

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

ORDER SHEET

Original Application No. _____
 Misc. petition No. _____
 Contempt petition No. 16/05 in O.A 266/04
 Review Application No. _____
 Applicant(s) Khagen chandra Boro
 Respondents U.O.T Gous.
 Advocate(s) for the Applicant(s) A. Ahmed
 Advocate(s) for the Respondents Case.

Notes of the Registry	Date	Order of the Tribunal
<p>This Contempt petition has been filed by the counsel for the applicant praying for punishment of the contemners/respondents for non-compliance of the order dated 22.11.04 passed by this Hon'ble Tribunal in O.A 266/04.</p> <p>laid before the Hon'ble Court for further orders.</p> <p><i>[Signature]</i> for Section officer</p> <p>Pl. comply order dated 13.4.05</p> <p><i>[Signature]</i> 19.4.05</p>	<p>13.4.2005</p>	<p>Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman. The Hon'ble Mr. K.V.Prahladan Administrative Member.</p> <p>Heard Mr. A. Ahmed, learned counsel for the applicant.</p> <p>Issue notice to show cause as why contempt proceedings shall not be initiated.</p> <p>The respondents are directed to file affidavit within four weeks. Personal appearance is dispensed with for the time being.</p> <p>List on 16.5.2005.</p> <p><i>[Signature]</i> Member (A)</p> <p><i>[Signature]</i> Vice-Chairman</p>

mb

steps taken on
19/4/05.

19/4/05.

Notice & order
sent to D/Section
for issuing to
resp. Nos- 1, 2 by
regul. A/D post-

20/4 D/No = 615 to
616
DT-25/4/05.

16.5.05 Mr K.Upadhyay, learned counsel for the respondents has placed before us an order dated 9.5.05 passed by the KVS which would satisfy the direction issued by this Tribunal in O.A.266/2004.

In the circumstances without prejudice to the rights of the applicant to challenge the said order in appropriate proceeding, if he so desires, the contempt petition is closed.

[Signature]
Member

[Signature]
Vice-Chairman

pg

13-5-05

① notice issued to all
Respondents on 25-4-05.

② Sample Report awaited.

19.5.05

Copy of the orders
has been sent to the
Respondent vide D/No
775 to 776 dt. 19.5.05
and handed over the
same to the L/Advocate
for the Applicant on
18.5.05

[Signature]

12 APR 2005

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 16 OF 2005.
IN O.A.NO.266 OF 2004

Filed by
Shri Khagen Chandra Boro
through [Signature]
Petitioner
(Adv. AHMED)
Advocate

IN THE MATTER OF:

A Petition under Section 17 of the central Administrative Tribunal Act, 1985 praying for punishment of the Contemnners/ Respondents for non-compliance of judgment and order passed by the Hon'ble Tribunal in O.A.No.266 of 2004 on 22-11-2004.

-AND-

IN THE MATTER OF:

Shri Khagen Chandra Boro

... Applicant.

-VERSUS-

The Union of India & Others.

... Respondents.

-AND-

IN THE MATTER OF

Shri Khagen Chandra Boro,
Ex. Assistant Superintendent,
Kendriya Vidyalaya Sangathan,
Regional Office, Guwahati-12.

... Petitioner

-VERSUS-

1. Shri Ramlal Jamura,
Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi-110016.
2. Shri U.N.Khaware,
Assitsant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
Maligaon Chariali, Guwahati-12.

... Respondents/Contemnners

Shri Khagen Ch. Boro.

The humble Petition of the above named
Petitioner :

MOST RESPECTFULLY SHEWETH:

1) That your humble Petitioner had filed the Original Application No.266 of 2004 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati against the non-disposal of the Appeal filed by the Applicant on 08-09-2004 before the Respondent No.1. i.e. the Appellate Authority under Rule 24 of CCS (Class, Control & Appeal) of 1965 against the Impugned Office Order No. F4-4/2001-KVS(Vig) dated 16-07-2004 issued by the Respondent No.2.

2) That the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati on 22-11-2004 directed the Respondents to give reply to the Appeal dated 08-09-2004 within four months from the date of the receipt of this Order.

Annexure-A is the photocopy of Judgment & Order dated 22-11-2004 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A. No.266 of 2004.

3) That your Petitioner begs to state that he had submitted the copy of the Hon'ble Central Administrative Tribunal Order dated 22-11-2004 before the Authority. But the Respondents/Contemnners till now have not taken any steps for disposal of his Appeal dated 08-09-2004. As such the Respondents/Contemnners have shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondents/Contemnners deliberately with a motive behind have not complied the Hon'ble Tribunal Order dated 22-11-2004 passed in O.A.No.266 of 2004. Hence the Respondents/Contemnners deserve punishment from this Hon'be Tribunal. It is a fit case where the Respondents/Contemnners may be directed to appear before this Hon'ble Tribunal to explain as to why they have shown disrespect to this Hon'ble Tribunal.

4) That this Petition is filed bona fide to secure the ends of justice.

In the premises, it is, most humbly
and respectfully prayed that your
Lordships may be pleased to admit this

Sri Khagen Ch. Barua.

petition and issued Contempt notice to the Respondents/Contemners to show cause as to why they should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other order or orders as this Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal Order dated 22-11-2004 passed in O.A.No. 266 of 2004, the Respondents/Contemners may be asked to appear in persons before this Hon'ble Tribunal to explain as to why they should not be punished under the contempt of Court proceeding.

And for this act of kindness your Petitioners as in duty bound shall ever pray.

...Draft Charge

Sri Kshagan Ch. Boro

-DRAFT CHARGE-

The Petitioner aggrieved for non-compliance of Order dated 22-11-2004 passed by the Hon'ble Tribunal in O.A No.266 of 2004. The Contemnners/Respondents have willfully and deliberately violated the Order dated 22-11-2004. Accordingly, the Respondents/Contemnners are liable for Contempt of Court proceedings and severe punishment thereof as provided to appear in persons and reply the charges leveled against them before this Hon'ble Tribunal.

- A F F I D A V I T -

I, Shri Khagen Chandra Boro, Ex. Assistant Superintendent, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati-12, District - Kamrup (Urban), Assam by religion Hindu do hereby solemnly affirm and state as follows:

1) That I am the Applicant in O.A.No.266 of 2004 and also Petitioner of the instant petition and as such I am fully acquainted with the facts and circumstances of the case.

2) That the statements made in paragraphs 1, 3 — of the Contempt Petition are true to my knowledge those made in paragraphs 2, — of the petition being matters of records are true to my information which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I put my hand hereunto this affidavit on this 12th day of April 2005 at Guwahati.

Identified by me:

Advocate

Solemnly affirmed before me by
Shri Khagen Ch Boro
 the Deponent who is identified by
 Mr.Adil Ahmed, Advocate.

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET.

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

In O.A. 266/04

Name of the Applicant(s) K.C. Boro

Name of the Respondent(s) M.O. I & Ors

Advocate for the Applicant A. Ahmed

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

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
	22.11.2004	<p>Present : The Hon'ble Mr. K.V. Prahladan, Member (A).</p> <p>Heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. M.K. Mazumdar, learned counsel for the respondents.</p> <p>This application is filed against non disposal of the appeal of the applicant dated 8.9.2004. The respondents are directed to give reply to the appeal dated 8.9.2004. within four months from the date of receipt of this order.</p> <p>The application is disposed of. No order as to costs.</p>



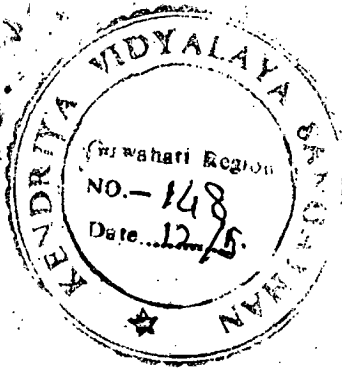
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সত্য কপি

Sd/MEMBER (ADM)

[Handwritten Signature]
22/11/04

Section Officer (A)
কেন্দ্রীয় প্রশাসনিক আয়ুক্ত (এ)
Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক আয়ুক্ত
Guwahati Bench, Guwahati
গুৱাহাটী কেন্দ্রীয় আয়ুক্ত

[Handwritten Signature]
A. Ahmed
A. Ahmed



X By Speed Post/Confidential

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

F.9-113/2004-KVS(Vig.)

Dated 9 -5-2005

ORDER

WHEREAS Shri K.C. Boro, Assistant Superintendent, Kendriya Vidyalaya Sangathan, Guwahati has been Charge-sheeted under Rule-14 of CCS (CCA) Rules, 1965 vide Memorandum of even number dated 25/28.05.2001 and on conclusion of the Disciplinary proceedings he has been awarded the penalty of "Dismissal from Service" vide order dated 16.07.2004 by the Joint Commissioner (Admn.) being the Disciplinary Authority .

Whereas aggrieved with the said order of the Disciplinary Authority dated 16.07.2004 Shri K.C. Boro has filed an OA No. No.164/2004 in the Hon'ble CAT, Guwahati Bench. He also filed a Misc. Petition No. 95/2004 in OA No. 164/2004 before the Hon'ble Tribunal to allow him to file an appeal under Rule 24 of CCS (CCA) Rules, 1965. The Hon'ble CAT admitted the said OA and the record was called for. The Hon'ble Tribunal vide dated 07.09.2004 passed an order that pendency of the OA shall not be a bar for him to file an appeal.

WHEREAS the said Shri K.C. Boro has preferred an appeal dated 08.09.2004 in compliance to the order dated 07.09.2004 of the Hon'ble Tribunal to the Appellate Authority, making the following submissions:-

1. A major penalty of Dismissal from Service was imposed upon him by the Joint Commissioner (Admn.) vide order dated 16.07.2004 and as such finding no other alternative he approached the Hon'ble CAT, Guwahati Bench vide OA No.164/2004 for quashing & setting aside the impugned order dated 16.07.2004. The Hon'ble CAT admitted the said OA and the record was called for. Meanwhile he filed a Misc. Petition No. 95/2004 in OA No. 164/2004 before the Hon'ble Tribunal to allow him to file an appeal under Rule 24 of CCS (CCA) Rules, 1965. The Hon'ble Tribunal vide dated 07.09.2004 allowed his prayer and passed an order that pendency of the OA shall not be a bar for him to file an appeal. Accordingly he filed this appeal for kind & sympathetic consideration of his case.
2. He was Charge-Sheeted Vide Memorandum dated 25/28.5.01 and the article of charge was framed against him that he produced forged documents relating to his age & educational qualification to the lawful Authority of the Sangathan investigating a complaint against him. On denial of the charges by him, Shri Nisit Kumar Pal, Regional Development Commissioner (Retd.), D/o Steel was appointed as Inquiry Officer and Shri S. Dutta, Administrative Officer, KVS, Regional Office, Kolkata as Presenting Officer. 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 & Regular hearings at KVS, Regional Office, Kolkata. During the cross examination of witness Shri P.C. Das (who had made the initial complaint against him) this appellant had admitted that he had earlier approached the Hon CAT, Guwahati Bench challenging his age & qualification and which has been dismissed by the Hon'ble CAT. Shri Choudhary, Principal (Retd.), Kendriya Vidyalaya, CRPF Amerigog, Guwahati has also

admitted that his date of birth recorded in the Birth Certificate at the time of his initial appointment is 01.01.1961. The Inquiry Officer submitted his report which was provided to him for his statement vide Memorandum dated 11.05.2004 and he submitted his reply against the aforesaid Inquiry Report. The Joint Commissioner (Admn.) vide his order dated 16.07.2004 imposed major penalty against him and terminated his service with immediate effect.

WHEREAS the appellant being aggrieved with the said penalty has preferred this appeal. I have carefully gone through his appeal petition and the relevant documents referred to by him.

WHEREAS after considering all relevant facts and circumstances of the case on record and the submission made by the Appellant the undersigned observed the following :-

1. Shri Boro was Charge-sheeted under Rule-14 of CCS(CCA) Rules, 1965 vide Memorandum 25/28.05.2001 for producing fabricated/altered documents related to his age and educational qualifications.
2. On denying the charges Inquiry Officer and Presenting Officer were appointed to find out the truth and the Inquiry Officer finds that the charges framed against the Charged Officer are established. The act of the Charged Officer constitutes misconduct under CCS [CCA] Rules, 1965.
3. The Inquiry Report was supplied to the Charged Officer for making his submission and after considering the Inquiry Report & submission of the Charged Officer, the major penalty of "Dismissal from service" was imposed upon him vide order dated 16.07.2004 by the Joint Commissioner (Admn.) being the disciplinary authority.
4. The findings of the Inquiry Officer and the order passed by the Disciplinary Authority clearly indicate that the charges of submission of fabricated/altered documents with regard to age and qualification have been clearly established.

AND WHEREAS, based on consideration of facts & circumstances of the case, contents in the appeal and the documentary evidences from the Board of Secondary Education, Assam, the undersigned is of the view that the punishment of major penalty of "Dismissal from Service" imposed upon him by the Joint Commissioner (Admn.) being the Disciplinary Authority is commensurate with the misconduct committed by him and accordingly has decided to confirm the order dated 16.07.2004.

NOW THEREFORE, the undersigned, rejects the appeal dated 08.09.2004 of the said Shri K.C. Boro on merit.


(Ranglal Jamuda)
Commissioner &
Appellate Authority

Copy to :-

1. Shri K.C. Boro, Ex-Asstt.Suptd., Kendriya Vidyalaya Sangathan, Regional Office, Guwahati Village Sontala, P.O. Mirza, Distt. Kamrup (Assam).
2. The Assistant Commissioner, KVS, Regional Office, Guwahati along-with a copy of the order for handing over the same to Shri K.C. Boro at his latest address available with his office under intimation to this office through fax.
3. The Section Officer (L&C) Section, KVS (HQ), New Delhi.
4. Amrd file.