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3
**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

310/64

Original Application No.

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants: E. M. Raddy

Respondents: N. U. S. Gons

Advocate of the Applicants: A.K. Roy, I. gogoi, L. Wapeng

Advocate for the Respondents: R.V.S.

Notes of the Registry Date Order of the Tribunal

01.12.2004 present: The Hon'ble Mr. Justice R.K. Batta,
Vice-Chairman.

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

This application is in form
is filed/C. F. for Rs. 50/-
deposited v/s. (P.S.)
No. 206135602

Dated 27.11.04

Dy. Registrar

RAT

27/11/04

Steps taken
with envelope

Received Notice
on behalf of Respondent No. 4,
newly added.

MK Mazumdar
Advocate
3.12.04

Notice steps, 1 copy
short.

11/2

bb

K.C. Batta
Member

R
Vice-Chairman

List on 17.1.2005.

1

16.2.05. The amendment application is to be filed within 10 days. Thereafter, the respondents will file reply to the amendment application.

List on 17.3.05.

K.V.S.
Member (A)

mpa
Member (P)

Notice sent to
D/Section for
issuing to resp.
No. 223 by regd A/D
post.

25/2 25.2.05

Amended application
submitted by the Applicant.

9.3.2005 Present: The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

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

Learned counsel for the applicant is absent. Mr. M.K.Mazumdar, learned standing counsel for the K.V.S. submits that the applicant's representation (Annexure-D) against the imposition of penalty (Annexure-C) is pending before the Deputy Commissioner (P), K.V.S., New Delhi. Since Mr. Mazumdar further submitted that another case filed by the same applicant in O.A. 120/2004 is pending and that the same can also be disposed of alongwith this case, post both these cases on 16.3.2005 for final hearing and disposal.

K.V.S.
Member

G. Sivarajan
Vice-Chairman

16.3.2005 Post on 18.3.2005.

K.V.S.
Member

G. Sivarajan
Vice-Chairman

bb

17.3.05. Judgment delivered in open Court.
Kept in separate sheets. Application is disposed of.

K.V.S.
Member

G. Sivarajan
Vice-Chairman

29/3/05
Copy of the Judgment
was being sent to
the D/Secy. for I&P
the time to the apply
as well as to the L/A.D., lm
from the K.V.S.

Received copy for
the Applicant on 6/4/05
for
Advocate

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / R/ A/A No. 310/2004

DATE OF DECISION 17.3.2005

E.M. Reddy APPLICANT(S)

Mr. A.K. Roy, I.Gogoi, L.Wapang ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

U.C.I & Ors. RESPONDENT(S)

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

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE-CHAIRMAN

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 VICE-CHAIRMAN

Mo
JPF

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 310 of 2004.

Date of Order: This, the 17th Day of March, 2005.

HON'BLE MR.JUSTICE G. SIVARAJAN, VICE-CHAIRMAN

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

Ednnari Mounendar Reddy
P.G.T, Kendriya Vidyalaya
Kokrajhar, P.O. & Dist: Kokrajhar,
Assam.

Applicant.

By Advocate Mr. A.K.Roy, I.Gogoi, L.Wapang.

-Versus-

1. Kendriya Vidyalaya Sabngathan
represented by its Commissioner,
18,institutional area, shahid Jeet Singh Marg,
New Delhi-110016.
2. Dy.Commissioner(Pers)
Kendriya Vidyalaya Sangathan
18,institutional Area, Sahid Jeet Singh Marg,
New Delhi-110016.
3. Assistant Commissioner,
Kendriya Vidyalaya Sangathan Regional Office.
Silchar-788001
4. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati Regional Office,
Guwahati-781012.

Respondents.

By Advocate Mr. M. K. Mazumdar, K.V.S.

ORDER(ORAL)

SIVARAJAN,J(V.C.)

The applicant is presently working as PGT (chemistry) in the Kendriya Vidyalaya, Kokrajhar. Earlier the applicant was working as Principal, Kendriya Vidyalaya Sangathan, Panisagar. He was reverted from the said post alleging

[Signature]

misconduct, which is the subject matter of O.A.No.120/04. The Respondents also charged the applicant for certain alleged misconduct namely, giving appointment to the applicant's wife in temporary capacity contrary to the rules. The applicant filed detailed objection to the disciplinary proceedings. The Assistant Commissioner, K.V.S. passed an order dated 31.3.05 (Annexure C) imposing the minor penalty of Censure upon the applicant. Being aggrieved by the said order the applicant filed an appeal dated 26.4.04 which was forwarded to the Deputy Commissioner, KVS, New Delhi, vide communication dated 27.4.04(Annexure D). The present grievance of the applicant is that the appeal has not been disposed of by the appellate authority.

2. We have heard Mr. A. K. Roy, learned counsel for the applicant and Mr. M. K. Mazumdar learned counsel for the Respondents. Since appeal (Annexure B) submitted by the applicant was forwarded alongwith the Annexure D communication to the appellate authority we are of the view that this Original Application can be disposed of with a direction to the appellate authority to dispose of the appeal. The learned counsel for the Respondents placed before us a communication issued by the Assistant Commissioner, K.V.S giving all details to the appellate authority. In the circumstances, direction can be issued to the appellate authority, namely, Deputy Commissioner, KVS, New Delhi to dispose of the appeal on merits. Accordingly, we direct the Respondents No.2, Deputy Commissioner, K.V.S New Delhi, to pass orders disposing of the appeal of the applicant within a period of 6(six) weeks from the date of receipt of the copy of this order. The parties will produce the copy of this order to the appellate authority urgently for compliance.

Apd/

3. Application is disposed of with the above observations. Post the matter for reporting compliance after two months.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(G.SIVARAJAN)
VICE-CHAIRMAN

lm

(Amended Application)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH

ORIGINAL APPLICATION NO.310/2004

Edunari Mounendar Reddy

..... Applicant

-VERSUS-

Union of India & Ors

..... Respondents

LIST OF DATES

Sl. No	Dates	Particulars	Para	Annexure	Page
1	1986	Appoint of PGT in KVS	4(i)		2
2	July, 1997- July, 2001	Appointment of Principal Novodaya Vidyalaya on Deputation.	4(ii)		3
3	Nov, 2000	Applied for post of Principal	4(iii)		3
4.	13.6.2001	Appointment order for the post of Principal on deputation basis	4(v)		4
5.	24.6.2003	Reversion order for the post of Principal against which he filed O.A. 163/2003.	4(ix)		5
6.	4.9.2003	Memorandum issued by the Reviewing Officer communicating Adverse remarks against which the applicant filed O.A 120/2004.	4(x)		6
7.	August, 2003	Received the Memorandum dated 28.7.2003	4(xi)	Annexure-A	16-17
8.	6.8.2003	Submitted the reply to Memorandum dated 28.7.2003	4(xii)	Annexure-B	16-19
9.	31.3.2003	Passed the impugned order imposing a minor penalty of censure.	4(xiii)	Annexure-C	20
10.	26.4.2003	Preferred an appeal against the impugned order	4(xiv)	Annexure-D	21-23

(Amended Application) 9

-16-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

ORIGINAL APPLICATION NO.310/2004

Edunari Mounendar Reddy

...Applicant

-Versus-

Union of Endow & ors

...Respondents

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6.	Annexure:- D	21 - 23

For use in the office

Filed by:

Limawangang
Advocate, CAT
Guwahati

Signature
Date:

Filed by the applicant
through -
Ashok Kumar Ray
Admire conti.
25. 2. 05.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

BETWEEN

Edunari Mounendar Reddy

P.G.T.Kendriya Vidyalaya

Kokrajhar, P.O. & Dist:- Kokrajhar,
Assam.

...Applicant

"And"

1. Kendriya Vidyalaya Sangathan
represented by its Commissioner,
18, Institutional Area, Shahid Jeet
Singh Marg, New Delhi:- 110016.

2. Dy. Commissioner (Pers)

Kendriya Vidyalaya Sangathan

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

3. Assistant Commissioner,

Kendriya Vidyalaya Sangathan

Regional Office,

Silchar-788001

4. Assistant Commissioner,

Kendriya Vidyalaya Sangathan,

Eduneri Mounendar Reddy

Gauhati Regional Office,
Guwahati:- 781 012.

... Respondents

1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION IS DIRECTED:

This application is made against the order dated 31.03.2004 (Annexure:-C) issued by the Assistant Commissioner through which the said authority imposes a minor penalty of censure upon the applicant and also memorandum dated 28.7.2003

2. JURISDICTION

That the applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Court.

3. LIMITATION

That the applicant also declares that this application is made within the time limit as has been prescribed under Section 21 of the Administrative Tribunal Act. 1985.

4. FACTS OF THE CASE:

(i) That the applicant was initially appointed as post graduate teacher in the Kendriya Vidyalaya Sangathan in the year 1986 and thereafter with effect

Edunuri Mounendar Reddy

from July 1997 to July 2001 he was sent on deputation as Principal, Navodaya Vidyalaya.

(ii) That, when the applicant was on deputation he got one advertisement in the month of November, 2000, which was published in the "Employment News" for the post of Principal, Kendriya Vidyalaya Sangathan. The advertisement was to fill up the posts of Principal by transfer on deputation basis. After getting the said advertisement the applicant applied for the same.

(iii) That the applicant states that the written examination for the said Principal Post was held in the month of April, 2001 in which the applicant appeared and did well and hence he was called for the viva-voce/interview which was held in a phased manner w.e.f. 8.5.2001 to 24.5.2001. The applicant appeared for the viva-voce test on 16.5.2001.

(iv) That the applicant states that since 2000 the respondents adopted the method to appoint all the selected candidates for the post of Principal on deputation basis, though they follow the selection process of direct recruitment by an open advertisement on All India basis and subsequently they are regularized in the said post on the basis of performance of the respective Principal. Accordingly,

Edunuri Mounendar Reddy

all the selected Principal who were appointed in the year 2000 on deputation basis were regularized.

(v) That in this year also i.e. 2001 all the selected candidates were given appointment on deputation basis. Accordingly, the applicant was also offered appointment vide appointment order dated 13.6.2001.

(vi) That the applicant states that as per Rule, the applicant should be given regular appointment to the post of Principal, but the respondents offered appointment on deputation basis as per the advertisement. As the respondents followed the same procedures in the earlier year, the applicant accepted the same and joined the post at Kendriya Vidyalaya, Panisagar with hope that he should be regularized subsequently as were happened in the previous years.

(vii) That since his joining in the 'post' of Principal, he has been doing his duties to the satisfaction of all concern. The applicant took several measures to promote the educational system of the Kendriya Vidyalaya, Panisagar. Be it stated that, the applicant took several measures to eliminate the corruption and mis-discipline of the said school which was prevailing since long back. As the

B. J. Mounendar Reddy

applicant took several measures to eliminate the corruption, the disruptive elements were trying to their best to remove the applicant from the said post.

(viii) That the applicant states that when he was in the Novodaya Vidyalaya, he also earn very good service records as an able administrator due to his able guidance, hard work and excellent service and hence the Chairman of the School wrote to the authority to retain him in the school, when he got the promotion to the post of Principal in the present department.

(ix) That the applicant states that since his joining as Principal at Kendriya Vidyalaya, Panisagar, he rendered his best service and hence for both the years 2001-2002 as well as 2002-2003, the reporting Officer recorded a good service record, and he was never communicated any adverse remark. Besides the above, during his tenure as Principal, the result of the student in the Boards examination was also extremely good in compare to the earlier years, and the Annual Academic Inspection report of 2002-2003 specifically mentioned about the same. During his tenure 91% students did well where as in the previous year result was only 66.6%. But, inspite of his excellent performance, the respondents, with malafide

Edunetri Mounendar Reddy

intention, reverted him to the post of post Graduates Teacher vide memorandum dated 24.6.2003. Being aggrieved with the reversion order the applicant approached this Hon'ble Tribunal by filing an Original Application No. 163/2003 which is still pending before this Hon'ble Tribunal.

(x) That as the applicant approached this Hon'ble Tribunal challenging the reversion order, the reviewing authority, i.e. Assistant Commissioner entered some adverse remarks for the year ending 31.3.2002, without any basis and with intention to substantiate the reversion order. Being aggrieved with the said adverse remarks, the applicant again filed another application which has been registered as O.A. 120 of 2004 and the same is still pending.

(xi) That the applicant states that in the month of August, 2003, while he was working as a PGT (Chem). In Kendriya Vidyalaya, Kokrajhar, he received one memorandum dated 28.07.2003 from the Assistant Commissioner proposing to take action against him under Rule 16 of CCS (CCA) Rules 1965, asking to submit his representation within 10 days of the receipt of the memorandum along with a statement of imputation of misconduct with allegation that while he was functioning as Principal on deputation basis at Kendriya Vidyalaya, Panisagar he had appointed his

Edunur Mounendar Reddy

wife Smti E.Sridevi on Part time contractual basis in the year 2001 and hence violated the relevant Rules,

Copy of the memorandum and statement dated 28.7.03 are annexed herewith and marked as Annexure:-A.

(xii) That the applicant states that after receiving the aforesaid memorandum he submitted his reply dated 6.8.2003, to the Assistant Commissioner, Kendriya Vidyalaya Sangathan. In the said reply the applicant denies the allegation levelled against him by sitting that he had not violated any Rule. He also stated that part time appointed were made after notifying the vacancies in the local newspaper, after adopting the procedure, the selection committee recommended the names which are approved by the Vidyalaya Executive Committee. The applicant also stated that Smti Sridevi is one among the selected candidates so the allegation leveled against him is fully false and fabricated which was done with malafide intention to harass him and to deprive from legal justice and thereby requested to dropped the charges which are levelled against him.

Copy, of reply dated 6.8.2003 along with the forwarding letter dated 8.8.2003 are annexed herewith and marked as Annexure:-B.

(xiii) That the applicant stats that inspite of

Edunur Mounendar Reddy

the said reply to the memorandum disciplinary authority without considering the facts and circumstance of the case imposed the minor penalty of censure vide order dated 31.3.2004.

Copy of the order dated 31.3.2004 is annexed herewith and marked as Annexure:-C.

(xiv) That the applicant states that, against the said order of censure dated 31.3.2004 he preferred one appeal dated 26.4.2004 forwarded by the officiating Principal. K.V.Kokrajhar to the Deputy Commissioner(Per) Kendriya Vidyalaya Sangathan raising all the points in details and prayed to consider his case and set aside and quash the impugned order. In the appeal, the applicant specifically stated that as per circular No. 18-7/98 KVS(PR-II) dated 26.11.99, the Principal is fully competent to give contractual appointment including part time. In the said appeal, he also stated that the same allegation was levelled against him vide memorandum dated 6.12.2002 against which he submitted his reply dated 16.1.2003 and after the said reply, the authority did not initiated any proceeding whatsoever. But after lapse of about 7/8 months the authority issued another memorandum on the same allegation without any jurisdiction and with malafide intention.

One copy of the appeal dated 26.4.2004 and the

Edunuri Mounendar Reddy

forwarding letter is annexed herewith and marked as
Annexure:-D.

(xv) That the applicant states that as he approached this Hon'ble Tribunal challenging the Reversion order which had been issued biasly and illegally with malafide intention the respondent became annoyed with him and hence with ulterior motive they levelled the charges against him even though he has not violated any procedure in matter of appointment of Smti Sridevi, as Smt. Sridevi was selected by the Selection Committee and recommended her for appointment which the applicant cannot overlook the merit list as per the verdict of the Apex Court and Rule of natural justice,. Inspite of the fact, as the authority raised the issue, the said candidate, Smti Sridevi was removed from job after few month of her appointment in the year 2001.

(xvi) That the applicant states that all the respondent became biased from the very beginning of his joining as Principal in the K.V.Panisagar, in as much as their vested interest were hampered due to his various steps against the corruption which were prevailing in the school since long back.

(xvii) That the applicant states that as per the circular No. 19-7/98-K.V.S(PR-II) dated 26.11.99

Edunex Mounendar Reddy

which deals with delegation of powers of appointing authority to Principal clearly empowers the Principal to make appointment on contractual basis including part time, so there is no illegality in appointing the said candidates and there is no violation of any rule, or provision of the Kendriya Vidyalaya.

Being aggrieved with the order of censure the applicant approach this Hon'ble Tribunal by filing this original application on the following grounds amongst others.

5. GROUND FOR RELIEF:

(i) For that the action of the respondent is biased and is not suitable in the eye of law.

(ii) For that in matter of contractual and part time appointment in the Kendriya Vidyalaya, the Selection Committee itself conduct the interview, select the successful candidates in order of merits and recommended them for appointment which are approved by the Vidyalaya Executive Committee, so there is no violation of any Rule.

(iii) For that the selection committee selected the said candidates and recommended her for appointment, which the applicant cannot overlook the merit list, so the said allegation has no basis and the said order is liable to be set aside.

Edunemi Mounen dar Reddy

(iv) For that as Smt. Sridevi, the applicant wife, was in Serial No.1 of the merit list recommended by the selection committee, so there is no question of violation of any Rules or Conduct by the applicant in matter of appointing her.

(v) For that the action of the respondent authority in issuing a fresh memorandum of charges while the earlier charges is still in pending is in complete violation of the statutory Rules.

(vi) For that the action of the respondent in leveling the same charge on the applicant and imposing a penalty while the earlier same charge is still not disposed of is not sustainable in the eye of law as it is clear to say that the action of the respondent was done with malafide intention to harass the applicant and hence the same should be set aside and quashed.

(vii) For that had he committed any misconduct or misbehavior during the relevant period, he could have been punished after issuing the earlier memorandum of charges, but the same has not been done. But after approaching this Hon'ble Tribunal challenging the biasely and illegal reversion order issuing a fresh

Eduneri. Moumendar Reddy

memorandum of charge on the same allegation and imposing a penalty of censure is an action done only to harass the applicant, as the respondent authority become totally biased against the applicant and hence the said order of censure should be quashed.

(viii) For that the respondent disposed of the representation in a perfunctory manner without considering all the facts of the case as raised in and hence the same is not maintainable.

(ix) For that the action of the respondent are whimsical and bias ad hence the same should be quashed.

(x) For that the action of the respondents is against the principle of natural justice and administrative fair play.

(xi) For that the present action of the respondents is only a afterthought with intention to support their, earlier action of reversion and has no basis whatsoever.

(xii) For that the action of the respondent is violative of Article 14, 16 and 21 of the constitution of India and hence the same is liable to be set aside.

Edunuri Monnendar Reddy

(xiii) For that at any rate the action of the respondent are not maintainable in the eye of law and the same are liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant states that he has availed all the remedies as stated in paragraph 4 of this application but failed and hence there is no other alternative remedy to him other than to approach this Hon'ble Tribunal.

7. MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY COURT:

That the applicant further declares that the applicant has not filed any application, writ petition or suit regarding this matter before any court or any other bench of this Hon'ble Tribunal or any such petition or suit is pending before any of them.

8. REMEDIES SOUGHT FOR:

Under the facts and circumstances stated above the applicant prays the following reliefs.

(i) To set aside and quash the order dated 31.3.04 (Annexure:-C) alongwith the memorandum dated 28.7.2003 (Annexure:-A)

Eduneri Mounendar Reddy

(ii) To pass any other further order or orders as Your Lordships may deem fit and proper.

(iii) Cost of the application.

9. INTERIM RELIEF PRAYED FOR:

10.

11. PARTICULARS OF I.P.O.

- (i) I.P.O. NO
- (ii) DATE OF ISSUE
- (iii) PAYABLE AT : GUWAHATI

12. LIST OF ENCLOSURES:

As stated above

Edunetri Monnendar Reddy

VERIFICATION

I, Shri Edunari Mounendar Reddy, son of Shri Ranga Reddy aged about 46 years, resident of Ram Krishna Mission, Kokrajhar, P.O. and district Kokrajhar (Assam) at present working as post graduate teacher Kendriya Vidyalaya Kokrajhar, do hereby verify that the statement made in paragraph 1 to 12 of the application are true to my personal knowledge and the submission made therein I believe the same to be true as per legal advice and I have not suppressed any material fact of the case.

And I sign this verification on this ^{20th} day of February, 2004 at Guwahati.

Edunari Mounendar Reddy

Signature

Date: 20/02/04

Place: Guwahati

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ANNEXURE - A

16

REGISTERED POST

KENDRIYA VIDYALAYA SANGATHAN

Regional Office,
Ghayaram Bhawan, Maligaon Chariali,
Guwahati-781012

No.F.14-7/2003-KVS(GR)/ 7.515

Dated : 28.07.2003

MEMORANDUM

Shri E.M. Reddy, PGT(Chemistry), Kendriya Vidyalaya, Kokrajhar is hereby informed that it is proposed to take action against him under Rule 16 of CCS(CCA) Rules 1965 as extended to the employees of KVS. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above is enclosed at Annexure-A.

Shri E.M. Reddy is hereby given an opportunity to make such representation as he may wish to make against the proposed action.

If Shri E.M. Reddy fails to submit his representation within 10 days of the receipt of this memorandum to the undersigned, it will be presumed that he has no representation to make and orders will liable to be passed against Shri E.M. Reddy ex parte.

The receipt of this memorandum should be acknowledged by Shri E.M. Reddy.

S. S. Schrawat
(S. S. Schrawat)
Assistant Commissioner

✓ Shri E.M. Reddy,
PGT(Chemistry)
Kendriya Vidyalaya,
Kokrajhar.

*Received
on 14th August 2003*

Attested by
*SPIN
20/2165*
Advocate

ANNEXURE-A

**STATEMENT OF IMPUTATION OF MISCONDUCT OR
MISBEHAVIOUR IN RESPECT OF SHRI E.M. REDDY,
P.G.T.(CHEMISTRY), KENDRIYA VIDYALAYA, KOKRAJHAR.**

Shri E.M. Reddy, PGT(Chemistry) while functioning as Principal on deputation basis at Kendriya Vidyalaya, Panisagar has appointed his wife Smt E. Sridevi on Part time contractual basis in the year 2001 violating the provisions contained in Article 41(B) of the Education Code for Kendriya Vidyalaya. Thus, he has violated Rule 3(I)(iii) of the CCS(Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan

August 6, 2003

- 18 -

From,
E.M.Reddy
Principal (Reverted to PGT)
Joined Under Protest against the Reversion.
To,
The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Chayaram Bhavan Maliaon chariali
Guwahati-781012.

THROUGH PROPER CHANNEL, PRINCIPAL, KENDRIYA VIDYALAYA - KOKRAJHAR.

Subject: - Reply to the memorandum received on 4th August 2003 through Registered Post.

Ref: - Your Registered letter No. F. 14-7/2003-KVS (GR)/7.515 dated 28-7-2003 received on 4th August 2003.

Sir,

With reference to the subject mentioned above I am here by submitting my reply to the memorandum and imputations leveled in Annexure A.

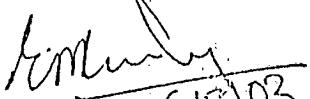
The statement of misconduct or misbehavior leveled in Annexure A is denied.

While functioning as Principal the undersigned had not appointed any candidate including Smt. E. Sreedevi under article 41 of the Education Code for Kendriya Vidyalayas. The articles 41A and 41B are with in the article 41, which clearly spells about Direct Recruitment for Regular appointment. Hence I have not violated article 41B of Education Code for KVs and also not violated CCS conduct Rule 3(I)-(iii). However Part-time appointments including Smt. E. Sreedevi were made after notifying the vacancies in the local newspapers, selection committee has recommended the candidates after adopting due procedures, who are approved by the Vidyalaya Executive Committee including Chairman. The procedure adopted is, as per KVS norms circulated vide circular No. F. 11-1/99 KVS(RP) dated 27/28-7-1999 and F.No. 18-7/98-KVS (RP) dated 26th November 1999. Appointments were made as per KVS norms; Smt. E. Sreedevi is one among the selected candidates. Hence, allegation leveled against me is fully false and fabricated and in doing so I have not violated any provision of the Rules and Regulations.

The memo and the charge leveled are purely with malafied intentions to harass me and deprive me from legal justice.

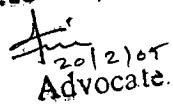
Once again I pray that I have not committed any misconduct while functioning as principal. Hence the charge leveled may be dropped and I may be allowed to discharge my duties peacefully.

Yours faithfully


6/8/03

E.M. Reddy Principal (Reverted to PGT)

Attested by


20/2/04
Advocate.

80
08/08/2003

F-PP/EMR/KVK/2003-04/416 17

To

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
2nd Floor Chagaram Bhawan,
Maligaon Chariali, Guwahati-12.

Subject:-Reply to Memorandum received from Sh. E. M. Reddy, PGT (Chem.)
of this Vidyalaya

Sir,

Please find enclosed herewith an application received from
Sh. E. M. Reddy, PGT (Chem.) of this Vidyalaya for your further action.

Thanking you

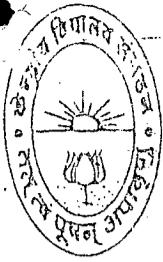
Yours faithfully,

(J. S. BHATTACHARJEE) PGT (Phy).

Offc. Principal.

Copy to:- Sh. E. M. Reddy, PGT (Chem.)
for his information.

শৰ্মিকার্য /Principal
কেন্দ্ৰীয় বিদ্যালয়
Kendriya Vidyalaya
কুকৰাজৰ/অসম
Kokrajhar/Assam
PIN-783370



KENDRIYA VIDYALAYA SANGATHAN

केन्द्रीय विद्यालय संगठन

केन्द्रीय कार्यालय
मालिगांव चारिआली
गुवाहाटी : 781 012

Regional Office
Maligaon Chariali
Guwahati - 781 012

Phone : 2571799
: 2571798
Tele Fax : 2571797

पत्रक

No. F. : 14-7/2003-KVS(GR)/101-03

दिनांक :
Dated: 31-03-2004

ORDER

REGISTERED POST

WHEREAS Shri E.M. Reddy, PGT(Chemistry), Kendriya Vidyalaya, Kokrajhar was charge-sheeted under Rule 16 of CCS(CCA) Rules, 1965 vide Memorandum No. 14-7/2003-KVS(GR)/7515-16, dated 28/07/2003.

WHEREAS, the said Shri E.M. Reddy has submitted a representation on 6/8/2003 against the aforesaid Memorandum.

AND WHERE AS, the undersigned after considering the facts and circumstances of the case and his aforesaid representation has come to the conclusion that the said Shri E.M. Reddy has violated Rule 3(1) (iii) of the CCS(Conduct Rules) 1964, as extended to the employees of Kendriya Vidyalaya Sangathan and hence has decided to impose minor penalty upon him.

NOW, THERE FORE, the undersigned in his capacity as Disciplinary Authority orders imposition of minor penalty of CENSURE upon Shri E.M. Reddy, PGT(Chem.) Kendriya Vidyalaya, Kokrajhar.

Order
(S. S. SEHRAWAT)
ASSISTANT COMMISSIONER

To

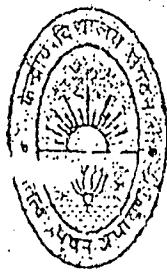
Shri E.M. Reddy
PGT(Chem.)
K.V. Kokrajhar

Received on 6/4/04
Through post box (S.V.K.)

Attested by
Shri
20/2/04
Advocate.

-21-

-15-



KENDRIYA VIDYALAYA KOKRAJHAR
(ASSAM)

P.O. & Distt-Kokrajhar.
Ph.No. 270445

F.PF/EMR/KVK/2004-2005/ 21

Dated: 27/04/2004.

To

Recd. Post

The Deputy Commissioner(Per).
Kendriya Vidyalaya Sangathan,
18- Institutional Area,
Shahid Jeet Singh Marg,
New Delhi-110016.

Subject: Forwarding the application submitted by Mr.E.M.Reddy,PGT(Phy).

Sir,

Please enclosed herewith a representation along with enclosures submitted by Mr.E.M.Reddy,PGT(Chemistry) for your needful please.

Thanking you,

Encld. 06 pages

Copy to:-
Mr.E.M.Reddy,PGT(Chem).
K.V.Kokrajhar.

Yours faithfully,

(S.S.Bhattacharjee)PGT(Phy).

Offg.Principal.
K.V.Kokrajhar.

Principal
Kendriya Vidyalaya
Kokrajhar (Assam)
MDI-723370

Attested by

Advocate.

To,

The Deputy Commissioner (Per)
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
Dew Delhi

26 April, 2004

Through Proper Channel Principal Kendriya Vidyalaya Kokrajhar

Sub:- An appeal against order under No. 14-7/2003 -KVS (GR) /101-03 dated 31-3-2004.

Sir,

With due respect I hereby draw your attention to the following facts.

1. That when I was functioning as Principal on deputation at K.V. Panisagar, one advertisement was made for parttime /contractual appoint of PRT/TGT/ PGT for Panisagar K.V. Accordingly, a number of candidates applied and appeared before the selection committee. The selection committee selected a number of candidates including Smt. E. Sree Devi i.e. my wife. As the selection committee selected Smt. E. Sree Devi as top in the merit list and recommended her name. I was bound to appoint her on contractual basis for one year and there was no wrong in as much as the Apex Court in one case has given verdict that "one selected candidate cannot be denied to give appointment on the ground that the relative is working in the same organization" the said Judgment has been reported in AIR 1997 SC 272 (Copy of the selection list of the selection committee is enclosed herewith for ready reference).
2. Besides, I want to state here that as per the circular No. 18-7/98 -KVS (RP-II) dated 26-11-99 which deals with delegation of powers of appointing authority to principal clearly empowers the principal to make appointment on contractual basis including part time and hence there is no illegality in appointing the said candidate and there no violation of any Rule of Provision.
3. That, I was served with a memorandum dated 28-7-2003 along with statement of imputation of misconduct with allegation that I appointed my wife Smt. E. Sree Devi as part time contractual basis in the year 2001 violating the provisions in the Article 41(B) of Education code for K.V. But in fact the allegation has no basis inasmuch as the selection committee selected the said candidate and recommended her for appointment. I cannot overlook the merit list.

17
- 23 -
3

4. That against the memorandum I submitted my reply dated 6-8-2003, but the disciplinary authority without applying his mind to all pros and cons imposed minor penalty of CENSURE vide order No. 14-7/2003- KVS (GR) 101-103 dated 31/2.3/4.2004.
5. That in this appeal I also draw your attention to the memorandum dated 6-12-2002 through which the same allegation was brought against me, but later on after my reply dated 16/1/2003, nothing was done by the authority for a long time and after laps of about 7/8 months the disciplinary authority issued another memorandum without any justification and with malafide intentions. be it stated here that as I approached the Hon'ble C.A.T. Guwahati challenging the illegal reversion order, the disciplinary authority passed the impugned order of CENSURE on the same ground for which earlier no action was taken.

Under the circumstances, I humbly pray to your honour to consider my case and set aside and quash the impugned order, and obliged forever.

Thanking you.

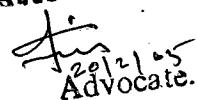
Yours faithfully

Sd/illegible
(E.M.Reddy)
Principal reverted to PGT
Joined Under Protest against the illegal
reversion, Kendriya Vidyalaya Kokrajhar

Enclosures :-

1. Copy of the selection penal dated 17-8-2001.
2. Copy of the Charge sheet dated 28-7-2003
3. Copy of the reply dated 6-8-2003.
4. Copy of the order dated 31/2-3/4-2004

Attested by


Advocate.

29 NOV 2004

33
RAN
29 NOV 2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::

GUWAHATI BENCH

ORIGINAL APPLICATION NO. 310 2004

Edunari Mounendar Reddy

----- Applicant

Union of India & Ors.

----- Respondents

LIST OF DATES

Sl.No.	Dates	Particulars	Para	Annexure	Page
1	1986	Appointed as PGT in KVS	4(i)		2
2	July , 1997 – July, 2001	Appointed as Principal Novodaya Vidyalaya on Deputation	4(ii)		2
3	Jan, 2001	Applied for post of Principal , KVS against 66.2/3% direct quota appointment.	4(iii)		2
4	13-6-2001	Appointment order for the post of Principal on deputation basis.	4(v)		2
5	24-6-2003	Reversion order from the post of Principal against which he filed O.A. 163/2003	4(ix)		3
6	4-9-2003	Memorandum issued by the Reviewing Officer communicating Adverse remarks against which the applicant filed O.A. 120/ 2004.	4(x)		3
7	August, 2003	Received the memorandum dated 28-7-2003.	4(xi)	Annexure –A	10 - 11
8	6-8-2003	Submitted the reply to Memorandum dated 28-7-2003	4(xii)	Annexure –B	12 - 13
9	31-3-2003	Passed the impugned order imposing a minor penalty of censure.	4(xiii)	Annexure –C	14
10	26-4-2003	Preferred an appeal against the impugned order.	4(xiv)	Annexure -D	15 - 17

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH

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

ORIGINAL APPLICATION NO..... 2004

Edunari Mounendar Reddy

----- Applicant

Union of India & Ors.

----- Respondents

INDEX

SLNo.	Particulars	Page No.
1.	Application	1 - 8
2.	Verification	9
3.	Annexure - A	10 - 11
4.	Annexure - B	12 - 13
5.	Annexure - C	14
6.	Annexure - D	15 - 17

Filed by

Ferdanuril Gogoi
29 - 11 - 04

Advocate, CAT
Guwahati.

For use in the Office:-

Signature :

Date :

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH

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

Filed by the applicant
through *Geetanjali Chatterjee*
Advocate, C.A.
29-11-04

BETWEEN

Edunari Mounendar Reddy
P G T, Kendriya Vidyalaya
Kokrajhar, P.O. & Dist – Kokrajhar, Assam

----- Applicant

1. Kendriya Vidyalaya Sangathan
Represented by its Commissioner,
18, Institutional Area, Shahid Jeet Singh Marg,
New Delhi- 110016

2. Dy. Commissioner (Pers)
Kendriya Vidyalaya Sangathan
18, Institutional Area, Shahid Jeet Singh Marg,
New Delhi- 110016

3. Assistant Commissioner,
Kendriya Vidyalaya Sangathan
Regional Office
Silchar – 788001

4. ASSISTANT COMMISSIONER ---- Respondents
KVS GUWAHATI REGIONAL OFFICE
GUWAHATI - 781 032

24
1-12-2004

1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION IS
DIRECTED:

This application is made against the order dated 31-03-2004 (Annexure – C) issued by the Assistant Commissioner through which the said authority imposes a minor penalty of censure upon the applicant and also memorandum dated 28-7-2003.

2. JURISDICTION

That the applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Court.

3. LIMITATION:

That the applicant also declares that this application is made within the time limit as has been prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

- (i) That the applicant was initially appointed as post graduate teacher in the Kendriya Vidyalaya Sangathan in the year 1986 and thereafter with effect from July 1997 to July 2001 he was sent on deputation as Principal, Navodaya Vidyalaya.
- (ii) That, when the applicant was on deputation he got one advertisement in the month of January 2001, which was published in the "Employment News" for the post of Principal, Kedriya Vidyalaya Sangathan. The said advertisement was for direct recruitment of Principal post against 66. 2/3 % of total vacant post. After getting the said advertisement the applicant applied for the same.
- (iii) That, the applicant states that the written examination for the said Principal Post was held in the month of April, 2001 in which the applicant appeared and did well and hence he was called for the viva -voce/ interview which was held in a phased manner w.e.f. 8-5-2001 to 24-5-2001. The applicant appeared for the viva -voce test on 16-5-2001.
- (iv) That, the applicant states that since 2000 the respondents adopted the method of appoint all the selected candidates for the post of principal on deputation basis, though they follow the selection process of direct recruitment by an open advertisement on All India basis and subsequently they are regularized in the said post on the basis of performance of the respective principal. Accordingly, all the selected principal who were appointed in the year 2000 on deputation basis were regularized.
- (v) That, in this year also i.e. 2001 all the selected candidates were given appointment on deputation basis. Accordingly, the applicant was also offered appoint vide appointment order dated 13-6-2001.
- (vi) That, the applicant states that though as per the advertisement as well as per the rule, the applicant should be given regular appointment to the post

of Principal, the respondent offered appointment on deputation basis. As the respondent followed the same procedure in the earlier year, the applicant accepted the same and joined the post at Kendriya Vidyalaya, Panisagar with hope that he should be regularized subsequently as were happened in the year 2000.

- (vii) That since his joining in the post of Principal, he had been doing his duties to the satisfaction of all concern. The applicant took several measures to promote the educational system of the Kendriya Vidyalaya, Panisagar. Be it stated that, the applicant took several measures to eliminate the corruption and misdiscipline of the said school which was prevailing since long back. As the applicant took several measures to eliminate the corruption, the disruptive elements were trying to their best to remove the applicant from the said post.
- (viii) That the applicant states that when he was in the Novodaya Vidyalaya, he also earn very good service records as an able administrator due to his able guidance, hard work and excellent service and hence the Chairman of the School wrote to the authority to retain him in the school, when he got the promotion to the post of Principal in the present department.
- (ix) That the applicant states that since his joining as Principal at Kendriya Vidyalaya, Panisagar, he rendered his best service and hence for both the years 2001-2002 as well as 2002-2003, the reporting Officer recorded a good service record and he was never communicated any adverse remark. Besides the above, during his tenure as Principal, the result of the students in the Boards examination was also extremely good in compare to the earlier years, and the Annual Academic Inspection report of 2002-2003 specifically mentioned about the same. During his tenure 91% students did well where as in the previous year result was only 66.6%. But, inspite of his excellent performance, the respondents, with malafide intention, reverted him to the post of post Graduates Teacher vide memorandum dated 24-6-2003. Being aggrieved with the reversion order the applicant approached this Hon'ble Tribunal by filing an Original Application No. 163/2003 which is still pending before this Hon'ble Tribunal.
- (x) That as the applicant approached this Hon'ble Tribunal challenging the reversion order, the reviewing authority, i.e. Assistant Commissioner

entered some adverse remarks for the year ending 31-3-2003, without any basis and with intention to substantiate the reversion order. Being aggrieved with the said adverse remarks, the applicant again filed another application which has been registered as O.A. 120 of 2004 and the same is still pending.

(xi) That, the applicant states that in the month of August, 2003, while he was working as a PGT (Chem.) in Kendriya Vidyalaya, Kokrajhar, he received one memorandum dated 28-07-2003 from the Assistant Commissioner proposing to take action against him under Rule 16 of CCS (CCA) Rules 1965, asking to submit his representation within 10 days of the receipt of the memorandum along with a statement of imputation of misconduct with allegation that while he was functioning as Principal on deputation basis at Kendriya Vidyalaya, Panisagar he had appointed his wife Smti E. Sridevi on Part time contractual basis in the year 2001 and hence violated the relevant Rules.

Copy of memorandum and statement dated 28-7-03 are annexed herewith and marked as Annexure – A.

(xii) That the applicant states that after receiving the aforesaid memorandum, he submitted his reply dated 6-8-2003 to the Assistant Commissioner, Kendriya Vidyalaya Sangathan. In the said reply the applicant denies the allegation leveled against him by stating that he had not violated any Rule. He also stated that part time appointment were mode after notifying the vacancies in the local newspaper, after adopting the procedure , the selection committee recommended the names which are approved by the Vidyalaya Executive Committee. The applicant also stated that Smti Sridevi is one among the selected candidates so the allegation leveled against him is fully false and fabricated which was done with malafide intention to harass him and to deprive from legal justice and thereby requested to dropped the charges which are leveled against him.

Copy of reply dated 6-8-2003 along with the forwarding letter dated 8-8-2003 are annexed herewith and marked as Annexure – B.

(xiii) That the applicant states that inspite of the said reply to the memorandum, disciplinary authority without considering the facts and circumstances of the case imposed the minor penalty of censure vide order dated 31-3-2004.

Copy of order dated 31-3-2004 is annexed herewith and marked as Annexure – C.

(xiv) That the applicant states that, against the said order of censure dated 31-3-2004 he preferred one appeal dated 26-4-2004 forwarded by the afficiating principal K.V. Kokrajhar to the Deputy Commissioner (Per) Kendriya Vidyalaya Sangathan raising all the points in details and prayed to consider his case and set aside and quash the impugned order. In the appeal, the applicant specifically stated that as per circular No. 18-7/98-KVS(PR-II) dated 26-11-99, the principal is fully competent to give contractual appointment including part time. In the said appeal, he also stated that the same allegation was leveled against him vide memorandum dated 6-12-2002 against which he submitted his reply dated 16-1-2003 and after the said reply, the authority did not initiated any proceeding whatsoever. But after lapse of about 7/8 months the authority issued another memorandum on the same allegation without any justification and with malafide intention.

One copy of the appeal dated 26-4-2004 and the forwarding letter is annexed herewith and marked as Annexure – D.

(xv) That the applicant states that as he approached this Hon'ble Tribunal challenging the Reversion order which had been issued biasly and illegally with malafide intention, the respondent became annoyed with him and hence with Ulterior motive they leveled the charges against him even though he has not violated any procedure in matter of appointment of Smt. Sridevi, as Smt. Sridevi was selected by the Selection Committee and recommended her for appointment which the applicant cannot overlook the merit list as per the verdict of the Apex Court and Rule of natural justice. Inspite of the fact, as the authority raised the issue, the said candidate , Smti Sridevi was removed from job after few month of her appointment in the year 2001.

(xvi) That the applicant states that all the respondent become biased from the very beginning of his joining as principal in the K.V. Panisagar, in as much as their vested interest were hampered due to his various steps against the corruption which were prevailing in the school since long back.

(xvii) That, the applicant states that as per the circular No. 19-7/98-KVS (PR-II) dated 26-11-99 which deals with delegation of powers of appointing authority to principal clearly empowers the principal to make appointment on contractual basis including part time, so there is no illegality in appointing the said candidates and there no violation of any rule or provision of the Kendriya Vidyalaya

Being aggrieved with the order of censure the applicant approach this Hon'ble Tribunal by filing this original application on the following grounds amongst others:

5. GROUNDS FOR RELIEF :

- (i) For that the action of the respondent is biased and is not sustainable in the eye of law.
- (ii) For that in matter of contractual and part -time appointment in the Kendriya Vidyalaya, the Selection Committee itself conduct the interview, select the successful candidates in order of merits and recommended them for appointment which are approved by the Vidyalaya Executive Committee, so there is no violation of any Rule.
- (iii) For that, the selection committee selected the said candidates and recommended her for appointment, which the applicant cannot overlook the merit list, so the said allegation has no basis and the said order is liable to be set aside.
- (iv) For that as Smt. Sridevi, the applicant wife, was in Serial No. 1 of the merit list recommended by the selection committee, so there is no question of violation of any Rules or Conduct by the applicant in matter of appointing her.
- (v) For that the action of the respondent authority in issuing a fresh memorandum of charges while the earlier charges is still in pending is in complete violation of the statutory Rules.
- (vi) For that the action of the respondent in leveling the same charge on the applicant and imposing a penalty while the earlier same charge is still not disposed of is not sustainable in the eye of law as it is clear to say that the

action of the respondent was done with malafide intention to harass the applicant and hence the same should be set aside and quashed.

- (vii) For that had he committed any misconduct or misbehavior during the relevant period, he could have been punished after issuing the earlier memorandum of charges, but the same has not been done. But after approaching this Hon'ble Tribunal challenging the biasly and illegal reversion order issuing a fresh memorandum of charge on the same allegation and imposing a penalty of censure is an action done only to harass the applicant, as the respondent authority become totally biased against the applicant and hence the said order of censure should be quashed.
- (viii) For that the respondent disposed of the representation in a perfunctory manner without considering all the facts of the case as raised in and hence the same is not maintainable.
- (ix) For that the action of the respondent are whimsical and bias and hence the same should be quashed.
- (x) For that the action of the respondents is against the principle of natural justice and administrative fair play.
- (xi) For that the present action of the respondents is only a afterthought with intention to support their earlier action of reversion and has no basis whatsoever.
- (xii) For that the action of the respondent is violative of Article 14,16 and 21 of the constitution of India and hence the same is liable to be set aside.
- (xiii) For that at any rate the action of the respondent are not maintainable in the eye of law and the same are liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant states that he has availed all the remedies as stated in paragraph 4 of this application but failed and hence there is no other alternative remedy to him other than to approach this Hon'ble Tribunal.

7. MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY COURT:

That the applicant further declares that the applicant has not filed any application , writ petition or suit regarding this matter before any court or any other bench of this Hon'ble Tribunal nor any such petition or suit is pending before any of them.

8. REMEDIES SOUGHT FOR :

Under the facts and circumstances stated above the applicant prays the following reliefs:

- (i) To set aside and quash the order dated 31-3-04 (Annexure - C) along with the memorandum dated 28-7-2003 (Annexure - A).
- (ii) To pass any other further order or orders as Your Lordships may deem fit and proper.
- (iii) Cost of the application.

9. INTERIM RELIEF PRAYED FOR :

10.

11. PARTICULARS OF I.P.O.

- (I) I.P.O. NO. - 20G 135602
- (II) DATE OF ISSUE : 27 - 11 - 2004
- (III) PAYALE AT : GUWAHATI

12. LIST OF ENCLOSURE :

As stated above.

Edunuri Manender Reddy

VERIFICATION

I, Sri Edunari Mounendar Reddy, son of Shri Ranga Reddy, aged about 46 years, resident of Ram Krishna Mission, Kokrajhar, P.O. and district -Kokrajhar (Assam) at present working as Post Graduate Teacher, Kendriya Vidyalaya Sangathan, Kokrajhar, do hereby verify that the statement made in paragraph 1 to 12 of the application are true to my personal knowledge and the submissions made therein I believe the same to be true as per legal advice and I have not suppressed any material fact of the case.

And I sign this verification on this 29....th day of November, 2004 at Guwahati.

Date: 29 - 11 - 2004

Edunari Mounendar Reddy

Place: GUWAHATI

Signature

REGISTERED POST

KENDRIYA VIDYALAYA SANGATHAN

Regional Office,
Chayaram Bhawan, Maligaon Chariali,
Guwahati-781012

No.F.14-7/2003-KVS(GR)/ 7.515

Dated : 28.07.2003

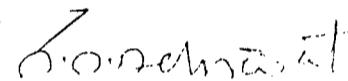
MEMORANDUM

Shri E.M. Reddy, PGT(Chemistry), Kendriya Vidyalaya, Kokrajhar is hereby informed that it is proposed to take action against him under Rule 16 of CCS(CCA) Rules 1965 as extended to the employees of KVS. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above is enclosed at Annexure-A.

Shri E.M. Reddy is hereby given an opportunity to make such representation as he may wish to make against the proposed action.

If Shri E.M. Reddy fails to submit his representation within 10 days of the receipt of this memorandum to the undersigned it will be presumed that he has no representation to make and orders will liable to be passed against Shri E.M. Reddy ex parte.

The receipt of this memorandum should be acknowledged by Shri E.M. Reddy.


(S. S. Sehrawat)
Assistant Commissioner

✓ Shri E.M. Reddy,
PGT(Chemistry)
Kendriya Vidyalaya,
Kokrajhar.

Received
on 4th August 2003

Attested by —


Advocate, CAT

29-11-04

ANNEXURE-A

**STATEMENT OF IMPUTATION OF MISCONDUCT OR
MISBEHAVIOUR IN RESPECT OF SHRI E.M. REDDY,
P.G.T.(CHEMISTRY), KENDRIYA VIDYALAYA, KOKRAJHAR.**

Shri E.M. Reddy, PGT(Chemistry) while functioning as Principal on deputation basis at Kendriya Vidyalaya, Panisagar has appointed his wife Smt E. Sridevi on Part time contractual basis in the year 2001 violating the provisions contained in Article 41(B) of the Education Code for Kendriya Vidyalaya. Thus, he has violated Rule 3(I) (iii) of the CCS(Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan

Attested by —



Advocate, CAT

29 - 11 - 04

August 6, 2003

4b

From,
E.M.Reddy
Principal (Reverted to PGT)
Joined Under Protest against the Reversion.
To,
The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Chayaram Bhavan Malinton chariali
Guwahati-781012.

THROUH PROPER CHANNEL, PRINCIPAL, KENDRIYA VIDYALAYA - KOKRAJHAR.

Subject: - Reply to the memorandum received on 4th August 2003 through Registered Post.

Ref: - Your Registered letter No. E. 14-7/2003-KVS (GR)/7.515 dated 28-7-2003 received on 4th August 2003.

Sir,

With reference to the subject mentioned above I am here by submitting my reply to the memorandum and imputations leveled in Annexure A.

The statement of misconduct or misbehavior leveled in Annexure A is denied.

While functioning as Principal the undersigned had not appointed any candidate including Smt. E. Sreedevi under article 41 of the Education Code for Kendriya Vidyalayas. The articles 41A and 41B are with in the article 41, which clearly spells about **Direct Recruitment for Regular appointment**. Hence I have not violated article 41B of Education Code for KVs and also not violated CCS conduct Rule 3(1) (iii). However Part-time appointments including Smt. E. Sreedevi were made after notifying the vacancies in the local newspapers, selection committee has recommended the candidates after adopting due procedures, who are approved by the Vidyalaya Executive Committee including Chairman. The procedure adopted is, as per KVS norms circulated vide circular No. E. 11-1/99 KVS(kPH) dated 27/28-7-1999 and E.No. 18-7/98-KVS (RPH) dated 26th November 1999. Appointments were made as per KVS norms; Smt. E. Sreedevi is one among the selected candidates. Hence, allegation leveled against me is fully false and fabricated and in doing so I have not violated any provision of the Rules and Regulations.

The memo and the charge leveled are purely with malafied intentions to harass me and deprive me from legal justice.

Once again I pray that I have not committed any misconduct while functioning as principal. Hence the charge leveled may be dropped and I may be allowed to discharge my duties peacefully.

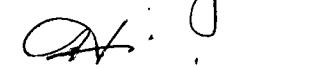
Yours faithfully



E.M.Reddy Principal (Reverted to PGT)

Running line copies
I am
E.M. Reddy
KVS (Reverted to PGT)
Kendriya Vidyalaya
Kokrajhar

Attested by -



Advocate, C.A.T

29-11-04

F-PP/EMU/KVK/2003-04/416-17

08/08/2003

To

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
2nd Floor Chayaram Bhawan,
Maligaon Chariali, Guwahati-12.

Subject:-Reply to Memorandum received from Sh.E.M.Reddy,PGT(Chem.)
of this Vidyalaya.

Sir,

Please find enclosed herewith an application received from
Sh.E.M.Reddy,PGT(Chem.) of this Vidyalaya for your further action.

Thanking you,

Yours faithfully,

(S.S.BHATTACHARJEE,) PGT(Phy).
Offg. Principal.

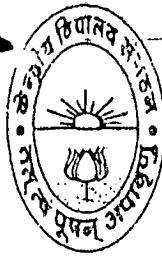
Copy to - Sh.E.M.Reddy, PGT(Chem)
for his information.

Signature
श्री/Principal
केन्द्रीय विद्यालय
Kendriya Vidyalaya
कोक्राजबाड़ी/অসম
Kokrajhar/Assam
PIN-783370

Attested by —

Signature

Advocate, CAT
29-11-04



KENDRIYA VIDYALAYA SANGATHAN

केन्द्रीय विद्यालय संगठन

केन्द्रीय कार्यालय
मालीगांव चारिआली
गुवाहाटी : ৭৮১ ০১২

Regional Office
Maligaon Chariali
Guwahati - 781 012

Phone : 2571799
: 2571798
Tele Fax : 2571797

पत्रांक

No. F. : 14-7/2003-KVS(GR)/101-03

दिनांक :
Dated: 31-03-2004

7/4

ORDER

REGISTERED POST

WHEREAS Shri E.M. Reddy, PGT(Chemistry), Kendriya Vidyalaya, Kokrajhar was charge-sheeted under Rule 16 of CCS(CCA) Rules, 1965 vid Memorandum No. 14-7/2003-KVS(GR)/7515-16, dated 28/07/2003.

WHEREAS, the said Shri E.M. Reddy has submitted a representation on 6/8/2003 against the aforesaid Memorandum.

AND WHERE AS, the undersigned after considering the facts and Circumstances of the case and his aforesaid representation has come to the conclusion that the said Shri E.M. Reddy has violated Rule 3(1) (iii) of the CCS(Conduct Rules) 1964, as extended to the employees of Kendriya Vidyalaya Sangathan and hence has decided to impose minor penalty upon him.

NOW, THERE FORE, the undersigned in his capacity as Disciplinary Authority orders imposition of minor penalty of CENSURE upon Shri E.M. Reddy, PGT(Chem.) Kendriya Vidyalaya, Kokrajhar.

O. A. N. S.
(S. S. SEHRAWAT)
ASSISTANT COMMISSIONER

To

Shri E.M. Reddy
PGT(Chem.)
K.V. Kokrajhar

Received on 6/4/04
Through post box (S.V.K.)

Attested by -
Sh.

Advocate, CAT
29 - 11 - 2004



KENDRIYA VIDYALAYA KOKRAJHAR
(ASSAM)

P.O. & Distt-Kokrajhar.
Ph. No. 270445

F.PF/EMR/KVK/2004-2005/ 2)

Dated: 27/04/2004.

To

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

Revd. pg 1

Subject: Forwarding the application submitted by Mr.E.M.Reddy,PGT(Phy).

Sir,

Please enclosed herewith a representation along with enclosures submitted by Mr.E.M.Reddy,PGT(Chemistry) for your needful please.

Thanking you ,

Encl: 06 Pages

Yours faithfully,

(S.S.Bhattacharjee)PGT(Phy).

Offg.Principal.
K.V.Kokrajhar.

Principal

क.व.कोक्राजहार

Kendriya Vidyalaya

कोक्राजहार, असम

Kokrajhar, Assam

DN-783370

Copy to:-
Mr.E.M.Reddy,PGT(Chem).
K.V.Kokrajhar.

To,

26 April, 2004

The Deputy Commissioner (Per)
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
Dew Delhi

Through Proper Channel Principal Kendriya Vidyalaya Kokrajhar

Sub:- An appeal against order under No. 14-7/2003 -KVS (GR) /101-03 dated 31-3-2004.

Sir,

With due respect I hereby draw your attention to the following facts.

1. That when I was functioning as Principal on deputation at K.V. Panisagar, one advertisement was made for parttime /contractual appoint of PRT/TGT/ PGT for Panisagar K.V. Accordingly, a number of candidates applied and appeared before the selection committee. The selection committee selected a number of candidates including Smt. E. Sree Devi i.e. my wife. As the selection committee selected Smt. E. Sree Devi as top in the merit list and recommended here name. I was bound to appoint her on contractual basis for one year and there was no wrong in as much as the Apex Court in one case has given verdict that "one selected candidate cannot be denied to give appointment on the ground that the relative is working in the same organization" the said Judgment has been reported in AIR 1997 SC 272 (Copy of the selection list of the selection committee is enclosed herewith for ready reference).
2. Besides, I want to state here that as per the circular No. 18-7/98 -KVS (RP-II) dated 26-11-99 which deals with delegation of powers of appointing authority to principal clearly empowers the principal to make appointment on contractual basis including part time and hence there is no illegality in appointing the said candidate and there no violation of any Rule of Provision.
3. That, I was served with a memorandum dated 28-7-2003 along with statement of imputation of misconduct with allegation that I appointed my wife Smt. E. Sree Devi as part time contractual basis in the year 2001 violating the provisions in the Article 41(B) of Education code for K.V. But in fact the allegation has no basis inasmuch as the selection committee selected the said candidate and recommended her for appointment. I cannot overlook the merit list.

Attested by —
GK.

Advocate, CAT

29 - 11 - 04

4. That against the memorandum I submitted my reply dated 6-8-2003, but the disciplinary authority without applying his mind to all pros and cons imposed minor penalty of CENSURE vide order No. 14-7/2003- KVS (GR) 101-103 dated 31/2/3/4.2004.
5. That in this appeal I also draw your attention to the memorandum dated 6-12-2002 through which the same allegation was brought against me, but later on after my reply dated 16/1/2003, nothing was done by the authority for a long time and after laps of about 7/8 months the disciplinary authority issued another memorandum without any justification and with malafide intentions. be it stated here that as I approached the Hon'ble C.A.T. Guwahati challenging the illegal reversion order, the disciplinary authority passed the impugned order of CENSURE on the same ground for which earlier no action was taken.

Under the circumstances, I humbly pray to your honour to consider my case and set aside and quash the impugned order, and obliged forever.

Thanking you.

Yours faithfully

Sd/illegible
(E.M.Reddy)
Principal reverted to PGT
Joined Under Protest against the illegal
reversion, Kendriya Vidyalaya Kokrajhar

Enclosures :-

1. Copy of the selection penal dated 17-8-2001.
2. Copy of the Charge sheet dated 28-7-2003
3. Copy of the reply dated 6-8-2003.
4. Copy of the order dated 31/2/3/4-2004

Attested by —
AN.

Advocate, CAT

29 - 11 - 04