

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A./T.A No. 133/2005

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SECTION OFFICER (Judl.)

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

ORDER SHEET

Original Application No. 133/05
 Misc. Petition NO. _____
 Contempt petition No. _____
 Review Application No. _____
 Applicants. Khagen chandra BORO
 Respondents. U.O.I. Hows
 Advocates for the Applicant. Adil Ahmed
 Advocates of the Respondents. K.V.S.

Notes of the Registry	Dated	Order of the Tribunal
This application is in form is filed/C.F. for the deposited vide IP. No. <u>200.13355</u> Dated <u>10.6.05</u> <i>Am</i> <i>13/6/05</i>	14.6.2005	Heard Mr.A.Ahmed, learned counsel for the applicant. Notice to the respondents, returnable in four weeks. Written statement if any also within that time. Post on 15.7.2005 for admission. <i>Am</i> Member <i>[Signature]</i> Vice-Chairman <i>[Signature]</i>
Steps taken <i>Am</i>	bb 15.7.05.	Mr.A.Ahmed learned counsel for the applicant is present. The counsel for the Respondents will file reply. Post the matter on 1.8.05. Member <i>[Signature]</i> Vice-Chairman <i>[Signature]</i>
Notice & order sent to D/section for issuing to resp. Nos - 1, 2 & 3 by regd. A/D post. Cas 17/6/05. D/No = 936 to 938 Pl = 24/6/05	lm	

Notice duly served on resp.

No- 3, 1, 2

1.8.05

Written statement has not been filed. Post the matter on 29.8.05.

Written statement if any in the meantime.

Service Completed.

Order of the Tribunal

Vice-Chairman

30.8.05

Mr. A. Ahmed learned counsel for the applicant through Mr. M. U. Ahmed learned Addl. C.G.S.C. is requested for adjournment. Post the matter on 8.9.05.

Vice-Chairman

15.7.05

Preliminary objection filed by the respondent.

9.9.05

Mr. A. Ahmed learned counsel for the applicant is present. The counsel for the Respondents is not present.

Post the matter on 16.9.05.

Vice-Chairman

Objection filed by the respondents.

16.9.2005

Mr. A. Ahmed learned counsel for the applicant is present. Mr. M. K. Mazumdar, learned Standing counsel for the KVS submits that a preliminary objection has already been filed. Post on 2.11.2005. Written statement in the meantime.

Vice-Chairman

10-11-05

preliminary objection has been filed.

bb

11.11.2005

Mr. A. Ahmed learned counsel for the applicant (Mr. and Mr. M. K. Mazumdar) learned Standing counsel for the KV are present. Mr. Mazumdar seeks for time to file written statement. Post on 22.12.2005.

Vice-Chairman

① preliminary objection has been filed.

② No. Wks. has been filed.

21.12.05

bb

22.12.2005

Mr. A. Ahmed, learned counsel for the applicant is present. Mr. M.K. Mazumdar, learned counsel for the respondents submits that this can be posted for hearing, particularly in view of the fact that preliminary objection has been filed. Counsel further submits that written statement will also be filed shortly. Post on 10.2.2006.

8-2-06

① preliminary objection has been filed.

② No Wks has been filed.

rev
8.2.06

Vice-Chairman

mb

10.02.2006

Post before the next Division Bench for hearing.

31-7-06

preliminary objection filed by the respondents.

rev

mb

01.08.2006

Bank Counsel appearing for the parties submitted that the case may be posted on 09.08.2006.

Member

Vice-Chairman

mb

9.8.2006

Mr. M.K. Mazumdar, learned Standing counsel for the KVS was represented and submitted on his behalf that because of personal inconvenience he could not be present today. Let the matter be posted before the next Division Bench.

Member (A)

Vice-Chairman

bb

O.A.133/05

05.05.2008

This matter stands adjourned to 26.05.2008 for hearing.

objection filed by the respondents.

me
23.5.08

/bb/

(Khushiram)
Member (A)

26.05.2008

Mr. A. Ahmed, learned counsel appearing for the Applicant is absent for the reasons of his bereavement of his family.

Mr.M.K.Mazumdar, learned counsel appearing for the Kendriya Vidyalaya Sangathan; makes a statement that no regular counter/written statement is necessary and the preliminary objection filed by the Respondents covers the matter that was required to be taken in the regular written statement. He, however, undertakes to produce the Departmental Records at the time of hearing.

objection filed.

me
18.5.08

Call this matter on 19.6.2008 for hearing.

18.6.08

W/s filed by the Respondent Nos. 1, 2 & 3. Undertaking given for service.

(Khushiram)
Member(A)
(M.R.Mohanty)
Vice-Chairman

19.06.08

On the prayer of the counsel appearing for both the parties call this matter on 12.08.2008.

me
18/6/08

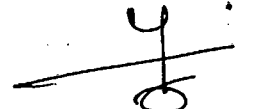
W/s filed.

(Khushiram)
Member(A)
(M.R.Mohanty)
Vice-Chairman

me
11.08.2008

O.A.133 of 05

12.08.2008. On the request of learned counsel appearing for both the parties, call this matter on 09.09.2008 for hearing.



(M.R. Mohanty)
Vice-Chairman


lm

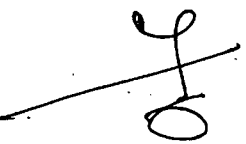
15.09.08 Mr N. Ahmed, Advocate (representing Mr A.ahmed, Advocate for the Applicant) seeks an adjournment of the hearing of this case in presence of Mr M.K.Mazumdar, learned Standing counsel for Kendriya Vidyalaya Sangathan.

In the aforesaid premises, hearing of this case stands adjourned to be taken up on 11.11.2008.

W/s filed.


10.11.08



(Khushiram)
Member(A)



(M.R. Mohanty)
Vice-Chairman

pg

11.11.2008 Mr.A.Ahmed, learned counsel for the Applicant is absent. Mr.M.K.Mazumdar, learned standing counsel for the KVS, is however, present. Mr.N.Ahmed, Advocate, makes a prayer, on behalf of Mr.A.Ahmed, seeking adjournment till 2nd of December, 2008.

W/s filed.


1.12.08


(S.N. Shukla)
Member (A)


(M.R. Mohanty)
Vice-Chairman

Call this matter on 02.12.2008 for hearing.

/bb/

O.A. 133/05

02.12.2008

On the prayer of Mr A. Ahmed, learned counsel for the Applicant call this matter on 18.12.2008.

W/s bteel.

12.12.08

(S.N. Shukla)
Member(A)

(M.R. Mohanty)
Vice-Chairman

pg

18.12.2008

On the prayer of Mr. N. Ahmed^{made} (on behalf of Mr. A. Ahmed, learned counsel appearing for the Applicant) made in presence of Mr. M. K. Mazumdar (learned counsel for the KVS), call this matter on 04.02.2009 for hearing.

W/s bteel.

3.2.09

(S.N. Shukla)
Member(A)

(M.R. Mohanty)
Vice-Chairman

lm

04.02.2009

Call this matter on 19.03.2009 for hearing.

W/s bteel.

18.3.09

(M.R. Mohanty)
Vice-Chairman

/bb/

19.03.2009

None for the parties. Put up this case on 26.03.2009 for hearing.

W.Das

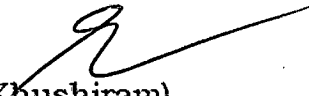
19/3/09


(A.K. Gaur)
Member (J)

/bb/

✓

26.03.2009 Heard counsel for the parties. For the reasons recorded separately, this case stands disposed of.


(Khushiram)
Member (A)


(A.K. Gaur)
Member (J)

Received
copy
from M. K. Majumdar
by Karika Jey advocate
on 02.04.09

/bb/

7

A

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A No. 133 of 2005

DATE OF DECISION: 26.03.2009

Shri Khagen Chandra Boro

.....Applicant/s.

Mr.A.Ahmed

..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Mr.M.K.Mazumdar, Standing counsel for the KVS.

..... Advocate for the
Respondents

CORAM

THE HON'BLE MR.A.K.GAUR, JUDICIAL MEMBER

THE HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER

- | | | |
|----|---|--------|
| 4. | Whether Reporters of local newspapers may be allowed to see the Judgment? | Yes/No |
| 5. | Whether to be referred to the Reporter or not? | Yes/No |
| 6. | Whether their Lordships wish to see the fair copy of the Judgment? | Yes/No |

Judgment delivered by


Judicial Member

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.133 of 2005.

Date of Order : This, the 26th day of March, 2009.

THE HON'BLE MR. A.K.GAUR, JUDICIAL MEMBER

THE HON'BLE MR. KHUSHIRAM, ADMINISTRATIVE MEMBER

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

...Applicant.

By Advocate: Mr.A.Ahmed.

- Versus -

1. The Chairman
Kendriya Vidyalaya Sangathan
18, Institutional Area
Saheed Jeet Singh Marg
New Delhi - 110 016.
2. The Joint Commissioner (Admn)
Kendriya Vidyalaya Sangathan (headquarter)
18, Institutional Area
Saheed Jeet Singh Marg
New Delhi - 110 016.
3. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, Jawahar Nagar, Khanapara
Near Kendriya Vidyalaya Sangathan
Guwahati-22.

... Respondents.

By Mr. Mr.M.K.Mazumdar, Standing counsel for the KVS.

O R D E R (ORAL)

A.K.GAUR, MEMBER (J) :

We have heard Mr.A.Ahmed, learned counsel for the Applicant and Mr. M.K.Mazumdar, learned Standing counsel for the Kendriya Vidyalaya Sangathan.

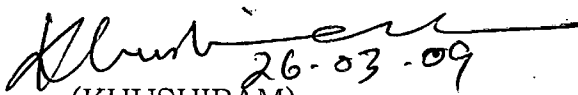
✓

2. It has been argued by Mr.A.Ahmed, learned counsel for the Applicant that appellate authority has passed the appellate order No.F.9-113/2004-KVS(Vig.) dated 09.05.2005 in a most casual and perfunctory manner without application of mind and the same is a cryptic order. He has placed reliance on the following Supreme Court decisions in order to buttress the contention that it is the bounden duty of the authority to consider each and every ground raised in the memorandum of appeal:-

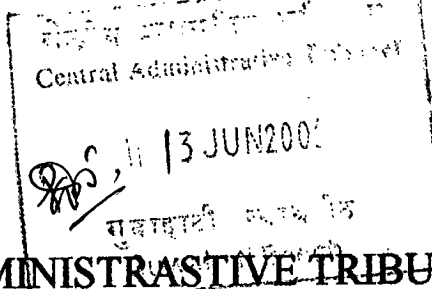
- (i) 2006 SCC L&S 840 (Narinder Mohan Arya. vs. Union of India & Others);
- (ii) AIR 1986 SC 1173 (R. C. vs. Union of India & Others)
- (iii) (2005) 7 SCC 597 (National Fertilizers Ltd. and Another vs. P.K.Khanna; and lastly
- (iv) 2006 (11) SCC 147 (Director of Indian Oil Corporation vs. Santosh Kumar

3. We have given our anxious thoughts to the pleas advanced by the counsel for the parties. In view of the aforesaid decisions we are of the opinion that the appellate order is a non-speaking order and has not been passed in accordance with the provisions of rules, and therefore, the same deserves to be set aside and quashed. Accordingly, we quash and set aside the aforesaid appellate order dated 09.05.2005 (Annexure-6) and remit back the matter to the appellate authority to consider the appeal of the Applicant afresh in accordance with the provisions of rule within a period of three months from the date of receipt of a copy of this order.

4. With the above observations and direction, the O.A. is disposed of as above.


(KHUSHIRAM)
ADMNISTRATIVE MEMBER


(A.K.GAUR)
JUDICIAL MEMBER



**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 133 /2005

Sri Khagen Chandra Boro ... Applicant

-Versus -

The Commissioner, Kendriya Vidyalaya & Ors ... Respondents.

LIST OF DATES/EVENTS

- 07.08.1979 The applicant was appointed as Group 'D' Staff in Kendriya Vidyalaya Sangathan, Regional Office, Guwahati.
- 27.08.1980 His service was regularized with effect from 07.11.1979.
- 1982 The applicant passed the Matriculation Examination on Compartmental.
- 1982 The Secondary Education Board of Assam has issued the Matriculation Certificate of the applicant as 18 years 3 months on 1st March 1980 and 20 years 3 months on 1st March, 1982 respectively.
- 03.09.1982 The applicant applied for correction of his age as 21 years 2 months as on 1st March, 1982.
- 05.04.1999 One Shri Pradip Chandra Das, UDC, KVS complained before the concerned authority by bringing some wild allegations against the applicant.
- 27.05.1999 The applicant filed an FIR before the Palashbari Police Station about the loss of his Original Matriculation certificate.
- 08.07.1999 The Applicant fill up the questionnaire put by one Sri G.C. Choudhury, Principal, KVS, Amerigog who was deputed by the Respondent No. 3 to make inquiry against the applicant regarding allegations made by one Sri P.C. Das, UDC, KVS.
- 25/28.05.2001 The Respondents proposed to hold an inquiry against the applicant under Rule 14 of the CCS (CCA), Rules, 1965.
- 09.10.2001 The Respondent No. 2 appointed one Sri Nisit Kumar Pal retired Regional Commissioner for Iron and Steel, Kolkata as inquiry authority to inquire into charges framed against the applicant.
- 16.12.2002 Preliminary hearing was held.

Sri Khagen Ch. Boro

25.02.2003,
26.2.2003,
13.10.2003
15.12.2003
16.12.2003
05.01.2004

Hearing was held at Kendriya Vidyalaya Sangathan, EB Block
Sector - I, Salt Lake, Kolkata, 700 084

27.01.2004 Final Hearing was held at Kendriya Vidyalaya Sangathan, EB Block
Sector - I, Salt Lake, Kolkata, 700 084

20.02.2004 Inquiry Officer Submitted his inquiry report.

25.03.2004

&

11.05.2004 The Respondents asked the applicant against the inquiry report.
Accordingly, the applicant submitted his reply.

16.07.2004 The Respondents imposed major penalty against the applicant by
dismissing his service from KVS.

The applicant Original Application No. 164/2004 before this Hon'ble
Tribunal against the impugned order of termination. The case was
admitted and record was called for. In the meantime, the applicant filed a
Misc. Case No. 95/2004 in O.A. No. 164/2004 for granting him
permission to file an appeal.

07.09.2004 The Hon'ble Tribunal vide its order dated 07.09.2004 passed in Misc.
Case No. 95 of 2004 in O.A. No. 164 of 2004 granted permission and
directed that "Pendency of the Original Application shall not be a bar for
the applicant to file an Appeal under Rule 24 of CCS (CCA) Rules 1965."

08.09.2004 The applicant filed an appeal before the Appellate Authority. After that the
applicant withdrew the Original Application No. 164 of 2004.

The applicant again filed an Original Application No. 266/2004 before this
Tribunal for early disposal of his appeal.

22.11.2004 The Hon'ble Tribunal vide order directed the respondents to give reply to
the appeal dated 08.09.2004 filed by the applicant within four months
from the date of receipt of the order.

The applicant filed a Contempt Petition No. 16/2005 for non-compliance
of the order dated 22.11.2004.

16.05.2005 The Learned counsel for the respondents placed before the Tribunal an
order dated 09.05.2005 regarding disposal of appeal of the applicant.
Hence, being aggrieved by this the Applicant filed this Original
Application filed by the applicant against the impugned order of
termination dated 16.07.2004 and also Rejection of Appeal dated
09.05.2005.

Sri Kiran Ch. Boro.

09.02.2002
 Termination dated 16.07.2004 and also Rejection of Appeal dated 16.07.2004 filed by the applicant against the impugned order of Appeal being aggrieved by the Applicant filed his Original Application dated 09.02.2002 regarding disposal of appeal of the applicant. The Learned counsel for the respondents placed before the Tribunal an order dated 09.02.2002.

16.02.2002
 The applicant filed a Contempt Petition No. 16/2002 for non-compliance of the order dated 23.1.2004.

23.11.2004
 The Hon'ble Tribunal vide order directed the respondents to give reply to the appeal dated 08.09.2004 filed by the applicant within four months from the date of receipt of the order.

08.09.2004
 The applicant again filed an Original Application No. 266/2004 before this Tribunal for early disposal of his appeal.

08.09.2004
 The applicant filed an appeal before the Appellate Authority. After that the applicant withdrew the Original Application No. 104 of 2004.

07.09.2004
 The Hon'ble Tribunal vide its order dated 07.09.2004 passed in Misc. Case No. 92 of 2004 in O.A. No. 104 of 2004 granted permission and directed that "copy of the Original Application shall not be a bar for the applicant to file an Appeal under Rule 24 of CCS (CCA) Rules 1964".

16.07.2004
 The applicant (Original Application No. 104/2004 before the Hon'ble Tribunal against the impugned order of termination. The case was admitted and record was called for in the meantime, the applicant filed a Misc. Case No. 92/2004 in O.A. No. 104/2004 for granting him permission to file an appeal.

11.02.2004
 Accordingly, the applicant submitted his reply. The Respondents asked the applicant against the inquiry report.

23.03.2004
 Inquiry Officer submitted his inquiry report.

27.01.2004
 Final Hearing was held at Kendriya Vidyalaya Sangathan, BB Block Sector - I Salt Lake, Kolkata, 700 084.

25.02.2002
 Hearing was held at Kendriya Vidyalaya Sangathan, BB Block Sector - I Salt Lake, Kolkata, 700 084.

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 133 /2005

Sri Khagen Chandra Boro

... Applicant


- Versus -

The Commissioner, Kendriya Vidyalaya & Ors

... Respondents.

- I N D E X -

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Filed By

(ADIL AHMED) (Abir Ahmed)

Sri Khagen Ch. Boro,

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT 1985)

15
Filed by
Shri Khagen Chandra Boro
Applicant
through Jif
CABIC AHMED
Advocate

ORIGINAL APPLICATION NO. 133 OF 2005.

BETWEEN

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

... Applicant

- AND -

- 1) The Chairman, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi-110016.
- 2) The Joint Commissioner (Admn.) Kendriya Vidyalaya Sangathan, (Head Quarter) 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi-110016.
- 3) The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Jawahar Nagar, Khanapara, Near Kendriya Vidyalaya, Khanapara, Guwahati - 22.

... Respondents

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

This application is directed against the impugned Order No.F.4-4/2001-KVS(Vig) dated 16.07.2004 issued by the Respondent No.2 and also against the impugned Rejection Order No.F.9-113/2004-KVS (Vig) dated 09-05-2005 issued by the Respondent No.1 i.e. the Commissioner, Kendriya Vidyalaya Sangathan & Appellate Authority rejecting the appeal dated 08.09.2004 filed by the Applicant.

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.

Shri Khagen Ch. Boro

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 the 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 Daftary and subsequently he was promoted to the post of Lower Division Clerk at Kendriya Vidyalaya Sangathan, Regional Office, Guwahati. Lastly he had worked 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 1st March 1980 and 20 years 3 months on 1st March 1982 respectively, which was not correct. Then he immediately on 3rd September 1982 applied before the Secondary Board of Education, Assam through the Principal, Palashbari 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 3rd 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 1st 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 3rd 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 1st 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 the applicant that the applicant had submitted fabricated and furnished 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 21st 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

Shri Khagen Ch Boro

on 1st March 1980 or 20 yrs 3 months on 1st March 1982. Further with reference to your letter FNO.109/KVA/CRPF/99-2000/467 dated 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 Admit Cards showing his age as 19 yrs 2 months on 1st 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 nor any complaint or criminal case was lodged before 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 of the Article of Charges 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 21st 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.

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.

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 being aggrieved by the order dated 16.7.2004 your applicant filed an O. A. No. 164/2004 before this Hon'ble Central Administrative Tribunal, Guwahati Bench. During the pendency of the said Original Application your applicant filed an Appeal under Rule 24 of CCS (CCA) Rules 1965 before the Appellate Authority. After that the applicant has withdrawn the Original Application No. 164/2004. The applicant has filed another Original Application No. 266/2004 before this Hon'ble Tribunal for early disposal of his appeal on 8.9.2004. The Hon'ble Tribunal vide its order dated 22.11.2004 directed the respondents to give reply to the appeal dated 08.09.2004 within four months from the date of receipt of the order. Accordingly, the said Original Application was disposed of. But the respondents did not dispose the said appeal within four months from the date of receipt of the order of this Hon'ble Tribunal. The applicant again filed a Contempt Petition No. k1

16/2005 in O.A. No. 266/2004 before this Hon'ble Tribunal. The Respondents vide its Order No. F.9-113/2004-KVS(Vig) dated 09.05.2005 rejected the said appeal dated 08.09.2004 filed by the applicant. The Hon'ble Tribunal vide its Order dated 16.5.2005 stated that "In the circumstances without prejudice to the right of the applicant to challenge the said order in appropriate proceeding, if he so desires, the contempt petition is closed".

ANNEXURE - O is the photocopy of Appeal dated 8.9.2004
Annexure - O, is the photocopy of rejection order of appeal issued by the Respondents vide order No. F.9-113/2004-KVS(Vig.) dated 09.05.2005.

Annexure - P is the photocopy of order-dated 16.5.2005 passed by the Hon'ble Tribunal in Contempt Petition No. 16/2005 in O.A. No. 266/2004.

4.10) That your applicant begs to state that the rejection order dated 09.05.2005 was issued by the Appellate Authority without applying their mind passed a mechanical order. In the body of the rejection order dated 09.05.2005 the Appellate Authority only simply quoted the submission made by the applicant. But while passing of the rejection order the Appellate Authority was totally silent and also did not go through the allegation submitted by the applicant against his penalty of dismissal from his service. Surprisingly, the Appellate Authority did not go through the case filed by one Sri P.C. Das (who had made the initial complaint against the applicant) before the Hon'ble Central Administrative Tribunal, Guwahati Bench which was dismissed by this Hon'ble Tribunal. As such, the rejection order by the Appellate Authority is malafide, illegal and also not sustainable before the eye of law as well as facts of the case.

4.11) That your applicant begs to state that the inquiry conducted by the authority against the applicant is itself not sustainable before the eye of law as well as the facts of the case. The Respondents have appointed one Sri Nisit Kumar Pal, Retired Regional Development Commissioner for Iron and Steel, Kolkata as Inquiry Authority to conduct the inquiry of the case as per Sub Rule (2) read with Sub Rule (22) of Rule 14 of CCS (CCA) Rules, 1965. But under Rule 14(2) of the CCS (CCA) Rules, 1965, a retired person cannot be appointed as Inquiry Officer. The Rules mentioned above clearly provides that whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government Servant, it may any itself inquire into or appoint under this Rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may an authority to inquire into the truth thereof. As such, the whole inquiry conducted by the authority is not maintainable before the eye of law and the same is liable to be set aside and quashed.

4.12) 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 21st August 1999. Due to venue of Enquiry was held at Kolkata, the Enquiry Authority unable to Cross Examine the Principal, Palashbari R.B.H.S.& M.P.School, Mirza who was the vital witness of the prosecution to prove the case. Moreover, the Charged Officer was compelled to withdraw one of his Defence Assistant for the reason, which the Defence Assistant refused 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 01-10-1961.

4.13) 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.

4.14) 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 rejection order dated 09.05.2005 is liable to be set aside and quashed.

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

4.16) 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.

4.17) 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 submitted that the Respondents have acted with a malafide intention only to deprive the Applicant from his legitimate right.

4.18) 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 including his minor children.

4.19) 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 of rejection dated 09.05.2005 is liable to be set aside and quashed.

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

4.21) 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 orders dated 16.07.2004 and 09.05.2005.

4.22) 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 detailed the action of the Respondents is in prima facie illegal, malafide, arbitrary and without jurisdiction. Hence, the impugned termination order dated 16-07-2004 issued by the Respondent No.2 and also rejection order dated 09.05.2005 issued by the Appellate Authority may be set aside and quashed.

5.2) For that, the Inquiry Officer appointed by the Respondents is not accordance to Rule 14(2) of the CCS (CCA) Rules, 1965. Hence, the findings of the inquiry against the applicant is itself malafide, illegal and without jurisdiction. Hence, the impugned termination order dated 16-07-2004 issued by the Respondent No.2 and also rejection order dated 09.05.2005 issued by the Appellate Authority may be set aside and quashed.

5.3) 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 issued by the Respondent No.2 and also rejection order dated 09.05.2005 issued by the Appellate Authority may be set aside and quashed.

5.4) For that, due to unknown reasons the Respondents did not initiate 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 issued by the Respondent No.2 and also rejection order dated 09.05.2005 issued by the Appellate Authority may be set aside and quashed.

5.5) 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 issued by the Respondent No.2 and also rejection order dated 09.05.2005 issued by the Appellate Authority may be set aside and quashed.

5.6) 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 issued by the Respondent No.2 and also rejection order dated 09.05.2005 issued by the Appellate Authority may be set aside and quashed.

5.7) For that, the Board of Secondary Education, Assam, Guwahati has not filed any F.I.R. or complain case 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 issued by the Respondent No.2 and also rejection order dated 09.05.2005 issued by the Appellate Authority may be set aside and quashed.

5.8) 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. Hence, the impugned termination order dated 16-07-2004 issued by the Respondent No.2 and

also rejection order dated 09.05.2005 issued by the Appellate Authority may be set aside and quashed.

5.9) For that, the Appellate Authority passed the rejection order dated 09.05.2005 without applying their mind and without going through the case of the applicant. Hence, the impugned termination order dated 16-07-2004 issued by the Respondent No.2 and also rejection order dated 09.05.2005 issued by the Appellate Authority may be set aside and quashed.

5.10) For that, the Respondents have violated the Articles 14, 16 & 21 of the Constitution of India. Hence, the impugned termination order dated 16-07-2004 issued by the Respondent No.2 and also rejection order dated 09.05.2005 issued by the Appellate Authority may be set aside and quashed.

5.11) For that, the action of the respondents is arbitrary, malafide and discriminatory with an ill motive.

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

The Applicant craves leave of this Hon'ble Tribunal to 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 of 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 and also to set aside the rejection of appeal order issued by the Respondent No. 1 vide Order No. F.9-113/2004-KVS(Vig.) dated 09.05.2005.

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 and impugned rejection of appeal Order No. F.9-113/2004-KVS(Vig.) dated 09.05.2005.

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. : 206-133355
 Date of Issue : 13-6-05
 Issued from :
 Payable at : G.P.O.

12) LIST OF ENCLOSURES:

Gwalebi,

As stated above.

VERIFICATION

I, Shri Khagen Chandra Boro, Ex-Assistant Superintendent, Kendriya Vidyalaya Sangathan, Regional Office, Khanapara, Guwahati - 22, do hereby solemnly verify that the statements made in paragraph Nos. 4.1, 4.10, 4.11, 4.12, 4.13, 4.14. — are true to my knowledge, those made in paragraph Nos. 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9..... are being matters of record are true to my information derived therefrom which I believe to be true and those made in paragraph5..... Are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this 13th day of June, 2005 at Guwahati.

Sri Khagen Ch. Boro.

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ANNEXURE - A

10

KENDRIYA VIDYALAYA SANGATHAN
GHAZIABAD REGION

No. F. 1-8/KB-KVS (GR)/41839-42
Pub. Baronia, Gauhati- 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. Srikantiah,
Asstt. Commissioner

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

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

Asstt. Commissioner,

Attested
J.P.
Admn. Officer

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ANNEXURE - B

Assam Scheduled Tribes Form No. 16 (Revised)
 (Mention place letter, No. PT 17/73, dt. 6.12.73)
GOVERNMENT OF ASSAM
DEPARTMENT OF LABOUR
EMPLOYMENT EXCHANGE SCHEDULED TRIBES
CATEGORY: AOST/EX-SI/HPY
IDENTITY CARD
 (Not an Introduction card for interview with employers)

1. Name: *S. C. Chakrabarti*
2. Date of Birth: *1-1-61 (V)*
3. Date of Registration: *7-4-78*
4. Registration No: *4331/78*
5. Qualifications: *Read up to 12th*
6. N.C.O. Code No: *2020*
7. Occupation: *...*
8. Prominent Identification Mark: *...*

S. C. Chakrabarti
 (Signature of applicant)

[Signature]
 (Signature of Officer)

Date of Issue (Month and Year) <i>1/82</i>	Date of Renewal (Month and Year) <i>1/82</i>
--	--

Date of Issue: *1/82*
 Date of Renewal: *1/82*
 (Month and Year)
 (Month and Year) for the scheduled tribes

01-78-79 400000-27-12-78

Class I Regional Office

Attested
[Signature]
 Advanta

14
TRUE COPY

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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 through 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

Attested
Sd/-
Advant

Stamp: 13-9-82, Kamrup District, Assam

-20-17-

ANNEXURE-E

Board of Secondary Education : Assam : Guwahati-21
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. S.M.P. School Mirza

Sir,

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

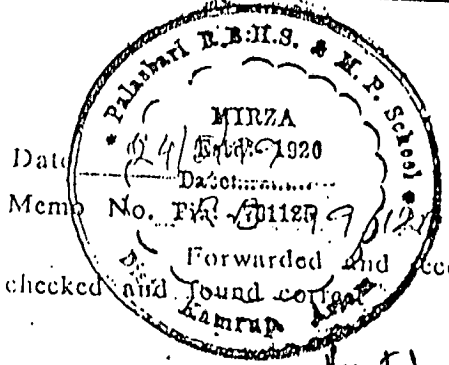
Admit Card. My particulars are given below:

- 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. S.M.P. School
- Father's name in full Sri Malaya Ch. Boro
- Home Address
 Vill / Town Santola Address for correspondence _____
 P. O. Mirza C/O. _____
 P. S. Palashbari Vill/Town Santola
 Dist. Kamrup (Assam) P. O. Mirza
 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 24/5/77



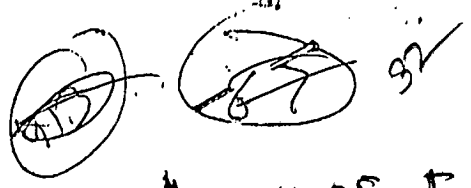
Alta
Advt

(Signature of the Head of the Institution with Seal)

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

24/5/77

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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.

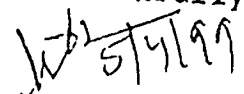
Respected Sir,

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.

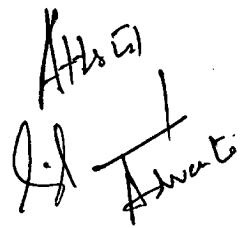
On the above facts, may I request to you, sir, kindly to look into the matter and consider for promotion to the post of Assistant/Audit Assistant and for this sympathetic act I shall remain ever grateful to you.

Yours faithfully,



(P. C. DAS.)

Kendriya Vidyalaya Sangathan
Regional Office: Guwahati.



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ANNEXURE - FG

(405)

(H) 37

QUESTIONNAIRE

It is observed from your personal file that you were initially appointed adhoc group 'D' and joined your service on 7.8.79(AH) 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 regularised w.e.f. 7.11.79, in that case whether you have ~~also~~ submitted your joining report for joining the regular service, if so, copy of the joining report should be forwarded. *joining report submitted of the office.*

Furthermore, it is the mandatory requirement for submission of ~~proof~~ 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 herewith.

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 (MSLC) Examination then furnish the followings with documentary proof:

- (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 *patas hata R.B. High Sch.*
- (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 Assam school, Mizoram*
- (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.

*Attest
[Signature] Deputy*

-20-

ANNEXURE 34

702

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 : D.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,

3.11.80
18

(J.C. Das)
Asstt. Controller of Exams.
Board of Secondary Education, Assam
Guwahati-21.

Attest
D.C. Choudhury

1.12.99
3
18
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ANNEXURE - 1

CONFIDENTIAL/
BY SPEED POST

~~21~~
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.

Handwritten signature and initials

~~22~~ 22

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-2-

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]

*Attested
Jil [Signature]*

is invited to
1964 under
any
to

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~~XXXXXXXXXX~~

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.

Altered
Sd/-
Admin

-24-

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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 1st 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.

Attest
Jil
H. C.

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.

K. Choudhary
S. Boro
Admitted

-26-~~27~~

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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.

Admitted
J.S. Advaita

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

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.

[Handwritten signature]

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

Yours faithfully,

o/e

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

nr

6/6/2001
(Shri K.C. Boro)

Attest
[Signature]
Admin

- 29 - ~~32~~

ANNEXURE - K

43

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. 25/23.05.2001

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, Gouhati- 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]

Contd...p/2

[Signature]
A. Haloi
D.A.

20

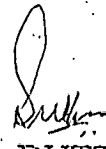
44

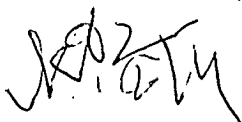
:2:


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

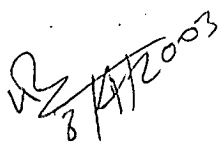
The questions were asked to the witness and recorded in English; but it was translated in Hindi/Assamees/Bengali by the IA and Defence Assistant of the C.O. The witness deposed in Hindi/Assamees/Bengali, but the depositions were recorded in English after it was translated from Hindi/Assamees/Bengali 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.

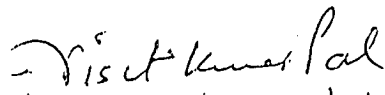
"Read over to the Witness in presence of Charged Officer and admitted correct."


(S. DUTTA)
Presenting Officer


(PRADIP CH. DAS)
Witness


(C.K. HALOI)
Defence Assistant


(K.C. BORO)
Charged Officer


(NISIT KUMAR PAL)
Inquiring Authority

Attended
by
[Signature]

31

ANNEXURE - L

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(Vig.) DTD. 25/28-05-2001.

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.

Contd-2

15/12/2003
15/12/2003
15/12/2003
15/12/2003

Affidavit
Date 15/12/03

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
Presenting Officer

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

(G.C. CHOUDHURY)
Witness. 15/12/03

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

Attest
Admitted

- 33 - ~~33~~

ANNEXURE - M

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

Ref:- (1) Vide letter/Notification No. F 4-4/2004 KVS (Vig.) dated 25-03-2004
(2) Vide letter/Notification No. F 4-4/2004 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 referance 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 duely submitted by written statement and also written briefs denying the said allegation from time to time as asked for by the Diciplinary Authority in time. Moreover, I also had duely 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 duely 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

Attended
J. H. I.
Admn. C.

Contd. P-2.

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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 writing 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 writien brief, I had clearly stated the following -----

Atul
Sil *Devi*

Contd. P-3.

-35-

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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 charged 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 ^{me} 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.

Attested
Sri K.C. Boro

Contd.P-4.

36 - 29 -
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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 Assist. 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

Attest
[Signature]
[Signature]

Contd.P-5.

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 relevant 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 Identity 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 duly 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 duly issued the duplicate Admit Cards by giving my correct age.

Attested
Jil [Signature]

38

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^{ed} against me. But even then I had duly ^{co}operated 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 employce of your esteemed department having no other source of Income except my megre salary but even then I have to spent a huge amount of money for hearing at Calcutta by ~~borrowing~~ from others.

12. That, ^{Sir,} 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/altered or forged documents as level^{ed} against me, is liable to be dropped ~~for~~ the ends of justice. Since I never submitted/altered/forged documents to the Authorities which is confirmed from my deposition along with the relevent 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

Attended
J. L. Datta

- 39 - ~~42~~ -
7 -

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).

Attest
A. D. Datta

405-13

54 ANNEXURE-NE

By Speed Post/Confidential

KENDRIYA VIDYALAYA SANGATHAN
18, Institutional Area,
Shaheed Jeet 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/altered 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/altered 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.BIS/T]

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.

Attest
J.S. Admit

To
The Commissioner,
Kendriya Vidyalaya Sangathan,
Institutional Area, Saheed Jeet Singh Marg,
New Delhi-110016.

Dated 08-09-2004

Speed Post / Regd. Mail

(Through Proper Channel)

Sub: - Appeal under Rule 24 of CCS (Class, Control & Appeal) of 1965 against the Office Order No.F4-4/2001-KVS (Vig) Dated 16-07-2004 issued by the Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan (Head Quarter), Institutional Area, Saheed Jeet Singh Marg, New Delhi-110016.

Hon'ble Sir,

Most humbly with due respect and humble submission I beg to state the following few lines for favour of your sympathetic and kind consideration for reasonable order.

1. That I have worked as an Assistant Superintendent, Kendriya Vidyalaya Sangathan, Regional Office-Guwahati (Assam). The Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan (Head Quarter) vide his letter No.F4-4/2001-KVS (Vig) Dated 16-07-2004 imposed Major Penalty against me and terminated my Service with immediate effect and as such finding no other alternative I approached the Hon'ble Central Administrative Tribunal, Guwahati Bench vide Original Application No.164 of 2004 for quashing and setting aside the impugned Order No.F.4-4/2001-KVS (Vig) dated 16-07-2004. The Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati admitted the said Original Application and the record was called for. Meanwhile I filed a Misc. Petition No.95 of 2004 in Original Application No.164 of 2004 before the Hon'ble Tribunal to allow me to file an Appeal under Rule 24 of CCS (CCA) Rules 1965. The Hon'ble Tribunal on 07-09-2004 allowed my prayer and passed an Order that pendency of the Original Application No.164 of 2004 shall not be a bar for me to file an Appeal under Rule 24 of CCS (CCA) Rules 1965. Accordingly I filed this Appeal before you for your kind and sympathetic consideration of my case.

2. That I was charge sheeted vide Memorandum No.F4-4-2001-KVS (Vig) Dated 25/28-05-2001 and Article of Charge was framed against me. In the said Memorandum of Charge Sheet one Article of Charge was brought against me. It is alleged in the Article No.1 that I have produced forged documents relating to my Age and Educational Qualification to the Lawful Authority of the Sangathan investing a complain against

*Attested
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Date*

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me. In the aforesaid act I constitute 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 I was directed to submit reply within 10 (Ten) days of the received of the said Memorandum. Then I requested the Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan (Head Quarter) to provide me the copies of document listed at Serial No.1 to 4 mentioned in Annexure-III of the Charge sheet to enable me to submit written statement of defence. I denied all the charges framed against him vide Memo dated 25/28.05.2001. The Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan (Head Quarter) 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 me. The Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan (Head Quarter) 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 the said Inquiry I objected the venue of Hearing at Kolkata and I prayed before the Authority concerned to shift the venue from Kolkata to Guwahati due to my Medical and Personal problem but the same was rejected by the Authority concerned. During the Cross Examination of witness Shri Pradip Chandra Das (who had made the initial complain against me) has admitted that he had earlier approached the Hon'ble CAT, Guwahati Bench challenging my Age and Qualification 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 my Date of Birth recorded in the Birth Certificate at my initial appointment is 01-01-1961. The Enquiry Officer after completion of his Enquiry submitted his Report on 20-02-2004. The Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan (Head Quarter) 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 me to submit Reply against the Enquiry Report submitted by the Enquiry Officer. I submitted my Reply against the aforesaid Enquiry Report. The Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan (Head Quarter) vide his letter No.F4-4/2001-KVS (Vig)

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Dated 16-07-2004 imposed Major Penalty against me and terminated my Service with immediate effect.

3. That the The Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan (Head Quarter) had 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 21st 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 I was compelled to withdraw one of my 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 me prior to my appointment under the Kendriya Vidyalaya Sangathan. 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 my Age and Educational Qualification 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 my date of birth is recorded in Birth Certificate as 01-10-1961. I have served about 25 (Twenty five) years under the Kendriya Vidyalaya Sangathan without any blemish to my service career. I was never been issued any Office Memorandum against my conduct or I have been warned by the competent authority. The so-called Allegations brought against me by one Shri Pradip Chandra Das, UDC, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati who has frustrated due to his non-promotion. Moreover I was promoted from Group-D post to Assistant Superintendent rank due to my sincerity and devotion to his work and also for the Reservation of Quota of Schedule Tribes enumerated in our Indian Constitution.

Under the facts and circumstances of the case the Appellant respectfully prays that the inquiry conducted against me was quite defective and without granting me the reasonable opportunity and natural justice. The argument of the Enquiry Officer in the inquiry report and consideration thereto by the Disciplinary Authority and by conferring decision the award of drastic and harsh punishment with removal from service is found to be not only un-judicious but also quite in-human consideration leaving the Appellate and his family members to be street beggars after 25 (twenty five) years of dedicated service of the Appellant. The Appellant further prays before your honour that he may be exonerated from the alleged charges and also to re-instate him in his service by

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quashing and setting aside the Office Order No.F4-4/2001-KVS (Vig) Dated 16-07-2004.

And for this act of your great kindness the Appellant with the family members would remain ever grateful to you. With best respect and profound regards.

Yours Faithfully

Handwritten signature of Khagen Chandra Boro

(KHAGEN CHANDRA BORO)
Ex. Assistant Superintendent,
Kendriya Vidyalaya Sangathan,
Regional Office, Guwahti-12.

o/c

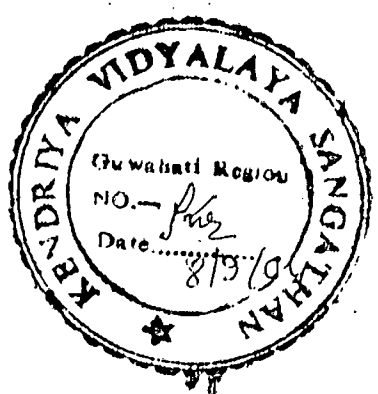
Copy for Information and necessary action: -

The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office-Second Floor of Chhayaram Bhawan , Maligoan Chariali, Guwahati-12.

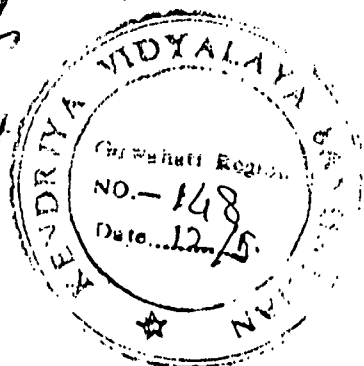
Handwritten signature of Khagen Chandra Boro

(K. C. Boro)

o/c



*Attested
[Signature]*



45

ANNEXURE 01

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

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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.

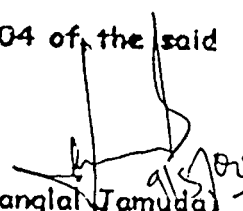
WHEREAS the appellant being aggrieved with the said penalty has preferred this appeal. I have carefully gone through his appeal petition and the relevant documents referred to by him.

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 :-

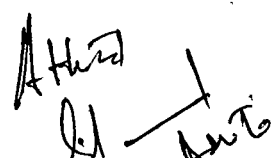
1. Shri Boro was Charge-sheeted under Rule-14 of CCS(CCA) Rules, 1965 vide Memorandum 25/28.05.2001 for producing fabricated/altered documents related to his age and educational qualifications.
2. On denying the charges Inquiry Officer and Presenting Officer were appointed to find out the truth and the 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 :-

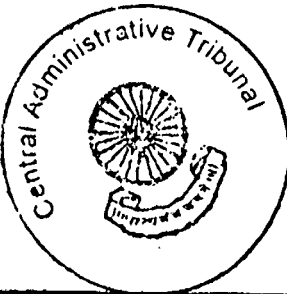
1. Shri K.C. Boro, Ex-Assst. Supdt., Kendriya Vidyalaya Sangathan, Regional Office, Guwahati Village Sontala, P.O. Mirza, Distt. Kamrup (Assam).
 2. The Assistant Commissioner, KVS, Regional Office, Guwahati along-with a copy of the order for handing over the same to Shri K.C. Boro at his latest address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

ORDERSHEET

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.I Gora
Advocate(s) for the Applicant(s) A. Ahmed
Advocate(s) for the Respondents Mr. K. Upadhyay

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

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.

Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)

Memo. No.

- 1) Mr. A. Ahmed, Advocate, Gauhati High Court.
- 2) Shri Ramlal Tamura, Commissioner, K.V.S, 18, Institutional Area, Sakred Teet Singh Marg, New Delhi - 110016.
- 3) Assistant Commissioner, K.V.S. Regional Office, Mahigaon, Chariali, Guwahati - 12.

(Signature)
Section Officer (S)
18/5

(Signature)
Sd/

File in Court on...
Court Officer...
15 JUL 2005
গুৱাহাটী কেন্দ্ৰীয়
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUAHATI, BENCH : GUWAHATI.

Filed by Ki Respondents
Through M.K. M. Gunder
Advocate
Standing Counsel

ORIGINAL APPLICATION No. 133/2005.

Shri Khogen Chandra Boro,
..... Applicant.

- Versus -

The Chairman K.V. Sangathan & Ors
..... Respondent

IN THE MATTER OF :

Preliminary Objection filed by
the Respondent.

- AND -

IN THE MATTER OF :

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Khanapara,
Guwahati-22.

..... Respondent

The humble preliminary objection
on behalf of the Respondents are
as follows :-

I, Sri U.N. Khawaruy, the Assistant Commissioner,
Kendriya Vidyalaya Sangathan Regional Office,
Guwahati, being arrayed as Respondent No. 3 do
hereby submit this preliminary objection as
follows :-

contd.... p/2.

1) That the Applicant has filed this O.A. against orders dated 9.5.04 passed by the Commissioner Kendriya Vidyalaya Sangathan ~~xxx~~ rejecting the Appeal under Rule 24 of CCS(CCA) of 1965 filed by the applicant against the order of Dismissal dated 16.7.04 passed by the Joint Commissioner K.V. Sangathan.

2) That being aggrieved by the decision of the Respondent, the Applicant initially moved this Hon'ble Tribunal by filing O.A. No. 164/04 without exhausting the departmental remedies and thereafter by filing as Misc. Petition No. 95/04 prayed before this Hon'ble Tribunal to file an departmental Appeal under Rule 24 CCS (CCA) Rules 1965 and the same was allowed vide order dated 7.9.04. Accordingly on 8.9.04 he filed an Appeal. Thereafter, vide order dated 30.9.04 this Hon'ble Tribunal was pleased to allow the applicant to withdraw the O.A. No.- 164/04.

3) That since filing of Appeal under post the Applicant without even waiting for disposal approached again this Hon'ble Tribunal filing another Original Application No. 266/04

which was disposed of by this Hon'ble Tribunal vide order dated 22.11.04 with a direction to dispose the Appeal within 4 months from the date of receipt of the order and the Respondent vide order dated 9.5.05 disposed the said Appeal with due application of judicious mind and arrived at the decision after careful consideration of the ground made on the Appeal and thereby confirmed the order of the Disciplinary authority with proper reasoning.

4) That the Applicant being further aggrieved with the decision of the Appellate Authority have preferred this present Original Application praying for a directing the Respondents to set-aside and quash the termination order dtd. 16.7.04 and also directing the Respondent to set-aside order dated 9.5.05 rejecting the Appeal by the Commissioner K.V. Sangathan.

5) That the deponent states that before controverting the statement and averments made in the Original Application and the ground forwarded in support of the bonafide/genuine claim of the Applicant, the deponent is yet to receive parawise comment to prepare and submit detail written statement.

contd.... p/4.

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That the deponent further states that this preliminary objection is filed honouring the order of this Hon'ble Tribunal only on receipt of telephonic instruction from the Respondents and as such craves leave of this Hon'ble Tribunal to submit details written statement in due course if need be for the ends of justice.

6) That the deponent submits that the Applicant have filed this Application without any legal points nor on any good grounds for, the Applicant have raised the ground of committing prima facie illegality, malafide and arbitrary without any jurisdiction for that the applicant have raised the ground of wrong appointment of I/O only for first time whereas he had already perticipated the enquiry dates after dates and in furtherence, he also availed the opportunity of representation against Inquiry Report so submitted vide representation dated 22/5/04.

Further the Applicant tried to explain his good conduct by annexing the papers and documents which ultimately revealed the truth of using different dates of birth on different

occassions e.g. the Police Report which speaks of missing of Admit Card and not the Examination Certificate, similarly the Application to the SEBA is only for duplicate Admit Card and not the Examination Certificate, Another instance leading to submission of doctored documents in the questionnaire filled up during investigation and move so. Under such circumstances, it is submitted that, the Respondent have taken the decision only after careful consideration of the facts of the case, the inquiry and the whole procedure followed the rule and every opportunity was granted to the Applicant to meet the natural justice apart from the Legal requirements.

7) That the deponent further submits that, there is no violation of any rule or impringement of any right of the applicant as available under the code during total enquiry. There is no procedural lapse not to speak of any malafide or arbitrary action on the part of the Respondents.

8) That the deponent submits that during fact finding enquiry, the Respondents sought explanation from the Applicant and thereafter

only the report from the Board of Secondary Education was sought which ultimately clarified the factual position. The Applicant, while replying the charge memo dated 28/5/01 simply confirmed this posting of date of birth on the attestation form as 1-12-61, vide reply dated 6.6.2001 and on the contrary tried to mislead this Hon'ble Tribunal with false statement as "his date of birth was wrongly recorded in his service Book as on 1-12-61 without his knowledge", vide statement made in para 4.3 in this present O.A. and on earlier occasion too.

As such it can be safely concluded that the respondent while initiating proceeding contemplating charge have followed the rule *andi alterim pactem* and hence there is no illegality from the ends of the Respondents leaving any ground of being ~~aggr~~ aggrieved and filing such application under wrong ration.

The deponent submits that -

Under such facts and circumstances it is prayed to entertain this preliminary objection at this stage and the relief sought may not be granted for the ends of justice and this the present application is liable to be dismissed.

.... Verification


AFFIDAVIT / VERIFICATION

I Shri Uday Narayan Khawarey, Son of Shri Jagat Narayan Khawarey, aged about 45 years, presently working as Assistant Commissioner in the Regional Office of Kendriya Vidyalaya Sangathan, Khanapara, Guwahati, do hereby solemnly affirm and declare as follows :

1. That I am the Assistant Commissioner of the Kendriya Vidyalaya Sangathan, Khanapara, Guwahati; as such I am acquainted with the facts and circumstances of the case. By virtue of my office I am competent to swear this affidavit.

2. That the statements made in this affidavit and in the accompanying application in paragraph 1, 2, 3, 4 & 5 are true to my knowledge, those made in paragraphs being matter of records are true to my information derived therefrom. Annexures — are true copies of the originals and groups urged are as per the legal advice.

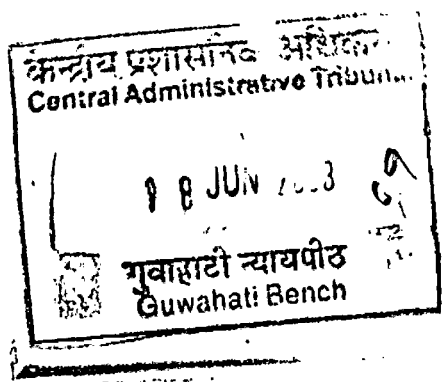
And I sign this affidavit on this the 14th day of July, 2005 at Guwahati.

Uday Narayan Khawarey


Identified by

DEPONENT

Advocate's Clerk



Filed by the Respondent
through M.K. Majumdar
Advocate
Central

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH:
GUWAHATI.

ORIGINAL APPLICATION NO.133 of 2005.

Shri Khagen Chandra Boro

.... Applicant.

- Versus -

Union of India & others.

.... Respondents.

Written statement filed by the
Respondent No.1, 2 & 3 :

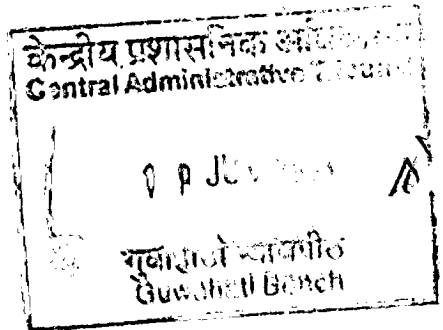
I, Sri U. Khawarcy, the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Khanapara, Guwahati, do hereby solemnly affirm and file written statement on my behalf and on behalf of Respondent No.1 & as under :-

1. That the applicant have filed this Original Application No.133 of 2005 arraying the deponent as party, Respondent No.3 and a copy of the O.A. have been served and the deponent have gone through the contents of the petition and have understood the same.
2. That the deponent states that he being the Assistant Commissioner of the region is acquainted with the facts and circumstances of the case and being authorised by the Respondent No.1 and 2 is competent to file this Written statement.

3. That at the outset, it is submitted that the Respondent Kendriya Vidyalaya Sangathan is an autonomous organisation registered under the Societies Registration Act (XXI) of 1860 fully financed by the Govt. of India, Ministry of HRD, New Delhi to cater to the educational needs of children of Transferable Central Govt. employees including Defence Personnels by providing common programme of education. The main objectives of the Sangathan are to develop Vidyalayas as Model in the content of national role of Indian education to initiate and promote experimentation in the field of education in collaboration with CBSE, NCERT and allied bodies and to promote national integration.

At present 18 Regional Offices are functioning across the country. The Chairman of Kendriya Vidyalaya Sangathan is the Union Minister of HRD. The Joint Secretary (SE), M/HRD, Govt. of India, is the Vice Chairman, KVS is headed by the Commissioner. The Board of Governors consisting of Eminent Educationists and Administrators from all over the country decides the policies and the guidelines of the KVS. The Service condition of the KVS employees are governed by the rules incorporated in the Education Code.

4. That deponent states that allegations/averments which are not borne out of a record are denied and not admitted. Any averments/allegation which is not specifically admitted hereinafter is deemed to be denied.



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5. That the deponent begs to apprise that the grievence of the applicant is that the applicant files this O.A. against order dated 09-05-2004 passed by the Commissioner, Kendriya Vidyalaya Sangathan rejecting the appeal under Rule 24 of CCS (CCA) Rules of 1965 filled by the applicant against the order of the dismissal dated 16-07-2004 passed by the Joint Commissioner K.V. Sangathan.

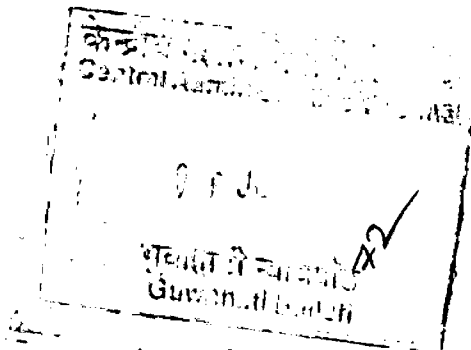
6. BRIEF FACTS OF THE CASE :

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, Assistant Supdt. (previously designated as Accounts Clerk), Regional Office, Guwahati alleged to have been promoted to the post of Audit Assistant inspite of his being not eligible for the same. The complaints also mentioned the discrepancy in the Date of Birth of Shri K.C. Boro.

The matter was referred to Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati Region and he forwarded an Inquiry Report vide his letter dated 11-08-99 submitted by Shri G.C. Choudhury, Principal, Kendriya Vidyalaya, C.R.P.F., Amerigog who was asked to inquire the matter along with the Service Book of Shri K.C. Boro.

As per the Inquiry Report Shri K.C. Boro joined the service as Group "D" stating his Date of Birth as 1st December, 1961 and qualification as IX(Ninth) Passed on

contd... 4



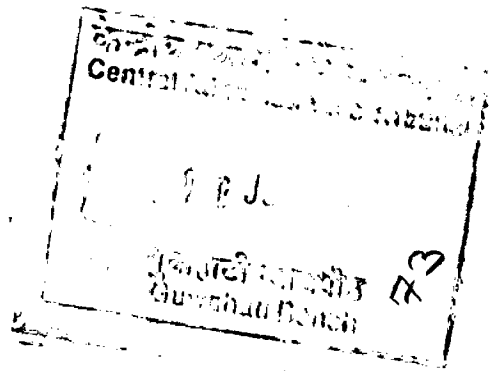
Passed on ad-hoc basis w.e.f. 07-08-1979 (A?N?). His ad-hoc services were regularized w.e.f. 07-11-1979 and his Date of Birth as per the Service Book entry and self entry in the Attestation Form are 01-12-1961.

On Inquiry from the Board of Secondary Education, Assam, Guwahati, it is found that the actual date of birth of Shri K.C. Boro is 01-12-1961 and his entry age to the ad-hoc service was 17 years 08 months and 06 days which is less than the minimum age (18 years) required for entry in Government service.

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 marked sheets and admit cards. As per the photo copies of certificates (No.1944 & 1826) submitted by Shri Boro, he 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.

During inquiry it was found that the present Educational Qualification of Shri Boro is 12th (Hum.) which he passed in 1995 in third division.

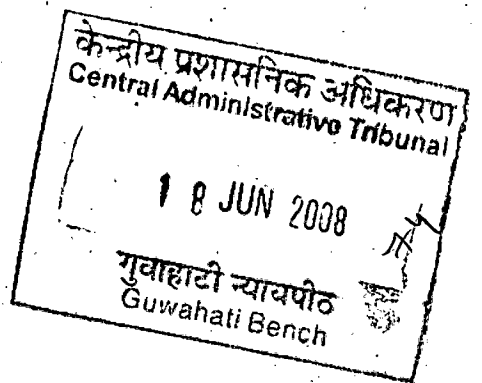
On the recommendations of the Inquiry Officer, the Competent Authority has decided to initiate Disciplinary Proceedings against Shri K.C. Boro. He was Charge-Sheeted vide Memorandum dated 25-05-2001 for producing fabricated/ altered documents related to his age/educational qualification.



On denial of the charges Shri Randhir Kumar De, (Retd.), Assistant Regional Development Commissioner, D/O. Steel was appointed as Inquiry Officer and Shri S. Dutta, Administrative Officer, KVS, Regional Office, Colcutta as Presenting Officer vide order dated 23-07-2001. Shri Nisit Kumar Paul, Regional Development Commissioner (Retd.), D/O. Steel was appointed as Inquiry Officer in place of Shri Randhir Kumar De on receipt of his unwillingness to accept the assignment vide order dated 9-10-2001.

Shri Nisit Kumar Pal conducted the Inquiry and submitted the Inquiry Report which was sent to Shri K.C. Boro for his statement vide Memorandum dated 11-05-2004. As per the Inquiry Officer the act of the Charge Officer constitutes misconduct under CCS (Conduct) Rules, 1964. The Inquiry Officer established the charge. Shri Boro in his submission stated that he never submitted any forged or fabricated documents related to his age and educational qualifications.

After considering the facts and circumstances of the case, findings of the Inquiry Officer and the submission of the Charged Officer the Major penalty of "Dismissal from Service" was imposed upon Shri Boro by the Joint Commissioner (Admn.) being the Competent Authority vide order dated 16-07-2004. Against the impugned order, he filed an OA No.164/2004 in the Hon'ble CAT, Guwahati Bench. The Hon'ble CAT admitted the said OA and the record was called for. ~~xms~~ He filed the appeal in compliance with the order dated 07-09-2004 of the Hon'ble Tribunal in a Misc. Petition No.95/2004 in OA No.164/2004 filed by Shri Boro.



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The Commissioner, KVS based on the consideration of facts & circumstances of the case, contents in the appeal and the documentary evidences from the Board of Secondary Education, Assam, rejected the appeal of Shri Boro vide order dated 09-05-2005. Now, the applicant has filed this O.A. against the order of Appellate Authority.

7. That the deponent states that on receipt of the notice of this O.A. the Respondents filled a preliminary objection on receipt of telephonic instruction and now on receipt of para-wise comment and supportive records, in the capacity of craver, submitting this detail & written statement to apprise the court about facts and records for the ends of justice.

8. That with regard to the statement made in para 4(i) the deponent states that there are matter of record and does not forward any comment.

9. That with regard to the statements made in paras ~~xxx~~ 4.2 & 4.3, the deponent does not admit the same and states that during the process of selection of applicant as Group 'D' employee on ad-hoc basis, the applicant had to undergo a medical test. During such test the applicant had to fillup a form which is named as (CANDIDATE'S STATEMENT AND DECLARATION) and the same was filled up by the applicant on 06-08-1979. During the said test, in the space against the date of birth: he mentioned his date of birth as 1-12-1961

contd...8

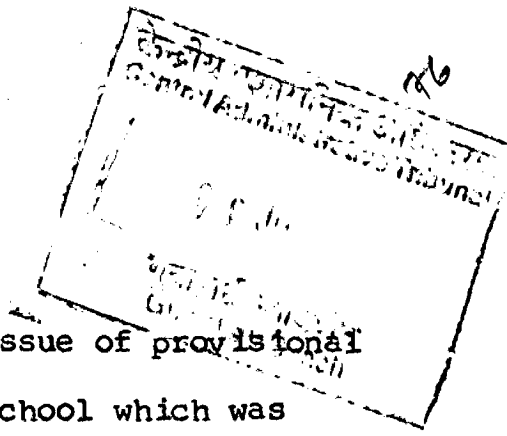
केन्द्रीय प्रशासनिक निकाय
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Guwahati Bench

and he also declared that his age was 17 years 8 months and he appears to be 18 years as on 6-8-1979. And thereafter on 7-8-1979 he was appointed as Group "D" employee of Regional Office, Guwahati.

The applicant's declaration and statement and entries against respective columns and his finger prints in the service Book etc. all informations were given by him only and as such subsequent introduction of State Govt. record in the form of Identity Card issued by the Employment Exchange, Department of Labour creates the controversy which ought to have been cleared by himself. Not, in these paragraphs the allegations made and the applicant's pretention to be ignorant of the said entry (made by him) are all intentional with ill-motive.

The allegation of recording of incorrect date of birth by the Respondent is denied, under the circumstances ~~it~~ can be stated that the entries if any made by the Respondent must be given by the applicant and twisting of facts by the applicant shifting liability on the shoulder of Principal is also with malafide intention.

The statement made in these paragraphs relating to his appearance in matriculation examination first in the year 1980 makes it clear that the first admit card to appear in the said examination should have been issued in the year 1980 where the date of birth of candidate is recorded as per school record which is now only brought under challenge that the age recorded is incorrect.

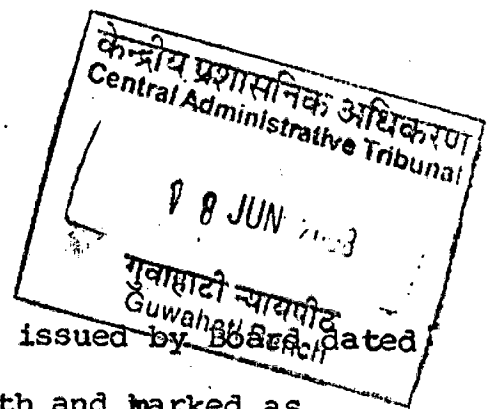


The statement relating to issue of provisional pass Certificate by the concerned School which was produced by the applicant dated 10-07-1982 and the statement of applying before the Board through the Principal on 3rd September, 1982 are contradictory.

The statement relating to application dated 3-9-82 for correction of entries of the age of the applicant and issue of the corrected original matriculation passed certificate followed by its misplacement or became untraceable or lost followed by filling of an F.I.R., the case being registered as Palashbari P.S. Case No.727 dated 27-5-99 are all appears to be false, concocted for, the application of correction of age ~~xxx~~ addressed to the Principal is dated 3-9-82 which is later than the corrected Matriculation Certificate issued by the Board as claimed by the applicant.

The statement of misplacement of the original matriculation certificate during shifting, in the year 1996-97 as disclosed by the applicant during enquiry and filling of F.I.R. on 27-5-1999 are contradictory for, the certificate issued by the concerned Police Station relates to loss of admit card and not of the said passed certificate as claimed.

Copies of candidates statement and declaration X-X-X-X dated 6-8-79, medical certificate dated 6-8-79 X-X-X-X Service Book, Provisional Certificate dated

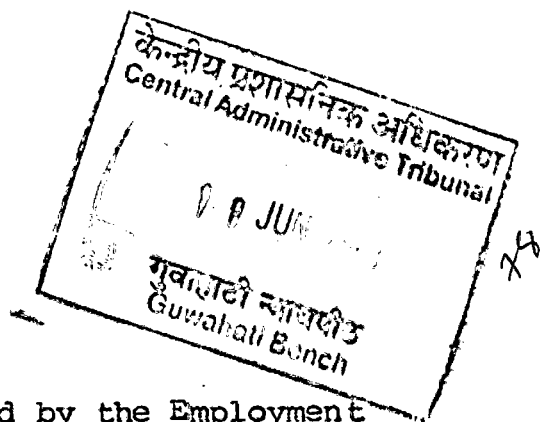


10-7-82 and passed certificate issued by Board dated June, 1982, are annexed herewith and marked as Annexures-R1, R2, R3, R4 & R5 respectively.

10. That with regard to the statement made in paragraphs 4.4 & 4.5 the deponent states that these are matter of records and does not forward any comment except to the fact that during enquiry by G.C. Choudhury, from record it reveal that the applicant's date of birth as per Annexures- R1, R2 & R3, as annexed to foregoing paragraph are the entries relating to date of birth which are self entries. However, as a matter of fact in subsequent occassion, during enquiry the applicant filled up his date of birth as 1-1-1961 and hence controvercy cropped up and he was charge sheeted vide Memorandum dated 25/28-05-2001.

The deponent states that against the above mentioned Memorandum dated 25/28-05-2001 the applicant vide (Annexure No.J page 30 of the O.A.) reply dated 6-6-2001 have categorically admitted that he has not made any wrong entry during his initial appointment and he utilized the papers and documents as on that date using the date of birth as 1-12-1961 and as such there is no enomaly nor use of any fabricated/altered documents for age and qualification.

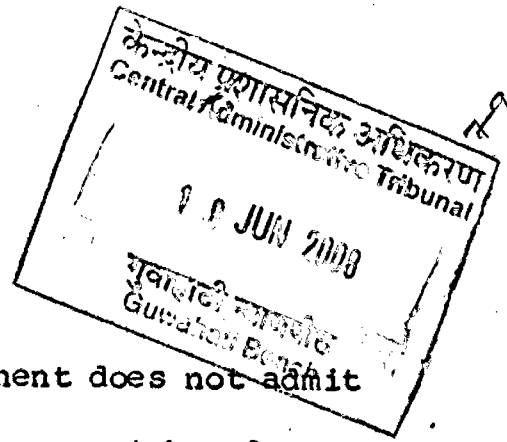
It is worth to mention here that the Memorandum charge dated 25/28-05-2001 prepared only after completion of fact finding enquiry where the applicant introduced



new facts of Identity Card issued by the Employment Exchange and production of provisional passed certificate dated 10-7-82 (Annexure- R3), the letter from Principal to the Secretary Board of Secondary dated 3rd September, 1982 (Annexure- C) for correction of age, the certificate dated 29-5-99 (Annexure- E), and the corrected Matriculation Passed Certificate of June, 1982 (Annexure- R5) as such the reply to the Memorandum of charged by which he categorically stated that he has not fabricated or altered any document and declaration to the fact that his date of birth is 1-12-61 otherwise establish the fact that the subsequent steps taken by applicant is full of malafide intention.

That the statement of allegation of the applicant as made in 4.5 relating to rejection of change of venue from Kolkata to Guwahati is totally lawful for his application supported by medical & personal problem were duly overcome in time. For thorough investigation he was directed to appear before the Regional Medical Board by the KVS, Guwahati Region vide Memorandum dated 22-02-2002 but on receipt of the same he reported for duties along with Medical fitness certificate. Hence his request for the change of venue of inquiry was rejected. In the basis terms of acceptance of the appointment as Inquiry Officer in the said inquiry Shri Pal has also set the venue of conducting the inquiry at Kolkata.

11. That with regard to the statement made in paragraphs 4.6 and 4.7 the deponent states that these

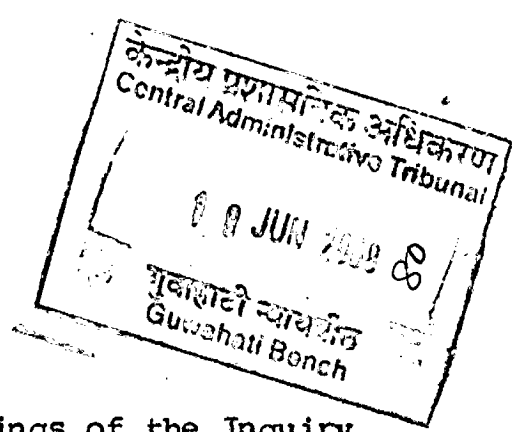


are matter of record and the deponent does not admit the statement and averments which are not based on record. From the cross examination of Mr. P.C. Das it is not clear that which date of birth was used as correct date of birth and further from the cross examination of Mr. G.C. Choudhury it is clear that the birth recorded in the Matriculation Certificate is to be verified at the time of joining the service.

However, in the present case, the applicant's initial appointment was on ad-hoc basis and the date of birth of Shri Boro as he disclosed in the CANDIDATES STATEMENT AND DECLARATION, Medical Certificate and subsequent entries in service Book is 1-12-61.

It is worth mentioning here that Annexure- M of the O.A., the photocopy of Reply dated 22-05-2004 submitted by the applicant against the enquiry report and Annexure- J the photocopy of Reply of Memorandum charged dated 6-6-2001 are self contradictory.

12. That with regard to the statement, allegations and averments made in paras 4.8 to 4.14, the deponent categorically denies the contents which are not based on records and put the applicant to strict proof thereof. The Enquiry Officer established the charges levelled against him. The Joint Commissioner (Admn.) being the competent Authority after considering the facts and



circumstances of the case, findings of the Inquiry Officer and the submission of the charged officer imposed the major penalty of "Dismissal from Service" upon Shri Boro vide order dated 16-07-2004.

Agrieved by the order ultimately he filed an appeal on 8-9-2004 in compliance ~~to~~ to the order of the Hon'ble Tribunal before the Appellate Authority. The Commissioner, KVS based on the consideration of facts and circumstances of the case, contents in the appeal, records of the department, documents produced by the applicant during enquiry and documentary evidences from the Board of Secondary Education, Assam, rejected the appeal of Shri Boro vide order dated 09-05-2005.

The enquiry so conducted as per CCS (CCA) Rules 1965, the appellate authority passed order after going through all case records and applying his mind. The Inquiry Officer conducted inquiry following the Rules against the charge sheet dated 25-05-2001 which was prepared after the fact finding enquiry and during the total span of service of 25 years, there was no step for correction of date of birth in the Service Book considering that there was wrong entry in the school Record which was alleged and claimed by the applicant as corrected in the year 1982 and as such the action of the Respondent in holding such inquiry to unearth the truth is very much legal, bonafide and sustainable in the eye of law.

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- 13 -

13. That with regard to the submissions made in paragraphs 4.15 to 4.22 and grounds set forth in paragraphs 5.1 to 5.12 the deponent states that these are not tenable in law. The facts already stated in reply to the paragraphs it appears that the entries made by the applicant while filling the required forms at the time of initial and hoe appointment on 6-8-79 were accepted to be correct by the Hon'ble Tribunal in a separate case filed against the applicant, the fact of the entries made by the applicant at the time of initial appointment was based on School Records and as averred by the applicant in paragraph 4.3 that "The said wrong date of birth, i.e. 1-12-61 in his Service Book by the Respondent due to oversight of the Principal.

.....
while issuing Educational qualification Certificate at the relevant time.". Again while replying to the Memorandum of Charges vide letter dated 6-6-2001 he categorically admitted that he has not given any wrong information while disclosing his date of birth as 1-12-61 further he confirms that there was no anomaly regarding his date of birth neither he submitted any ~~na~~ fabricated documents nor any altered documents. From the facts stated in the paragraphs it reveals that the incident of the join step taken for the correction of date of birth on 3-9-1982 and receipt of the corrected matriculation passed certificate dated June, 1982 creates the doubt followed by the activity of the applicant giving false

contd... 14

statement that F.I.R. was filed against lost of his passed certificate during transshipment in the year 1996-1997 is not supported by Annexure- E of the O.A. which enable the Enquiry Officer (Fact Finding) to strengthen the doubt and finally the correspondence with the Board of Secondary Education vide letter under Ref. F No.109/KVA/CRPF/99-2000/464 dated 19-8-99 followed by the Annexure- H letter from Asstt. Controller of Examination confirm the state of doubt resulting to issue of Memo of Charge-sheet dated 25/28-05-2001.

It is worth to mention here that till the date of receipt of complaint from P.C. Das dated 5-4-99, there was no endeavour from the side of the applicant to apprise the department relating to his successful passing of Matriculation followed by passing of Higher Secondary in the Service Book as such the submission and grounds set forth are not genuine and baseless for illegal gain. The Respondent have considered the case of the applicant with full Honour to the judgment of the Hon'ble Tribunal. The actions of the Respondent are as per law in order and there is no malafide and discrimination in this action.

14. That with regard to the prayer so made by the Applicant it is submitted that as stated above it is stated that the relief sought by the Applicant cannot be granted and this Hon'ble Tribunal may be pleased to dismiss this application being devoid of merits.



VERIFICATION

I Shri Uday Narayan Khawarey, Son of Shri Jagat Narayan Khawarey, aged about 48 years, presently working as Assistant Commissioner in the Regional Office of Kendriya Vidyalaya Sangathan, Jawaharnagar, Khanapara, I am one of the Respondent do hereby verify that the statement made in paragraphs 1 to 5, 6 part, 8, 12 (part) and 13 (part) are true to my knowledge and those made in paragraphs 6(part), 7, 9, 10, 11, 12(p) 13(p) are based on records I have not suppressed any material fact.

And I sign this verification on this the ^{18th} day of June, 2008 at Guwahati

Uday Narayan Khawarey

DEPONENT

Place :

Date : 18.6.08

केन्द्रीय प्रशासनिक आधिकारिक
Central Administrative Tribunal

Kendriya vidyalaya Sangathan
ANNEXURE
CANDIDATE'S STATEMENT AND DECLARATION

The candidate must make the statement required below prior to his examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below.

1. State your name in full: **KHAGEN CHANDRA BOZO**
(in block letters)
2. State your age and place of birth: **17 years, 8 months, Sontala, P. Mirza**
3. a) Have you ever had small pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, heart disease, lung disease, fainting attacks, rheumatism, appendicitis? **NO**
- b) Any other disease or accident requiring confinement to bed and medical or surgical treatment. **None**
4. When were you last vaccinated? **at the age of 8 yrs**
5. Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy, or insanity? **NO**
6. Have you suffered from any form of nervousness due to over work or any other cause? **NO**
7. Have you been examined and declared unfit for Govt service by a Medical Officer/Medical Board within the last three years? **NO**

8. Furnish the following particulars concerning your family:-

Father's age, if living and state of health	Father's age at death and cause of death	No. of brothers living, their ages, and state of health	No. of brothers dead, their ages at death and cause of death.
50 yrs, Good	56 yrs, not well	One, Good	None
(1) Mr. Khagen Ch. BOZO age 50 years Sound health.			
Mother's age, if living and state of health	Mother's age at death and cause of death	No. of sisters living, their ages and state of health	No. of sisters dead their ages at death, and cause of death.
45 yrs, Good	Does not exist	None	None
(2) Mrs. Kamari Prata BOZO age 40 years Sound health			

I declare that all the above answers to the best of my belief, true and correct. I also solemnly affirm that I have not received a disability certificate/pension on account of any disease or other conditions.

Signed in my presence:
[Signature]

Khagen Ch. Bozo
Candidate's signature

Signature of Medical Officer:

Date **6.8.79**

Note: The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and if appointed, of forfeiting all claims to superannuation allowance or gratuity.

AM-2-2

Administrative Tribunal
18 JUN 2008
Guwahati, Assam
RANPUR II

(13)

Kendriya vidyalaya Sangathan

MEDICAL CERTIFICATE

Candidate for appointment (letters):
 Name:
 Age:
 Candidate's name and address:

: SHRI KHAGEN CHANDRA
 KALITA BORO
 : Hinduism (Kaichala)
 : Sonitola Dist. Kamrup Assam
 : Shri Holong chandra Boro

Date of birth by christian era as early as can be ascertained:

: 1st December 1961

Actual height by measurement:

: 163 cms

Personal marks of identification:

- : 1) one scar mark on the right thumb
- : 2) one black mark on the neck above the sternocleidicular joint

Signature of the Candidate

Khagan Ch. Boro
6.8.79

I do hereby certify that I have examined Shri/Smt./Mm Khagan Ch. Boro a candidate for employment in the Kendriya vidyalaya, Guwahati and cannot discover that he/she has any disease communicable or otherwise constitutional affliction, or bodily infirmity, except Nil

I do not consider this a disqualification for employment in the Vidyalaya. His/Her age is according to his/her own statement 17 m 8 months years and he/she appears about 18 years.

I also hereby certify that I have examined smt. and do not discover that she is pregnant.

Left hand thumb and finger impression of the candidate:

1. _____ 2. _____ 3. _____ 4. _____ 5. _____

Signature of the candidate:

Khagan Ch. Boro
6.8.79

Taken before

Name of the Officer: Dr. R. Chakrabarti

Date:

Signature of the Medical Officer: *[Signature]*
 (Civil Surgeon or Medical Officer of equivalent rank)
 Designation of the Officer

*For married female candidates only

Chief Medical & Health Officer
 Ranpur, Guwahati

*Take him to SLS
 bring office papers
 receive of APV
 6/19/08*

1. Name in full ... Sri Khogen Ch. Boro

2. Permanent Home Address (in full) ... Vill - Sonatala
Po. Marza
Dist. Kamrup (Assam)

3. Father's/Husband's Name of the Central School Employee and Residence ... Sri Halong Ch. Boro

4. Nationality (if not a citizen of India, No. and date of the certificate of eligibility granted by the Government of India) ... Indian

5. If a member of Scheduled Casts/Scheduled Tribe, particulars of Caste/Tribe ... Scheduled Tribe

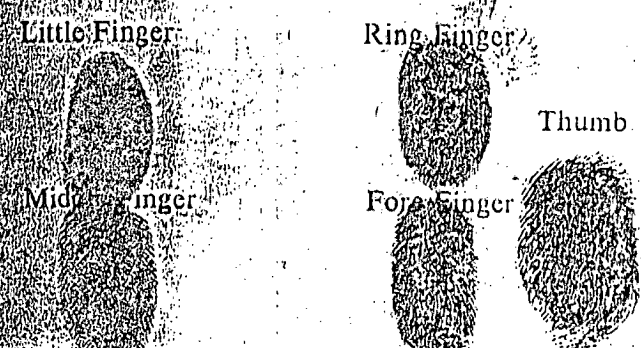
6. Date of birth by Christian Era as nearly as can be ascertained ... 1st Dec. 1961.

7. Educational Qualifications ... Approved H.S.C. Examination

8. Exact Height by measurement (without shoes) ... 163 cms.

9. Personal mark for identification ... A round scar on the right thumb.

10. Left hand thumb and finger impressions of (non-gezzted) officer, if he is not literate enough to sign his name in English, Hindi or other regional language.



केंद्रीय प्रशासनिक आयोग
Central Administrative Tribunal
9 JUN 2008
गुवाहाटी ब्याचपीठ
Guwahati Bench

11. Signature of the Central School Employee

12. Signature and designation of the head of the Office or other attesting officer

K. C. Boro
Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Gauhati Region, Gauhati-781 009

Note:—The entries on this page should be renewed or re-attested at least every Five years and the signatures in the lines 11 and 12 should be dated. Finger prints need not be taken every Five years under this rule.

No. 00922

13

PALASDARE R.H. HIGHER SECONDARY &
MULTIPURPOSE SCHOOL
MIRZA, KAMRUUP (ASSAM)
1982
H.S.L.C. Passed Certificate: Compartmental.

Certified that Sri Bhagen Ch. Boro. (Roll no. 23
No. 528/1982 aged 18 (eighteen) Years 3 (three) months on
First of March 1982) son of Halong Ch. Boro. of village
Santala under Palasbari (Mirza) P.S. in the district of
Kamrup (Compartmental) H.S.L.C. Examination 1982 under the
BOARD OF SECONDARY EDUCATION ASSAM GAUHATI.

s/D
Principal.

R. B. Higher Secondary and Multipurpose
School, Mirza.

Dated: Mirza
the-08/10/7/82.

attested

W. B.

28/3/85
Education Officer,
Kendriya Vidyalaya Sangathan,
Gauhati Region.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
8 JUN 2008
गुवाहाटी बेंच
Guwahati Bench



1982
High School Leaving Certificate Examination

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

F.J.

गुवाहाटी बेंच
Guwahati Bench

I Certify that Phagen Ch. Borra
Roll No. 23 No. 528 aged 21 years 2 months 8 days
on the First of March 1982 passed the High School Leaving
Certificate Examination 1982 of this Board being successful in the
Compartmental Chance

Attested by
Debi
20/4/82

Secretary & Health Officer
1st Floor, Greenbelt, St. Dispur

GUWAHATI, ASSAM

16 June 1982