

0/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

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O.A/T.A No. 64/2004

R.A/C.P No.

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SECTION OFFICER (Judl.)

*Stah's*  
*10.11.17*

FORM NO. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Org.App/ Misc. Petn/Cont. Petn/ Rev. Appl.

164/04

In O.A.

Name of the Applicant(s) K. Z. BOYO

Name of the Respondent(s) The Chairman, K.V.S & ORS.

Advocate for the Applicant Mr. Sukumar Sarma, A. Ahmed  
S.B. Das.

Counsel for the Railway/ C.G.S.C. K.V.S. Counsel.

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
<p>28.7.2004</p> <p>Heard Mr. A. Ahmed, learned counsel for the applicant.</p> <p>The application is admitted, call for the records. Issue notice to the respondents. Returnable within four weeks.</p> <p>List on 23.8.2004 for orders.</p> <p><i>[Signature]</i> Member (A)</p>	<p>28.7.2004</p>	<p>mb</p> <p>23.8.04.</p> <p>Present: Hon'ble Mr.D.C.Verma, Vice-Chairman. Hon'ble Mr.K.V.Prahladan, Administrative Member.</p> <p>Heard learned counsel for the parties.</p> <p>Mr.M.K.Mazumdar the learned counsel for the Respondents prays for time to file reply. Prayer is allowed. List on 30.9.04 for orders.</p> <p><i>[Signature]</i> Member</p>
<p>Notice &amp; order dt. 28/7/04, sent to D/ section for issuing to resp. Nos. 1 to 3, by regd. A/D post.</p> <p><i>[Signature]</i> 5/8/04</p>		<p><i>[Signature]</i> Vice-Chairman</p>

30.9.2004 present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

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

20.9.04

No. of 100 has been submitted by the respondents.

2) S/A is awaited. Ans.

13.10.04

Copy of the order has been sent to the office for the time to the Advocate for the parties.

Heard Mr.A.Ahmed, learned Advocate for the applicant as well as Mr.M.K.Mazumdar, learned Advocate for the KVS.

Learned Advocate for the applicant has stated that the applicant has already preferred appeal. In view of the recourse taken by the applicant to the mode of appeal, it is not necessary to entertain this application. Learned Advocate, therefore, seeks to withdraw this application.

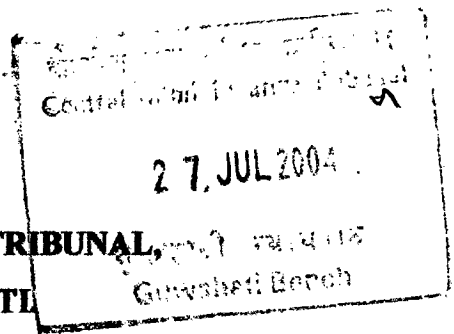
Accordingly, application is allowed to be withdrawn and is disposed of as such.

K.V. Prahladan  
Member (A)

[Signature]  
Vice-Chairman

bb

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



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

**ORIGINAL APPLICATION NO. 164 OF 2004.**

**BETWEEN**

**Shri Khagen Chandra Boro**

**... Applicant**

**-Versus-**

**The Chairman, Kendriya Vidyalaya Sangathan & Others**

**... Respondents**

**LIST OF DATES AND SYNOPSIS**

Annexure-A is the photocopy of Order for Regularization of the Applicant dated 27-08-1980.

Annexure-B is the photocopy of Employment Exchange Registration Card issued by the Government of Assam, Department of Labour dated 07-04-1978.

Annexure-C is the photocopy of forwarding letter dated 3<sup>rd</sup> September 1982 issued by the Principal, Palashbari R.B.H.S. & M.P.School, Mirza to Board of Secondary Education, Assam for correction of the Age of the Applicant.

Annexure-D is the photocopy of Matriculation Certificate issued by the Board of Secondary Education, Assam mentioning the Age of the Applicant as 21 yrs 2 months as on 1<sup>st</sup> March 1982.

Annexure-E is the photocopy of Certificate issued by the Officer In Charge Palashbari Police Station in reference to Palashbari P.S. Case No. 727 dated 27-05-1999.

Annexure-E1 is the photocopy of Standard Form of Application for issuing Duplicate Certificate before the Board of Secondary Education, Assam, Guwahati-21 forwarded by the Principal, Palashibari R.B.H.S.& M.P.School, Mirza. Annexure-C & D are the photocopies of such financial up gradation orders under ACP Scheme issued by the instant Respondents in case of Junior Engineers (Civil).

Annexure-F is the photocopy of Complain letter dated 05-04-1999 filed by Shri Pradip Chandra Das.

Annexure-G is the photocopy of Questionnaire on Applicant by Shri G.C.Choudhury, Principal, Kendriya Vidyalaya, CRPF, Amerigog.

Annexure-H is the photocopy of Letter No.SEBA/TECH/VERI/1/95 Dated 21<sup>st</sup> August 1999 issued by the Assistant Controller of Examination, SEBA, Assam.

Annexure-I is the photocopy of the Office Memorandum No.F.4-4-2001-KVS (Vig) Dated 25/28.05.2001.

Annexure-J is the photocopy of Reply of Memorandum of Charges by the Applicant.

Annexure-K is the photocopy of Examination/Cross Examination of Shri Pradip Chandra Das as witness on 08-04-2003.

Annexure-L is the photocopy of Examination/Cross Examination of Shri G.C.Choudhury as witness on 15-12-2003.

Annexure-M is the photocopy of Reply submitted by the Applicant against the Enquiry Report.

Annexure-N is the photocopy of Order No.F.4-4/2001-KVS (Vig) dated 16-07-2004.

This Original Application is directed against the impugned Office Order No. F4-4/2001-KVS (Vig) dated 16-07-2004 issued by the Respondent No.2 and also for a further direction to allow the Applicant to continue in his service as Assistant Superintendent, Kendriya Vidyalaya Sangathan, Guwahati Region.

**RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

That the Hon'ble Tribunal may be pleased to direct the Respondents to set aside and quash the impugned termination order issued by the Respondent No.2 vide Office Order No.F.4-4/2001-KVS (Vig) Dated 16-07-2004 (At Annexure-N).

To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

To pay the cost of the application.

**INTERIM ORDER PRAYED FOR:**

The Applicant prays before this Hon'ble Tribunal seeking an interim order by this Hon'ble Tribunal for stay of Order F.4-4/2001-KVS (Vig) Dated 16-07-2004 (At Annexure-N).

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

This application is directed against the impugned Office Order No. F4-4/2001-KVS (Vig) dated 16-07-2004 issued by the Respondent No.2 and also for a further direction to allow the Applicant to continue in his service as Assistant Superintendent, Kendriya Vidyalaya Sangathan, Guwahati Region.

**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**

The Applicant further declares that the subject matter of the instant application is within the limitation 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 a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India. He belongs to very poor economically backward Schedule Tribe Community of Assam.

4.2) That your Applicant begs to state that he was selected and appointed as Group-D staff of Kendriya Vidyalaya Sangathan, Regional Office, Guwahati on 07-08-1979. His service was regularised with effect from 07-11-1979 vide Office Order dated 27-08-1980 issued by the Respondent No.3. It may be stated that at the time of appointment he was not a Matriculate and his date of birth was shown at his Service Book as 01-12-1961 without his knowledge. It is worth to mention here that the Employment Exchange Registration Card dated 07-04-1978, (prior to his

appointment under Respondents) which was issued to the Applicant by the Government of Assam, Department of Labour, the Date of the Birth of the Applicant was recorded as 01-01-1961. He was promoted to the post of Draftary and subsequently he was promoted to the post of Lower Division Clerk at Kendriya Vidyalaya Sangathan, Regional Office, Guwahati. Lastly he is working as Assistant Superintendent, Kendriya Vidyalaya Sangathan, Guwahati Region, Guwahati.

Annexure-A is the photocopy of Order for Regularization of the Applicant dated 27-08-1980.

Annexure-B is the photocopy of Employment Exchange Registration Card issued by the Government of Assam, Department of Labour dated 07-04-1978.

4.3) That your Applicant begs to state that at the time of his initial appointment of Group-D staff under the Respondents his date of birth was wrongly recorded in his Service Book as 01-12-1961 without his knowledge and the actual date of birth should be 01-01-1961. The said wrong date of birth i.e. 01-12-1961 was recorded in his Service Book by the Respondents due to oversight of the Principal, Palasbari Higher Secondary & Multipurpose School while issuing the Educational Qualification Certificate of the Applicant at the relevant time. Your Applicant appeared in the Matriculation Examination in the year 1980 and passed the same on Compartmental Chance in the year 1982. The Secondary Board Of Education, Assam had issued the Matriculation (H.S.L.C.) Certificate of the Applicant and the age of the Applicant was shown as 18 years 3 months on 1<sup>st</sup> March 1980 and 20 years 3 months on 1<sup>st</sup> March 1982 respectively, which was not correct. Then he immediately on 3<sup>rd</sup> September 1982 applied before the Secondary Board of Education, Assam through the Principal, Palasari R.B.H.S. & M.P. School for correction of his age and the Principal, Palashbari R.B.H.S. & M.P. School, Mirza vide his letter dated 3<sup>rd</sup> September 1982 requested the Secretary, Board of Secondary Education Assam, Bamunimaidan, Guwahati-21 to correct the age of the Applicant. The Concerned authority i.e. Secondary Board of Education, Assam corrected his age as 21 years 2 months as on 1<sup>st</sup> March 1982. It may be stated that the

corrected original Matriculation Certificate of the Applicant was misplaced and lost. An Advertisement was published by the Applicant in local daily paper "Asomia Pratidin" about the lose of his Original Certificate and he also filed an F.I.R. before the Palashbari Police Station about the lost of his Original Certificates. The Case was registered as Palashbari P.S.Case No.727 dated 27-05-1999. The Applicant also filed a Standard form of Application before the Secondary Education, Assam, Guwahati-21 for issuing Duplicate Certificates of H.S.L.C. Examination through Principal, Palashbari R.B.H.S.& M.P.School, Mirza. The Principal of the said School forwarded the application to the Secondary Education, Assam, Guwahati-21. The Board of Secondary Education, Assam, Guwahati-21 issued the Duplicate Certificates of H.S.L.C. to the Applicant.

Annexure-C is the photocopy of forwarding letter dated 3<sup>rd</sup> September 1982 issued by the Principal, Palashbari R.B.H.S.& M.P.School, Mirza to Board of Secondary Education, Assam for correction of the Age of the Applicant.

Annexure-D is the photocopy of Matriculation Certificate issued by the Board of Secondary Education, Assam mentioning the Age of the Applicant as 21 yrs 2 months as on 1<sup>st</sup> March 1982.

Annexure-E is the photocopy of Certificate issued by the Officer In Charge Palashbari Police Station in reference to Palashbari P.S.Case No.727 dated 27-05-1999.

Annexure-E1 is the photocopy of Standard Form of Application for issuing Duplicate Certificate before the Board of Secondary Education, Assam, Guwahati-21 forwarded by the Principal, Palashbari R.B.H.S.& M.P.School, Mirza.

4.4) That your Applicant begs to state that, one Shri Pradip Chandra Das, Upper Division Clerk of Kendriya Vidyalaya Sangathan vide his letter dated 05.04.1999 out of personal grudge against the Applicant, complained before the concerned authority by bringing some wild allegations against him that he had submitted fabricated and furnished

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false certificate before the authority concerned regarding his age and educational qualification. On receipt of the said complain by the higher authority the matter was referred to Respondent No.3 for investigation. The Respondent No.3 deputed Shri G.C.Choudhury, Principal, Kendriya Vidyalaya, CRPF, Amerigog to inquire into the matter. During inquiry a questionnaire was given to Applicant to fill up the required columns and submit along with the attested photocopies of relevant Certificates, Mark sheets and Admit cards. Accordingly on 08-07-1999 your Applicant fill up the questionnaire put by Shri G.C.Choudhury, Principal, Kendriya Vidyalaya, CRPF, Amerigog. In the mean time the Assistant Controller of Examination, Board of Secondary Education, Assam vide his letter No.SEBA/TECH/VERI/1/95 Dated 21<sup>st</sup> August 1999 informed Shri G.C.Choudhury, Principal, Kendriya Vidyalaya, CRPF, Amerigog that the " The photocopy of the Original Certificate of Khagen Chandra Boro Roll D-23 No.528 of 1982 and the Admit Card bearing Roll D-23 No.528 of 1980 are found to be genuine. His age as per our record is 18 yrs 3 months on 1<sup>st</sup> March 1980 or 20 yrs 3 months on 1<sup>st</sup> March 1982. Further with reference to your letter FNO.109/KVA/CRPF/99-2000/467 dt. 21-08-99 I am to state that the photocopy of the Original Certificate furnishing his age as 21 yrs 2 months on 1<sup>st</sup> March 1982 and Admit Cards showing his age as 19 yrs 2 months on 1<sup>st</sup> March 1980 are found to be forged". It is to be noted that after knowing the full facts of the Case the Board of Secondary Education, Assam did not file any F.I.R. or complain before any Police Station against your Applicant. No Criminal Case is also pending or was initiated against the Applicant in any Court of Law about the alleged forgery. After that the Respondent No.2 vide his Memorandum No.F4-4-2001-KVS (Vig) dated 25/28.05.2001 proposed to hold an inquiry against your Applicant under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965. In the said Memorandum of Charge Sheet one Article of Charges were brought against the Applicant. It is alleged in the Article No.1 that the Applicant had produced forged documents relating to his Age and Educational Qualification to the Lawful Authority of the Sangathan investing a complain against him. In the aforesaid act of Shri K.C.Boro constitutes a misconduct under Rule 3(1)[i][ii] and [iii] of Central Civil Services [Conduct] Rules, 1964 as applicable to the employees of the Sangathan. In the said Memorandum your Applicant is directed to

submit reply within 10 (Ten) days of the received of the Memorandum. Your Applicant vide his letter dated 06-06-2001 requested the Respondent No.2 to provide him copies of the document listed at Serial No.1 to 4 mentioned in Annexure-III of the Charge sheet to enable him to submit written statement of defence. Your Applicant denied all the charges framed against him vide Memo dated 25/28.05.2001.

Annexure-F is the photocopy of Complain letter dated 05-04-1999 filed by Shri Pradip Chandra Das.

Annexure-G is the photocopy of Questionnaire on Applicant by Shri G.C.Choudhury, Principal, Kendriya Vidyalaya, CRPF, Amerigog.

Annexure-H is the photocopy of Letter No.SEBA/TECH/VERI/1/95 Dated 21<sup>st</sup> August 1999 issued by the Assistant Controller of Examination, SEBA, Assam.

Annexure-I is the photocopy of the Office Memorandum No.F.4-4-2001-KVS (Vig) Dated 25/28.05.2001.

Annexure-J is the photocopy of Reply of Memorandum of Charges by the Applicant.

4.5) That your Applicant begs to state that the Respondent No.2 vide his Order No.F4-4/2001-KVS (Vig) Dated 09-10-2001 in exercise of the powers conferred by Sub-Rule-(2) read with Sub-Rule- (22) of Rule 14 of CCS (CCA) Rules 1965 appointed Shri Nisit Kumar Pal, Retired Regional Development Commissioner for Iron and Steel, Kolkata as enquiry authority to enquire into the charges framed against your Applicant. The Respondent No.2 appointed Shri S.Dutta, Administrative Officer, Kendriya Vidyalaya Sangathan, Regional Office, Kolkata as appointing authority. After taking cognizance of the case on the basis of case papers and relevant documents as forwarded by the Disciplinary Authority/Presenting Officer from time to time the inquiry Authority held Preliminary Hearing on 16-12-2002, and Regular Hearing(s) on 25.2.2003, 26.2.2003, 13.10.2003, 15.12.2003, 16.12.2003, 5.1.2004 &

Final Hearing on 27.1.2004 at Kendriya Vidyalaya Sangathan.E.B.Block, Sector-I, Salt Lake, Kolkata-700084. It is worth to mention here that at the initial stage of Inquiry your Applicant objected the venue of Hearing at Kolkata and he prayed before the Authority concerned to shift the venue from Kolkata to Guwahati due to his Medical and Personal problem but the same was rejected by the Authority concerned.

4.6) That your Applicant begs to state that during the Cross Examination of witness Shri Pradip Chandra Das (who had made the initial complain against the Applicant) has admitted that he has earlier approached the Hon'ble CAT, Guwahati Bench challenging the Age and Qualification of the Applicant i.e. Khagen Chandra Boro and which has been dismissed by the Hon'ble CAT. Shri G.C.Choudhury, Retired Principal, KV, CRPF Amerigog, Guwahati has also admitted in the Cross Examination that the Birth recorded in the Birth Certificate of Shri Khagen Chandra Boro at his initial appointment is 01-01-1961.

Annexure-K is the photocopy of Examination/Cross Examination of Shri Pradip Chandra Das as witness on 08-04-2003.

Annexure-L is the photocopy of Examination/Cross Examination of Shri G.C.Choudhury as witness on 15-12-2003.

4.7) That your Applicant begs to state that the Enquiry Officer after completion of his Enquiry submitted his Report on 20-02-2004 before the Respondents. The Respondent No.2 vide his Letter/Notification No.F4-4/2004 KVS (Vig) Dated 25-03-2004 and vide Letter/Notification No.F4-4/2004 KVS (Vig) Dated 11-05-2004 asked your Applicant to submit Reply against the Enquiry Report submitted by the Enquiry Officer. Your Applicant submitted his Reply against the aforesaid Enquiry Report.

Annexure-M is the photocopy of Reply submitted by the Applicant against the Enquiry Report.

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4.8) That your Applicant begs to state that the Respondent No.2 vide his letter No.F4-4/2001-KVS (Vig) Dated 16-07-2004 imposed the Major Penalty against the Applicant and dismissing from his Service with immediate effect and as such finding no other alternative your Applicant has approached this Hon'ble Tribunal seeking Justice in this matter.

Annexure-N is the photocopy of Order No.F.4-4/2001-KVS (Vig) dated 16-07-2004.

4.9) That your Applicant begs to state that the Respondents have willfully conducted the whole inquiry at Kolkata although the Cause of Action arose at Guwahati. The Enquiry Officer also did not Cross Examined or Verified the Official of Board of Secondary Education, Assam, Guwahati who had issued the letter Dated 21<sup>st</sup> August 1999. Due to venue of Enquiry was held at Kolkata, the Enquiry Authority could not take the witness or Cross Examine the Pricipal, Palashbari R.B.H.S.& M.P.School, Mirza who is the vital witness of the prosecution to prove the Case. Moreover the Charge Officer has compelled to withdraw one of his Defence Assistant for the reason that the Defence Assistant refuses to go to Kolkata. The Enquiry Official also lost sight the vital materials on records i.e. Employment Exchange Registration Card, which was issued to the Applicant prior to his appointment under the Respondents. Moreover the main witness of the said Case Shri Pradip Chandra Das has admitted before the Enquiry Officer in Cross Examination that he has challenged the Age and Educational Qualification of the instant Applicant before the Hon'ble CAT and the Hon'ble CAT dismissed the said Case. Another witness Shri G.C.Choudhury has admitted before the Enquiry Officer in Cross Examination that the date of birth of the Applicant is recorded in Birth Certificate is 01-~~0~~<sup>01</sup>-1961.

4.10) That your Applicant begs to state that he has served for about 25 (Twenty five) years without any blemish in his service. He has never been issued any Office Memorandum against his conduct. The so-called Allegations brought against the Applicant by Shri Pradip Chandra Das, UDC, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati who has frustrated due to non promotion. Moreover the Applicant was

promoted from Group-D post to Assistant Superintendent rank due to his sincerity and devotion to his work and also for the Reservation of Quota of Schedule Tribes enumerated in our Indian Constitution.

4.11) That your Applicant begs to state that action of the respondents are illegal, arbitrary, malafide and also not sustainable before the eye of law as well as in facts. As such the impugned order of dismissal dated 16-07-2004 is liable to be set aside and quashed.

4.12) That your Applicant submits that he has got reason to believe that the Respondents are resorting the colorable exercise of power.

4.13) That your Applicant submits that the action of the Respondents is in violation of the fundamental rights guaranteed under the constitution of India and also in violation of principles of natural justice.

4.14) That your Applicant submits that the action of the Respondents by which the Applicant has been deprived of his legitimate Rights, is arbitrary. It is further stated that the Respondents have acted with a mala-fide intention only to deprive the Applicant from his legitimate right.

4.15) That your Applicant submits that he has no alternative means for his livelihood. Now he is facing acute financial hardship with his entire family members.

4.16) That your Applicant submit that the Respondents have deliberately done serious injustice and put him into great mental trouble and financial hardship to his entire poor family including his children by terminating the service of the Applicant and as such the impugned order is liable to be set aside and quashed.

4.17) That your Applicant submits that the action of the Respondents is highly illegal, improper, whimsical and arbitrary.

4.18) That in the facts and circumstances stated above, it is fit Case for the Hon'ble Tribunal to interfere with to protect the rights and interests

of the Applicant by passing an Appropriate Interim Order staying the operation of the impugned order dated 16-07-2004.

4.19) That this application is filed bonafide and for the interest of justice.

**5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:**

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, mala fide, arbitrary and without jurisdiction. Hence the impugned termination order dated 16-07-2004 of the applicant may be set aside and quashed. Moreover, the Joint Commissioner (Adm) is not Competent authority to issue termination letters. Adm

5.2) For that, the Respondents have not able to prove the so called allegation of forged documents submitted by the Applicant. Hence the impugned termination order dated 16-07-2004 of the applicant may be set aside and quashed.

5.3) For that, due to unknown reasons the Respondents did not initiated the Enquiry proceeding at Guwahati although the so called Allegations arise against the Applicant at Guwahati. Hence the impugned termination order dated 16-07-2004 of the applicant may be set aside and quashed.

5.4) For that the Respondents over looked the vital documents on records the Employment Exchange Card of the Applicant. Hence the impugned termination order dated 16-07-2004 of the applicant may be set aside and quashed.

5.5) For that the Enquiry Officer did not examine the vital witness of the Case i.e. Assistant Controller of Examination, Board of Secondary Education, Assam, Guwahati and the Principal of Palashbari R.B.H.S.& M.P.School, Mirza to verify the alleged forgery committed by the Applicant. Hence the impugned termination order dated 16-07-2004 of the applicant may be set aside and quashed.

5.6) For that the Board of Secondary Education, Assam, Guwahati has not filed any F.I.R. or complain against the Applicant before any Police Station or Court against the alleged forgery committed by the Applicant. Hence the impugned termination order dated 16-07-2004 of the applicant may be set aside and quashed.

5.7) For that the said matter was earlier challenged by the main prosecuting witness Shri Pradip Chandra Das before the Hon'ble Tribunal against the Applicant. The same was dismissed which is confirmed from his own deposition before the Enquiry Officer and as such the impugned termination order dated 16-07-2004 of the applicant may be set aside and quashed.

5.8) For that the Respondents have violated the Article 14,16 & 20 of the Constitution of India. Hence the impugned termination order dated 16-07-2004 is liable to set aside and quashed.

5.9) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.

5.10) For that, in any view of the matter the action of the respondents are not sustainable in the eye of law as well as fact.

The applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

**6) DETAILS OF REMEDIES EXHAUSTED:**

That there is no other alternative and efficacious and remedy available to the applicant except the 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:**

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to set aside and quash the impugned termination order issued by the Respondent No.2 vide Office Order No.F.4-4/2001-KVS (Vig) Dated 16-07-2004 (At Annexure-N).

8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3) To pay the cost of the application.

**9) INTERIM ORDER PRAYED FOR:**

9.1) The Applicant prays before this Hon'ble Tribunal seeking an interim order by this Hon'ble Tribunal for stay of Order F.4-4/2001-KVS (Vig) Dated 16-07-2004 (At Annexure-N).

**10) Application is filed through Advocate.**

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**11) Particulars of I.P.O.:**

I.P.O. No. 2002 112178  
Date of Issue 17/7/04 Rs=50/-  
Issued from Grantubi -  
Payable at , Registrar, CAT, AMT.

**12) LIST OF ENCLOSURES:**

As stated above.

**Verification .....**

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ANNEXURE - A

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INDIAN VEHICULAR REGISTRATION  
GUJARATI REGION

No. F. 1-8/KR-KVS (GR)/4694/79

Pub. Barnina, Gandhinagar - 3  
Date: 27-8-80

**OFFICE ORDER**

The ad-hoc appointment of Sri Khagan Chandra Boro to the post of class IV in this Regional Office made vide this office order No. 1-Estt/79-KVS (GR)/41839-42 dated 1-8-79 has been regularised with effect from 7-11-79.

V. V. Srikanthiah,  
Asstt. Commissioner

Sri Khagan Ch. Boro,  
Class IV,  
Regional Office  
Gandhinagar.

Copy to the Administrative Officer, Mandriya Vidyalaya Sangathan, New Delhi - 2.

[Signature]  
Asstt. Commissioner

[Handwritten signature]  
[Handwritten signature]

Assam Scheduled Tribes Form No. 11 (Revised)  
 (Mention the letter and PT address at 6.11.74)

**GOVERNMENT OF ASSAM**  
**DEPARTMENT OF LABOUR**  
**EMPLOYMENT EXCHANGE**  
**SCHEDULED TRIBE**  
**CATEGORY: AOSTIA-SPI/PT**  
**IDENTITY CARD**

(Not an Introduction card for interview with employers)

- Name: *S. K. Chagen et al*
- Date of Birth: *1-1-61 (U)*
- Date of Registration: *7-4-78*
- Registration No.: *11931/98*
- Qualifications: *Read in school*
- N.C.O. Code No.: *21210*
- Occupation:
- Prominent Identification Mark:

*Khasi*  
 (Signature of applicant)      (Signature of Officer)

Date of Issue <i>1/82</i>	Date of Renewal <i>1/82</i>	Date of Expiry <i>1/82</i>
------------------------------	--------------------------------	-------------------------------

GAUBAN

GOVERNMENT OF ASSAM  
 01-78-72 400,000 27-12-74

*Admitted*  
*Admitted*

TRUE COPY

ANNEXURE - C

OFFICE OF THE PRINCIPAL  
PALASBARI R. B. H. S. & M. P. SCHOOL, MIRZA.  
P.O. MIRZA (KAMRUP)  
PIN - 781125.

To

The Secretary,  
Board of Secondary Education Assam,  
Bamunimaidam, Guwahati-21.

Dated Mirza, the 3rd Sept./82.

Sub : Correction of Age.

Sir,

With reference to the subject cited above I have the honour to state that in the statement of candidates for the H. S. L. C. Examination, 1982, the age of Sri Khagen Ch. Boro, S/O Halang Boro, Roll D-23, No. 528 was recorded though oversight as 20 years 3 months on 1st of March, 1982 and as such his age was erroneously entered in the Admit Card, But now, it is found that the age of the concerned candidate as per School Admission Register should be 21 years 2 months on 1st March, 1982. So the age of Sri Khagen Ch. Boro needs correction as 21 years 2 months instead of 20 years 3 months on 1st of March 1982.

This is for your information and necessary action.

Yours faithfully,

Sd/- B. Das.

Principal,

Palasbari R. B. H. S. & M. P. School.

Mirza.

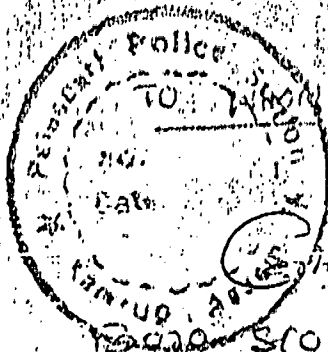
Dated : Mirza.

3rd Sept./82

Stamp: Board of Secondary Education Assam, Guwahati-21

Handwritten signatures and initials





IT MAY CONCERN

Notified that on 24/05/82  
S/O Sri Holong ch. Boro vill-  
Santalas P.S. Palashbani Dist Kamrup  
informed at this P.S. that he has lost  
his HSLC (Comm) Pass Admit Card  
Roll No 1092/1982, Roll D-23 No  
528/1981 and 1982. when he was  
proceeding towards nurse photostatic  
centre from his house. The matter  
is now under enquiry.

This refer Palashbani P.S. Case  
No 727 dtd. 27-5-82.

*Ry*  
L. Officer-in-charge  
Palashbani P.S.  
Dist. Kamrup  
27/5/82

*Attest*  
*[Signature]*

**Application Form for Duplicate Marksheet/Admit Card/Provisional Certificate/  
Migration Certificate.**  
(ONE APPLICATION FORM CAN BE USED FOR ONE DOCUMENT ONLY)

The Secretary,  
Board of Secondary Education, Assam,  
GUWAHATI-21.

Through the Headmaster/Headmistress/Principal/ Superintendent  
Palashbari R.B.H.S. & M.P. School Mirza

Sir,

I have the honour to request you kindly to issue me a Duplicate

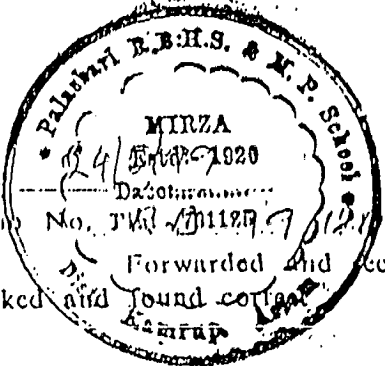
Admit Card. My particulars are given below:

- Name in full (IN BLOCK LETTERS) SRI KHAGEN CH. BORO
- Name of Examination H.S. I.C. Ex.
- Whether the examination is Regular / Private / Supplementary / Compartmental (1st, 2nd, 3rd Chance.)
  - (a) Roll \_\_\_\_\_ No. \_\_\_\_\_ Year \_\_\_\_\_ (Regular)
  - (b) Roll \_\_\_\_\_ No. \_\_\_\_\_ Year \_\_\_\_\_ (Private)
  - (c) Roll D 23 No. 528 Year 1981 (Compt. 1st, II, III)
  - (d) Roll \_\_\_\_\_ No. \_\_\_\_\_ Year \_\_\_\_\_ (Suppli)
- Total Marks obtained \_\_\_\_\_
- Result : Passed in \_\_\_\_\_ Division / Failed \_\_\_\_\_
- School from which the candidate appeared in the above, Examination: Palashbari R.B.H.S. & M.P. School
- Father's name in full Sri Halong Ch. Boro
- Home Address \_\_\_\_\_ Address for correspondence \_\_\_\_\_  
 Vill / Town Santola Clou. \_\_\_\_\_  
 P. O. Mirza VIII/Town Santola  
 P. S. Palashbari P. O. Mirza  
 Dist. Kamrup (Assam) Dist. Kamrup
- Whether the said document is to be sent by post/to be delivered to authorised person (The certificate shown over-leaf as per column 14 must be filled up and signed properly) / to be collected personally by the candidate.
- Purpose for which the document is necessary LOSS
- What happened to the original document(s)?
  - (i) Enclosed crossed Indian Postal order No. \_\_\_\_\_
  - (ii) Challan of Assam Co-operative Apex Bank \_\_\_\_\_
  - (iii) Bank Draft No. \_\_\_\_\_ Rs. \_\_\_\_\_

Yours faithfully

Sri Khagen Ch. Boro  
(Full Signature of the candidate)

Dated 21/5/82



Date

Mem. No.

checked and found correct

(Signature of the Head of the Institution with Seal)

[Signature]  
21/5

Principal  
Palashbari R.B.H.S. & M.P. School  
MIRZA

[Handwritten Signature]

21/5/82

- 21 -

(KVS) 27  
ANNEXURE - F

To

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

( Through The Assistant Commissioner, KVS (R.O.) Guwahati.)

Subject:- Promotion from the post of U.D.C. to the post of  
Assistant/ Audit Assistant.

Respected Sir,

I have the honour to submit to your kindness  
that:-

1. I joined as U.D.C. on promotion in KVS, Regional office, Guwahati on 20.4.92.
2. I have completed near about 7 years.
3. My name in the All India Seniority list of UDCs appears at Sl.No.245.
4. One Shri K.C. Boro, Accounts clerk of KVS, Regional office, Guwahati (Seniority No.246) who is not even HSLC pass (as per his service records) has been promoted to the post of Audit Assistant in the same Regional office.
5. The above Accounts clerk who is neither having requisite qualification for the post of L.D.C. NOR nor having accurate date of birth, has been promoted to the post of Audit Assistant.
6. My junior (Sr.No.246) has been promoted while my name (Sr. No. 245) has been missed from the zone of consideration for promotion to the post of Assistant/ Audit Assistant.
7. I am having requisite qualification.

On the above facts, may I request to you, sir, kindly to look into the matter and consider for promotion to the post of Assistant/Audit Assistant and for this sympathetic act I shall remain ever grateful to you.

Yours faithfully,

*(Handwritten Signature)*

( P. C. DAS. )

Kendriya Vidyalaya Sangathan  
Regional Office: Guwahati.

*(Handwritten Signature)*

22

105

H

QUESTIONNAIRE

1. It is observed from your personal file that you were initially appointed adhoc group 'D' and joined your service on 7.8.79 (AM) in the Regional Office, Guwahati, therefore you are asked to clarify (a) what was your academic qualification and what was your age at the time of joining the service. *Date of Birth 1-1-1961, class IX passed* (b) the proof of such qualification and the date of birth should be forwarded for office record within 3 (three) days of receipt of it.

*Certificate enclosed*

2. From the record it was also observed that your adhoc service was regularized w.e.f. 7.11.79, in that case whether you have submitted your joining report for joining the regular service, if so, copy of the joining report should be forwarded. *joining report submitted*

Furthermore, it is the mandatory requirement for submission of *of the office* proof of date of birth at the time of joining the regular service.

If submitted, the copies of these documents should be forwarded within 3 (three) days of receipt of it.

*photo copy of the date of birth (Admit card) attached*

3. You have submitted the attestation form after joining the regular service for police verification etc,

what were your age and qualification mentioned therein ?

*date of birth 1-1-1961, Qualification IX passed*

4. If you have passed the Matriculation (M.S.C) Examination then furnish the followings with documentary proofs:

- (a) year of passing *1982*
- (b) as a regular or private candidate *private*
- (c) Roll No. *D-23 no. 528 ✓*
- (d) Name of the school wherefrom you have passed *patasore R.B. High School*
- (e) Name of the Board/University *Secondary & Multipurpose School, Mizoram*
- (f) Division/ Percentage of marks obtained *Board of Secondary Education*
- (g) Age at the time of Matriculation Examination *Compartmental Examination*
- (h) or if you have passed in compartmental examination, the subject in compartment with Roll No. and percentage if marks should be mentioned. *passed in Compartmental, Mark sheet attached.*

All the documents should be submitted within 3 (three) days of receipt of it.

*[Handwritten signatures]*

ANNEXURE - H

( 23 )

( 1.2 )

( 8 )

BOARD OF SECONDARY EDUCATION : ASSAM : GUWAHATI-21.

NO. SEBA/TECH/VERI/1/95/ 227

Dated Guwahati, the 21st August, 1999.

From : Shri J.C. Das, M.A.,  
Asstt. Controller of Examinations  
Board of Secondary Education, Assam  
Guwahati-21.

To : G.C. Choudhury, (Principal)  
Kendriya Vidyalaya C.R.P.F.(G.C.)  
P.O. Amerigaon, Guwahati-23.  
Kamrup (Assam)

Sub : VERIFICATION OF EDUCATIONAL RECORD.

Sir,

With reference to your letter Ref FNO. 109/KVA/CRPF/99-2000/464 dt. 19-08-99. I am directed to inform you that the photocopy of the Original Certificate of Khagen Ch. Boro Roll D-23 No. 528 of 1982 and the Admit Card bearing Roll D-23 No. 528 of 1980 are found to be genuine. His age as per our record is 18 yrs 3 months on 1st March 1980 or 20 yrs 3 months on 1st March 1982.

Farther with reference to your letter FNO. 109/KVA/CRPF/99-2000/467 dt. 21-08-99 I am to state that the photocopy of the Original Certificate furnishing his age as 21 yrs 2 months on 1st March 1982 and the Admit Cards showing his age as 19 yrs 2 months on 1st March 1980 are found to be forged.

Yours faithfully,

( J.C. Das )

Asstt. Controller of Exams.  
Board of Secondary Education, Assam  
Guwahati-21.

1.3.1980  
18

*[Handwritten signatures]*

1.12.99  
3  
1.3  
80

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CONFIDENTIAL/  
BY SPEED POST

KENDRIYA VIDYALAYA SANGATHAN  
(VIGILANCE SECTION)  
18, INSTITUTIONAL AREA  
SHAHEED JEET SINGH MARG  
NEW DELHI-110016.

No.F.4-4-2001-KVS (Vig.)

Dated: 25-05-2001.

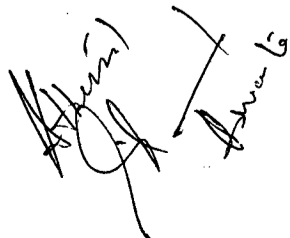
MEMORANDUM

The undersigned proposes to hold an Inquiry against Shri K.C.Boro Audit Assistant, Kendriya Vidyalaya Sangathan, Regional Office Guwahati 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 article of charge are proposed to be sustained are also enclosed (ANNEXURE-III and IV).

2. Shri K.C.Boro Audit Assistant, 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 K.C.Boro Audit Assistant 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.



P.T.O

5. Attention of Shri K.C.Boro Audit Assistant 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 K.C.Boro Audit Assistant 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:

*[Signature]*  
25/5/2001  
(D.S.BIST)  
JOINT COMMISSIONER [ADMN]

Shri K.C.Boro  
Audit Assistant,  
Kendriya Vidyalaya Sangathan  
Regional Office  
Guwahati

Copy to :-

- 1) The Asstt. Commissioner, K.V.S., Regional Office, Guwahati
- 2) The Sr.A.O[Estt] K.V.S.(Hqrs.), NEW DELHI.
- 3) IO/PO
- 4) Guard file.

EDUCATION OFFICER [VIG]

*[Handwritten signatures]*

26

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ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI  
K.C.BORO, AUDIT ASSISTANT, K.V.S., REGIONAL OFFICE, SILCHAR

ARTICLE-I

That Shri K.C.Boro, Audit Assistant, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati produced fabricated/ altered documents related to his age and educational qualification to the Investigating officer inquiring into a complaint against him.

The aforesaid act of Shri K.C.Boro constitutes a misconduct under Rule 3(1)[i][ii] and [iii] of Central Civil Services [Conduct] Rules, 1964 applicable to the employees of the Sangathan.

*[Handwritten signature]*  
*[Handwritten signature]*

- 27 -

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STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE  
ARTICLES OF CHARGE FRAMED AGAINST SHRI K.C.BORO, AUDIT  
ASSISTANT, K.V.S. REGIONAL OFFICE SILCHAR IS TO BE  
SUSTAINED

ARTICLE-I

That Shri K.C.Boro, Audit Assistant, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati produced forged documents related to his age and educational qualification to the lawful authority of the Sangathan, investigating a complaint against him.


On receipt of complaint from Shri P.C.Dass, U.D.C., Kendriya Vidyalaya Sangathan, Regional Office, Guwahati and others against Shri K.C.Boro, Audit Assistant alleging discrepancy in the Date of Birth and educational qualification of Shri K.C.Boro, the matter was referred to Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati for investigation into the matter.

The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati deputed Shri G.C.Choudhary, Principal, Kendriya Vidyalaya, C.R.P.F., Amerigog for looking to inquire into the matter.

As per the Investigation Report Shri K.C.Boro had joined the service as Group "D" on ad-hoc basis w.e.f. 7.8.79[AN] stating his Date of Birth as 1<sup>st</sup> December, 1961 and qualification as IX (Ninth) Passed. His ad-hoc services were regularised w.e.f. 07-11-1979 and his Date of Birth as per the Service Book entry and self entry in the Attestation Form is 01-12-1961. On inquiry from the Board of Secondary Education, Assam, Guwahati, it was confirmed that the actual date of birth of Shri K.C.Boro is 01-12-1961.

During inquiry a questionnaire was given to Shri K.C.Boro to fill up the required columns and submit along with the attested / photo copies of relevant certificates, marks sheets and admit cards. As per the photo copies of certificates (No.1944 & 1826) submitted by him, Shri Boro showed his age as 21 years 02 months and 19 years 02 months as on 01-03-82 & 01-03-80 respectively which was found to be forged as per Board's letter number 227 dated 21-08-99.

The aforesaid act of Shri K.C.Boro constitutes a misconduct under Rule 3(1)[i][ii] and [iii] of Central Civil Services [Conduct] Rules, 1964 as applicable to the employees of the Sangathan.

  
 Assistant  
 Commissioner

< 28 -

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH ARTICLES OF CHARGE FRAMED AGAINST SHRI K.C.BORO, AUDIT ASSISTANT, K.V.S. REGIONAL OFFICE, SILCHAR IS PROPOSED TO BE SUSTAINED.

1. Personal File and Service Book of Shri K.C.Boro, Audit Assistant.
2. Photocopies of the certificates [No.1944 & 1826] produced by Shri Boro to Shri Choudhary.
3. Copy of letter no. SEBA/TEH/VERI/1/95/227 dt. 21.8.99 issued by the Asst. Controller of Exams, Board of Secondary Education, Assam.
4. Questionnaire issued by Shri Choudhary, Inv. Officer and filled in by Shri Boro.

Advt-1  
Dhanta

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ANNEXURE-III

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SHRI K.C.BORO, AUDIT ASSISTANT, K.V.S. REGIONAL OFFICE, SILCHAR IS PROPOSED TO BE SUSTAINED.

1. Shri G.C.Choudhary, Principal, K.V.C.RPF Amerigog.
2. Shri P.C.Das, UDC Regional Office, Guwahati.

Amid  
S. /  
for to

To  
The Joint Commissioner (Admni.)  
Kendriya Vidyalaya Sangathan  
(Vigilance Section)  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi - 110 016.

REC'D, POST.

Sub : Reply of Memorandum of charge dated 28/5/2001.

Sir,

In response to your memorandum No.F.4-4-2001-KVS (Vig) dated 28-5-2001, I beg to submit my reply as follows :-

That as per Article of charge framed against me it is alleged that "Shri K.C. Boro produced fabricated/ altered documents related to his age and educational qualification to the Investigation Officer". But the enquiry report submitted by the Principal, G.C.Choudhury in his observation reported that "his date of birth as per service book entry and self entry in the attestation form is as 01-12-1961. On enquiry from the Board of secondary Education, Assam it was confirmed that the actual date of birth of Shri K.C. Boro is 01-12-1961.

So from the report it is clearly establish that the declaration made by me in the attestation form and the Board of Secondary's report there is no anomaly regarding the date of birth of Shri K.C. Boro.

Secondly I beg to submit that I have not submitted any fabricated documents nor any altered documents regarding my qualification.

I passed the High School Leaving Certificate examination on Compartmental basis and the Certificate which was issued by the Board of Secondary Education, Assam, was furnished in my office for record. For further clarification kindly furnish me a copy of the Letter No.SEBA/TEH/VERI/1/95/227 dated 21-8-99 issued by the Assistant Controller of Examination, Board of Secondary Education, Assam, the documents which is a listed document used against me for framing the Articles of charge.

Contd.....2

*[Handwritten signature]*

31-

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So, there is no question of any document fabricated/~~xxxx~~ altered by me as I have declare my age in the attestation form as 01-12-1961 and the same date was confirmed by the Board of Secondary Education, Assam.

It is therefore prayed before your honour to kindly look into the matter and dropped the charge framed against me.

Dated : 6/6/2001

o/e

Yours faithfully,

W  
6/6/2001

(Shri K.C. Boro)  
Audit Assistant  
Kendriya Vidyalaya Sangathan  
Guwahati-12.

Copy to :-

- 1) The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan  
Regional Office Guwahati,  
- for information.
- 2) The Sr. Administrative Officer  
(Establishment)  
Head Quarters,  
Kendriya Vidyalaya Sangathan,  
New Delhi.  
- for information.



o/e

W

W  
6/6/2001

( Shri K.C. Boro )

Abin  
S  
Advocate

-32-

ANNEXURE - K

38

INQUIRY INTO THE CHARGES FRAMED AGAINST SRI K.C. BORO, AUDIT ASSISTANT (RE-DESIGNATED AS ASSISTANT SUPDT.), KENDRIYA VIDYALAYA SANGATHAN, REGIONAL OFFICE, GUWAHATI VIDE MEMO. NO. F.4-4/2001-KVS(VIG.) DTD. 25/28.05.2001

EXAMINATION/CROSS-EXAMINATION-EXAMINATION OF WITNESS ON 8.04.2003

Name of the Witness : Pradip Chandra Das , UDC, KVS,RO, Guwahati  
(Retired UDC from KVS, RO,Patna on VRS w.e.f 12.08.2002 )  
Age : 45 years.  
Father's Name : Late Jalti Ram Das  
Address : Vill. & P.O. -- Pandusadilapur, Guwahati- 781 012, Assam.

The Presenting Officer (PO) presented Shri Pradip Chandra Das , UDC, KVS,RO, Guwahati (Retired UDC from KVS, RO,Patna on VRS w.e.f 12.08.2002 ) as witness on behalf of the Disciplinary Authority for continuation of his cross examination etc during the hearing on 08.04.2003. The Questions of Sri Haloi, Defence Assistant of the Charged officer and the answers of the witness are as under:-

- Q.07. In what capacity you have joined at KVS RO, Guwahati?  
A.07. As LDC.  
Q.08. What were the work assigned to you by the AC when you joined as LDC?  
A.08. The work as and when assigned to me by the AO/AC.  
Q.09. When did you detect the anomalies in age and Education Qualification of Sri K.C.Boro?  
A.09. When I prepared the particulars of the staff members of RO, KVS, Guwahati for sending to KVS HQ as required.  
Q.10. Whether the particulars of the staff members are sent to Hd. Qrs. every year or not?  
A.10. As and when required by Hd. Qrs/.  
Q.11. Did you report to your Controlling Authority about the anomalies in Age & Qualification of Shri Boro immediately in writing before submission of your representation.  
A.11. I had put up in the note sheets.  
Q.12. Have you got any doubt about the promotion procedures in KVS?  
A.12. No.  
Q.13. What is your opinion about the selection of Sri Boro for the post of LDC/Accounts Officer?  
A.13. Minimum Qualification as in H.S.L.C. Equivalent Passed as per KVS rules.  
Q.14. Did you approach the courts at Guwahati regarding the age & qualifications of Sri Boro?  
A.14. Yes, at in C.A.T.  
Q.15. What the result on your petition in Court?  
A.15. It was dismissed.

*[Signature]*  
8/4/03

*[Signature]*  
*[Signature]*

*[Signature]*  
Contd...p/3

*[Signature]*  
*[Signature]*

: 2 :

The Inquiry Authority requested the P.O. for re-examination of the witness. The PO declined examination of the witness. The IA also declined examination of the witness

The questions were asked to the witness and recorded in English; but it was translated in Hindi/Assamees/Bengali by the IA and Defence Assistant of the C.O. The witness deposed in Hindi/Assamees/Bengali, but the depositions were recorded in English after it was translated from Hindi/Assamees/Bengali in English by the I.A. and the Defence Assistant of the C.O. The depositions of witness as recorded in English was read over to the witness in the language in which he deposed ( i.e. Hindi/Assameese/Bengali) after translated to him by IA and the Defence Assistant of the Charge Officer.

"Read over to the Witness in presence of Charged Officer and admitted correct."

*S. Dutta* 8/4/13  
( S. DUTTA )  
Presenting Officer

*Pradip Ch. Das*  
( PRADIP CH. DAS )  
Witness

*C.K. Haloi* 8/4  
( C.K. HALOI )  
Defence Assistant

*K.C. Boro* 8/4/2003  
( K.C. BORO )  
Charged Officer

*Nisit Kumar Pal*  
(NISIT KUMAR PAL) 8/4/2003  
Inquiring Authority

*Amte*

- 34 -

ANNEXURE - L  
40

**INQUIRY INTO THE CHARGES FRAMED AGAINST SH.K.C. BORO,  
AUDIT ASSISTANT (RE-DESIGNATED AS ASSISTANT SUPDT.),  
KENDRIYA VIDYALAYA SANGATHA, REGIONAL OFFICE, GUWAHATI  
VIDE MEMO NO.F.4-4/2002-KVS(VIq.) DTD, 26/28-05-2001,**

CROSS-EXAMINATION/RE-EXAMINATION OF WITNESS ON 15-12-2003.

Name of the Witness : Shri G.C. Choudhury, Principal,  
KV CRPF Amerigog, Guwahati, Assam (Now Retired)  
Age : 61 years.  
Father's Name : Late M.N. Choudhury,  
Birinapath,  
House No. 9, Janakpur,  
Kahilipara, Guwahati - 781019.

The Presenting Officer (PO) presented Shri G.C. Choudhury, Principal, KV Amerigog, Guwahati, Assam (Now retired) as Witness on behalf of the Disciplinary Authority for Cross examination/Re-examination during hearing on 15.12.2003. The questions of the Defence Assistant of the C.O. and the answers of the witness are as under :-

Cross Examination.

Q.1. Whether you have verified the birth certificate of Sri K.C. Boro submitted at the time of initial appointment of Gr. D employee on 3.7.79?

Ans. Yes.

Q.2. What is the date of birth recorded in the birth certificate at the time of initial appointment?

Ans. It is 01.01.1961.

Q.3. Whether the date of birth as recorded in the birth certificate has been accepted by KVS?

Ans. Whether KVS has accepted or not it is not known to me.

Q.4. Is there any provision in the appointment without verification of the date of birth?

Ans. As regard provision, I do not know.

Q.5. Whether the certificates and Qualifications of Sri K.C. Boro were verified at the time of his selection and promotion to the post LDC and Audit Assistant respectively?

Ans. Whether the date of birth and qualification of Sri Boro at the time of Selection and promotion were verified or not, is not known to me.

Q.6. Who is the Competent Authority to issue birth certificate?

Ans. As far as my knowledge goes, in the case of Urban Area it is Municipal Corporation of the area. In the case of Rural Area It is the Gram Panchayat Pradhan.

15/12/2003  
15/12/2003  
15/12/2003  
Contd-2  
15/12/2003

Attenu  
15/12/2003

Q.7. Whether the birth certificate as submitted by Sri Boro at the time of appointment is from the Village Panchayat Pradhan?

Ans. Actually in the case of candidates appearing or passing the Matriculation Examination, their birth is recorded in the certificate issued by the concerned Board. This is to be verified at the time of joining the service.

The P.O. declined Re-examination.

I.A. also declined examination.

"Read over to the witness in presence of the Charged Officer and admitted correct.

*Nishit Kumar Pal*  
15/12/03  
(NISHIT KUMAR PAL)  
Inquiring Authority

*S. Dutta*  
15/12/03  
(S. DUTTA)  
Presenting Officer

*K.C. Boro*  
15/12/03  
(K.C. BORO)  
Charged Officer

*G.C. Choudhury*  
(G.C. CHOUDHURY)  
Witness. 15/12/2003

*C.K. Haloi*  
15/12/03  
(C.K. HALOI)

*Attended*  
*[Signature]*

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ANNEXURE - M

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To

The Joint Commissioner (Admn.)  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-110016

Ref:- (1) Vide letter/Notification No. F4-4/2004 KVS (Vig.) dated 25-03-2004  
(2) Vide letter/Notification No. F4-4/2004 KVS (Vig.) dated 11-05-2004

Sub:- Show Cause reply in connection with the aforesaid letters/Notifications dated 25-03-2004 and dated 11-05-2004 and Inquiry Report.

Respected Sir,

With above reference and subject I have the Honour to state the following few lines as show cause reply in connection with the above Notification along with the inquiry report dated 20-02-2004.

1. That, Sir I beg to state that the Inquiry Report dated 20-2-2004 by which the charges were framed against me which was also sustained after inquiry by the Inquiring Authority, is not in proper form and maintainable and the said inquiry was done without proper interpretation of the entire documents furnished by me before your concerned authority and as such the article of charge as levelled against me on the basis of the said Inquiry Report is liable to be set-aside or quashed for the ends of justice.

2. That, Sir immediately after receiving such allegation of charge against me, I had duly submitted by written statement and also written briefs denying the said allegation from time to time as asked for by the Disciplinary Authority in time. Moreover, I also had duly submitted all my relevant documents and additional documents regarding my date of birth which was initially inadvertently recorded in service book and subsequently when it was discovered, the said date of birth was duly corrected by the concerned authority after proper varification of my correct date of birth as 1-1-1961 in place of 1-12-1961 which is confirmed from those relevant documents

Handwritten signature and initials.

Contd. P-2.

and as such the Inquiry Report which was given by the Inquiring Authority was not properly justified and the same is liable to be set- aside and I may be released from the aforesaid article of charge for the ends of justice.

3. That, Sir as per article of charge framed against me it was alleged that I had produced fabricated/ altered documents related to my age and educational qualification to the Investigating Officer but after closer of the case of the Dicipinary Authority/P.O. during hearing on 15-12-2003 when I was asked by the Inquiring Authority to state my statement of defence dated 16-12-2003 in writting during hearing on 16-12-2003. in the statement of defence, I stated the following ( in page 28 to 30 of the inquiry report dated 20-2-2004) -----

i) "I was appointed initially as Group 'D' at KVS, R.O. at Guwahati on 7-8-1979. At the time of joining in the post the date of birth was indicated as 1-12-1961. If it is mandetory requirement of KVS for attainment of 18 years at the time of joining, then the age is only less then 4 months. Beside my Police Verification has been made under attestation form with the same date of birth. The medical certificate produced at the time of joining also indicated the same date of blith. At that time nobody has pointed out about the discrepancy of attainment of age."

ii) Subsequently, I was promoted to the post of Draftary and submitted the joining report.

iii) "I was selected to the post of L.D.C at KVS, R.O. Guwahati and submitted my Joining Report. That time also nobody raised the discrepancy of my age. Since I belong to Reserved Category (S.T.), I got some advantage for promotion one after another and service has been confirmed in the substantive post."

iv) " When the matter of discrepancy of my age was pointed out, I already served formore than 20 years in different capacities in KVS."

4. That Sir, I had also sent my written brief on 19-1-2004 to the Inquiring Authority vide my letter dated 19-1-2004 in my said wriiten brief, I had clearly stated the folloowing -----

*Handwritten signature*

i) I, Sri K.C.Boro, Assist. Supdt, KVS (GR) would like to inform that I had joined in Kendriya Vidyalaya Sangathan, Guwahati Region on 7-8-1979 as Group 'D' employee and my date of birth was recorded in my Service Book as 1-12-1961 which was not correct and not done by me where as it should be 1-1-1961. At that time I was not matriculate and the age has been recorded as per the certificate, issued by the Principal, Palasbari Higher Secondary And Multipurpose School. I had appeared in the Matriculation Examination in the year of 1980 and passed the same on compartmental chance in 1982. The SEBA (Secondary Board of Education, Assam) had issued the pass certificate and my age has been shown as 18 years 3 months on 1st March, 1980 and 20 years 3 months on 1st March, 1982 respectively, which was not correct.

ii) "I had applied to the Secondary Board of Assam through the Principal, Palasbari Higher Secondary And Multipurpose School on 3rd Sept. 1982 for correction of my age and accordingly I had received the same after due correction and my date of birth is 01-01-1961 (19 years 02 months on 1st March, 1980) when my KVS had asked to me to produce the certificates, I had submitted the certificates of my correct age".

iii) "Therefore, I strongly deny that I had fabricated or forged certificates as charge on me".

5. That Sir, it is interesting to note that the Presenting Officer (P.O) has himself admitted that there was no complaint from others except a complaint from Sri P.C. Das, U.D.C., KCS, Guwahati about the aforesaid article of charge levelled against me vide his letter dated 5-4-1999 which is confirmed from para (b) of Additional Documents of the Inquiry Report in page 12 and as such I was falsely charged by the Inquiring Authority on mere complaint of Sri P.C. Das who had given such complaint against <sup>me</sup> out of personal grudge without verifying my all relevant documents and authenticity of my actual date of birth which was wrongly and inadvertently recorded in my Service Book without my knowledge and as such I am liable to be discharged from such article of charge of fabrication or forged certificates by the Inquiring Authority for the ends of justice.

*[Handwritten signature]*

6. That Sir, from the evidence as adduced from the State witnesses, there are so many contradictions and no one could prove beyond reasonable doubt that I had submitted fabricated or forged certificates. Moreover from my own evidence and also from my written statements and all the relevant documents it is confirmed that I had never submitted any fabricated documents nor any altered documents regarding my qualification and date of birth.

7. The letter dated 21-8-1999 issued by the SEBA, to the authority concerned as asked for regarding the alleged charge by which the SEBA had informed the authority that the documents submitted by me regarding correction of my date of birth from 01-12-1961 to 01-01-1961 to the concerned authority, is forged documents, is not issued in favour of me for my perusal and verification, till that as a result of which I am deprived of getting any opportunity regarding the veracity of the above allegation till date.

8. Moreover, if I was found to be charged from the above allegation or fabrication or forged certificates, but the SEBA had not lodged any F.I.R or any criminal case against me under I.P.C. till date.

9. I, further beg to state that authority of the SEBA who had issued the aforesaid letter dated 21-8-1999 by which I was falsely charged that I had fabricated or forged documents, was never examined by the Inquiring Authority at the time of hearing and as such, due to non examination of the material witness, the Inquiring Authority has totally failed to prove that I had fabricated or forged the documents regarding my correct date of birth.

10. That Sir, I beg to submit that I had issued a letter dated Nil to the Assistant Commissioner KVS, Guwahati, stated that I had submitted a true copy of provisional HSLC pass certificate issued by the Principal R.B. Higher Secondary And Multipurpose School, Mirza in which my date of birth was erroneously shown as 20 years 3 months as on 1st March, 1982 instead of 21 years 02 months. I also stated that, I had submitted therewith photocopy of original HSLC certificate issued by the Board of Secondary Education, Assam along with photocopy of Identity Card issued by the

Attended  
D. B. D.

Employment Exchange, Guwahati, Department of Labour, Govt of Assam in order to enter my date of birth in my service record. Thereafter, I had issued another letter on 12-5-1999 and stated that I need one month time for submission of original certificate, etc as I could not trace out due to shifting of residence in 1996-97.

From the aforesaid statements which are also recorded by the Inquiring Authority in his Inquiry Report in page no. 41 and 42 para - "G", it is confirmed that I had duly submitted the relevent documents such as, the letter dated 03-09-1982 issued by the then Principal Sri B. Das of Palasbari R.B.H.S. & M.P. School, Mirza, the Indentity Card dated 07-04-1978, issued by the Employment Exchange Guwahati, Department of labour, Govt of Assam in which my actual date of birth was recorded as 01-01-1961. The aforesaid Identity Card of the employment exchange is a vital and material document on the basis of which I was initially appointed in your esteemed Department as Group "D" employee at KVS, Guwahati on 07-08-1979 but since my date of birth was erroneously recorded in my Service Book as 01-12-1961 on the basis of the earlier HSLC certificate where in, the then Principal of Palasbari H.S. & M.P School had recorded through oversight as 20 years 3 months on 1st March of 1982 for which my age was also erroneously entered in my Admit Card as a result of which, a wrong date of birth as 1-12-1961 was recorded in my Service Book which is later confirmed from the letter dated 3-9-1982, issued by the Principal R.B.H.S. & M.P. School, Mirza to the Secretary, Board of Secondary Education, Assam, Bamunimaidan for making correction of my actual age as 21 years 2 months instead of 20 years 3 months on 1st March 1982. After receiving the said letter dated 3-9-1982 from the Principal, the SEBA had duly corrected my age as 21 years 02 months instead of 20 years 3 months on 1st March 1982 in my said H.S.L.C passed certificate.

Since I had already stated that the original documents could not be traced out due to shifting of my residence in 1996-97 as a result of which I had duely applied to the SEBA through prescribed forms on 24-5-1999 to issue duplicate copy of the Admit Cards due to loss of the same. Along with the said forms I had also enclosed therewith, a copy of the Police Report and also paper advertisement regarding my said loss of Admit Cards. Accordingly, the SEBA duely issued the duplicate Admit Cards by giving my correct age.

Attested  
By  
[Signature]

11. That Sir, although I am working at Guwahati but to my utter surprise, the inquiry was held at Calcutta which is beyond the jurisdiction of making an inquiry regarding the alleged article of charge, level<sup>ed</sup> against me. But even then I had duly <sup>o</sup>co<sup>o</sup>perated the investigating authority from the very beginning by attending both in preliminary hearing and all subsequent hearings, held at Calcutta facing much difficulties in attending the hearings at Calcutta. Since, I am belonging to very poor economically backward Schedule Tribes community of Assam and a poor paid employee of your esteemed department having no other source of Income except my meagre salary but even then I have to spend a huge amount of money for hearing at Calcutta by <sup>o</sup>bor<sup>o</sup>rowing from others.

12. That, <sup>o</sup>si<sup>o</sup>r, since I have been discharging my duties very sincerely and honestly from the very beginning of my job till date without any blemish from whatsoever and due to my sincere service, I had got due promotion one after another and ultimately my service had been confirmed many years ago by your concerned Authority and not a single case was pending against me till date. But, due to the afore-said false article of charges of fabrication or forged certificates against me, I am suffering irreparable loss and injury both in my service carrier as well as in my reputation before the society as I am quite innocent and never submitted any forged or fabricated documents before Your Honour.

Under the above facts and circumstances, the article of charges of fabrication/altere<sup>d</sup>d or forged documents as level<sup>ed</sup> against me, is liable to be dropped for the ends of justice. Since I never submitted/altere<sup>d</sup>d/forged documents to the Authorities which is confirmed from my deposition along with the relevant documents which were furnished by the Board of Secondary Education, Assam on the basis of the letter dated 03-09-1982 issued by the Principal R.B.H.S. & M.P. School, Mirza and also Identity Card issued by the Employment Exchange, Labour Department, Govt. of Assam in which my correct date of birth was recorded as 01-01-1961 but never as 01-12-1961 and as such the question of misconduct under Rule 1(i) (ii) and (iii) of Central Civil Service (conduct) Rules 1964 shall never arise and which is not applicable in my case.

I therefore request Your honour that you will be graciously pleased to admit this final show cause reply in connection with your notices dated 25-03-2004 and 11-05-2004 respectively.

And under the above facts and circumstances the article of charges of fabrication/forged documents may be dropped

*Handwritten signature/initials*

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18

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and I may be released from the said charges  
for the ends of justice.

And for this act of kindness I shall ever be grateful to you.

Thanking You,

Yours Faithfully,

(K.C.BORO)

ASSISTANT SUPERINTENDENT

KVS (GR).

Allex  
S.L. / Banta

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ANNEXURE - N  
49

By Speed Post/Confidential

**KENDRIYA VIDYALAYA SANGATHAN**  
18, Institutional Area,  
Shaheed Jeeb Singh Marg,  
New Delhi-110016.

F.4-4/2001-KVS(Vig.)

Dated 16-7-2004

ORDER

WHEREAS Shri K.C. Boro, Assistant Superintendent, Kendriya Vidyalaya Sangathan, Guwahati was Charge-sheeted under Rule-14 of CCS (CCA) Rules, 1965 as extended to the employees of the K.V.S. vide Memorandum of even number dated 25/28.05.2001 for producing fabricated/alterd documents related to his age and educational qualification to the Investing Officer inquiring into a complaint against him.

WHEREAS Shri K.C. Boro having denied the charges, Shri Nisit Kumar Pal, Regional Development Commissioner (Retd.) D/O Steel was appointed as the Inquiring Officer to inquire into the charges framed against the said Shri K.C. Boro vide order dated 09.10.2001. The said Inquiry Officer has completed the inquiry and submitted his report dated 20.02.2004.

WHEREAS, the inquiry report was forwarded to Shri K.C. Boro, to submit his representation on the inquiry report vide memorandum dated 25.03.2004 and he has submitted his representation dated 22.05.2004.

AND WHEREAS on a careful consideration of the facts and circumstances of the case, findings of the Inquiry Officer and the averment made by the Charged Officer in his representation, it becomes apparent that he produced fabricated/alterd documents related to his age & education qualification to the Investing Officer inquiring into a complaint against him. In view of assessment of evidence produced during the inquiry the Inquiry Officer finds that the charge framed against the Charged Officer is sustained. The act of the Charged Officer constitutes misconduct under CCS [CCA] Rules, 1965.

NOWHEREFORE, the undersigned being the competent authority imposes the major penalty of "Dismissal from Service" with immediate effect upon Shri K.C. Boro, Assistant Superintendent, Kendriya Vidyalaya Sangathan, Guwahati accordingly.

14/7  
[D.S.B./ST]  
JOINT COMMISSIONER [ADMN]

Copy to:-

1. Shri K.C. Boro, Assistant Superintendent, Kendriya Vidyalaya Sangathan, Guwahati.
  2. The Assistant Commissioner, KVS, Regional Office, Guwahati.
  3. The Deputy Commissioner (Admn.) KVS(HQ), New Delhi.
  4. Guard file.
- Amended  
Date