Maurya has acted in the manner of unbecoming of KVS employees and thus violated Rule 3(1)(1), (ii) & (iii) of CCS (conduct) Rule, 1964 as extended to Kendriya Vidyalaya Sangathan employees.

DEFENCE

The aforesaid Charge can be divided into two parts :-

(a) That, Shri. R.S. Maurya, while functioning as PGT (Chemistry) at K.V, Khanapara had not conducted the Practical classes of Class XI till January '1999.

(b) That, Shri. Maurya awarded 30/30 marks to class XI students in Chemistry Practical Examination during the Cumulative Test, 1998 - 99.

(a) This, part of Charge is said to have been proved by producing four(04) Chemistry Practical Notebooks of Class XI students of which Mast. Aditya Bhuyan and Miss. Kasturi Saikia are Primary Teachers wards of K.V, Khanapara. Their mothers namely Mrs. Archana Bhuyan and Mrs. M.B. Saikia are ill disposed towards me, and they have tutoured the complaints against me in all about similar language. The Academic Session

in Kendriya Vidyalaya starts from first (1st) April, but the classes of Class XI students generally start from mid-July onwards. The Charge against me is that I did not conduct Practical Examination till January '1999. In my Written Statement I stated that Chemistry Practical Examination of Class XI and XII both could not be conducted till mid-November '1998 in absence of required Chemicals for conducting Chemistry classes. In this connection, I may refer the minutes of the meeting held between the parents of Class XII with Principal, K.V, Khanapara on 1.8.98 at 3:45 p.m. at the school premises and it was the follow-up of the earlier meeting dated 18.7.98 (Annexure - 5 to Written Statement), a Report published in The Assam Tribune on 10th September '98 (Annexure - 6 to my Written Statement) and thereafter to the Office - order dated 6.11.98 (Annexure - 7 of my Written Statement) whereby three teachers including undersigned were deputed to purchase Chemistry laboratory articles. From the aforesaid documents it is clear that the chemicals required for conducting Practical classes were not available in K.V, Khanapara from July to till mid-November '98 and that I was not responsible for sanctioning money for purchase of chemicals. Therefore, I understand that the Charge relates to the period from which the chemicals became available i.e., last part of November '1998.

I state that I first took extra efforts to take the Chemistry Practical Classes of Class XII students as it was Final year for the students and after completing their Chemistry Projects and Practicals etc., I started taking Chemistry Practical classes of Class XI from December '98.

(11)

154

RP

The fact that I took classes from December '98 is amply proved by document No. 7 relied by the prosecution/department (para - 2 of documents No. 7) but, the learned I.O. ignored it and instead relied on four (04) selected copies of the students who may not have been present when I started the Chemistry Classes of Class XI in mid-December '98. In the list of documents Annexure - III to the Article of Charges at Sl.No. 2(iii) it is mentioned as follows :-

" Practical Note Books of students of Kendriya Vidyalaya, Khanapara."

I requested the learned I.O. to call for all the Practical Note-Books of Class XI students of K.V, Khanapara in order to find out as to when I started their Practical classes together with Attendance Register but, the request was turned down unjustly. I therefore, respectfully submit that the Charge contained in this part - (a) by no stretch of imagination can be said to have been proved.

(b) So, far as awarding of 30/30 marks to each is concerned, I have stated in my Written Statement that it was done with the consent of then Principal, namely Shri. N.D. Bhuyan and I wanted him to be brought before the I.O. as my witness to corroborate the fact that he in fact instructed me to award 30/30 marks each to the students without discrimination in view of the fact that their Practical classes could not even be started due to non-availability of required chemicals and the students should not suffer for no fault of theirs. It was also taken into consideration

that there was no basis to judge as to what marks the individual students were entitled to . It is also to be stated that in other subjects namely Physica and Biology no Practical Examinations were conducted during the Cumulative Tests in respect of the said students and the Question Papers were set in contravention with the C.B.S.E. curriculum.

The 30/30 marks each was given in Cumulative Test 1998-99 and if the present Principal of K.V, Khanapara namely, Mrs.J.Das basu was of the view that the assessment of merit in Practical Examination was not properly done earlier , she could have ordered re - examination before promoting the students from Class XI to Class XII on the basis of the instant 30/30 marks . It is also stated that there was sufficient time for Class XI students for conducting re-examination in the said Chemistry Practical Examination being the internal assessment in Class XI but, it was not done rather she chose the said examination as a weapon in her hand to destroy my career as well as to malign my dignity, status and reputation etc. I therefore, submit that there is no violation of the conduct Rule as alleged .

Contd...

156
172

ARTICLE OF CHARGE - III

Sri. R.S. Maurya while functioning as PGT (Chem.) during the year 1998 - 99 has refused to conduct Practical examination of Chemistry of Class XI and asked the students to bring chemicals for practical examinations. Sh. Maurya also refused to conduct practicals in Chemistry for Private candidates who were to take exams of class XII CBSE 1999.

Thus, Sh. Maurya has violated the code of conduct for teachers as laid down in Education Code for Kendriya Vidyalaya in Chapter VI and Rule 3(1)(i)(ii) & (iii) of CCS (conduct) Rules 1964 as extended to employees of the KVS.

DEFENCE

The aforesaid Charge can be divided into three parts viz. :-

- (a) While functioning as PGT during year 1998-99 the C.O. refused to conduct Practical Exam. of Chemistry of Class XI.
 - (b) The C.O. asked the students to bring chemicals for Practical Examinations.
 - (c) The C.O. also refused to conduct practicals in Chemistry for Private candidates who were to take exams of Class XII CBSE, 1999.
-
- (a) The I.O. is silent on the charge that I refused to conduct Chemistry Practical Examination of Class XI during the year 1998-99 in view of overwhelming evidence on record that I did conduct Practical Examination (Annexure - 11 of my Written Statement dated 19.9.2001).
 - (b) In so far as the Charge that I asked the students to bring chemicals for Practical Examination is concerned,

I state that it was the bounden duty of the I.O. to enquire regarding the purchases of the chemicals for Chemistry Practical classes/Examination made during the year 1998-99. It would have also been in the interest of justice to find out as to when the last purchase of the chemicals etc. was made by K.V, Khanapara but nothing was done and the reply to the charges made by me in my Written Statement that chemicals required for conducting Chemistry Practical classes/Examination were not purchased in 1996-97 and 1997-98 respectively and that limited quantity of methylated spirit was purchased in 1998 on 15.12.98 only, which was not sufficient for conducting Practical classes and examination was totally ignored by the I.O. I could have been held responsible, had I not brought to the notice of the Principal, K.V, Khanapara that neither chemicals nor spirit was available at the relevant time but it was not so, I brought it to the notice of the Principal on many occasions that no chemicals and spirits are available for conducting practical examination but no action was taken. The guardians of the students held a meeting with the Principal on 18.7.98 and the condition of the Chemistry lab. was made known to the Principal. The minutes of the meeting is at Annexure - 5 and the report in Assam Tribune dated 10 September 1998 wherein the guardians decided to raise funds for purchase of the required chemicals Annexure - 6 to my Written Statement has not even been referred to by the I.O., therefore, the observation made by the I.O. under the caption Analysis of documentary evidence which I quote-

" Mr Maurya would have ensured availability of chemicals required for conducting practicals well in time in a consultation with the Principal ."

Sir, I was not allowed to submit the requisitions which I have given to Principal for the purchase of chemicals etc. on 22.12.98 and 23.01.99 by the I.O. In fact after discussion on Charge - I, the I.O. refused to receive any defence documents. I could not have done more than what I have done in procuring the required chemicals etc. In fact the purchases made during November, 1998, after a gap of about two years was because of my efforts for which the then Hon'ble Chairman, V.M.C., K.V, Khanapara wrote an appreciation letter on 23 November '98 which I annexed as Annexure - 8 along with my Written Statement. However, the I.O. not only refused to allow me to submit defence documents after discussion on Charge - I but the learned I.O. did not even consider the documents which are annexed along with my Written Statement dated 19.9.2001.

That Sir, following my requisition dated 23.01.99 after submitting Reminder No.1 dated 2.2.99, the Principal, K.V, Khanapara made purchase of Chemicals from Appichem - Enterprise which is not a Govt. Approved Shop and these Chemicals being of inferior quality were of no use. When the purchase Bill dated 3.2.99 was sent for my signature/ certification in order to incorporate entry into the stock register, I received the same by recording my objection on the body of the said Bill dated 3.2.99. Sir, I stood vindicated when the Audit objections were raised on the aforesaid purchase. The Audit Report makes an interesting revelation that the payment was made on Duplicate Bill. The facts was brought out by me in my Written Statement in paragraph - 8 and in support thereof documents Annexed as Annexures - 14, 15 and 16 respectively. However, surprisingly before coming to

the conclusion which I have quoted above, the learned I.O. did not consider the contents of the Written Statement and documents annexed thereto specially in view of the facts that he did not allow me to examine myself as defence witness.

Under such aforesaid circumstances, I was constrained to advise the students to bring chemicals i.e., 100 ml methylated spirit and 1000 ml distilled water so that the Chemistry Practical Examination could be conducted in a fair and efficient manner. However, the students did not bring the same, I grouped them in a group instead of doing Practical individually and somehow conducted the Practical Examination.

I requested the I.O. to call for the answer-scripts to prove the aforesaid points but the I.O. refused to call those answer - scripts of the Chemistry Practicals Examination '98-99 of Class XI students in question.

Sir, so far as documents No.14 - 18 are concerned in my Written Statement I have pointed out that these documents were dictated by the Principal, K.V, Khanapara. This fact was disclosed to me by girl students led by Miss. Monalisa Das who voluntarily made a note on the letter dated 26.3.99 which I quote as follows -

" Note - This letter is dictated by the Principal Madam under coercion and duress ".

The learned I.O. while relying upon these documents did not make even a whisper about the aforesaid note made on the body of the letter dated 26.3.99 which is annexed as Annexure - 12 to my Written Statement. I further state

160

17-

176

that in view of the statement made by me and the documents annexed as Annexure - 12 this charge could not have been proved without calling the girls etc. who said to have written complaints against me but the I.O. was reluctant to take oral evidence for the reasons best known to him.

In so far as pasting of notice on notice board is concerned, this is not the part of the charges and the document No.12 being the extract of the notice has already been commented upon in my Written Statement.

Sir, so far as the documents No.11 is concerned, it is the photocopy of a letter of the Principal and the same has no evidentiary value and thus it is not tenable in law.

Sir, so far as the document No.13 is concerned, it is a request letter dated 22.3.99 written by me and given to laboratory attendant of Chemistry department in order to procure methylated spirit from the chemicals shop to conduct Class XI Chemistry Practical Examination 1998-99 but the said Principal took the said letter from him when he requested her for permission to go ^{to} the chemicals shop and the I.O. has also not commented upon this letter in his enquiry report and therefore the same is also unsustainable in law.

(c) Before I refer to the Charge that I did not conduct Practical of Private students for Class XII on the pretext of non-availability of Chemicals I must bring it to your notice that in the earlier exparte enquiry against me, this Charge was held as not proved. From the analysis made by the I.O. it is not at all clear as to how he came to the conclusion that I refused to conduct the Practical of Private.

(113)

(161)

187

candidates of class XII on the pretext of non-availability of chemicals. There is not even a iota of evidence on record to show that the chemicals were available and that I did not conduct the examination. On the other hand Annexure - 13 dated 31.3.99 of my Written Statement dated 19.9.2001 is an evidence on record to show that the chemicals were not available and that I requested the Principal to sanction Rs.1000/- for procuring the same. All this was ignored by the learned I.O.. Further, there is nothing on record to show that I refused to conduct Practical Examination of Private students.

In view of above I respectfully submit that the finding of the I.O. is unsustainable in law.

ARTICLE OF CHARGE - IV

That Sh.Maurya while functioning as PGT(Chemistry) at K.V,Khanapara during the academic year 1998-99 had not submitted the question papers for Session Ending Exams in the stipulated period as notified by the Principal.

Thus, Mr.Maurya, PGT(Chem) has violated the rule 3(1)(i)(ii)&(iii) of CCS(Conduct) Rules 1964 as extended to the employees of K.V.S.

DEFENCE

In order to prove this charge the department initially relied on a notice dated 3.2.99 (Sl.No.23 of letter dated 13.11.01) and a photocopy of the same was also given to me after my several repeated requests, by the I.O. and

on receipt of the said notice when I pointed out interpolation made on the notice and also showed my forged initial made on the said notice and this document appears to have been discarded by the I.O. as nowhere the I.O. refers to this particular document. Whereas the charge is that I did not submit Question Paper within stipulated time. The time was said to have been stipulated by document No.23 which has been discarded therefore there is no basis to say that there was any stipulated time which was brought to my notice. However, I maintained that I am not in favour of submitting Question Paper in advance as I have noticed during my tenure in K.V, Khanapara that the wards of the teachers get unexpected high marks in Cumulative Tests and final examinations compared to the marks that they get in the Unit Tests. Because of the aforesaid reason I was allowed by the earlier Principal to prepare cyclostyled Question Paper one day before the Cumulative Test held in November 1998.

Therefore, there is no basis for I.O. to hold that I am guilty of non-compliance of the instructions of his immediate Superior authorities. While holding at the same time that vide document at Sl.No-(2-b) dated 26.2.99 that Principal ordered me to submit Question Paper by said date without mentioning whether I have complied the order or not. The very fact that I complied with the order of the Principal as ordered by her disproves the aforesaid charge.

(20)

163

129

ARTICLE OF CHARGE - VI

That Sh.R.S.Maurya, PGT (Chem) while working at K.V, Khanapara during the academic year 1998-99 had tampered with the official documents .

Thus, Sh. Maurya had violated the Rule 3(1)(1)(ii) & (iii) of CCS (conduct) Rules 1964 as extended to the employees of K.V.S.

DEFENCE

The aforesaid charge is sought to be proved on the basis of document Sl.No.23 a & b and Sl.No.-1. The document at Serial No.23 a & b are the copy of the relieving order of the C.O. wherein the I.O. observed that time of departure has been written at 6:30 p.m. at later stage on the copy of the letter of the C.O. to suit his personal interest so that he could justify his late arrival by 2 (two) hours at the Vidyalaya on the next working day . Nothing can be farther from the truth and I am compelled to state here that the learned I.O. did not even go through even my Written Statement which was the only document in my defence, since he refused to record my statements during the enquiry proceedings. It is the case of the Department that the exam. was conducted on 5.2.99 and 6.2.99 at K.V, Narangi and 6.2.99 being Saturday on which date the Regional Office C.B.S.E. Gauhati remains closed and it hardly matters whether the examination was over early or at 6:30 p.m. as stated by me , as in both the cases the answers-scripts and award list could be submitted only on the next working day i.e., 8.2.99 after 10:00 a.m. Therefore, the observation of the learned I.O. that the time of departure mentioned

(11)

(164)

180

by me was to suit my personal interest to justify my late arrival on next working day by two hours is wholly perverse and imaginary.

Sir, so far as allegation of tampering is concerned I state that there is no tampering. The date and time is recorded in my copy whereas in the copy sent to C.B.S.B., Gauhati, the date is there, however time is not given because it might have been sent by the K.V, Narangi office to C.B.S.E. during working hours. I did conduct the examination upto 6:30 p.m. I have not been charged that the examination was over much before 6:30 p.m. and no evidence is there on the record to show that the examination was over before 6:30 p.m. Therefore, no motive could be attributed to me on the basis of conjectures and surmises. I accordingly submit that there is no substance in the charge and therefore the finding of the I.O. is unsustainable in law.

So far as the remarks made in the Peon-Book at Sl.No.- 1 is concerned I state that column at Sl.No.- 236, relates to period after the Charges were served on 19.8.99. So far as column at Sl.No. - 182, 184 and 219 are concerned they do not find mention in the statement of imputation served upon me. Moreover, in the Charge - Sheet column No. 210 and 211 had been relied upon. The column Nos. which do not find mention in the Charge - Sheet and as well as in the list of Departmental documents ought to have not been taken into consideration by the T.O. In any view of the matter in column No.-182 and 184, I have remarked

(22)

(165)

181

the condition in which I receive the letter for my safeguard as I had invited the wrath of the Principal, K.V, Khanapara by pointing out the defects/irregularities in purchase of chemicals made by her and refused to make entry in the Stock-Register unless she initials the Bill dated 3.2.99.

So, far as entries made at column nos. 211 & 219 are concerned, since the Principal, K.V, Khanapara had refused to talk to me and did not accept any of my letter, I sent my reply vide column no. 211 and under the same circumstances, I communicated to her vide column no. 219 & 236. In fact the observations made in the Peon - Book manifests the frustrations of the C.O. who was being harassed and is still being harassed at the behest of the Principal, K.V, Khanapara being an honest, sincere, dedicated and upright and competent teacher. In view of above, the aforesaid finding of the I.O. cannot be sustained in law.

Sir, with great respect I most humbly submit that no charges have been proved against me and in view of the irregularities pointed out above, I request your goodself to reject the Inquiry Report and exonerate me.

Enclosures :-

As stated above.

R. S. Maurya
11.04.2000

Yours faithfully,

(R.S. Maurya)

PGT (Chemistry) U/S

K.V, Khanapara,

C/o. Universal Book
Depot,

Six Mile, Khanapara,
Gauhati - 22.

166

Annexure - A20

182

KENDRIYA VIDYALAYA SANGATHAN

Regional Office,
Chayaram Bhawan, Maligaon Chariali
Guwahati-12

No.F.14-5/2001-KVS(GR)/ C.G.S.2 - 241

Dated : 1.5.2002

ORDER

WHEREAS, Shri R. S. Maurya, PGT(Chemistry),(Under Suspension), Kendriya Vidyalaya, Khanapara was charge-sheeted under Rule -14 of Central Civil Services (Classification, Control & Appeal) Rules,1965 as extended to the employees of the Kendriya Vidyalaya Sangathan vide Memorandum of even number dated 9.8.99.

WHEREAS, Pursuant to the Orders of the Hon'ble CAT, Guwahati Bench dated 28.06.2001, Passed in OA No.20 of 2001, Shri N.D. Joshi, Principal, Kendriya Vidyalaya, CNGC, Srikoona, Silchar, was appointed as new Inquiry Officer to re-inquire into the charges framed against the said Shri R.S. Maurya, vide Order dated 31.8.2001.

WHEREAS, the Inquiry Officer has concluded the inquiry in keeping with the provisions under Rule 14 of CCS(CCA) Rules,1965, as extended to the employees of KVS and Shri R.S. Maurya has cooperated with the Inquiry proceedings and also availed the opportunities provided to him to defend his case.

WHEREAS, Shri N.D. Joshi submitted his report to the Disciplinary Authority, a copy of which was provided to the said Shri R.S. Maurya for making representation in terms of Government of India's Instructions under Rule-15 of Central Civil Services (Classification, Control and Appeal) Rules,1965, vide Memorandum dated 22/3/2002 and allowed extension of time as per his request vide letter dated 4.4.2002.

WHEREAS, Shri R.S. Maurya has submitted his written representation vide his letter dated 11.4.2002 and the grounds raised by him have been considered but can not be acceded to.

WHEREAS, out of 06 Articles of charges, 05 Articles of charges have been held proved by the Inquiry Officer. The charges under said 05 Articles are as under :-

1. That the said Shri R.S. Maurya, PGT(Chemistry) during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan to conduct practical examination of CBSE, Chemistry for class XII(Sc) on 15.2.1999 without permission/Relieving Order of the competent authority.

Contd...2/-

Attested
Shamima Jahan
Advocate

167

RS

(2)

2. That Shri R.S. Maurya had not conducted the Practical classes of class XI till January, 1999 and during the Cumulative Test 1998-99, all the students were awarded 30/30 marks in Practical exams of Chemistry.
3. That Shri R.S. Maurya while functioning as PGT(Chem) during the year 1998-99 has refused to conduct Practical examination of Chemistry of class XI and asked the students to bring Chemicals for Practical examinations. Shri Maurya also refused to take class XII, CBSE (AISSCE) '99 Chemistry Practical examination for private students.
4. That Shri R.S. Maurya while working as PGT(Chem) in KV, Khanapara during the academic year 1998-99 had not submitted the question papers for session ending Examination within the stipulated period as notified by the Principal
5. That Shri R.S. Maurya, PGT(Chem) while working at KV, Khanapara during the academic year 1998-99 had tampered with the official documents.

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 Articles-I, II, III, IV and VI as proved.

AND WHEREAS, after considering the records of Inquiry and the facts/circumstances of the cases, the undersigned has come to the conclusion that Shri R.S. Maurya, while working as such

- i) Left his duties without the approval of the competent authority (and left the students unattended who were under his charge.) -
- ii) He awarded the marks to the children without conducting the Practical Examination in Chemistry.
- iii) He did not conduct the Practical for private candidates of class XII in Chemistry and asked the students to bring Chemicals for Practical.

Contd..3/-

Attested
Srinivas Jahan
Advocate.

168

184

(3)

- (iv) That Shri Maurya during the academic year 1998-99 had not submitted the question papers for session ending Examinations in the stipulated period as notified.
- (v) That during the year 1998-99, Shri Maurya had tempered the official documents and thus committed serious misconduct under Rule-3(I), (i) (ii) & (iii) of CCS (Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

NOW, THEREFORE, the undersigned in his capacity as Disciplinary Authority Orders imposition of penalty upon Shri R. S. Maurya of removal from service with immediate effect which shall not be a disqualification for future employment under the Government.

D. K. Saini
(D. K. SAINI) 11/5/02
Assistant Commissioner

To
Shri R. S. Maurya,
PGT(Chemistry), (Under Suspension),
Kendriya Vidyalaya, Khanapara,
C/o Universal Book Depot,
Six Mile, Khanapara,
Guwahati-22.

Copy to :

1. The Principal, Kendriya Vidyalaya, Khanapara
2. The Deputy Commissioner(Admin), KVS(Hqrs), New Delhi for information.

Assistant Commissioner

Speed-Post

Annexure - A2(i-ii)

Date

08/05/2002

From:-

R. S. Maurya

P. G. T. (Chemistry)

K. V. Khanapara

C/o Universal Book Depot,

Six Mile, Khanapara

Ganhati - 22

(Assam)

(169)

EE7813917601
8:30
TO: D SINGH VISHT,
DELHI, PIN: 110015
From: R S MAURTYA, GH
Wt: 520grams Pre: 0.00
Amt: 85.00, 09/05/2002, 09:00 AM
HAVE A GOOD DAY

RS



To,

Sri D. Singh Visht

The Joint Commissioner,
(Administration)

&

The Appellate Authority

K. V. S., 18 - Institutional -

Area, Shaheed Teel Singh Marg,

New Delhi - 16.

Sir,

Please find enclosed herewith the 'Appeal' in Original containing pages 01 to 99 against the impugned Order dated 1.5.2002 for your kind consideration and sympathetic action at the earliest please to meet the ends of justice.

Thanking you.

Enclosure -

As stated above.

Maurya
815702

yours faithfully,

(R. S. Maurya)

P. G. T. (Chemistry)

K. V. Khanapara

C/o Universal Book Depot

Six Mile, Khanapara

Ganhati - 22

(Assam)

21/12)

Speed-Post

Annexure - A 21(1)

Date

08/5/2002

To

Sri D. K. Saini

The Disciplinary Authority
K. V. S., Garhate Region
Maligaon, Guv-12

170

fb

Sir,

Please find a copy of the Appeal sent by speed-Post for onward submission to the Appellate Authority and the Joint Commissioner, Administration, K.V.S H.Q., New Delhi-16 for his kind consideration and necessary action please.

Enclosure.

As stated above.

Maurya 08/5/02

Yours faithfully:

(R.S. Maurya)

P.G.T. (Chemistry)

K.V. Khanapara

C/o Universal Book De

Six Mile, Khanapara

Guv-22 (Assam)

GUWAHATI GPO (781001)

Inl-SF EE781391793IN

PA : EABU

To: ASSTT COMMISSIONER K, V S

GUWAHATI, PIN: 781012

From: R S MAURYA, GH

Wt: 20grams Pre: 0.00

Amt: 20.00, 09/05/2002, 09:06:23

HAVE A GOOD DAY

भारतीय डाक



INDIA PO.

171

Annexure A22

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 219 / 2002

Misc Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants. Sri R.S. Mawye

-Vs-

Respondant(s) C.O.2 & Sons

Advocate for the Appellant(s) Mr. D.K. Mishra, Mr. S. Jahan,
Mr. A. Dutta

Advocate for the Respondant(s) KVS, S.C.

Notes of the Registry

Date

Order of the Tribunal

17.7.02



Heard Ms. Shamina Jahan, learned counsel for the applicant and also Mr. M.K. Mazumdar, learned counsel for the Respondents at length.

The application is directed against the order dated 1.5.2002 whereby the Respondent authority imposed upon the applicant a penalty
Contd/-

Contd..
17.7.02

of removal from service, as a Post Graduate Teacher (PGT) in Chemistry, KVS, Khanapara after holding an enquiry. Against an order of removal etc. under the service Rules, applicable to the applicant, one can prefer an appeal for redressal of grievances. Ms. Jahan, the learned counsel for the applicant submitted that the applicant in fact preferred an appeal under Rule 23 of the Central Civil Service (Classification Control & Appeal) Rules 1965 on 8th May, 2002. The learned counsel submitted that as per office memo dated 20.11.86 issued by the Govt. of India such appeal is to be disposed of within a month from the date of receipt of the appeal. The learned counsel for the applicant further submitted that since it was not done the Tribunal has ample jurisdiction to entertain the appeal. The learned counsel also submitted that the bar put under section 20 of the Administrative Tribunals Act, 1985 will not apply in the instant case, in as much as the impugned order imposing penalty is per se illegal, without jurisdiction and violative of principles of Natural Justice.



We have given our anxious consideration on the matter. As mentioned earlier an appeal is provided under the statute against such order as a redressal. The applicant has preferred an appeal which has not been disposed of. Under the scheme of the Administrative Tribunals Act, a Tribunal, ordinarily is not to admit an application unless it is satisfied that the applicant had availed of all the remedies available to the applicant. Admittedly, the applicant preferred an appeal which is yet to be disposed of. The Respondent authority no doubt, as contended by the applicant, were

Contd..

17.7.02

173

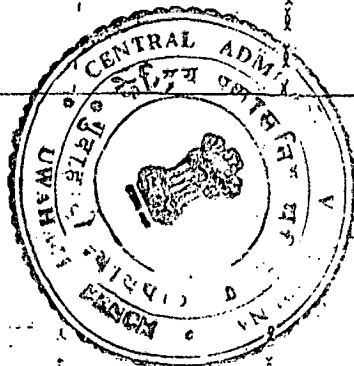
required to dispose of such application as per guidelines, expeditiously, but that by itself will not be a ground to entertain the application on the face of section 20 of the Act. 129

In the circumstances, we are not inclined to admit the application at this stage and instead allow the respondent authority to dispose of the appeal expeditiously. Accordingly, we direct the respondents to dispose of the appeal within one month from the date of receipt of the order if not already disposed of and communicate the order to the applicant expeditiously. It is needless to say that it will always be open to the applicant to move this Tribunal if he so aggrieved.

The application is accordingly disposed of. No order as to costs.

Sd/VICE CHAIRMAN

Sd/MEMBER (A)



Certified to be true Copy
प्रमाणित प्रतिलिपि

Sd/Sekhar 19/7/02

Section Officer (S)

सहायक अधिकारी (सहायक)
Central Administrative Tribunal

उत्तर प्रदेश, वाराणसी
Banshwar Bench, Varanasi-1
वाराणसी - 221002, उत्तर प्रदेश

BY SPEED POST/CONFIDENTIAL

KENDRIYA VIDYALAYA SANGATHAN
(VIGILANCE SECTION)
18 INSTITUTIONAL AREA
SHAHID JEET SINGH MARG
NEW DELHI-110016.

No. F. 8-73/2002-KVS (Vig.)

Dated: 15-11-2002

ORDER

Whereas, the penalty of removal from the services of KVS was imposed upon Shri R.S. Maurya, ex-PGT (Chem.) Kendriya Vidyalaya, Khanapara by the Assistant Commissioner, KVS, Regional Office, Guwahati being the Disciplinary Authority vide order dated 01-5-2002.

Whereas, the said Shri R.S. Maurya filed an appeal dated 08-5-2002 against the aforesaid order of the Disciplinary Authority to the undersigned being the Appellate Authority. The Appellant has been personally heard on 27-8-2002.

Whereas, the appellant said during the personal hearing that appellant was not given chance to inspect the documents, could not cross-examine the witnesses because they were not produced, the defence documents were not taken on records and the appellant submitted question papers on time and not tampered with the relieving order issued by Kendriya Vidyalaya, Narangi.

Whereas, the Disciplinary Authority has informed with reference to the points raised by the Appellant during personal hearing, as under ;

1. All the listed documents and additional relevant documents were checked and Xerox copies also supplied to the appellant on different dates mentioned below :

| | | | |
|----|---------------|---|--------------|
| A) | on 18-10-2001 | - | 12 documents |
| B) | on 13-11-2001 | - | 39 documents |
| C) | on 17-11-2001 | - | 08 documents |
| D) | on 29-11-2001 | - | 02 documents |

2. There was no witnesses by which the Articles of charges were proposed to be sustained.

3. The two defence witnesses introduced by him did not specifically mentioned any point relevant to the case. Hence same were not taken on records by the Inquiry Officer.

4. There was no question of Chemicals not being in stock. Special permission was given to him to purchase chemicals worth Rs.50,000/- which remained sealed till the day of his termination. No entry was made in the stock register. 25 ltrs of spirit was also purchased. The VMC was not aware and therefore the question of approval does not arise. The Principal was also not informed by him and it came to her knowledge after students complained.

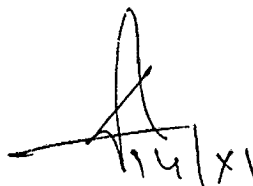
Attested
Shamima Jahan
Advocate

Cont. on -2-

5. He had not submitted question papers on time as per the schedule mentioned below:
- a) Date of serving notice for question papers was 2-2-99.
 - b) Last date of submission was 15-2-99. He did not submit question papers till 25-2-99 it was reported to Principal on 25-2-99 by the incharge examination.
 - c) The Principal issued an office order on 26-2-99 which was acknowledged by him and then he submitted question papers.
6. He tampered with the relieving order by adding "after 6.30 p.m." unauthorisedly which amount to tampering of records.

AND WHEREAS, taking into consideration the record of the case, facts and circumstances of the case, what stated by Appellant during personal hearing, the undersigned has come to the conclusion that the penalty imposed by the Disciplinary Authority is commensurate to the proved guilt and that there appears no need to interfere with the order of Disciplinary Authority.

Now, therefore, the undersigned hereby confirms the said penalty of Removal from the services of KVS imposed by Disciplinary Authority and rejects the appeal filed by the said Shri R.S. Maurya, ex-PGT (Chem.) Kendriya Vidyalaya, Khanapara and disposes of the appeal accordingly.

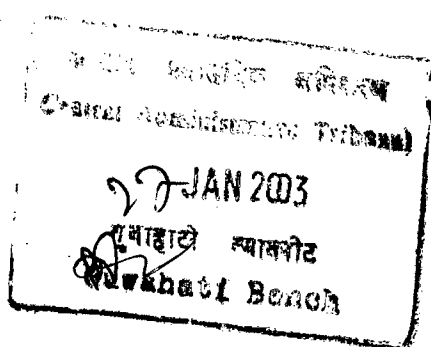


(D. S. BIST)
Joint Commissioner (Admn)
& Appellate Authority

Copy to :-

1. Shri R.S. Maurya, Ex-PGT (Chem.), C/o Universal Book Depot, Six Mile, Khanapara, Guwahati 22.
2. Assistant Commissioner, KVS, Regional Office, Guwahati along with documents of the case forwarded vide his letter dated 03-7-2002.
3. Guard file.

Attested
Shriman Jahan
Advocate



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

D.A.No. 384 of 2003

Radhey Shyam Maurya.

.....Applicant.

- VS -

K.V.S. & Ors

..... Respondents.

WRITTEN STATEMENT FILED BY THE RESPONDENT NO.1 & 2.

1. That the Respondents have received a copy of OA and have gone through the same. Same and except the statements which are specifically denied and rests may be treated as total denial. The statements which are not borne on records are also denied and the applicant is strictest proof thereof.

2. That the answering Respondents before proceeding in the matter parawise by to place the brief history of the case.

The applicant (Shri R.S.Maurya, PGT.Chem.) Kendriya Vidyalaya, Khanapara was placed under Suspension vide this office order No.14-5/99-KVS(GR)/2001-93, dated 01.06.99. in compliance KVS (Hqrs) letter No.F.42-10/99-KVS(Eatt.III). dated 10.5.99.

Disciplinary proceedings under Rule 14 of Central Civil Service (Classification Control and Appeal), Rules, 1965 were instituted against Shri R.S.Maurya, PGT (Chemistry),

192

Kendriya Vidyalaya, Khanapara, vide this office Memorandum No.14-5/99-KVS(GR)/5251-54, dated 9.08.99 on the following Articles of charges:-

That the said Shri R.S.Maurya, while functioning as PGT (Chemistry), Kendriya Vidyalaya, Khanapara, Guwahati during the academic year 1998-99 went to Kendriya Vidyalaya, Dinzai to conduct practical examination of CBSE, Chemistry for Class XII(Sc.) on 15.02.1999 without permission/relieving by the competent authority.

That Sri R.S.Maurya, while functioning as PGT (Chemistry) Kendriya Vidyalaya, Khanapara had not conducted the practical classes of Class XI till January 99 and during the cumulative Test 1998-99 examination all students were awarded 30/30 marks in practical examination of Chemistry.

That during the session 1998-99, Shri R.S.Maurya while functioning as PGT(Chemistry), Kendriya Vidyalaya, Khanapara has refused to take Practical examination of Chemistry of Class XI (1998-99) and asked the students to bring chemicals for practical. Shri Maurya also refused to take CBSE(AISSECE)'99 Chemistry Practical examination for Private students.

That Shri R.S.Maurya while working as PGT(Chem) in Kendriya Vidyalaya, Khanapara during the academic year 1998-99, had not submitted

194

session ending question papers in the stipulated dated as notified by the Principal.

(v) That while he was working as PGT (Chemistry) at Kendriya Vidyalaya, Khanapara during the period 1998-99 never attended assemblies, staff meetings called by the Principal thus Shri R.S. Maurya had not obeyed the orders of the Principal.

That Shri R.S. Maurya while functioning in the aforesaid capacity at Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had tampered the official documents.

A Statement of imputations of misconduct & misbehaviour on which the Articles of charges were based, together with a list of documents by which, the charge were proposed to be sustained, were also forwarded to him.

Shri R.S. Maurya failed to submit his written statement of his defence on the above chargesheet within the stipulated time. Accordingly Shri R.K. Gautam, Principal, Kendriya Vidyalaya, FAC Upper Shillong was appointed as Inquiry Officer to enquire into the charges vide Order No. 14-5/99-KVS(GR)-7052F-20, dated 13.09.99 and Shri P.V.B. Range Rao, Principal, Kendriya Vidyalaya No.1 Teipur was appointed as presenting Officer, vide Order No. F.14-5/99-KVS(GR)-7018-22, dated 13.9.99.

Regarding non-payment of subsistence allowance, The C.O. i.e. Shri R.S. Maurya was informed time and again by the

178
145

undersigned vide this office letter No.14-5/99-KVS(GR)/3089-90, dated 01.7.99, dated 10.08.99, dated 20.08.99, dated 12.01.2000 dated 27.01.2000 and the D.D.O i.e. the Principal Kendriya Vidyalaya Khanapara vide her letter No.F.PF/KVS/99-2000/253, dated 29.6.99 dated 01.07.99, 10.08.99 requested to furnish certificate under F.R.53(2) for payment of subsistence allowance but he did not comply with it. As such the onus of non-payment of subsistence allowance lies on the C.O. and not with the Disciplinary authority or the Drawing and Disbursing Officer.

It is also to submit that whenever the certificate under FR 53(2) was submitted/ received by the D.D.O. the payment of subsistence allowances was made to Shri R.S.Maurya. No payment of subsistence allowance is pending with this office or D.D.O. i.e. the Principal Kendriya Vidyalaya, Khanapara.

The Inquiring Officer, vide his letter No.F.RSM/KV-US/99-2000/1033, dated 27.03.2000 gave the findings that Articles I, II, IV & VI against Shri R.S.Maurya has been established and proved and Article III has partially established & proved.

A copy of the report of Inquiry was sent to Shri R.S.Maurya, vide Memo.No.F,14-5/99-KVS(GR)/490, dated 20.04.2000 and he was given an opportunity of making such submissions in his defence on the report of inquiry as he desired, Shri R.S.Maurya has not made any submission in this regard within the stipulated period.

179

196

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 Articles I, II, IV & VI as proved and Article III partially proved.

After considering the records of the Inquiry and the facts and circumstances of the case, the undersigned has come to the conclusion that Shri R.S.Maurya (i) left his duties without the approval of the competent authority and left the children under his charge, as unattended, (ii) He awarded marks to children without conducting the practical examinations, (iii) He refused to take practical examinations of CBSE(AISSCE)'99 Chemistry & asked the students to bring Chemicals for Practical. (iv) during the academic year 1998-99 had not submitted session ending questions papers in the stipulated date as notified by the Principal, (v) that during the year 1998-99 Shri R.S.Maurya had tampered the official documents and thus committed misconduct under Rule 3(i)-(1) (ii) & (ii) 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.

In view of the above it was decided by the undersigned in the F/N of 26.05.2000 to impose the penalty of removal of Shri R.S.Maurya, PGT(Chem) from service of Kendriya Vidyalaya Sangathan with immediate effect (Ref. Page 12 of note sheet) which shall not be a disqualification for future

197

employment under KVS. Accordingly the order was despatched vide this office order No.F.14-5/99-KVS(GR)/1977-79, dated 29.05.2000.

It is further to state that a representation from Shri R.S.Maurya was received in this office in the A/N of 26.5.2000 by the time. The time given to Mr. Maurya for submission of his written representation was already expired on 5th May 2000. (Ref. Memorandum No.F.14-5/99-KVS(GR)/490, dated 20.4.2000.)

The applicant had submitted a appeal against the said order, which had also been considered by the competent authority and disposed of vide KVS(HQRS.) order No.9-14/2000-KVS(Vig) dated 5.2.2001. Shri R.S.Maurya has filed a court case vide DA No.20/2001, before the CAT, Guwahati Bench. The Hon'ble CAT, vide order dated 28.06.2001, directed to restart the enquiry by appointing a new Enquiry Officer. Accordingly Sh.N.D.Joshi, Principal Kendriya Vidyalaya, CNEC, Srikoona, Silchar Region, was appointed as new inquiry officer. After conducting the re-inquiry, as per direction of the CAT, the Inquiry Officer has submitted the inquiry report, vide his letter dated 9.3.2002. The Inquiry Officer in his report, submitted that Article I, II, III, IV and VI stands proved and Article V not proved. The Disciplinary Authority after careful consideration of the Inquiry report submitted by the Inquiry Officer, imposed the major penalty of removing Shri R.S.Maurya, PGT(Chem), Kendriya Vidyalaya, Khanapara, from the services of Kendriya Vidyalaya Sangathan, vide this office order No.F.14-5/2001-KVS(GR)/6692-42 dated 1.5.2002.

148

The applicant filed appeal before the Joint Commissioner (Admn) and the Appellate Authority, New Delhi. The said authority passed the appellate order dated 15.11.2002 upholding the order dated 1.5.2002.

3. That w.r. to the statement made in para 1, 2 & 3 the answering, Respondents offer no comment on it.

4. That w.r. to the statement made in para 4.1 & 4.1 of the OA. The answering Respondent offer no comment on it.

5. That w.r. to the statement made in para 4.3 of the OA the answering Respondents while denying the contention made therein and beg to state that in the instant proceeding the certificates given by the authorities have got no bearing and those certificates certainly would not have helped him in any way in defending the matter. The plain reading of the Article of charges will reveal the fact of his performance.

6. That w.r. to the statement made in para 4.4, 4.5 & 4.6 of the OA, the answering Respondents while denying the contention made therein beg to state the allegation made against the Respondent No.4 is without any basis. The applicant to frame a case of malafide entangle the Respondent No.4 in this OA whereas the Respondent No.4 is not the authority concerned to draw any such proceeding. The applicant to subvert his illegalities made certain false allegations against the Respondent No.4 having them to be "Personal Ground" which has got no basis.

199

7. That w.r. to the statement made in para 4.7 of the OA the answering Respondents while reiterating the statement made above (para-2) beg to state that the authority concerned in contemplation of disciplinary proceeding placed the applicant under suspension vide order dated 1.6.99 (Annexure-6 to the OA at page 39), which was followed by Annexure-7 to the OA memorandum of charges dated 9.8.99 enclosing 6 Article of charges, statement of imputation of misconduct with all relevant factual aspect with list of documents were issued to the applicant.

8. That w.r. to the statement made in para 4.8 & 4.9 of the OA the answering Respondents beg to state that the Rule guiding the field however does not contemplate supply of document or inspection of the same at the chargesheet stage, the Hon'ble Tribunal in the proceeding however gave the applicant a chance to examine the records and with that observation direction was issued to start the same de novo from the stage of appointment of IO.

9. That w.r. to the statement made in para 4.10 & 4.11 of the OA the answering Respondents beg to state that pursuant to the judgment dated 28.6.01 the applicant was allowed to submit written statement and on receipt of the same Mr. N.D.Joshi, Principal, Kendriya Vidyalaya, Srikona and Sri P.V.S. Ranga Rao were entrusted with the assignment of IO and PO to conduct the enquiry.

10. That w.r. to the statement made in para 4.12 of the OA the answering Respondents while categorically denying the statement made therein beg to state that all the reasonable

200

opportunities were given to the applicant and the relevant documents including the additional documents were furnished to the applicant. Particulars of documents supplied inspected by the applicant on various dates acting on his various representations are given below.

- i) On 19.10.2001 12 documents
- ii) On 13.11.2001 39 documents
- iii) On 17.11.2001 08 documents
- iv) On 29.11.2001 02 documents

11. That w.r. to the statement made in para 4.13 of the OA the answering Respondents while denying the contentions made therein beg to state that the concerned authority while examining the relevancy of the matter vis-a-vis the changes may allow the delinquent fore additional materials such as additional document and witnesses if necessity arises. If the charges are clear and established the said authority may not look into any other material in connection with the said proceedings. It is therefore the duty of the delinquent to state the relevancy of such additional materials alongwith the prayer and it is not mandatory that all those materials need to be proceed to the delinquent. It is also provided by the Rules that the delinquent must show the prejudice in absence of those materials. However, in the instant case while complying with the judgment passed by the Hon'ble Tribunal and the Rules guiding the field all the reasonable opportunity was provided to the present applicant.

12. That with regard to the statement made in paragraph 4.14 the answering Respondents deny the correctness of the same and beg to state that, all the reasonable opportunity

201

was provided to the present applicant and the issue raised by him will be revealed in the introduction part of the Enquiry Report. The Applicant each and every stage prayed for production of documents in piece meal and even objecting to that the authority allowed him to inspect all together 61 documents. It is therefore, the contention raised in this para is not correct.

13. That with regard to the statement made in para 4.15, 4.16 the answering Respondents while denying the contention made therein beg to state that during the course of proceeding it was pointed out to him regarding the said allegation and the Applicant accepted the same. In this connection the records pertaining to the said proceeding reveals the fact that procedure as per the Rule guiding the field has been followed at no point of time the Applicant was denied with any opportunity of hearing.

14. That with regard to the statement made in para 4.17, 4.18, 4.19, 4.20 and 4.21 the answering Respondents while retreating and reaffirming the statements made above beg to state that, after submission of the P.O. brief enquiry report was supplied to him, the applicant thereafter submitted his representation against the said enquiry report, The Disciplinary Authority on receipt of the representation and after careful consideration of the materials passed the order dated 1.5.2002 removing him from service.

15. That with regard to the statement made in para 4.22, 4.23, 4.24 & 4.25 the answering Respondents while

reiterating and reaffirming the statement made above beg to state that providing all the resume opportunity the appellate authority decided the matter and taking into consideration the gravity of misconduct while upholding the penalty rejected the appeal.

16. That with regard statement made in the para 5 to 11 the answering Respondents while denying the contentions made therein beg to state that the proceeding was concluded as per Rule and as such there is no ground to challenge the same and as such there is no scope to provide a relief to the present applicant. It is therefore the Respondents pray before this Hon'ble Tribunal not to interfere in the matter and to dismiss the OA with cost.

203

V E R I F I C A T I O N

I, Sunder Singh Sehrawat, S/o Shri Harish Chander, Age about 52 years, presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region, Maligaon Chariali, Guwahati - 12, do here by verify that the statement made in paragraphs 1, 2(p), 3, 4, 5, 6-9, 11, 12, 13, 14-16, are true to my knowledge and those made in paragraphs 2(p), 10, are based on records.

And I sign this verification on this 27th January, day of 2003 at Guwahati.

Place : Guwahati

DEPONENT

Date : 27-1-03.

(187)

204 Filed by-
Respondent no.3
through SDJ
Advocate
27-1-03

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

D.A.No. 384 of 2003

Radhey Shyam Maurya.

.....Applicant.

- VS -

K.V.S. & Ors

..... Respondents.

WRITTEN STATEMENT FILED BY THE RESPONDENT NO.3.

1. That the Respondents have received a copy of OA and have gone through the same. Same and except the statements which are specifically denied and rests may be treated as total denial. The statements which are not borne on records are also denied and the applicant is strictest proof thereof.

2. That the aforementioned Respondents No.3 beg to state that he has been arrayed as a party Respondent in this OA without any basis. At that relevant point of time he was the Asstt. Commissioner and the Disciplinary Authority of the Applicant. In the Original Application however, the applicant has failed to make out a prima-face case against him. In this circumstances the Respondent No.3 offers no comment except those made in the written statement already filed by the respondent no.1 & 2. and he relies on the same.

The Respondent no.3 however, prays before this Hon'ble Tribunal to place all the relevant materials at the time of hearing of the case.

3. That taking into consideration the written statement filed by the Respondent no. 1 & 2 the respondent no.3 prays before this Hon'ble Tribunal not to interfere in the matter and to dismiss the DA with cost.

(189)

20/6

VERIFICATION

I, Shri Deo Kishan Saini, son of Sri C. L. Saini, aged about 53 years, presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Chandigarh Region, Chandigarh - 20

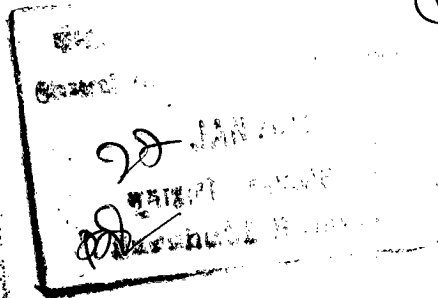
do hereby verify that the statement made in paragraphs are true to my knowledge and those made in paragraphs are based on records.

And I sign this verification on this the 21st day of Jan. 2003 at Chandigarh.

Place: Chandigarh.

Deo Kishan Saini
DEPONENT

Date: 21-01-2003.



(190)
Filed by -
the Respondent no. 4
through S.D. Jha
Advocate
27-1-03

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

D.A.No. of 2003

Radhey Shyam Maurya.

.....Applicant.

- VS -

K.V.S. & Ors

..... Respondents.

WRITTEN STATEMENT FILED BY THE RESPONDENT NO.4.

1. That the Respondents have received a copy of DA and have gone through the same. Same and except the statements which are specifically denied and rests may be treated as total denial. The statements which are not borne on records are also denied and the applicant is strictest proof thereof.

2. That the Respondent No.4 for the shake of brevity begs to state that she will rely upon the written statement filed by the respondent no.1 & 2. However she denies the contention raise by the applicant in para 4.4, 4.5 & 4.6 of the DA and state that the applicant only with the sole purpose to create confusion in the matter and to draw the sympathy of the Hon'ble Tribunal entangled her in the matter without any basis. It is further stated that she is not the competent authority to proceed departmentally against the applicant and the story narrated by the applicant is false and fabricated and same has got no bearing in this case.

3. That in view of the aforesaid facts and circumstances the DA deserves to be dismissed with cost.

VERIFICATION

I Smt. J. Ban Das, aged
about 50....years, w/o of..... at
present working as Principal, K.V. Khanapara, Guwahati-22,
do hereby solemnly affirm and verify that the statements
made in this paragraph 1, 2(P), 3..... are true to my
knowledge and those made in para..2.(P)..... are
matters of records which I believed to be true and rest are
my humble submission before the Hon'ble Tribunal.

And I sign this verification on this the 27th day of
January, 2003.

Jayshree Dasbar