

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 302/2002

R.A/C.P No.

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SECTION OFFICER (Judl.)

Bablu
21/11/11

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No:- 302/103

Misc Petition No: a/

Contempt Petition No: a/

Review Application No: a/

Name of the Appellant(s): A. K. Bhatt

Name of the Respondent(s): K VS/No 92

Advocate for the Appellant:- Mr. A. Ahmed

Advocate for the Respondent:- K VS

Notes of the Registry	date	Order of the Tribunal
This application is in form but not in time Condonation Petition is filed / not filed C.P. for Rs. 50/- deposited vide I.P.C. No. 38/7322 Dated 16.12.2003. Dr. B. S. J.	1.1.2004	Heard Mr. A. Ahmed, learned counsel for the applicant. Mr. M. K. Mazumdar, learned counsel entered appearance on behalf of the respondents. Issue notice on the respondents to show cause as to why the application shall not be admitted, returnable by four weeks. List on 29.1.2004 for admission.
Issue notice as per order dated 1.1.04.		
WT 11/104	bb	
Notice and order dt. 1/1/04 Sent to D/Section for issuing to the respondent most to 2.		

KVS/No 92

Member (A)

13/1/04

26.2.2004 Present : The Hon'ble Sri Shanker
Raju, Judicial Member.

The Hon'ble Sri K.V.
Prahladan, Member (A).

Heard learned counsel for
the parties.

The O.A. is disposed of for
the reasons recorded in separate
sheets.

Received Copy
M.K. Majumdar
Advocate
8-3-04

KV Prahladan
Member (A)

M Member (J)

pg

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A. No. 111 302/2003

DATE OF DECISION 26.2.2004.

..... Shri Ashok Kumar Bhat APPLICANT(S).

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

-VERSUS-

..... Union of India & Ors. RESPONDENT(S)

..... S. D. Bhowmik, Mr. M. K. Mazumdar ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. SHANKER RAJU, JUDICIAL MEMBER.

THE HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
Judgment delivered by Hon'ble Member (J).

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 302 of 2003.

Date of Order : This the 26th Day of February, 2004.

The Hon'ble Shri Shanker Raju, Judicial Member.

The Hon'ble Shri K.V.Prahladan, Administrative Member.

Shri Ashok Kumar Bhat,
Principal, Kendriya Vidyalaya,
C.C.I. Bokajan, Dist.Karbi Anglong,
Assam.

...Applicant

By Advocate Sri A.Ahmed.

- Versus -

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-16.
2. The Joint Commissioner (Admn)
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
92, Gandhi Nagar Marg,
Bajaj Nagar, Jaipur-302015.
4. The Assistant Conmmisioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
Hospital Road, Silchar-788001.

..Respondents

By Advocate Sri M.K. Mazumdar.

O R D E R (ORAL)

SHANKER RAJU, JUDICIAL MEMBER,

In this O.A the applicant seeks supply of certain documents and expeditious disposal of the disciplinary proceeding.

2. O.A. is disposed of at this admission stage with a direction to the respondents to serve upon the applicant, if a request is made necessary documents relevant to the disciplinary proceeding.

3. The respondents are directed to complete the disciplinary proceeding as expeditiously as possible within a period of 6 months from the date of receipt copy of this order. Applicant is also directed to cooperate with the enquiry and shall not adopt any delaying tactics.

O.A. stands disposed of.

KV Prahladan
(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER

S.Raju
(SHANKER RAJU)
JUDICIAL MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 302 OF 2003.

Sri Ashok Kumar Bhatt - Applicant.
- Versus -

Kendrapara Vidyalaya Sangathan Others - Respondents

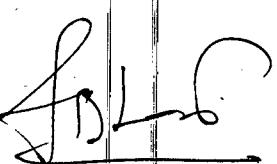
LIST OF DATES AND SYNOPSIS

1. Application 1 to
2. Verification

Annexure-A Photocopy of suspension order
dated 05-04-2002.

Annexure-B Photocopy of order No. F/2002-KVS
(GPR)/25093 dated 06-05-2002.

Annexure-C Photocopy of representation dated
20th August 2002.



8.

Annexure-D Photocopy of reminder dated 14th September 2002.

Annexure-E Photocopy of Office Memorandum No. F8-26/2002-KVS(Vig) dated 26th September 2002.

Annexure-F Photocopy of representation dated 10-10-2002.

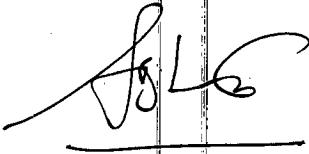
Annexure-G Photocopy of representation dated 16th October 2002.

Annexure-H Photocopy of reminder dated 23rd Dec. 2002.

Annexure-I Photocopy of Order No. F8-26/2002-KVS(Vig) dated 20-01-2003.

Annexure-J Photocopy of representation dated 06th Oct. 2003.

Annexure-K Photocopy of Memorandum No. F8-26/2002-KVS(Vig) dated 11-12-2003


S. L. S.

A

The instant Original Application has been filed for seeking a direction from this Hon'ble Tribunal to the Respondents to complete the Departmental Proceedings against the applicant within a time framed and also by providing necessary original documents relating to the above said Departmental Proceeding.

A handwritten signature in black ink, appearing to read "S. L. S.", is written over a horizontal line.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. 302 OF 2003.

B E T W E E N

Sri Ashok Kumar Bhat,
Principal, Kendriya Vidyalaya,
C.C.I. Bokajan, District-Karbi Anglong,
Assam. PIN-782490.

- Applicant.

-Versus-

- 1] The Commissioner, Kendriya Vidyalaya Sangathan, 18 Institutional Area, Saheed Jeet Singh Marg, New Delhi-16.
- 2] The Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan, 18 Institutional Area, Saheed Jeet Singh Marg, New Delhi - 110 116.
- 3] The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, 92 Gandhi Nagar Marg, Bajaj Nagar, Jaipur-302015.
- 4] The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Hospital Road, Silchar-788001.

-Respondents.

10
Sri Ashok Kumar Bhat
Applicant
Advocate
Chap. Admn.
through



DETAILS OF THE APPLICATION:

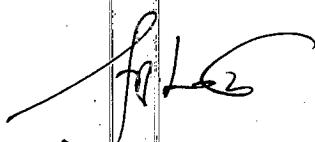
1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

The instant application is not made against any particular order but is made for seeking a direction from this Hon'ble Tribunal to the Respondents to complete the Departmental Proceedings initiated against the applicant vide Memorandum No. F8-26/2002-KVS(Vig.) dated 11-12-2003 within a time framed and also praying for a direction to the Respondents to allow the applicant to verify all the relevant original documents related to the above Departmental Proceedings.

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION

A handwritten signature in black ink, appearing to read 'J. L. 2'.

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

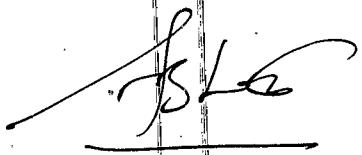
4. FACTS OF THE CASE

Facts of the case in brief are given below:

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

4.2] That your applicant begs to state that he was appointed as Principal Kendriya Vidyalaya on 06-10-1998. He joined Kendriya Vidyalaya on 26th October 1998. Now he is working as Principal, Kendriya Vidyalaya, C.C.I. Bokajan, Dist.-Karbi Anglong, Assam.

4.3] That your applicant begs to state that when the applicant was posted as Principal, Kendriya Vidyalaya, No. 1 AFS Jodhpur he appeared for the interview for the post of



(3)

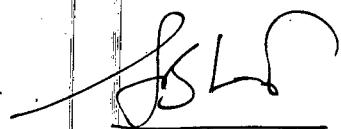
Assistant Commissioner on 4th April, 2002 but surprisingly he was suspended from his service on 05-04-2002 vide Office Order No. F8-26/2002-KVS(Vig) issued by the Respondent No. 1. He was asked for appearing before the Inquiry Officer for preliminary enquiry on 07-05-2002 vide order No. F/2002-KVS(GPR)/25093 dated 06-05-2002. Accordingly, he appeared before the Enquiry Office on 07th and 08th May 2003.

Annexure-A is the photocopy of suspension order dated 05-04-2002.

Annexure-B is the photocopy of order No. F/2002-KVS(GPR)/25093 dated 06-05-2002.

4.4 That your applicant begs to state that he filed a representation on 20th August 2002 before the Respondent No. 1 for revocation the aforesaid suspension order dated 04-04-2002. He also filed a reminder on 14th September 2002 for revocation of his suspension order.

Annexure-C is the photocopy of representation dated 20th August 2002.



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Annexure-D is the photocopy of reminder dated 14th September 2002.

4.5 That the applicant begs to state that an Office Memorandum No. F8-26/2002-KVS(Vig) dated 26th September 2002 issued against the applicant by the Respondent No. 1. In the aforesaid Memorandum 10(ten) alleged charges were brought against the applicant. After receiving the said Office Memorandum the applicant filed a representation dated 10-10-2002 before Respondent No.1 requesting him for providing necessary documents as mentioned in his representation at Annexure-1 to defend the charges brought against him.

Annexure-E is the Photocopy of Office Memorandum No. F8-26/2002-KVS(Vig) dated 26th September 2002.

Annexure-F is the Photocopy of representation dated 10-10-2002.

4.6 The applicant begs to state that he filed another representation dated 16th October



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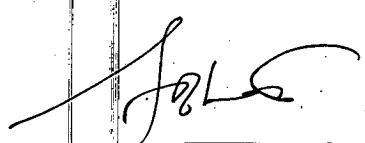
2002 before the Respondent No. 1 for revocation of his suspension order dated 05-04-2002.

Annexure-G is the photocopy of representation dated 16th October 2002.

4.7] That your applicant begs to state that he filed a reminder dated 23rd Dec. 2002 for increasing subsistence allowance before the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Jaipur.

Annexure-H is the photocopy of reminder dated 23rd Dec. 2002.

4.8] That your applicant begs to state that his suspension was revoked vide Order No. F8-26/2002-KVS(Vig) dated 20-01-2003 issued by the Respondent No. 1. This order was issued without prejudice to the outcome of the Disciplinary Proceedings contemplated against the applicant. Thereafter, he was posted as Principal, Kendriya Vidyalaya at C.C.I. Bokajan, Karbi Anglong, Assam. Till now he is working as Principal, Kendriya Vidyalaya, Bokajan.



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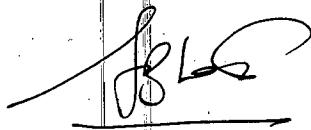
16

Annexure-I is the photocopy of Order No. F8-26/2002-KVS(Vig) dated 20-01-2003.

4.9] That your applicant begs to state that he filed a representation before the Joint Commissioner (Administration), Kendriya Vidyalaya Sangathan, New Delhi-16 on 6th Oct. 2003 requesting him to send immediately the supporting document relating to his Departmental proceedings initiated by the Respondents.

Annexure-J is the photocopy of representation dated 06th Oct. 2003.

4.10] That your applicant begs to state that the Respondent No. 1 vide his Memorandum No. F8-26/2002-KVS(Vig) dated 11-12-2003 brought article of charges against the applicant under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. It is worth to mention here that only 8(eight) Article of Charges were brought against the applicant. Earlier 10(ten) article



8

of charges were initiated against the applicant.

Annexure-K is the photocopy of Memorandum No. FB-26/2002-KVS(Vig) dated 11-12-2003

4.11] That your applicant begs to state that the Respondent No. 1 has falsely implicated the applicant in the aforesaid charges. The applicants believe that the Respondent No.1 adopting the delaying tactics in the said disciplinary proceedings only to deprive the applicant to appear in the interview for selection of Assistant Commissioner, Kendriya Vidyalaya: It may be stated that in earlier two occasions the applicant has been deprived from selection of Assistant Commissioner due to pendency of the aforesaid Departmental Proceedings. Moreover, in spite of repeated reminder the Respondents are unable to provide the original documents to the applicants for defending his case. As such, finding no other alternative your applicant has been compelled to approach this Hon'ble Tribunal for seeking a direction to the Respondents to complete the



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aforesaid departmental proceedings within a time frame period and also providing all necessary documents in original to the applicant for proper adjudication of the departmental proceedings initiated against the applicant.

4.12 That your applicant submits that the action of the Respondents is mala fide, illegal, arbitrary and whimsical and also with a motive behind.

4.13 That your applicant submits it is a fit case to interfere by the Hon'ble Tribunal by giving necessary directions to the Respondents for early completion of Departmental Proceedings and also for providing all necessary original documents relating to the aforesaid Departmental Proceedings to the applicant.

4.14 That your applicant submits that the Respondents have resorted the colourable exercise of power to deprive the applicant. The action of the Respondents is arbitrary and whimsical.



4.15 That the applicant submits that the Respondents deliberately done serious injustice by giving mental trouble to the applicant.

4.16 That this application is made bona fide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, on the reasons and facts which are narrated above, the action of the respondents, is *prima facie* illegal and without jurisdiction.

5.2 For that the said Departmental proceeding against the applicant should be completed in a time framed period by the Respondents.

5.3 For that, disciplinary action cannot be taken against a Government Servant at a belated stage. A belated exercise *prima-facie* causes prejudiced to the Government Servant in defending his case.



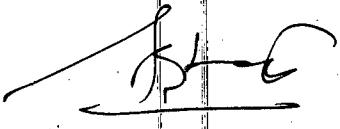
5.4 For that by not providing all necessary Original Documents to the applicant the Respondents are trying to prejudice the entire Departmental Proceedings against the applicant.

5.5 For that due to delay in Departmental Proceedings the applicant has been deprived from higher post. As such, the action of the Respondents are Mala fide, illegal, arbitrary and also without jurisdiction.

5.6 For that the action of the Respondents is not maintainable before the eye of law as well as the facts of the case.

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

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



6. DETAILS OF REMEDIES EXHAUSTED:

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

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

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

8. RELIEF SOUGHT FOR:

A handwritten signature in black ink, appearing to read "S. H. S.", is written over a horizontal line.

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to dispose the instant Original Application at the admission stage by giving following directions to the Respondents:

- 8.1] To direct the respondents to complete the Departmental proceedings within a time framed as deem fit and proper by this Hon'ble Tribunal;
- 8.2] To direct the Respondents to provide all necessary original documents as asked by the applicant in relating to the Departmental Proceeding initiated against him;
- 8.3] To grant such further or other relief or reliefs to which the applicant may be entitled having regard to the facts and circumstances of the case.
- 8.4] Grant the Cost of this application to the applicant.



9]

INTERIM ORDER PRAYED FOR :

At this stage no interim order is prayed for but if the Hon'ble Tribunal may deem fit and proper may pass necessary order/orders.

10]

Application Is Filed Through Advocate.

11]

Particulars of I.P.O.:

I.P.O. NO. 116387322

Date Of Issue 14.12.2003

Issued from Guwahati G.P.O.

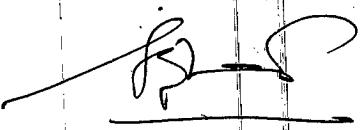
Payable at Guwahati

12]

LIST OF ENCLOSURES:

As stated above.

- Verification.

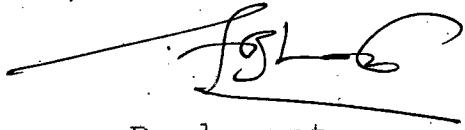


VERIFICATION

I, Sri Ashok Kumar Bhat, Principal, Kendirya Vidyalaya, C.C.I. Bokajan, District-Karbi Anglong, Assam. PIN-782490 the applicant of the instant case do hereby solemnly verify that the statements made in paragraphs 4.1, 4.2,

4.11, — are true to my knowledge, those made in paragraphs 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this the 30th day of December, 2003 at Guwahati.


Declarant

BY SPEED POST/CONFIDENTIAL

KENDRIYA VIDYALAYA SANGATHAN

18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.

F.8-26/2002-KVS (Vig)

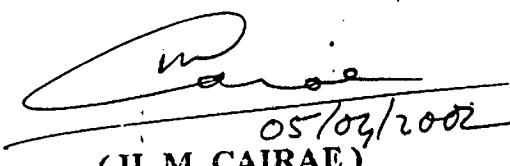
Dated: 05-4-2002

ORDER

WHEREAS a disciplinary proceeding against Shri A.K. Bhatt, Principal, Kendriya Vidyalaya No.1, AFS Jodhpur is contemplated.

NOW, THEREFORE, the undersigned, the Appointing Authority, in exercise of powers conferred by Sub-rule (1) of Rule-10 of the Central Civil Services (Classification, Control and Appcal) Rules, 1965, hereby places Shri A.K. Bhatt, Principal, Kendriya Vidyalaya No.1, AFS Jodhpur under suspension, with immediate effect.

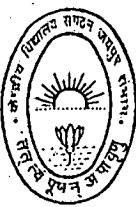
It is further ordered that during the period that this order shall remain in force, the headquarters of the said Shri Bhatt shall be at KVS, (Regional Office) Jaipur and the said Shri Bhatt shall not leave the headquarters without obtaining the previous permission of the undersigned.


05/03/2002
(II. M. CAIRAE)
COMMISSIONER

Copy to:

1. Shri A.K. Bhatt, Principal, Kendriya Vidyalaya No.1, AFS Jodhpur.
2. Chairman, VMC, Kendriya Vidyalaya No.1, AFS Jodhpur.
3. Assistant Commissioner, KVS Regional Office, Jaipur.
4. Assistant Commissioner (Admin.), KVS(HQ), New Delhi.
5. Guard File.

Attested
Advocate



केन्द्रीय विद्यालय संगठन

सेत्रीय कार्यालय : 92, गांधीनगर मार्ग,
बजाज नगर, जयपुर-302015

KENDRIYA VIDYALAYA SANGATHAN

Regional Office : 92, Gandhi Nagar Marg,
Bajaj Nagar, JAIPUR-302015

पत्रांक/फा

No/F /2002-KVS(JPR) /25093

ANNEXURE -B

0141-511548 (O)
दूरभाष : Tel. No. : 0141-511149 (O)

0141-513393 (R)

फैक्स : Fax : 0141-519882

E-mail : kvsjpr@jpr.dot.net.in

Website : www.kvsangathan.org

तार (क्रमिक) Telegram : KEVISANG

CONFIDENTIAL

दिनांक

Date 6.5.2002

✓ **Shri A.K. Bhatt**
Principal (Under Suspension)
Headquarter,
KVS (RO) Jaipur

**Sub: Preliminary Inquiry against Sh. A.K. Bhatt
Principal, K.V. No. 1 AFS Jodhpur (under suspension).**

Sir,

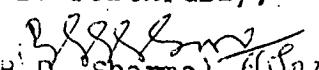
I have been detailed to conduct an inquiry on the subject cited above vide KVS JPR Regional Office Order dated 29.4.2002.

Notice is hereby given to you that Oral Inquiry will be held on 7.5.2002 at 10.00 Hrs. in the office of the undersigned on day to day basis. Please note that evidence will be recorded on the date of the above referred date.

You are directed to present yourself in time to attend the Oral Inquiry alongwith the desired documentary evidence, if any.

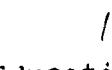
Kindly acknowledge the receipt of this notice.

Yours faithfully,


(B.D. Sharma) 6/5/02
Education Officer &
Inquiry Officer

Copy to:-

1) The Assistant Commissioner, KVS (RO) Jaipur for information & necessary action please.


Education Officer &
Inquiry Officer

*J.S. Attested
Advocate*

- 18 -

A.K. Bhatt
C/o Sh. G.S. Mishra
48/63, Rajat Path,
Mansarovar, Jaipur-302020

20th Aug '02

The Commissioner,
KVS Hqs.,
New Delhi-110016

THROUGH A.C.- KVS, R.O.- JAIPUR

**SUBJECT:- REPRESENTATION REGARDING THE SUSPENSION ORDER
OF DATED - 5/4/02**

Sir,

I wish to bring to your kind notice that already 4½ months have passed since I was suspended vide your order of dated 5/4/02. In compliance to this order, I reported to A.C. KVS, R.O. Jaipur leaving my family & belongings alone at Jodhpur without availing any joining time or any advances from the school. Till date, no action has been taken regarding my repeated requests on the following points :-

- (1) NO specific reasons have been made known to me inspite of an inquiry having been conducted by E.O. , Shri B.D. Sharma on 7/8th May '02.
- (2) No Review order for Extension of Suspension has been communicated even after the expiry of 3 months of suspension, notifying about the extension of the suspension order & the rate of enhancement of Subsistence Allowance from 50% to 75% w.e.f. 5th July '02.
- (3) Exigency of the Suspension on the very next day of the date of the interview for the post of A.C. on 4/4/02 before the Selection Committee held in Delhi.
- (4) No TA/DA paid for Jaipur.
- (5) No transfer allowance paid due to which I can't Transfer my household affects from Jodhpur to Jaipur, which is causing additional extra financial burden for unnecessarily maintaining Principal's accomodation at Jodhpur.

Page 1 of 2

2 copies
2/8/02

Attested
J. K. Mishra

(6) Request for change of Headquarter from Jaipur to Jodhpur not acceded to despite my undertaking that I shall make myself available at my cost, whenever required at Jaipur, so that I could have attended to my family needs at the same time during this period.

(7) Prior permission to leave my present Headquarter at Jaipur not granted despite my requests since 27th May '02. Due to this, I can't attend to my family staying alone at Jodhpur or to visit my ailing old parents. This permission is granted even to a proclaimed criminal.

(8) No withdrawal of Advance from my GPF Account to mitigate my present financial hardships.

All this seems to be against the Natural laws of justice or the existing norms. This all is causing a lot of mental tension & frustration, beside a lot of financial hardship to me & my family members, since I have to maintain two separate establishments at Jaipur & Jodhpur out of a meagre subsistence allowance. Also, I Can't attend to my family needs at the time when they needs me the most. Even my hard earned reputations earned due to my hardwork, sincerity & devotion in the field of education in any organization is being eroded in the community & society. The hardwork that I had put in for the quality all round improvement in the School is reflected by the best academic results produced this year, during my tenure. Therefore, I feel most disappointed & shocked that instead of receiving appreciation for the hardwork & sincerity put in & being rewarded for the post of A.C. I am passing through the most disgraceful period of my life for no fault of mine & my family is made to suffer unnecessarily due to this Suspension. I think nothing can compensate for this irreparable loss to my family, my self respect & reputation.

PRAYER :- It is most humbly requested to kindly quash this Suspension order & meet the justice at your's earliest for the Suspension & for interview held on 4/4/02.

With regards

Yours faithfully

(A.K. Bhatt) (Signature)

Principal (U/S) of School

CG : The Asstt. Commissioner,
KVS R.O. Jaipur

(For information and necessary action)

Page 2 of 2

Attested
Advocate

The Commissioner,
KVS, Hqs.,
New Delhi-110 016

ANNEXURE - D

29
A.K. Bhatt,
48/63, Rajat Path,
Mansarovar, Jaipur-20

Through A.C.-K.V.S., R.O., Jaipur

Sub. Representation Regarding Suspension order of dated 5.4.2002

Causing mental torture and harassment.

Sir,

I wish to submit for your kind consideration that already 5 months have passed, since I was Suspended on 5.4.2002.

It is most disappointing that no action has been taken by the K.V.S. Hqs. regarding my earlier representation of dated 20.8.2002. In addition, the following hardship are being faced more by me since then :-

- (1) No Specific reasons has been made known to me, which shows that no *prima facie* exists till date with the K.V.S. for my Suspension.
- (2) Subsistence allowance continues to be 50% since June'02.
- (3) Enhanced License fee have been recovered w.e.f. June'02 despite my family not using the accommodation. In addition, minimum charges are being paid for water, electricity etc. by me.
- (4) Quashing of A.C. letter of dated 27.5.2002 for me to vacate accommodation.
- (5) Delay in payment of T.T.A. & G.P.F. advance.

From the flow of all preceding events, it is apparent that I am Unnecessarily being harassed and victimized for no fault of mine, only due to the personal jealousy of some people, who never wanted to see my growth in the organization. Today, I and my family is made to suffer due to this Suspension.

Sir, you have already seen my hardwork and commitment in the K.V.S. and today an honest officer is being targeted. I am sure that justice would be dispensed with by the department by the termination of the Suspension order of dated 5.4.2002 and for the interview held for the post of Assistant Commissioner on 4.4.2002.

I shall be highly obliged for giving me an opportunity to put forth my point of view with you.

With regards,

Dated: 4 Sept. '02

*Ram
Bhattacharya
16/9/02*

14/10/02
(A.K. Bhatt)
Principal U/S

Copy to :-

The Assistant Commissioner, K.V.S. R.O. Jaipur (for inf. & n.a.)

*K. H. S.
J. S. Adarsh*

KENDRIYA VIDYALAYA SANGATIYAN
(VIGILANCE SECTION)18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.

F.8-26/2002-KVS (VIG.)

Dated: 26-9-2002

MEMORANDUM

It has been reported that Shri A.K. Bhatt, former Principal (under suspension) Kendriya Vidyalaya, No.1 Jodhpur has committed the following irregularities during his tenure at Kendriya Vidyalaya, No.1 AFS, Jodhpur.

1. He miserably failed to be vigilant on examination and promotion Rules and under mentioned students in class - IX were awarded extra marks without the recommendation of Moderation and Examination Committee.

Sr. No.	Class	Roll No.	Subject	Marks awarded by external examination	Tampered marks
I	IX - B	659	English	08/80	16.80
II	IX - B	664	English	07/80	12.80
III	IX - B	683	English	04/80	10.80
IV	IX - B	684	English	13/80	16.80

It was observed that the records of examination were not maintained properly.

2. Inspite of sufficient number of regular Group 'D' employees the services were privatised on a consolidated payment of Rs.5400/- per month from April 2000 to January 2001.
3. He appointed unqualified computer teacher through computer contract with M/s Marwar Computer Private Ltd. and made under mentioned payments. He could not show any academic or professional records of any teacher meaning thereby the firms were at their liberty to send any person they deemed fit. In some vouchers payments has been made in the name of Shri D.K. Sharma and not to firm. The details of payments are given below:

S.No.	Vr. No. & Date	Amount	No. of Student	Month
1.	265/20-10-99	12010.00	1201	Sept.-99
2.	322/07-12-99	12190.00	1219	Oct.-99
3.	377/19-1-2000	12290.00	1229	Dec.-99
4.	358/09-2-2000	12360.00	1236	Jan.-2000
5.	428/13-3-2000	12380.00	1238	Feb.-2000
6.	446/31-3-2002	9130.00	913	March-2000
Total		Rs. 70,360.00		

4. He had sent wrong information regarding the enrolment of students to KVS (IIQ) for the year 1998, 1999 and 2000 to get additional staff for the Vidyalaya.
5. He was absent from the station with effect from 20-1-2001 but in the copy sent to Regional Office Jaipur there is over writing and 20 has been made 22. He put signature in the attendance register where leave or dash appears, he tampered the records related to attendance.

*Attested
S. L. Advani*

6. He have misused the M & D Fund by purchasing two pump sets costing Rs.7,900/- . They were installed in staff quarters. This is against the norms of M & D Fund.

7. He misused the pupils fund, when he appointed as team manager for National Sport Meet 1999. He spent a sum of Rs.430/- on account of self treatment as Doctors consulting fee, photocopies and telephone bill etc. while on tour at Delhi.

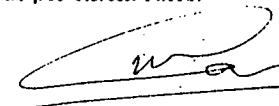
8. He spent a sum of Rs.13,294/- towards internet connection, which was installed in the office of the Principal. No benefit was availed of by the students. The Details are as under :

Head	Vr. No. & Date	Amount	
SF	301/27-11-99	3000	Deposited for New Telephone.
SF	67/22-5-2000	277	Telephone bill for Phone No. 627123
SF	134/19-7-2000	289	Telephone bill for Phone No. 627123
VVN	450/27-11-2000	289	Telephone bill for Phone No. 627123
VVN	282/19-9-2000	289	Telephone bill for Phone No. 627123
SF	452/23-3-2000	3650	For purchasing the Modem
SF	403/10-2-2000	5500	To VSNI for internet connection

9. He purchased 150 copies at a cost of Rs.5471/-, each of the books general studies part - I & II instead of 2-3 copies from Arya Book Depot without any approval of Competent Authorities.

10. He withdrew an amount of Rs.1658/- for local journeys at Delhi during National Sports Meet 1999. No supporting vouchers were attached in support of these claims.

Sh. A.K. Bhatt is hereby called upon to explain his conduct on the aforesaid lapses within 15 days from the date of receipt of this memorandum failing which it would be presumed that he has nothing to say in his defence and further appropriate action would be taken against him as per extent rules.


(H.M. CAIRAE) 26/09/2002
COMMISSIONER

Sh. A.K. Bhatt
Principal (under suspension)
C/o Sh. G.S. Mishra
48/63 Rajat Path
Mansarovar
Jaipur - 302020.

*After trial
J.S. Advocate*

By Speed post / Confidential

From :
 A.K. Bhatt
 C/o Shri. G.S. Mishra
 48/63, Rajat Path
 Mansarovar,
 Jaipur-302020.
 Dated: 10-10-2002

To,

Shri. H.M CAIRAE
 COMMISSIONER
 KENDRIYA VIDYALAYA SANGATHAN
 18, Institutional Area
 Shaheed Jeet Singh Marg,
 New Delhi-110016.

Ref: F-8-26/2002-KVS(VIG)

Dated: 26-09-2002

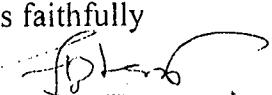
Sir,

Please refer to your aforesaid Memorandum.

2. I request your kindself to supply me the following documents, as per Annexure-I and provide me photocopy of the same, so that I can submit my reply within 15 clear days on receipt of the same.
3. However, I may need additional supporting documents / information, which may kindly be provided too.
4. However, nothing has been done about my Suspension order, of dated 05-04-02 and already 6 months have already passed since then. I am still being victimized and tortured due to the petty politics and personal jealousy of few vested people responsible for my suspension and for the interview for the post of Asstt. Commissioner. I wish to add that during my tenure, I had honestly and sincerely worked. The allegations leveled against me in the ibid memorandum are far from the truth and it appears that a tainted report has been made to the Headquarter with regard to me for committing irregularities during my tenure, as the Principal at KV No 1, AFS, Jodhpur. Every thing was done as per the existing KVS rules and regulations and in consultation with my staff members, VMC and RO -Jaipur for the interest of the Vidyalaya and of the children and nothing for any personal gain or benefit.

With regards

Yours faithfully


 A.K. Bhatt (Dated)
 Principal (u/s)
 KVS, RO-Jaipur

En: a/a

Attested
J.S. Advocate

- 26 -

ANNEXURE-I

1. (i) Examinations Register for the year 1999 to 2002 with minutes.
(ii) Original Award list, Green sheet and Moderation committees meeting minutes for the Annual Examinations for class IX- B for the year 2001.
(iii) Moderation and examination committees from the year 1998 to 2002 with minutes and Examination register.
(iv) TA/DA bills for the staff visiting BSF School in April - May 2001.
(v) STD Telephone bills with STD Register for the school for 2001.
2. (i) Vacancy position for Group 'D' for the year 2000- 2001.
(ii) Details of bills for Rs.5, 400/- pm from April 2000 to Jan 2001.
(iii) Balance of Fund in VVN on 1st April 2000.
(iv) VMC meetings minutes for 1999 to 2002.
(v) PF of Sh. Mangi Lal, Group 'D'.
(vi) Salary paid to Sh. Mangi Lal and Sh. Kailash-Gp 'D' during this period.
(vii) Casual payment and No of workers for the school since 1997.
(viii) Conservancy contract for Safai for the year 2000- 2001.
3. (i) Computer Contracts to M/S Marwar Computers Pvt. Ltd and other Computer contracts from the year 1999 to 2002.
(ii) Voucher no with date and amount mentioned in Para 3) of the Memo.
(iii) Details of cheques and bills made to the computer agencies during the period from Sep-1999 to March 2000.
(iv) Income and Expenditure statement of computer fees and payment for computers.
(v) Purchase of 20-25 PCs from Ed.CIL, Noida with their date of purchase and amount.
4. (i) Staff Strength- proposal and sanction and approved staff strength For the year 1998, 1999 and 2000 and from 1990 to 1995.
(ii) Students Enrolments for the year 1998, 1999, 2000 and from 1985 to 1990.
(iii) Any Specific request send to the KVS, Hqs. for getting the additional Staff from the year 1998 to 2000 with their number.
(iv) Duty charge and the responsibility for office staff- OS, UDC and LDC by the previous principals and me.
(v) Teacher responsible for collection of student's enrolments for the school and responsibility for filling up and maintaining the staff strength file in the office.
(vi) Personal file of Sh. S.N. Sharma.
5. (i) Approved Tour programme send to R.O.- Jaipur for 20-01-2001.
(ii) Attendance register, where leave or dash appears.
(iii) Pre-audit TA/DA bills duly approved by R.O. -Jaipur.
(iv) Any Complaint/ observation send to the principal by R.O.- Jaipur for his explanation for absenting from the station wef 20-01-2001.
(v) Despatch register for inward/outward dak for Jan -2001.

*Attested
S. N. Sharma*

(vi) Pulse polio dates and staff members on duty in 2001.

6. (i) Bills for purchase of pump sets for Rs. 7,900/- with proposal.
(ii) Year of Installation of Pump sets for the staff quarter with their date of depreciation.
(iii) Minutes of staff quarters meeting requesting for the transferring of motors to staff quarters.
(iv) Funds received from KVS, R.O- Jaipur for maintenance and repair of staff quarters from 1999 to 2001 with details of utilization of these funds.
(v) Approved M & D, VVN, PF and school Budget from the year 1998 to 2002 by the VMC.

7. (i) Bills for a sum of Rs.430/- on account of self treatment as doctors Consulting fees, photocopies and telephone bills etc.
(ii) KVS, RO- Jaipur letter for the appointment as team manager for National sport meet -1999.
(iii) Audit reports for DG of AG and KVS, RO- Jaipur from the year 1997 to 2002 and with reply from the school for I.M. alongwith representation for ex-post - facto-sanction and approval.
(iv) CS-12 for repayment of Rs.430/- to the school, if any.

8. (i) Bills and vouchers as per details given in Para 8) of the memo.
(ii) Sanction and Approval of funds under the model school schemes for the year 1999- 2000.
(iii) Details of the funds spent for the new computer lab with dates and bills.

9. (i) Bills for purchase of General Studies books for Rs.5,471/- from Arya Book Depot.
(ii) Proposal from the staff/ librarian for the purchase of books from 1998 to 2002 for the library.
(iii) Total Number of books in the library at the beginning of each session from 1998 to 2002.
(iv) Timetable with no. of periods for General studies from 1998 to 2002 with different no of teachers taking General studies.
(v) Budgetary allocation for the funds for the library from 1998 - 2002 and approval of the budget from VMC.
(vi) Limitation to purchase 150 copies for General studies books from the office / librarian etc.

10. (i) Bills for local journeys for Rs.1,658/- at Delhi during 1999.
(ii) Bills for local journeys for the staff, principal and others claimed from the school since 1995.
(iii) Representation made to AC office for the reimbursement of expenses incurred above at Delhi as team manager or for use of personal car for attending the various meetings etc for the school.
(iv) Reimbursement of these expenses to the school, if any. (S-12)

Additional Information:-

(I) Report of Preliminary inquiry held on 7th & 8th May 02
(II) Recommendation of the KVS offices to Vigilance Department for Disciplinary action against me.

Attended
for Advocate

BY-HAND

A.K. BHATT,
C/O. SH.G.S. MISHRA
48/63, RAJAT PATH
MANSAROVAR
JAIPUR-302020

DATED: 16th Oct.02

THE COMMISSIONER
KENDRIYA VIDYALAYA SANGATHAN
18, INSTITUTIONAL AREA
SHAHEED JEET SINGH MARG
NEW DELHI-110016.

SUB: REPRESENTATION REGARDING REVOCATION OF
SUSPENSION ORDER DATED: 5.4.02.

Sir,

Most respectfully, I wish to submit to your kind notice about my Suspension Order, Reference No. F.8-26/2002-KVS (Vig.), Dated : 5.4.02.

2. I will request your kindself to revoke this Suspension Order.
3. Kindly grant me the permission to leave my Hqs.- Jaipur w.e.f. 16th Oct. 02 to 31st Oct. 02, so that I can attend to my family at Jodhpur and transfer my household belongings and also attend to my parents at Delhi. Your kind attention is drawn to the instructions received from Sh.S.K. Jain, ex-A.C., K.V.S., R.O. - Jaipur, Dated: 27.5.02, informing me that my request to leave the (Hqs.) could not be acceded to by K.V.S. (Hqs.) due to administrative reasons and this may also be noted for future compliance. Due to this, I could not visit and attend to their problems since 27.5.02.
4. I shall be withdrawing my Court case from Hon'ble C.A.T.-Jaipur.

With regards,

Yours Sincerely,

(A.K. BHATT)
Principal (U/s),
K.V.S. R.O., Jaipur

C.C.:

1. Sh. D.S. Bist, (for Information and n.a.)
Joint Commissioner (Adm.), K.V.S., Delhi.
2. Sh. Vijay Kumar, E.O., K.V.S., Delhi.

16/10/02

BY-HAND

REMINDER

A.K.Bhatt
C/o Sh. G.S.Mishra
48/63, Rajat path,
Mansarovar, Jaipur-302020.

28th Dec-2002

The Assistant Commissioner,
KVS RO,
92, Gandhi Nagar Marg,
Bajaj Nagar, Jaipur-302015.

Sub: REPRESENTATION REGARDING SUBSISTENCE ALLOWANCE

Sir,

I wish to submit the following representation regarding subsistence allowance for your kind consideration:

1. Subsistence Allowance continues to be only 50%. Till date no Specific Order has been passed for Reviewing and increase of the Subsistence allowance in contravention to FR-53 even after the expiry of 3 months period on 4th July 02. Despite my earlier representation to increase this amount to 75% thereafter, no action has been taken. This amount I am receiving since then under protest.

2. Enhanced licence Fee was deducted directly at source from my Subsistence allowance from Jun-02. This was despite my own request to vacate the accommodation on 31-5-02 for sanctioning of TTA on 31-5-02, which was delayed till 26-08-02. My family was not using this accommodation since May'02. No permission was accorded to me to leave the HQS (Jaipur), vide A.C. letter of dated 27-05-02. This permission was only granted on 24-10-02 and the house was vacated immediately on 1st Nov-02. More surprisingly licence Fee has been charged even for the month of Nov, when the accommodation had already been vacated on 1st Nov'02. Kindly, let me know the provision of the rule under which these deduction has been made, when no cooperation was extended by the authority to me to vacate the accommodation.

3. Allied charges for water, electricity and telephone were also deducted despite my family not using these utilities. No letter was ever written by the school, for the disconnection of these services to concerned authorities except for the disconnection of the telephone line at Principal's residence.

*After Ed
JL
Answered*

4. Withholding of my Annual Increment due on Oct'02.
5. Subsistence allowance not been promptly paid on the last working day of the month directly to my Saving Account No. 41151, SBI, Tonk Road, Jaipur, that is, where the accounts for all the staff of KVS, R.O, Jaipur are being maintained. This is despite my giving clear instructions to transfer my Subsistence allowance directly to my account. I have to personally come to R.O. Jaipur to collect this Cheque every month.
6. No Government accommodation was provided to me during this period in Jaipur.

All these definitely involved a lot of financial hardship alongwith mental frustration for maintaining my family at Jaipur and Jodhpur out of a meagre Subsistence allowance with all these deductions and no revision done for the increase of the subsistence allowance.

Sir, I will request you to personally look into all these matters and please order to pay the above arrears immediately and oblige.

With regards,

Yours sincerely


(A.K. BHATT) 23/12/02
Principal (U/S)
KVS, R.O, Jaipur.

Ch. Hatt → *Hatt*

KENDRIYA VIDYALAYA SANGATHAN
(VIGILANCE SECTION)13. Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.

No.F.8-26/2002-KVS (Vig.)

Dated: 20-01-2003

ORDER

WHEREAS an order placing Shri A. K. Bhatt, Principal, Kendriya Vidyalaya No.1 AFS, Jodhpur, under suspension and declaring his Headquarters as KVS, Regional Office, Jaipur was made vide Order of even number dated 05-04-2002

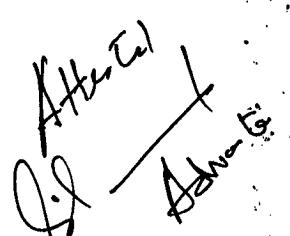
NOW, THEREFORE, the undersigned in exercise of the powers conferred by Clause (e) of sub-rule (5) of Rule 10 of the CCS [CCA] Rules, 1965 hereby revokes the said order of suspension and post him as Principal at Kendriya Vidyalaya, CCI Bokajan (Silcher Region). The revocation of suspension will be effective from the date he assumes the charge as Principal at Kendriya Vidyalaya, Bokajan. This is without prejudice to the outcome of the Disciplinary proceedings contemplated against him.



17/01/2003

(H.M. CAIRAE)
COMMISSIONERCopy to:

- 1) Shri A. K. Bhatt, Principal (under suspension), C/O. KVS (Regional Office) Jaipur.
- 2) The Assistant Commissioner, KVS (R.O) Jaipur/Silcher.
- 3) The ~~Kendriya Vidyalaya, Bokajan.~~
- 4) The Chairman, Kendriya Vidyalaya, CCI Bokajan.
- 5) The Deputy Commissioner (Admn.), KVS (Hqrs.), New Delhi
- 6) Guard file.



After 21
J.S. Asha G.

— 36 —

ANNEXURE — J

By Speed Post / Confidential

Ref No. KVR/Per. A/KR/2003-04/281

Dated : 6th October 2003.

To
Sri. D.S.Bist,
Joint Commissioner, (Admin.)
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi - 110016

Your Ref. No. F.3-26/2002-KVS (Vig.), dated 22.09.03

SUB : REPLY TO MEMORANDUM - REG

Sir,

This is with reference to reply to the Memorandum, dated 22.09.2003.

I am disappointed to bring to your kind notice that till date not all the supporting documents have been supplied to me by the Kendriya Vidyalaya Sangathan as per my representation of dated 10.10.02 and 11.01.03. This is despite the fact that the competent authority has agreed in principle to provide me all the supporting documents alongwith the facility to inspect all the originals. This is very essential so that factual and correct defence is submitted by the undersigned to the Memorandum, dated 26.09.02.

It is most humbly requested to kindly supply all these documents at your earliest, as already one year has passed since my initial request. On receipt of all these documents, suitable reply will be definitely submitted.

With kind regards,

Yours faithfully

(A.K.Bhatt) 6/10/03

Principal

Kendriya Vidyalaya
C.C.I. Bokajan

Attested
J.S. *Advocate*

BY SPEED POST CONFIDENTIAL

KENDRIYA VIDYALAYA SANGATHAN

18, Institutional Area,
Shaheed Jeet Singh Marg.
New Delhi-110016.

F. 8-26/2002-KVS(Vig.)

Dated 11-12-2003

MEMORANDUM

The undersigned proposes to hold an Inquiry against Shri A. K Bhatt, Principal Kendriya Vidyalaya, Bokajan (formerly at Kendriya Vidyalaya, NO.1, Jodhpur) under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965. The substance of the imputations of misconduct or misbehavior 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 misbehavior 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 article of charge are proposed to be sustained are also enclosed (ANNEXURE-III and IV).

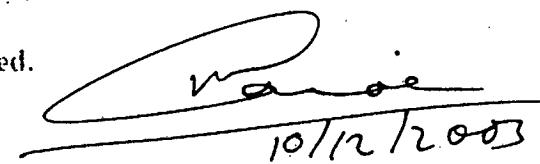
2. Shri A.K Bhatt is directed to submit within 10 days of the receipt of this Memorandum a written statement of his Defence and also to state whether he desires to be heard in person.

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 A.K Bhatt 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 his ex parte.

5. Attention of Shri A.K Bhatt 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 Shri A.K Bhatt, Principal 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.

The receipt of the Memorandum may be acknowledged.


10/12/2003
(H.M. CAIRAE)
COMMISSIONER

✓ Shri A.K Bhatt, Principal,
Kendriya Vidyalaya,
Bokajan.

Copy to:-

1. The Assistant Commissioner, KVS, R.O. Sitcher/Jaipur.
2. The Deputy Commissioner (Pers.) KVS (HQ) New Delhi.
3. Guard file.

*After Ed
JL
Shivani*

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI A. K. BHATT, PRINCIPAL, KENDRIYA VIDYALAYA, BOKAJAN

ARTICLE-1

That the said Shri A. K. Bhatt while functioning as Principal at Kendriya Vidyalaya, NO.1, Jodhpur has failed to follow Examination and Promotion Rules as mentioned in Chapter VII of the Education Code for Kendriya Vidyalayas [Revised Edition] and thus violated rule 3 (1) (ii) & 3 (2) (i) of CCS (Conduct) Rules 1964 as extended to the employees of KVS.

Article-II

That the said Shri A.K. Bhatt, while functioning as Principal in Kendriya Vidyalaya No.1, Jodhpur appointed candidates who are not qualified as computer teachers through computer contract with M/S Marwar Computers (P) Ltd. without following the prescribed procedure, and thus has violated rule 3 (1) (i), (ii) & (iii) of CCS [Conduct] Rules 1964 as extended to the employees of KVS.

Article - III

That the said Shri A.K. Bhatt while functioning as Principal in Kendriya Vidyalaya No.1, AFS, Jodhpur had privatized the services relating to cleaning of Vidyalaya setting aside the guidelines circulated vide KVS Letter No. F.12-13/99-KVS(Admn.I) dated 10.12.99 and thus violated rule 3 (1) (i) (ii) & (iii) of CCS [Conduct] rules 1964 as extended to the employees of KVS.

Article - IV

That the said Shri A.K. Bhatt while functioning as Principal in Kendriya Vidyalaya No.1, AFS, Jodhpur had sent inflated report of students enrolment as on 31.8.98, 31.8.99 & 31.8.2002 to KVS (HQ) as verified from attendance register of all classes as on 31.8.98, 99, 2000 which do not tally the report and thus violated rule 3 (1) (i) (ii) & (iii) of CCS [Conduct] Rules 1964 as extended to the employees of KVS.

Article - V

That the said Shri A.K. Bhatt while functioning as Principal in Kendriya Vidyalaya No.1, AFS, Jodhpur had purchased two pump-sets out of the M&D Fund flouting the instructions issued by KVS and has violated rule 3 (1) (i) (ii) & (iii) of CCS [Conduct] Rules 1964 as extended to the employees of KVS.

After
JL
Ans

Article - VI

That the said Shri A.K. Bhatt while functioning as Principal in Kendriya Vidyalaya No.1, AFS, Jodhpur was appointed as team manager for National Sports Meet (Girls) 1999 by Regional Office, Shri Bhatt had drawn Rs. 1,30,000/- as an advance vide Vr. No.267 dated 21.10.99 and out of this amount he disbursed only Rs. 28,000/- to different escorting teachers. The unspent balance of cash was kept by him and deposited in different spells which is in violation of article 204 & 202 (ii) of Accounts Code for Kendriya Vidyalayas.

Thus he misused his powers being Principal and Drawing & Disbursing Officer violated rule 3 (1) (i) (ii) & (iii) & 3 (2) (i) of CCS [Conduct] Rules 1964 as extended to the employees of KVS.

Article - VII

That the said Shri A.K. Bhatt while functioning as Principal in Kendriya Vidyalaya No.1, AFS, Jodhpur installed Internet Connection in Principal Office instead of Computer Lab. & no benefit of Internet was extended to the students and has misused his official position being Principal and Drawing & Disbursing Officer and thus violated rule 3 (1) (i) (ii) & (iii) of CCS [Conduct] Rules 1964 as extended to the employees of KVS.

Article - VIII

That the said Shri A.K. Bhatt while functioning as Principal in Kendriya Vidyalaya No.1, AFS, Jodhpur purchased 150 copies each of the books (G. Study) from Arya Book Depot, Delhi without following the prescribed procedure stipulated in Chapter-17 of Education Code for Kendriya Vidyalayas causing financial loss of Rs. 5400/- to the organization. The purchase of these particular books are excess to requirement, and thus violated rule 3 (1) (i) (ii) & (iii) & 3 (2) (i) of CCS [Conduct] Rules 1964 as extended to the employees of KVS.

*After 17
Jl. 2005*

Article-I

STATEMENT OF IMPUTATION OF MISCONDUCT/MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI A.K. BHATT, PRINCIPAL, KENDRIYA VIDYALAYA, BOKAJAN [FORMERLY AT KENDRIYA VIDYALAYA, NO.1, JODHPUR]

That the said Shri A.K. Bhatt while functioning as Principal, Kendriya Vidyalaya, No.1, AFS, Jodhpur during the year 2000-2001 has miserably failed to be vigilant on some important matters like examination and promotions and some students in Class-IX were awarded extra marks (maximum 8 marks) without the recommendation of the moderation committee and without the signature/ consent of the examiner who happened to be from different schools, the details of which are given below:-

S.No.	Class	Roll No.	Subject	Marks awarded external examination	Tampered marks
1.	IX-B	659	English	08/80	16/80
2.	-do-	664	-do-	07/80	12/80
3.	-do-	683	-do-	04/80	10/80
4.	-do-	684	-do-	13/80	16/80

2. Further it was also observed that result register of Class IX-B was recasted as there was no signature of Class teacher in the column of 1st and 2nd.
3. Further it was also alleged that records of examination were not being maintained properly. During Summer Vacation, the clerical staff dumped the material of examination on the floor of the store room. It was found difficult to trace the examination material when required. He should have made the alternate arrangement to shift the confidential records under his supervision instead of throwing the records in the hands of irresponsible persons.

Thus Shri A.K. Bhatt has flouted the rules mentioned in Chapter VII of Education Code (Revised edition-2000) for Kendriya Vidyalayas thus violated rule 3 (1) (ii) & 3 (2) (i) of CCS Conduct rules 1964 as extended to the employees of KVS.

After
J.S. *Shivaji*

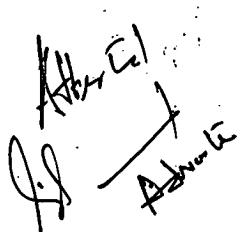
Article -II

That the said Shri A.K. Bhatt while functioning as Principal, Kendriya Vidyalaya No.1, Jodhpur had appointed unqualified computer teacher through computer contract with M/S Marwar Computers Pvt. Ltd. The Principal could not show any degree (academic or professional) of any teacher meaning thereby the firms were at their liberty to sent any person, they deemed fit. Students have not maintained any note-book. In senior secondary section the career of these students who have opted for Informatics practice is at stake as no proper syllabus has been followed by the unqualified teachers supplied by the firm. Change of computer teacher is a regular phenomenon in the school and no check has been kept on this issue. From the vouchers it is clear that the school has eagerly and regularly made payment without getting verification from concerned class teacher. Even payment for Feb.2000 for classes Xth, XIIth which had run only upto 5.2.2000 where made for full month. Excess payment has been made by showing inflated number of students in classes VIth to XIIth. No record of teachers supplied by the two firms in 1999-2000 and 2000-2001 has been maintained in the school. The details are as under:-

S. No.	Vr. No.& date	Amount	No. of students	Month
1.	265/20.10.99	12010.00	1201	Sept. 99
2.	322/7.12.99	12190.00	1219	Oct. 99
3.	377/19.1.2000	12290.00	1229	Dec. 99
4.	358/ 9.2.2000	12360.00	1236	Jan., 2000
5.	428/13.3.2000	12390.00	1238	Feb.2000
6.	446/31.3.2002	9130.00	913	March, 2000
Total Rs.		70360.00		

In some vouchers payment has been made in the name of Shri D.K. Sharma and not to the firm. The contract in a nut shell is a virtual failure. Loss to KVS Approx. Rs. 75,000/-.

Thus Shri A.K. Bhatt has misused his official position being Principal & Drawing & Disbursing Officer and thus violated rule 3 (1) (i) (ii) & (iii) of CCS [Conduct] rules 1964 as extended to the employees of KVS.


A.K. Bhatt
Adm. Officer

Article - III

That the said Shri A.K. Bhatt, while functioning as Principal Kendriya Vidyalaya, No.1, AFS Jodhpur had privatized the services relating to cleaning of Vidyalaya setting aside the guidelines circulated vide KVS Letter No. F.12-13/99-KVS/Admin.I dated 10.12.99. vide which this service can be privatized of two posts of Group 'D' are vacant. Out of the nine sanctioned posts eight Group 'D' employees are on roll. As such this service can't be privatized.

Inspite of present of sufficient number of regular Safai Karamcharis in the Vidyalaya, this service was privatized on a consolidated payment of Rs. 5400/- per month. Even the double deployment could not serve the purpose and the Vidyalaya has engaged Casual Labour's whose payment with effect from April, 2000 to January, 2001 amounts to Rs. 16,000/-, material & cartage Rs. 14,000/-, Loss to KVS approx. Rs. 50,000/-.

Thus Shri A.K. Bhatt has misused his official position as Principal & Drawing & Disbursing Officer and has violated rule 3 (1) (i) (ii) & (iii) of CCS [Conduct] rules 1964 as extended to the employees of KVS.

Article - IV

That the said Shri A.K. Bhatt, while functioning as Principal, KV No.1, Jodhpur had sent wrong information for sanction of staff strength statement of students enrolment as on 31.8.98, 31.8.99 & 31.8.2000 to KVS (HQ) as verified from attendance register of all classes as on 31st August, 98, 99, 2000 which do not tally. Probably it has been stated on higher side with an eye to retain the Superintendent e.g. on 31.8.99. There were 1949 students on roll whereas the statement says there were 2005 students on 31.8.99. That was the time when Superintendent post was sanctioned above the strength of 2000. This caused an extra burden of a Superintendent to KVS. It was not a clerical mistake but a deliberate attempt as all the three years of his tenure the statements received in this office are on higher side. Loss to KVS - above Rs. One Lakh.

Thus Shri A.K. Bhatt has misused his official position as Principal & Drawing & Disbursing Officer and has violated rule 3 (1) (i) (ii) & (iii) of CCS [Conduct] rules 1964 as extended to the employees of KVS.

After
J.J. *Answered*

Article -V

That the said Shri A.K. Bhatt, while functioning as Principal, Kendriya Vidyalaya, No.1, Jodhpur had purchased two pump sets from M/S Soni Traders out of the M&D Fund vide Vr. No.39 dated 24.7.99 of Rs. 7,900/- The pump sets are being used continuously in the quarters (Principal's residence & Teacher's residence) as stated by the Stock holder. These materials were purchased for the purpose of quarters which is not admissible as per instruction of KVS. There are so many motor pumps already exists in the Vidyalaya.

Further as per Sangathan policy no money should be spent on repair maintenance work of staff quarters out of M&D Fund. But he had spent Rs. 7,900/- for installing a Pump Set at Principal's residence out of M&D Fund vide Vr. No.39.

Thus Shri A.K. Bhatt has misused his powers being Principal & Drawing & Disbursing Officer and has violated rule 3 (1) (i) (ii) & (iii) of CCS [Conduct] rules 1964 as extended to the employees of KVS.

Article -VI

That the said Shri A.K. Bhatt, while functioning as Principal, KV No.1, Jodhpur was appointed as Team manager for National Sports Meet (Girls) 1999 by Regional Office. Shri Bhatt had drawn Rs. 1,30,000/- as an advance vide Vr. No.267 dated 21.10.99. The date of National Meet was from 1.11.99 to 5.11.99. Out of this amount he disbursed Rs. 28,000/- to different escorting teachers. The unspent heavy amount of balance cash was kept by him and deposited in the Vidyalaya account on different spells i.e. in four installments as under:-

Date	Amount
11.11.99	75,000/-
2.12.99	20,000/-
7.1.2000	5,000/-
19.1.2000	698/-
Total	1,00,698/-

This is also a violation of Article 204 of Accounts Code. Further he spent Rs. 430/- on account of self treatment towards doctor's consulting fees, photo copies, and telephone etc. on tour at New Delhi & charged out of Pupils Fund vide Vr. No.332 dated 16.12.99. This is also a clear violation of Article 202 (ii) of Accounts Code.

Thus Shri A.K. Bhatt has misused his powers being Principal & Drawing & Disbursing Officer and has violated rule 3 (1) (i) (ii) & (iii) & 3 (2) (i) of CCS [Conduct] rules 1964 as extended to the employees of KVS.

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J.S.
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Article -VII

That the said Shri A.K. Bhatt, while functioning as Principal, Kendriya Vidyalaya, No.1, Jodhpur spent Rs. 13,294/- towards Internet connection, the details of which are as under:-

Fund	Vr. No. & date	Amount	Remarks
S.F.	301/27.11.99	3,000/-	Deposited for New telephone
S.F.	67/ 22.5.2000	277/-	Telephone Bill for P.No.627123
S.F.	134/19.7.2000	289/-	-do-
VVN	450/27.11.2000	289/-	-do-
VVN	282/19.9.2000	289/-	-do-
S.F.	452/25.3.2000	3.650/-	For purchasing the modem
S.F.	403/10.2.2000	5,500/-	To VSNL for Internet connection

The Internet connection was installed at Principal Office instead of Computer Lab. of the Vidyalaya. No benefit was extended to the students.

Thus Shri A.K. Bhatt has misused his official positions being Principal & Drawing & Disbursing Officer as per norms stipulated in the Accounts Code for Kendriya Vidyalayas and rule 3 (1) (i) (ii) & (iii) & 3 (2) (i) of CCS [Conduct] rules 1964 as extended to the employees of KVS.

Article -VIII

That the said Shri A.K. Bhatt, while functioning as Principal, Kendriya Vidyalaya, No.1, Jodhpur purchased 150 copies each of the books G. studies part-I (cost 17.80 per copy) Part-II (cost 24.80 per copy). Purchase of such large number of only two books from Arya Book Depot, Delhi is highly irregular as purchase rules have not been followed. The 150 copies of these two books cost Rs. 5,471/- which require.

- Executive Committees approval.
- Library Committee recommendation.
- Proper thought in making the purchase of Rs. 5,471/- This amount could be utilized in purchase of some other books by making proper planning. None of these have been followed. Loss to KVS Rs. 5,400/-.

Thus Shri A.K. Bhatt has violated the rules 3 (1) (i) (ii) & (iii) & 3 (2) (i) of CCS Conduct rules 1964 as extended to the employees of KVS.

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LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE
ARE PROPOSED TO BE SUSTAINED AGAINST SHRI K. K. BHATT,
PRINCIPAL, KENDRIYA VIDYALAYA, BOKAJAN (FORMERLY AT
KENDRIYA VIDYALAYA, NO.1, JODHPUR)

1.	Copy of notice No.26.2.2001	Annexure of 2 nd Report sent on 30.5.2002.
2.	Result register Class-IX	-do-
3.	Computer contract and payment of fees thereof	Dispatch Register Vr. No.265, 322, 377, 388, 428 & 446 & computer agreements year 1999-2000. 2000-2001
4.	Privatization of services of sweeper	Vr. No.627, 467, 578, 211, 408 & 444 and agreement, Guidelines circulated vide KVS Letter No. F.12-13/99-KVS/Admin.I dated 10.12.99
5.	Sending inflated & Report of students enrolment	Pages (3)
6.	Pump set out of M&D Fund to the Principal's residence and staff quarters.	Vr. No.39 & certificate of pumps.
7.	Advance of Rs 1,30,000/- for National Sports Meet (Girls) 1999 and manners of refund thereof.	P.F. C-S-12 Book No. 2
8.	Internet Connection	Vr. No. 301(101), 67(140), 134(153), 282, 450, 452(126) & 403(117) Total seven vouchers
9.	Library book	Vr.No.310

Attested
S. J. [Signature]
Advocate

ANNEXURE-IV

STATEMENT OF WITNESSES BY WHICH THE ARTICLES OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SHRI A.K. BHATT, PRINCIPAL, KENDRIYA VIDYALAYA, BOKAJAN.

- (1) Smt. S. Malik, PGT(Eng.), [Kendriya Vidyalaya, No.1, Jodhpur & Member of Moderation Committee for the session 2000-2001 and 2001-2002, Kendriya Vidyalaya, No.1, AFS, Jodhpur.]
- (2) Smt. Veena Chauhan, TGT(Hindi), [Kendriya Vidyalaya, No.1, Jodhpur and Class teacher Class IX for the session 2000-2001]
- (3) Shri R. Prasad, Retd. PGT[(I/C examination), Kendriya Vidyalaya, No.1, AFS, Jodhpur.]
- (4) Shri K.S. Bhati, Ex-PGT and I/C Examination, Kendriya Vidyalaya, No.1, AFS, Jodhpur (Now in Kendriya Vidyalaya, Dhrangdhara).

J. S. Malik
J. S. Malik