

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No 46/1905

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SECTION OFFICER (Judl.)

branly
01/01/19

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

ORDER SHEET

SA 6/05

Original Application No. A.K. Bhattacharyya

Misc. Petition No. A.K. Bhattacharyya

Contempt Petition No. A.K. Bhattacharyya

Review Application No. A.K. Bhattacharyya

Applicants: A.K. Bhattacharyya

Respondents: KVS

Advocates for the Applicant: Mr. A. Ahmed

Advocates of the Respondents: C.S.C.

Notes of the Registry Date

Order of the Tribunal

This application is in form
 is filed C.P. for Rs. 10/-
 deposited vide I.P.L/BD
 No. 10439.

Dated 24.1.2005 in Rs. 50/-

JKDy. Registrar
 (6/1/05)

11.1.2005

present: The Hon'ble Mr. K.V. Prahлад
 Member (A).

Heard Mr. M.K. Mazumdar

11.1.2005

present: The Hon'ble Mr. K.V. Prahлад
 Member (A).

Heard Mr. A. Ahmed, learned coun-
 sel for the applicant. Mr. M.K. Mazum-
 dar, learned counsel ~~xxx~~ was present
 on behalf of KVS.

The O.A. is admitted, call for
 the records, returnable within four
 weeks.

List on 14.2.2005 for orders.

JKD
 Member

Notice of Order
 Sent to D/Section
 for issuing to
 resp. Nos. 1, 2 & 3
 by regd. AID post.

14.02.2005

Present : The Hon'ble Mr. M.K.
 Gupta, Member (J).

None appears for the applic-
 ant. Adjourned to 16.2.2005.

J
 Member (J)

JKD
 12/01/05.

mb

N

O.A. 6/05

- 2 -

1) W/S not filed
by the respondents
2) Service report not
yet received back

16.2.05. Reply has not been filed. Adjourned
to 4.4.05. for filing reply.

K. D. R. D. S.
Member (A)

mp4
Member (J)

NO reply has been
filed.

NP
11/4/05

lm.

4.4.05. Post the matter on 11.4.05 before
the Division Bench.

D. J. S. G.
Vice-Chairman

8.4.05
no W/S ans been filed.

Notice duly served
on resp. No. 2.

25/4

11.04.2005

At the request made on behalf of
learned counsel for the respondents
the case is adjourned to 6.5.2005. In
the meantime respondents must ensure
that the copy of the written statement
is served on the applicant.

K. D. R. D. S.
Member

D. J. S. G.
Vice-Chairman

bb

28.4.05

6.5.05

28.4.05. Heard counsel for the parties.
Hearing concluded. Judgment delivered
in open Court, kept in separate sheets.
The application is disposed of in terms
of the order. No^o order as to costs.

K. D. R. D. S.
Member

D. J. S. G.
Vice-Chairman

5.5.05

pg

W/S has been filed.

G.

12.5.05

Copy of the Judgment
has been sent to the
Office for issuance
same to the applicant
as well as to the
L/Advocate for the
KVS.

SL

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.

O.A. No. 6 of 2005.

DATE OF DECISION : 06.05.2005

Shri Ashok Kumar Bhatt

APPLICANT(S)

Mr. A. Ahmed.

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. M.K. Mazumdar, K. Upadhyay

ADVOCATE FOR THE
RESPONDENT(S)

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

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

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether the judgment is to be circulated to the other Benches?

Judgment delivered by Hon'ble Vice-Chairman.

2/5
Date

5

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 6 of 2005.

Date of Order : This the 6th Day of May, 2005.

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

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

Shri Ashok Kumar Bhatt,
Principal, Kendriya Vidyalaya,
C.C.I. Bokajan, District Karbi Anglong,
Assam, Pin-782490

... Applicant

By Advocate Sri A.Ahmed.

Versus -

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh,
Marg, New Delhi-110016.
2. The Education Officer (Vigilance),
Kendriya Vidyalaya Sangathan
(Head Quarter) 18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Hospital Road,
Silchar-788001. ... Respondents

By Advocate Shri M.K.Mazumdar assisted by Keshab Upadhyay.

ORDER

SIVARAJAN J.(V.C)

The applicant was the Principal, Kendriya Vidyalaya, Jaipur. He was placed under suspension in the year 2002 pending disciplinary proceeding. The disciplinary proceeding was initiated against the applicant and enquiry officer was appointed in the year 2004. The applicant made a request by his letter dated 7.5.2004 before the Enquiry Officer for supply of certain documents which

h/s

according to him are relevant for the purpose of prosecuting disciplinary proceeding. The Enquiry Officer by communication dated 3.6.2004 (Annexure-L) ordered for supply of 5 items of documents which according to ^{94A} him are relevant. It was further observed that the other documents sought for by the applicant are not relevant. Based on the said directions the Section Officer and Presiding Officer of KVS (Hqr), New Delhi supplied those documents to the applicant. The regular hearing of the disciplinary case was fixed on 17.1.2005. The applicant had participated in the proceeding on that day and thereafter filed this application stating that all the documents sought for has not been supplied to him. For this reason the applicant wants the entire disciplinary proceeding is to be quashed. The respondents filed their written statement denying various allegations made in the application.

2. Heard Mr A.Ahmed, learned counsel for the applicant and Mr Keshab Upadhyay on behalf of Mr M.K.Mazumdar, learned standing counsel for KVS for the respondents. The counsel for the applicant submitted that the entire disciplinary proceedings are vitiated on account of delay and on account of non supply of relevant documents. The counsel for the respondents on the other hand submitted that all the relevant documents have been furnished to the applicant and thereafter the applicant had participated in the regular hearing held on 17.1.2005 also. He accordingly submitted that the applicant can not be ^{Int heard to} say that all the relevant documents have not been furnished to him.

3. We have considered the rival submission of the parties. As we have already noted that the applicant's request for supply of documents was considered by the Enquiry Officer and the documents which are relevant (according to the Enquiry Officer) have been supplied, if as a matter of fact the applicant have a case that the remaining documents are also relevant for the enquiry he should have stated so

lpa

and made a request for that also before the respondents. Be that as it may, the applicant having participated in the regular hearing on 17.1.2005 we do not find any reason to issue any further direction in regard to the supply of other documents as requested by the applicant and stated to be relevant by the Enquiry Officer at this stage. The applicant will participate in the regular hearing to be held by the Enquiry Officer on the days when the enquiry is fixed by him. Ultimately if the applicant finds that enquiry officer relies on documents which are stated to be ~~not~~ ^{not} relevant for him, certainly it is for the applicant to agitate the same. The request of the learned counsel for the applicant that the enquiry must be completed expeditiously must be noted by the respondents and directed accordingly.

With this observation the application is disposed of. There will be no order as to costs.

K. V. Prahladan
(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER

G. Sivarajan
(G. SIVARAJAN)
VICE CHAIRMAN

10 JAN 2005

গুৱাহাটী বেঞ্চ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 6 OF 2005.

BETWEEN

Shri Ashok Kumar Bhatt

...Applicant

-Versus-

The Comptroller KVS & Others,

...Respondents

LIST OF DATES AND SYNOPSIS:

Annexure-A is the photocopy of Office Order No.F8-26/2002-KVS(Vig) Dated 05-04-2002 issued by the Respondent No.1.

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

Annexure-C is the photocopy of the Office Memorandum No.F8-26/2002-KVS(Vig) Dated 26th September 2002.

Annexure-D is the photocopy of Representation Dated 10-10-2002.

Annexure-E is the photocopy of Memorandum No.F8-26/2002-KVS(Vig) Dated 11-12-2003.

Annexure-F is the photocopy of Memorandum No.F8-26/02-KVS(Vig) Dated 26-12-2002.

Annexure-G is the photocopy of Order No.F8-26/2002-KVS(Vig) Dated 20-01-2003 issued by the Respondent No.1.

AB

Annexure-H is the photocopy of Ref. No.KVB/Per.AKB/2003-04/381 Dated 6-10-2003.

Annexure-I is the photocopy of Ref. No.KVB/AKB/2003-04/513 Dated 24th December 2003.

Annexure-J is the photocopy of Judgment and Order Dated 26th February 2004 passed in Original Application No.302 of 2003.

Annexure-K is the photocopy of the Ref. No.KVB/AKB/2003-04/707-8 Dated 7th May 2004.

Annexure-L is the photocopy of letter No.F.4/KVS/AKB/2/ Dated 3.6.2004.

Annexure-M is the photocopy of letter No.F.Inquiry/AKB/KVS/2004 Dated 26-08-2004.

Annexure-M is the photocopy of letter No.F.4/KVS/AKB/3 Dated 21-12-04.

This application is directed against the non-supply of necessary Documents relevant to the Disciplinary Proceedings against the Applicant and also for quashing and setting aside the Departmental Proceeding against the Applicant, as the Respondents particularly Respondent No.1 failed to complete the Departmental Proceeding against the Applicant as expeditiously as possible within a period of six months as per earlier direction of this Hon'ble Tribunal in O.A.No.302 of 2003 Dated 26th February 2004.

RELIEF SOUGHT FOR:

That the Hon'ble Tribunal may be pleased to direct the Respondents to set aside and quash the Departmental Proceedings against the Applicant as the Respondents have failed to provide the necessary Documents to the Applicant and also for that the Respondents have not completed the Disciplinary Proceedings against the Applicant within a period of six months as per direction of the Hon'ble Tribunal in O.A.No.302 of 2003 Dated 26th February 2004.



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

To pay the cost of the application.

INTERIM ORDER PRAYED FOR:

The Applicant most respectfully prays for an Interim Order before this Hon'ble Tribunal, that the Respondents may be directed to stay the regular hearing on 17-01-2005 till the supply of all Additional Documents as required by the Applicant.



10 JAN 2005

गुवाहाटी न्यायालय

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

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

ORIGINAL APPLICATION NO. 6 OF 2005.

BETWEEN

Shri Ashok Kumar Bhatt,
Principal, Kendriya Vidyalaya,
C.C.I. Bokajan, District- Karbi Anglong,
Assam, Pin-782490.

...Applicant

-AND-

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

- 2) The Education Officer (Vigilence),
Kendriya Vidyalaya Sangathan, (Head
Quarter) 18, Institutional Area, Saheed Jeet
Singh Marg, New Delhi-110016.

- 3) The Assistant Commissioner,
Kendriya Vidyalaya Sangathan, Regional
Office, Hospital Road, Silchar-788001.

...Respondents

Filed by
Shri Ashok Kumar Bhatt
Applicant
Through
Advocate
(Adv. AHMED)
Advocate

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

This application is directed against the non-supply of necessary Documents relevant to the Disciplinary Proceedings against the Applicant and also for quashing and setting aside the Departmental Proceeding against the Applicant, as the Respondents particularly Respondent No.1 failed to complete the Departmental Proceeding against the Applicant as expeditiously as possible within a period of six months as per earlier direction of this Hon'ble Tribunal in O.A.No.302 of 2003 Dated 26th February 2004.

2) JURISDICTION OF THE TRIBUNAL:

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

3) LIMITATION:

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your humble Applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your Applicant begs to state that he is a M.Sc.(Physics) & M.Ed. from Delhi University. He has obtained his Ph.D. on K.V.S. from JNVU and Chartered Secretary Degree from London. He acquired varied and rich experience in India and Abroad in Educational Organization. He has a teaching experience of a decade as Senior Physics Teacher in some of the best English Medium Public School such as St.Columbia's, Sardar Patel Vidyalaya in Delhi and St.Patricks in Keniya and administrative

experience of over a decade as Principal in Hermann Gmeiner Schools, Indian Embassy School, Iran and Army School, Ambala having on its roll about 3,000 students. Due to his vast experience and merit he was directly selected and appointed to the post of Principal in Kendriya Vidyalaya in the prestigious KVI, AFS, Jodhpur, a Model School of KVS catering to the educational needs of about 2000 students primarily from Defence Services. Now he is working as Principal, Kendriya Vidyalaya C.C.I. Bokajan, District-Karbi Anglong, Assam.

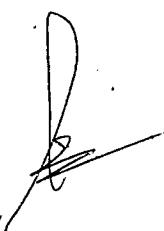
4.3) That your Applicant begs to state that when the Applicant was posted as Principal, Kendriya Vidyalaya, No.1.AFS Jodhpur he appeared for the interview to the post of Assistant Commissioner, Kendriya Vidyalaya Sangathan on 4th April 2002. But surprisingly he was suspended from his service vide Office Order No.F8-26/2002-KVS(Vig) Dated 05-04-2002 issued by the Respondent No.1. He was asked to appear before the Enquiry Officer for preliminary enquiry on 07-05-2002 vide Order No.F/2002-KVS (GPR)/25093 Dated 06-05-2002. Accordingly, he appeared before the Enquiry Office on 07th and 08th May 2003.

Annexure-A is the photocopy of Office Order No.F8-26/2002-KVS(Vig) Dated 05-04-2002 issued by the Respondent No.1.

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

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

Annexure-C is the photocopy of the Office Memorandum No.F8-26/2002-KVS(Vig) Dated 26th September 2002.



Annexure-D is the photocopy of Representation Dated 10-10-2002.

4.5) That your Applicant begs to state that the Respondent No.1 issued another Memorandum No.F8-26/2002-KVS(Vig) Dated 11-12-2003 against him. Interestingly in the said Memorandum 8(eight) Article of Charges brought against the Applicant instead of 10(ten) Article of Charges initiated against the Applicant vide earlier Memorandum Dated 26th September 2002.

Annexure-E is the photocopy of Memorandum No.F8-26/2002-KVS(Vig) Dated 11-12-2003.

4.6) That your Applicant begs to state that the Respondent No.2 vide his Memorandum No.F8-26/02-KVS(Vig) Dated 26-12-2002 informed the Applicant "that his representation dated 10-10-2002 regarding proving of Documents has been considered by the Competent Authority and acceded to".

Annexure-F is the photocopy of Memorandum No.F8-26/02-KVS(Vig) Dated 26-12-2002.

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

Annexure-G is the photocopy of Order No.F8-26/2002-KVS(Vig) Dated 20-01-2003 issued by the Respondent No.1.

4.8) That your Applicant begs to state that vide his Ref. No.KVB/Per.AKB/2003-04/381 Dated 6-10-2003 requested the Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan, New Delhi to supply all the Supporting Documents as per his letter Dated 10-10-2002. After that he also filed a Representation vide Ref. No.KVB/AKB/2003-



04/513 Dated 24th December 2003 before the Respondent No.1 to provide him necessary Supporting Documents as per his earlier letter Dated 10-10-2002.

Annexure-H is the photocopy of Ref. No.KVB/Per.AKB/2003-04/381 Dated 6-10-2003.

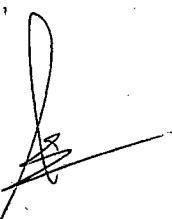
Annexure-I is the photocopy of Ref. No.KVB/AKB/2003-04/513 Dated 24th December 2003.

4.9) That your Applicant begs to state that being aggrieved by the action of the Respondents for non-supply of relevant Documents he filed an Original Application No.302 of 2003 before this Hon'ble Tribunal for supply of all relevant Original Documents related to the Departmental Proceedings and also for a direction from this Hon'ble Tribunal to the Respondents to complete the Departmental Proceedings initiated against the Applicant. The Original Application was disposed at the admission stage by this Hon'ble Tribunal with a direction to the Respondents to supply relevant Documents to the Applicant and also to complete the Disciplinary Proceedings as expeditiously as possible within a period of six months from the date of receipt of copy of the Order.

Annexure-J is the photocopy of Judgment and Order Dated 26th February 2004 passed in Original Application No.302 of 2003.

4.10) That your Applicant begs to state that on 19th March 2004 Preliminary Hearing was held for supply of Documents at Kendriya Vidyalaya Sangathan Head Quarter-New Delhi. During the programme for inspection of Documents, the Presenting Officer provided him only a set of photocopies of listed Documents mentioned in Annexure III of Memo No.F.8-26/2002-KVS (Vig), dated 11.12.2003, except the following Documents as mentioned below: -

1. Annexure of 2nd report sent on 30-05-2002.
2. Voucher No.265.
3. Result of Register for Class IX.
4. Statement of witness as per Annexure IV of the ibid Memo.



The same was represented to the Presenting Officer on 19th March '04. However, till date, these Documents have not received by him. In this regard your Applicant has sent a letter under Ref. No.KVB/AKB/2003-04/707-8 Dated 7th May 2004 to the Enquiry Authority.

Annexure-K is the photocopy of the Ref. No.KVB/AKB/2003-04/707-8 Dated 7th May 2004.

4.11) That your Applicant begs to state that the Enquiry Authority vide their letter No.F.4/KVS/AKB/2/ Dated 3.6.2004 informed your Applicant that all the Documents which were asked by the Applicant are not relevant, some of them are relevant, others are not relevant, therefore not permitted. The P.O. has been asked to collect these Documents and show the same to your Applicant for inspection. Surprisingly earlier the Disciplinary Authority vide their letter dated 26-12-2002 (Annexure-F) informed your Applicant that his representation dated 10-10-2002 regarding providing of Documents have been accepted by the Authority. Hence the letter dated 03-06-2004 is contradictory to earlier letter dated 26-12-2002 issued by the Disciplinary Authority.

Annexure-L is the photocopy of letter No.F.4/KVS/AKB/2/ Dated 3.6.2004.

4.12) That your Applicant begs to state that the Enquiry Authority vide their letter No.F.Inquiry/AKB/KVS/2004 Dated 26-08-2004 informed your Applicant that Original Result register, Award list, Green Sheet and Moderation Committees meeting minutes for the annual examination result Examination for Class-IX-B for the year 2001 have not found in the record of examination department of Kendriya Vidyalaya No.1, AFS Jodhpur. The declaration given by the previous examination-in-charges of Kendriya Vidyalaya No.1.Jodhpur in this regard are enclosed herewith.

Annexure-M is the photocopy of letter No.F.Inquiry/AKB/KVS/2004 Dated 26-08-2004.

4.13) That your Applicant begs to state that he had filed another representation on 11 September 2004 to supply him the Additional Documents as required vide Letter Dated 07-05-2004. But till date the

Respondents have not supplied the requisite Documents to your Applicant as required by him. Moreover Enquiry Authority vide their letter No.F.4/KVS/AKB/3 Dated 21-12-04 asked your Applicant to appear in regular hearing on 17-01-05 at 10:30 AM in the Vigilance Branch of the KVS Head Quarter-New Delhi. As such finding no other alternative your Applicant approach this Hon'ble Tribunal seeking justice in this matter.

Annexure-N is the photocopy of letter No. F.4/KVS/AKB/3 Dated 21-12-04.

4.14) That your Applicant begs to state that the Respondents have already violated and disobeyed this Hon'ble Tribunal order dated 26-02-2004 passed in O.A.No.302 of 2003 directing the Respondents to complete the Disciplinary Proceeding as expeditiously as possible within a period of six months.

4.15) That your Applicant begs to state that the Respondents have falsely implicated the Applicant in the aforesaid charges. The Applicant believe that the Respondents adopting the delaying tactics in the said Disciplinary Proceedings only to deprive the Applicant to appear in the interview for selection of Assistant Commissioner, Kendriya Vidyalaya and for further promotion also. It may be stated that in earlier two occasions your Applicant has been deprived from selection of Assistant Commissioner due to pendency of the aforesaid Departmental Proceedings. Moreover, in spite of repeated remainder the Respondents are unable to provide the Original Documents to the Applicant for defending his case.

4.16) That your Applicant submit that the action of the Respondents is mala fide, illegal, arbitrary and whimsical and also with a motive behind.

4.17) That your Applicant submits that it is fit Case to interfere by the Hon'ble Tribunal by giving necessary directions to the Respondents to quash and set aside the Disciplinary Proceedings, if the Competent Authority is unable to provide the Additional Documents to the Applicant within a time frame and your Applicant also prays for an Interim Order from this Hon'ble Tribunal to the Respondents to stay the regular hearing on 17-01-2005 till the supply of all Additional Documents as required by the Applicant.



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

4.19) That your Applicant submits that the Respondents deliberately done serious injustice by giving mental trouble to the Applicant.

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

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in *prima facie* illegal, *mala fide*, arbitrary and without jurisdiction.

5.2) For that, the said Departmental Proceeding against the Applicant should be completed in a time framed period by the Respondents as per earlier direction of this Hon'ble Tribunal's Order Dated 26th February 2004. Hence the said Disciplinary Proceedings should be set aside and quashed.

5.3) For that, Disciplinary Action cannot be taken against a Government Servant at a belated stage. A belated exercise *prima-facie* causes prejudiced to the Government Servant in defending his case. Hence the said Disciplinary Proceedings should be set aside and quashed.

5.4) For that by not providing all necessary Original Documents to the Applicant the Respondents are trying to prejudice the entire Departmental Proceedings against the Applicant. Hence the said Disciplinary Proceedings should be set aside and quashed.

5.5) For that due to the delay in Departmental Proceedings the Applicant has been deprived from higher post. As such, the action of the Respondents are *Mala-fide*, illegal, arbitrary and also without jurisdiction. Hence the said Disciplinary Proceedings should be set aside and quashed.

5.6) For that the Respondents on 26-08-2004 have already admitted that they have not found some important and relevant Documents in connection with the Disciplinary Proceedings against the Applicant. Hence the said Disciplinary Proceedings should be set aside and quashed.

5.7) For that the action of the Respondents is not maintainable under the eye of law as well as the facts of the case. Hence the said Disciplinary Proceedings should be set aside and quashed.

5.8) For that in any view of the matter the action of the Respondents are not sustainable and hence the same is liable to be set aside and quashed.

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

6) DETAILS OF REMEDIES EXHAUSTED:

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

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

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

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the Applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and



relieves sought for the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to set aside and quash the Departmental Proceedings against the Applicant as the Respondents have failed to provide the necessary Documents to the Applicant and also for that the Respondents have not completed the Disciplinary Proceedings against the Applicant within a period of six months as per direction of the Hon'ble Tribunal in O.A.No.302 of 2003 Dated 26th February 2004.

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 most respectfully prays for an Interim Order before this Hon'ble Tribunal, that the Respondents may be directed to stay the regular hearing on 17-01-2005 till the supply of all Additional Documents as required by the Applicant.

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. :- 20G 110439
 Date of Issue :- 30.12.2004
 Issued from :- Guwahati C.P.O.
 Payable at :- Guwahati

12) LIST OF ENCLOSURES:

As stated above.

Verification



-VERIFICATION-

I, Shri Ashok Kumar Bhatt, Principal, Kendriya Vidyalaya, C.C.I. Bokajan, District- Karbi Anglong, Assam, Pin-782490. do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, 4.14, 4.15 _____ are true to my knowledge, those made in paragraph nos. 4.3 to 4.13 _____ are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 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 the 24th day of January 2005 at Guwahati.



(ASHOK KUMAR BHATT)

BY SPEED POST/CONFIDENTIAL

KENDRIYA VIDYALAYA SANGATHAN

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

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

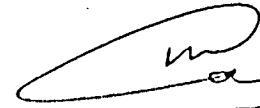
Dated: 05-4-2002

ORDER

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

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

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


05/04/2002
(H. M. CAIRAE)
COMMISSIONER

Copy to:

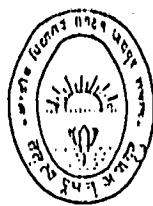
✓ 1. Shri A.K. Bhatt, Principal, Kendriya Vidyalaya No.1, AFS Jodhpur.
2. Chairman, VMC, Kendriya Vidyalaya No.1, AFS Jodhpur.
3. Assistant Commissioner, KVS Regional Office, Jaipur.
4. Assistant Commissioner (Admin.); KVS(HQ), New Delhi.
5. Guard File.

Attested
H.M.Cairae
Delivered

- 17 -

- 16 -

ANNEXURE - B



केन्द्रीय विद्यालय संगठन

केन्द्रीय विद्यालय संगठन
राजधानी कार्यालय : 92, गांधीनगर मार्ग,
जयपुर, राजस्थान-302015

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

0141-511548 (O)
0141-511119 (O)
0141-513393 (F)
Fax : 0141-513982
E-mail : kvsjpr@jpr.ded.nic.in
Website : www.kvsangathan.org
0141-513393 (F)
Cable/telex/telegram : KEVISANG

पत्रांक/पा

No./F

/2002-KVS(JPR)/26093

CONFIDENTIAL

दिनांक

Date 6.5.2002

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

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

Sir,

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

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

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

Kindly acknowledge the receipt of this notice.

Yours faithfully,

(B.D. Sharma) (S) D
Education Officer &
Inquiry Officer

Copy to:-

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

Education Officer &
Inquiry Officer

Attested
B.D. Sharma

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

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

Dated: 26-9-2002

MEMORANDUM

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

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

| Sr. No. | Class | Roll No. | Subject | Marks awarded by external examination | Tampered marks |
|---------|--------|----------|---------|---------------------------------------|----------------|
| I | IX - B | 659 | English | 08.80 | 16.80 |
| II | IX - B | 664 | English | 07.80 | 12.80 |
| III | IX - B | 683 | English | 04.80 | 10.80 |
| IV | IX - B | 684 | English | 13.80 | 16.80 |

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

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

| S. No. | Vr. No. & Date | Amount | No. of Student | Month |
|--------|----------------|---------------|----------------|------------|
| 1. | 363/20-10-99 | 12010.00 | 1201 | Sept.-99 |
| 2. | 322/07-12-99 | 12190.00 | 1219 | Oct.-99 |
| 3. | 377/19-1-2000 | 12290.00 | 1229 | Dec.-99 |
| 4. | 358/09-2-2000 | 12360.00 | 1236 | Jan.-2000 |
| 5. | 428/13-3-2000 | 12380.00 | 1238 | Feb.-2000 |
| 6. | 446/31-3-2002 | 9130.00 | 913 | March-2000 |
| Total | | Rs. 70,360.00 | | |

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

*Attested
Officer
Advocate*

22

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

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

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

| Head | Vr. No. & Date | Amount | |
|------|----------------|--------|-------------------------------------|
| SF | 301/27-11-99 | 3000 | Deposited for New Telephone. |
| SF | 67/22-5-2000 | 277 | Telephone bill for Phone No. 627123 |
| SF | 134/19-7-2000 | 289 | Telephone bill for Phone No. 627123 |
| VVN | 430/27-11-2000 | 289 | Telephone bill for Phone No. 627123 |
| VVN | 282/19-9-2000 | 289 | Telephone bill for Phone No. 627123 |
| SF | 432/25-3-2000 | 3650 | For purchasing the Modem |
| SF | 403/10-2-2000 | 5500 | To VSNL for internet connection |

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

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

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


TELECAIRAE) 26/09/2002
COMMISSIONER

✓ Sh. A.K. Dhatt
Principal (under suspension)
C/o Sh. G.S. Mishra
48/63 Rajat Path
Mansarovar
Jalpur - 302020,

*After Tmt
J.S.
After Tmt*

By Speed post / Confidential

-A-

ANNEXURE - A

From :

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

Dated: 10-10-2002

To,

Shri. H.M CAIRAE
COMMISSIONER
KENDRIYA VIDYALAYA SANGATHAN
18, Institutional Area
Shaheed Jeet Singh Marg,
New Delhi-10016.

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

Dated: 26-09-2002

Sir,

Please refer to your aforesaid Memorandum.

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

With regards

Yours faithfully

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

En: a/u

Attest
Advocate

- 20 -
V

ANNEXURE- I

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

Aftab
J.S. Anwar

- 21 -

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

6. (i) Bills for purchase of pump sets for Rs. 7,900/- with proposal.

(ii) Year of Installation of Pump sets for the staff quarter with their date of depreciation.

(iii) Minutes of staff quarters meeting requesting for the transferring of motors to staff quarters.

(iv) Funds received from KVS, R.O- Jaipur for maintenance and repair of staff quarters from 1999 to 2001 with details of utilization of these funds.

(v) Approved M & D, VVN, PF and school Budget from the year 1998 to 2002 by the VMC.

7. (i) Bills for a sum of Rs.430/- on account of self treatment as doctors Consulting fees, photocopies and telephone bills etc.

(ii) KVS, RO- Jaipur letter for the appointment as team manager for National sport meet -1999.

(iii) Audit reports for DG of AG and KVS, RO- Jaipur from the year 1997 to 2002 and with reply from the school for I.M. alongwith representation for ex-post - facto-sanction and approval.

(iv) CS-12 for repayment of Rs.430/- to the school, if any.

8. (i) Bills and vouchers as per details given in Para 8) of the memo.

(ii) Sanction and Approval of funds under the model school schemes for the year 1999- 2000.

(iii) Details of the funds spent for the new computer lab with dates and bills.

9. (i) Bills for purchase of General Studies books for Rs.5,471/- from Arya Book Depot.

(ii) Proposal from the staff/ librarian for the purchase of books from 1998 to 2002 for the library.

(iii) Total Number of books in the library at the beginning of each session from 1998 to 2002.

(iv) Timetable with no of periods for General studies from 1998 to 2002 with different no of teachers taking General studies.

(v) Budgetary allocation for the funds for the library from 1998 - 2002 and approval of the budget from VMC.

(vi) Limitation to purchase 150 copies for General studies books from the office / librarian etc.

10. (i) Bills for local journeys for Rs.1,658/- at Delhi during 1999.

(ii) Bills for local journeys for the staff, principal and others claimed from the school since 1995.

(iii) Representation made to AC office for the reimbursement of expenses incurred above at Delhi as team manager or for use of personal car for attending the various meetings etc for the school.

(iv) Reimbursement of these expenses to the school, if any.

Additional Information: -

(I) Report of Preliminary inquiry held on 7th & 8th May 02

(II) Recommendation of the KVS offices to Vigilance Department for Disciplinary action against me.

(A)
 (J)
 Annex

BY SPEED POST CONFIDENTIAL

KENDRIYA VIDYALAYA SANGATHAN

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

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

Dated

11-12-2003

MEMORANDUM

The undersigned proposes to hold an Inquiry against Shri A. K Bhatt, Principal Kendriya Vidyalaya, Bokajan formerly at Kendriya Vidyalaya, NO.1, Jodhpur) under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965. The substance of the imputations of misconduct or misbehavior in respect of which the Inquiry is proposed to be held is set out in the enclosed statement of articles of charge (ANNEXURE-I). A statement of the imputations of misconduct or misbehavior in support of each article of charge is enclosed (ANNEXURE-II). A list of documents by which, and a list of witnesses by whom, the article of charge are proposed to be sustained are also enclosed (ANNEXURE-III and IV).

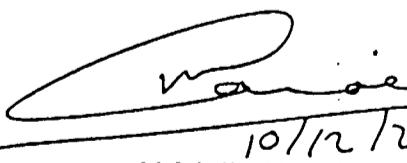
2. Shri A.K Bhatt is directed to submit within 10 days of the receipt of this Memorandum a written statement of his Defence and also to state whether he desires to be heard in person.

3. He is informed that an Inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri A.K Bhatt is further informed that if he does not submit his written statement of Defence on or before the date specified in Para-2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule-14 of the CCS (CCS) Rules, 1965, or the orders/ directions issued in pursuance of the said rule, the Inquiring Authority may hold the inquiry against his ex parte.

5. Attention of Shri A.K Bhatt is invited to Rule-20 of the Central Civil Services (Conduct) Rules, 1964 under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri A.K Bhatt, Principal is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-20 of CCS (Conduct) Rules, 1964.

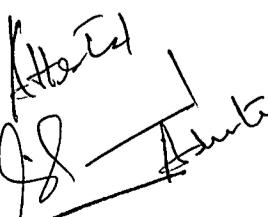
The receipt of the Memorandum may be acknowledged.


10/12/12
(ELMCIRAE)
COMMISSIONER

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

Copy to:-

1. The Assistant Commissioner, KVS, R.O. Jodhpur.
2. The Deputy Commissioner (Pers.) KVS (HO) New Delhi.
3. Guard file.


Addl. Commissioner
KVS

32 33 34

ANNEXURE-I

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

ARTICLE-I

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

Article-II

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

Article-III

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

Article-IV

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

Article-V

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

After 1st Point

Article - VI

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

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

Article - VII

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

Article - VIII

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

Attested
Amrit

Article-I

-25-

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

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

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

2. Further it was also observed that result register of Class IX-B was recasted as there was no signature of Class teacher in the column of 1st and 2nd.

3. Further it was also alleged that records of examination were not being maintained properly. During Summer Vacation, the clerical staff dumped the material of examination on the floor of the store room. It was found difficult to trace the examination material when required. He should have made the alternate arrangement to shift the confidential records under his supervision instead of throwing the records in the hands of irresponsible persons.

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

After
G.S.
Admitte

Article - II

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

| S. No. | Vr. No.& date | Amount | No. of students | Month |
|-----------|---------------|----------|-----------------|-------------|
| 1. | 265/20.10.99 | 12010.00 | 1201 | Sept. 99 |
| 2. | 322/7.12.99 | 12190.00 | 1219 | Oct. 99 |
| 3. | 377/19.1.2000 | 12290.00 | 1229 | Dec. 99 |
| 4. | 358/9.2.2000 | 12360.00 | 1236 | Jan. 2000 |
| 5. | 428/13.3.2000 | 12390.00 | 1238 | Feb. 2000 |
| 6. | 446/31.3.2000 | 9330.00 | 913 | March, 2000 |
| Total Rs. | | 71360.00 | | |

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

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

After
JL Amrit

Article -III

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

Inspite of present of sufficient number of regular Safai Karamcharis in the Vidyalaya, this service was privatized on a consolidated payment of Rs. 5400/- per month. Even the double deployment could not serve the purpose and the Vidyalaya has engaged Casual Labour's whose payment with effect from April, 2000 to January, 2001 amounts to Rs. 16,000/-, material & cartage Rs. 1,000/-, Loss to KVS approx. Rs. 50,000/-.

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

Article -IV

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

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

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Article -V

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

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

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

Article -VI

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

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

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

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

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Article -VII

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

| Fund | Vr. No. & date | Amount | Remarks |
|------|----------------|---------|---------------------------------|
| S.F. | 301/27.11.99 | 3,000/- | Deposited for New telephone |
| S.F. | 67/ 22.5.2000 | 277/- | Telephone Bill for P.No.627123 |
| S.F. | 134/19.7.2000 | 289/- | -do- |
| VVN | 450/27.11.2000 | 289/- | -do- |
| VVN | 282/19.9.2000 | 289/- | -do- |
| S.F. | 452/25.3.2000 | 3,650/- | For purchasing the modem |
| S.F. | 403/10.2.2000 | 5,500/- | To VSNL for Internet connection |

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

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

Article -VIII

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

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

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

- 38 -

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ANNEXURE -III

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

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

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ANNEXURE-IV

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

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

(Signature)
J.S. *(Signature)*

32
ANNEXURE - F

33
By Speed Post Confidential

KENDRIYA VIDYALAYA SANGATHAN
(VIGILANCE SECTION)

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

F.8-26/02-KVS(Vig.)

Dated 26/12/2002

MEMORANDUM

With reference to his representation dated 10-10-2002 regarding providing of documents Shri A.K.Bhatt, Principal(US) K.V.Jodhpur is hereby informed that his request has been considered by the competent authority and acceded to. Accordingly copies of the documents are enclosed herewith as per the Memorandum dated 26.09.2002.

The receipt of the documents may be acknowledged.

S. Vijay Kumar
26/12/02
Education Officer(Vig.)

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

Encl: As above

(Hand)
J.S. *Shanti*

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

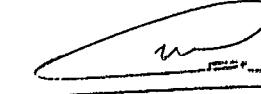
No.F.8-26/2002-KVS (Vig.)

Dated: 20-01-2003

ORDER

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

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


17/01/2003
(H.M. Gaire)
COMMISSIONER
Copy to:

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

Attended
J.S. 
Asst. Commissioner

-3A-

ANNEXURE - H

By Speed Post / Confidential

Ref No. KVDP/Per. AKD/2003 - 04/28/

Dated : 6th October 2003.

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

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

SUB : REPLY TO MEMORANDUM - REG

Sir,

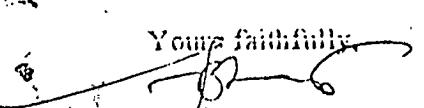
This is with reference to reply to the Memorandum, dated 22.09.2003.

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

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

With kind regards,

Yours faithfully,


(A.K. Bhatt) 6/2003

Principal
Kendriya Vidyalaya
C.C.I. Bokajan

राष्ट्रीय नोट नियम द्वारा नियमित नहीं

Amount of Stamps affixed

रु. 2.00

जारी करने वाला

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Received a Registered

पत्रिका नाम

Addressed to

नाम

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REGD.

ANNEXURE - I

From :
A.K.Bhatt, Principal
Kendriya Vidyalaya
C.C.I, Bokajan.
Karbi Anglong.
Assam - 782490

Ref. No. KVB/ AKB/2003-04/513

Dated : 24th Dec.'03

To
Shri. H.M.Cairae
The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi - 110016.

Your Ref. No. F.8 - 26/2002-KVS (Vig.), dated 11.12.03.

Sub : REPLY TO MEMORANDUM - reg.

Sir,

With reference to the subject cited above, I wish to submit that I shall be submitting my complete defence statement on receipt of all the supporting documents as per my earlier letters of dated 10.10.02 and others with Annexures III & IV of the ibid memo.

2. In the interest of justice, equity & fair play, it is most respectfully submitted that all these essential documents are provided to me at yours earliest, as these are lifeline for my defence.

3. On receipt of these documents, I shall definitely be submitting my defence statement.

4. Therefore, it is most humbly requested to you to kindly assist & co-operate.

Thanking you.

Yours faithfully,

A.K.Bhatt
Principal

Attended
J.S. Absent

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

The Hon'ble Shri Shanker Raju, Judicial Member.

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

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

...Applicant

By Advocate Sri A. Ahmed.

- Versus -

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

..Respondents

By Advocate Sri M.K. Mazumdar.

ORDER (ORAL)

SHANKER RAJU, JUDICIAL MEMBER,

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

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

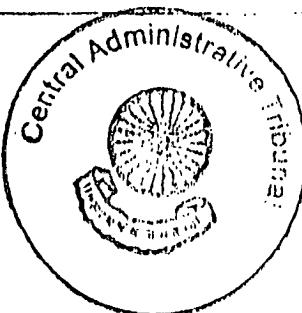
Attended
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P.M.T.

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

O.A. stands disposed of.

Sd/MEMBER (J)

Sd/MEMBER(Adm)



TRUE COPY
27/2/04
C.A.T. Guwahati
Guwahati-781005

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Attest
J.J. Amrit

Ref. No. : KVB/ AKB/2003 - 04/702-8

Dated : 7th May. '04

From :

A.K.Bhatt.

Principal, K.V, C.C.I.

Bokajan, Karbi Anglong.

Assam - 782490.

To
Shri Lachhman Singh
Inquiry Authority
E - 7/E, DDA Flats
Munirka, New Delhi - 110067

**Sub: - Departmental Inquiry in case of Sh. A.K. Bhatt, Principal, KVS -
Preliminary hearing - Supply of documents, Reg.**

Sir,

Please refer to the Preliminary hearing that was held in KVS, HQs, New Delhi on 19th March. '04.

During the programme for inspection of documents, the Presenting officer provided me only a set of photocopies of listed documents mentioned in Annexure III of Memo No. F.8-26/2002 - KVS (Vig.), dated 11.12.2003, except the following documents as mentioned below:

1. Annexure of 2nd report sent on 30-05-2002.

2. Voucher No. 265.

3. Result Register for Class IX.

4. Statement of witnesses as per Annexure IV of the ibid Memo.

The same was represented to the Presenting officer on 19th March. '04. However, till date, these documents have not been received by me.

My complete defence is being jeopardized without the availability of all the necessary documents, which I have been reiterating since my initial letter of dated 10-10-2002 followed by similar letters on date. In the interest of justice, equity and fair-play, it is most respectfully submitted that all these necessary documents are immediately made available to me, as per my revised list of necessary documents that will be required, as per documents available with me till now, enclosed herewith vide Annexure 'A'.

Please refer to para 2 of the direction received from Hon'ble CAT, Guwahati, giving clear direction to the KVS to serve upon all the necessary documents relevant to the disciplinary proceedings, copy enclosed herewith vide Annexure 'B'.

All these documents are readily available in the custody of the KVS, i.e. KV1, AFS, Jodhpur and R.O., Jaipur and HQs., New Delhi. I shall be highly obliged for supplying me these listed necessary documents for my study & inspection as all these documents are essential & have a direct material bearing for my defence.

I shall be submitting the name of the defence Assistant immediately on receiving a confirmation from him.

Thanking you for your kind co-operation.

Yours faithfully,

(A.K.Bhatt),
Principal.

C.C : Sh. S.K. Nagpal, Presenting Officer (For inf. & n.a)
SO, K.V.S, HQs, 18 Institutional Area,
Shaheed Ject Singh Marg, New Delhi - 110016.

Encl : As above

(A.K.Bhatt)
Principal

(i) Examinations Register for the year 1999 to 2002 with minutes maintained by Exams. I/C.

(ii) Original Result Register, Award list, Green Sheet and Moderation committees meeting minutes for the Annual Examinations for class IX-B for the year 2001.

(iii) Moderation and examination committees from the year 1998 to 2002 with minutes.

(iv) TA/DA bills for the staff visiting BSF School in April - May 2001.

(v) STD Telephone bills with STD Register for the school for 2001.

(vi) Any observation raised by any officer from R.O., Jaipur to me that records of examinations were not being maintained properly or dumped during the Summer Vacations during my tenure as Principal, KV1, AFS, Jodhpur.

(vii) CBSE Gazette for Class X Board students for the session 2000-2001 & 2001-2002.

(viii) Any Guideline circulated by R.O., Jaipur to the Principals for SSE-2000 & 2001.

2. (i) Details of cheques and bills made to the computer agencies for the months of August, September & November 1999.

(ii) Receipt and payment statement for Computer fees and payment to the computer contractors during 1999-2000 & 2000-2001.

(iii) Date of purchase of 20-25 PCs from Ed.CIL, Noida and the amount paid by school.

(iv) Any observation raised by any Staff/Teacher/Officers to the Principal that the Teacher employed by the Computer agencies did not possess academic or professional qualification.

(v) CBSE results Gazette for Class XII for the school for the year for the year 2000- 2002 for I.P.

(vi) Any objection/observation raised by the Director of the Computer Agency for non-payment of its dues by the school.

3. (i) Vacancy position for Group 'D' with sanctioned Staff Strength for the year 2000 & 2001.

(ii) Details of bills for the month of Dec. 2000 and Jan. 2001 paid to J.P vigilance.

(iii) Balance of Fund in VVN on 1st Apr. 1999 & 1st April 2000.

(iv) VMC meetings minutes for 1999 to 2002.

(v) PF of Sh. Mangi Lal, Group 'D'.

(vi) Salary paid to Sh. Mangi Lal and Sh. Kailash- Gp 'D' during the year 2000 & 2001.

(vii) Statement of casual workers employed in the school since 1997 with the amount paid to them.

(viii) Approved VVN Budget from 1999 to 2001.

4. (i) Complete detailed Staff Strength-proposal from the year 1997 to 2001 sent to R.O., Jaipur from KV1, AFS, Jodhpur.

(ii) Approved and sanctioned Staff-Strength for KV1, AFS, Jodhpur from the year 1997 to 2002.

(iii) Students Enrolments for the year 1998, 1999, 2000 and from 1985 to 1990.

(iv) Any Specific request sent to the KVS- R.O., Jaipur and HQs, Delhi for getting any additional Office Staff from the year 1998 to 2000 with their number.

(v) Duty charge and the responsibility for office staff- OS, UDC and LDC by the previous Principals and me.

(vi) Teacher responsible for collection of student's enrolments for the school and responsibility for filling up and maintaining the staff strength proposal for the school.

(vii) Personal file of Sh. S. N. Sharma, ex-Office Superintendent in KV1, AFS, Jodhpur.

(viii) Records of CS-8, CS-9, CS-23, CS-54, CS-69 from (Jan.) 1996 to 2001 (Dec.) alongwith attendance Register during this period.

(ix) Draft approval for Staff-Strength proposal for the school giving the students enrolments figures as 2005 and or not 1949 as put up to the Principal by OS on 30-09-1999 for his verification and signature.

(x) Original Staff-Strength file A-1 of the school.

(xi) Attendance register of all Classes

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(i) Proposal, comparative statements and quotation for the purchase of pump sets for Rs. 7,900/-.

(ii) Year of Installation of old Pump sets for the staff quarter and Principal Residence with the dates for their depreciation and written off.

(iii) Minutes of staff quarters meeting requesting for the transferring of motors to staff quarters.

(iv) Details of Amount with dates for Maintenance and Repair Funds received from KVS, R.O., Jaipur for the staff quarters Maintenance and Repair from 1999 to 2001 with details of these Funds utilization.

(v) Approved M & D, VVN, PF and School Fund Budget from the year 1998 to 2002 by the VMC.

(vi) Amount spends on the repairs of the old motors.

(vii) Original Stock Register for M & D Fund showing stock entry for the purchase of new Pump sets.

6. (i) Original Bills for a sum of Rs. 430/- on account of self treatment from doctors as Consulting fees, photocopies and telephone bills etc.

(ii) KVS, R.O., Jaipur letter specifying the names and the schools of the different Escorts for National Sport Meet - 1999.

(iii) Date of arrival of Principal to Jodhpur from National Meet held at Delhi from the Attendance Register in Nov-Dec. 1999 with original Attendance Register and Despatch register.

(iv) Details with dates of recovery received in the school from the various Escorts from the different schools for the National Sports Meet- 1999 against the Advances given to them.

(v) Letters/Reminders written to the different Escorts/Principals to settle the outstanding advances for the National Sports Meet from the Despatch Register.

(vi) Audit Reports for DG of AG and KVS, R.O- Jaipur from the year 1997 to 2002 and with reply filed from the school for I.M. alongwith representation for ex-post-facto sanction and approval sent to R.O., Jaipur.

(vii) Copy of CS-12 for repayment of Rs. 430/- to the school, if any, by me alongwith the original CS-12 book during this period.

7. (i) Bills and vouchers as per details given in Para (7) of the Memo.

(ii) Sanction and Approval of funds spent under the Model school schemes for the year 1999-2000 with utilization of Funds.

(iii) Details of the Funds spent for the new Computer Lab with dates and bills.

(iv) Details of Telephone calls made from the Telephone Number 627123 with STD Register.

8. (i) Proposal from the staff / librarian for the purchase of library books from 1998 to 2002 for the School Library.

(ii) Total Number of books in the library at the beginning of each session from 1998 to 2002.

(iii) Time-table, with number of periods for General studies from 1998 to 2002 with different number of teachers taking General studies during this period.

(iv) Budgetary allocation of the funds for the library from 1998 to 2002 and approval of the budget from VMC during this period.

(v) Limitation/ Objection to purchase 150 copies for General Studies books from the office / librarian etc.

(vi) Any Text-Book prescribed by KVS for General Studies books and the curriculum to be followed for General Studies by the Principal/teachers.

ADDITIONAL INFORMATION:-

(I) Report of findings of Preliminary inquiry held on 7th & 8th May '02 by E.O., Sh. B.D. Sharma, R.O., Jaipur submitted to KVS, HQs.

(II) Report and recommendation of the KVS officers to KVS, Vigilance Department, Delhi for any Disciplinary action against me with details and dates.

(III) Permission to provide and inspect any additional documents / information that may be relevant for this case during the course of inquiry.

(IV) To examine all the witnesses connected with this case to prove the correct and factual position about the listed charges.

Attested
Anant

- 41 -
ANNEXURE - A

1. (i) Examinations Register for the year 1999 to 2002 with minutes maintained by Exams. I/C.
- (ii) Original Result Register, Award list, Green Sheet and Moderation committees meeting minutes for the Annual Examinations for class IX-B for the year 2001.
- (iii) Moderation and examination committees from the year 1998 to 2002 with minutes.
- (iv) TA/DA bills for the staff visiting BSF School in April - May 2001.
- (v) STD Telephone bills with STD Register for the school for 2001.
- (vi) Any observation raised by any officer from R.O., Jaipur to me that records of examinations were not being maintained properly or dumped during the Summer Vacations during my tenure as Principal, KV1, AFS, Jodhpur.
- (vii) CBSE Gazette for Class X Board students for the session 2000-2001 & 2001-2002.
- (viii) Any Guideline circulated by R.O., Jaipur to the Principals for SSE-2000 & 2001.
2. (i) Details of cheques and bills made to the computer agencies for the months of August, September & November 1999.
- (ii) Receipt and payment statement for Computer fees and payment to the computer contractors during 1999-2000 & 2000-2001.
- (iii) Date of purchase of 20-25 PCs from Ed.CIL, Noida and the amount paid by school.
- (iv) Any observation raised by any Staff/Teacher/Officers to the Principal that the Teacher employed by the Computer agencies did not possess academic or professional qualification.
- (v) CBSE results Gazette for Class XII for the school for the year for the year 2000- 2002 for I.P.
- (vi) Any objection/observation raised by the Director of the Computer Agency for non- payment of its dues by the school.
3. (i) Vacancy position for Group 'D' with sanctioned Staff Strength for the year 2000 & 2001.
- (ii) Details of bills for the month of Dec. 2000 and Jan. 2001 paid to J.P vigilance.
- (iii) Balance of Fund in VVN on 1st Apr. 1999 & 1st April 2000.
- (iv) VMC meetings minutes for 1999 to 2002.
- (v) PF of Sh. Mangi Lal, Group 'D'.
- (vi) Salary paid to Sh. Mangi Lal and Sh. Kailash- Gp 'D' during the year 2000 & 2001.
- (vii) Statement of casual workers employed in the school since 1997 with the amount paid to them.
- (viii) Approved VVN Budget from 1999 to 2001.
4. (i) Complete detailed Staff Strength-proposal from the year 1997 to 2001 sent to R.O., Jaipur from KV1, AFS, Jodhpur.
- (ii) Approved and sanctioned Staff-Strength for KV1, AFS, Jodhpur from the year 1997 to 2002.
- (iii) Students Enrolments for the year 1998, 1999, 2000 and from 1985 to 1990.
- (iv) Any Specific request sent to the KVS- R.O., Jaipur and HQs, Delhi for getting any additional Office Staff from the year 1998 to 2000 with their number.
- (v) Duty charge and the responsibility for office staff- OS, UDC and LDC by the previous Principals and me.
- (vi) Teacher responsible for collection of student's enrolments for the school and responsibility for filling up and maintaining the staff strength proposal for the school.
- (vii) Personal file of Sh. S. N. Sharma, ex-Office Superintendent in KV1, AFS, Jodhpur.
- (viii) Records of CS-8, CS-9, CS-23, CS-54, CS-69 from (Jan.) 1996 to 2001 (Dec.) alongwith attendance Register during this period.
- (ix) Draft approval for Staff-Strength proposal for the school giving the students enrolments figures as 2005 and or not 1949 as put up to the Principal by OS on 30-09-1999 for his verification and signature.
- (x) Original Staff-Strength file A-1 of the school.
- (xi) Attendance register of all Classes

(ii) Year of Installation of old Pump sets for the staff quarter and Principal Residence with the dates for their depreciation and written off.

(iii) Minutes of staff quarters meeting requesting for the transferring of motors to staff quarters.

(iv) Details of Amount with dates for Maintenance and Repair Funds received from KVS, R.O., Jaipur for the staff quarters Maintenance and Repair from 1999 to 2001 with details of these Funds utilization.

(v) Approved M & D, VVN, PF and School Fund Budget from the year 1998 to 2002 by the VMC.

(vi) Amount spends on the repairs of the old motors.

(vii) Original Stock Register for M & D Fund showing stock entry for the purchase of new Pump sets.

6. (i) Original Bills for a sum of Rs. 430/- on account of self treatment from doctors as Consulting fees, photocopies and telephone bills etc.

(ii) KVS, R.O., Jaipur letter specifying the names and the schools of the different Escorts for National Sport Meet - 1999.

(iii) Date of arrival of Principal to Jodhpur from National Meet held at Delhi from the Attendance Register in Nov-Dec. 1999 with original Attendance Register and Despatch register.

(iv) Details with dates of recovery received in the school from the various Escorts from the different schools for the National Sports Meet- 1999 against the Advances given to them.

(v) Letters/Reminders written to the different Escorts/Principals to settle the outstanding advances for the National Sports Meet from the Despatch Register.

(vi) Audit Reports for DG of AG and KVS, R.O- Jaipur from the year 1997 to 2002 and with reply filed from the school for I.M. alongwith representation for ex-post-facto-sanction and approval sent to R.O., Jaipur.

(vii) Copy of CS-12 for repayment of Rs. 430/- to the school, if any, by me alongwith the original CS-12 book during this period.

7. (i) Bills and vouchers as per details given in Para (7) of the Memo.

(ii) Sanction and Approval of funds spent under the Model school schemes for the year 1999-2000 with utilization of Funds.

(iii) Details of the Funds spent for the new Computer Lab with dates and bills.

(iv) Details of Telephone calls made from the Telephone Number 627123 with STD Register.

8. (i) Proposal from the staff / librarian for the purchase of library books from 1998 to 2002 for the School Library.

(ii) Total Number of books in the library at the beginning of each session from 1998 to 2002.

(iii) Time-table with number of periods for General studies from 1998 to 2002 with different number of teachers taking General studies during this period.

(iv) Budgetary allocation of the funds for the library from 1998 to 2002 and approval of the budget from VMC during this period.

(v) Limitation/ Objection to purchase 150 copies for General Studies books from the office / librarian etc.

(vi) Any Text-Book prescribed by KVS for General Studies books and the curriculum to be followed for General Studies by the Principal/teachers.

ADDITIONAL INFORMATION:-

(I) Report of findings of Preliminary inquiry held on 7th & 8th May '02 by E.O., Sh. B.D. Sharma, R.O., Jaipur submitted to KVS, HQs.

(II) Report and recommendation of the KVS officers to KVS, Vigilance Department, Delhi for any Disciplinary action against me with details and dates.

(III) Permission to provide and inspect any additional documents / information that may be relevant for this case during the course of inquiry.

(IV) To examine all the witnesses connected with this case to prove the correct and factual position about the listed charges.

After
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Speed Post

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No. F.4/KVS/AKB/2/

Dated: 3.6.2004

From: Lachhman Singh
Inquiring Authority

To : Sh. A.K. Bhatt,
Principal, KV, CCI,
Bokajan, Karbi Anglong,
Assam - 782 490

Sub: Departmental inquiry against Shri A. K. Bhatt, Principal-
Additional documents.

Please refer to your letter dated 7.5.04 on the subject mentioned
above. After perusal of this letter I find that the following documents are
relevant:

1. Sl. no.1(i) &(ii)
2. Sl. no.2 (i) & (ii)
3. Sl. no. 3(i)
4. Sl. no.4 (i), (ii) & (iii)
5. Sl. no.6 (vii), if any.

The remaining documents mentioned in your letter have not been held
relevant and therefore not permitted. The PO has been asked to collect these
documents and show the same to you for inspection.

Lachhman Singh
(Lachhman Singh)
Inquiring Authority

Copy to Shri S.K. Nagpal, SO, KVS(Hq.), New Delhi, for
information. He is requested to collect the permitted additional documents
and provide the same to the charged officer.

Inquiring Authority

*Officer
S.K. Nagpal
Date*

No.F.Inquiry/AKB/KVS/2004

Dated 26/08/2004

To

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

Subject: Departmental Inquiry against Sri A K Bhatt, Principal, Kendriya Vidyalaya, CCI Bokajan.

Sir,

I am to invite your attention to the above noted subject and to send herewith a copy of the following additional documents which have been allowed by the Inquiry Officer vide his letter dated 3.6.2004:

1. Original Result register, Award list, Green Sheet and Moderation Committees meeting minutes for the annual examination result Examination for Class IX-B for the year 2001 have not found in the record of examination department of Kendriya Vidyalaya No.1, AFS Jodhpur. The declaration given by the previous examination Incharges of Kendriya Vidyalaya No.1 Jodhpur in this regard are enclosed herewith.

2. Details of cheques and bills made to the Computer Agencies for the month of August, September and November, 1999 is as under:

| | |
|-----------------|--|
| August, 1999 | Nil. |
| September, 1999 | Nil |
| November, 1999 | Vr.No.322 dated 29.11.1999 Cheque No.773690 Rs.12190/- Month October, 99 Firm - Marwar Computer P Ltd. Jodhpur |

3. Receipt and payment statement for Computer fee and payment to the Computer contractors during 1999-2000 & 2000-2001:

Computer R & P 2000-2001

Receipt:- 2,87,620.00 Payment -- 89,043.00

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Computer R & P 1999-2000

Receipt - 1,95,960.00

Payment- 82,620.00

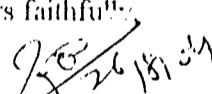
4. Vacancy position for Group 'D' with sanctioned staff strength for the year 2000 and 2001;
5. Complete detailed staff Strength – proposal from the year 1997 to 2001 sent to Regional Office, Jaipur from Kendriya Vidyalaya No.1 Jodhpur;
6. Approved and sanctioned Staff-Strength for Kendriya Vidyalaya No.1. Jodhpur from the year 1997 to 2002 ;
7. Students enrolment for the year 1998, 1999, 2000 and from 1985 to 1990;
8. The following document has not been received
 - (a) Copy of CS-12 for the re-payment of Rs.430/- to the school, if any, by him (Shri Bhatt) alongwith the original CS-12 book during this period.

The following listed documents are also sent :

1. Voucher No.265 dated 20.10.99 (for September, 1999) for Rs. 12,010/- (listed document -8 of the Annexure III of Charge sheet)
2. 1st Report sent on 28.5.2002.

Encl: As above

Yours faithfully,


 (S.K. NAGPAL)
 SECTION OFFICER &
 PRESENTING OFFICER
 KVS(HQ), NEW DELHI

(After)
 J.S. *Amrita*

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ANNEXURE - N

CONFIDENTIAL

SPEED POST

No: F.4/KVS/AKB/3

Dated: 21.12.04

From: Lachhman Singh
Inquiring Authority

To: Shri A.K.Bhatt
Principal
K.V., C.C.I.
Bokajan, Karbi Anglong
ASSAM - 782490

Sub: Departmental inquiry against Shri A.K.Bhatt - Regular Hearing

The Regular Hearing in your case has been fixed for 17.1.05 at 10.30 A.M. in the Vigilance Branch of the KVS, HQ office New Delhi. You are requested to attend the hearing.

Lachhman Singh
(LACHHMAN SINGH)
INQUIRING AUTHORITY

Copy to:

1. Shri S.K.Nagpal, Section Officer(Admn-II), KVS HQ Office New Delhi for information. He is also requested to attend the hearing. Four summons for prosecution witnesses are enclosed which may be served on them.
2. Shri M.S.Chauhan, Education Officer (Vigilance) KVS HQ New Delhi for information. He is requested to kindly make appropriate arrangements for holding the inquiry in his office.

INQUIRING AUTHORITY

*After Ed
JL
Ans to*

28 APR 2005

Original Application
Guwahati Bench

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In the Central Administrative Tribunal,
Guwahati Bench, Guwahati.

M. K. MAJUUDAR

Advocate,

Standing Counsel K. V. Sangathan

M.K.Majuudar
2/4/05

Original Application No.6 of 2005

Sri Ashok Kumar Bhatt

____ Applicant

-V E R S U S-

The Commissioner, K.V.S & others.

____ Respondents

-AND-

IN THE MATTER OF:

Preliminary ^{Reply} objection filed by the Respondents in view of the regular inquiry already stated.

-AND-

IN THE MATTER OF:

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Silchar Region, Silchar.

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

Contd..../-

I, Sri U.N. Khawarey, the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati, on being authorised to file this preliminary objection do hereby solemnly affirm and file this objection on behalf of respondents No.1, 2 and 3.

1). That the respondents having been served with a copy of the Original Application and have gone through the contents of the O.A and on being supplied with the information from the Head Quarter relating to conducting of Departmental Proceeding held on 17-01-2005 and 18-01-2005 filed this objection on behalf of the Respondents.

2). That the deponent states that the allegations / averments which were not borne out of records were denied and not admitted. Any allegations / averments which are not specifically admitted hereinafter are deemed to be denied.

3). That the deponent begs to state that the applicant have filed this O.A for quashing and setting aside Departmental Proceedings for non-completion of the said proceeding within the stipulated time followed by non-supply of necessary documents.

That the deponent before controverting the statements and allegations made in the O.A by filing detailed written statement craves leave of this Hon'ble

Tribunal to submit the brief facts of the case as under in view of the continuation of the Departmental Proceeding and participant of the present applicant held in 17-01-2005 and 18-01-2005.

BRIEF FACTS OF THE CASE:

Shri A.K. BHatt, Principal, Kendriya Vidyalaya, Bokajan while functioning at Kendriya Vidyalaya, No.1, AFS Jodhpur has committed a number of serious irregularities. Some of them are given below:

- (a). He had failed to follow examination and promotion rules as given in the Education Code for Kendriya Vidyalayas.
- (b). He appointed unqualified Computer teachers through computer contract with M/S Marwar Computers (P) Ltd. without following the prescribed procedure.
- (c). He had privatized the services relating to cleaning of Vidyalaya setting aside the guidelines circulated by the KVS time to time.
- (d). He had sent inflated report of students enrollment to KVS.
- (e). He had purchased two pump-sets out of M & D fund flouting the instructions issued by the KVS.

(f). He was appointed as team manager for National Sports Meet (Girls) 1999 by Regional Office and drawn an advance of Rs.1,30,000/- and out of which he disbursed only Rs.28,000/- to different escorting teachers. The unspent balance of cash was kept by him and deposited in different spells.

(g). He installed Internet connection in Principal Office instead of Computer Lab and no benefit of Internet was extended to the students.

(h). He purchased 150 copies each of the books (G.Study) from Arya Book Depot, Delhi excess to the requirement without following the prescribed procedure stipulated in Chapter - 17 of the ~~.....~~ Code for Kendriya Vidyalayas causing financial loss of Rs.5400/- to the KVS.

In the light of the above mentioned' allegations the competent Authority placed him under suspension vide order dated 05-04-2002 and his suspension was revoked vide order dated 20-01-2003. A Memorandum dated 26-09-2002 has been issued for calling his explanation for the irregularities committed by him and in response of the said Memorandum he filed a representation dated 10-10-2002 requesting to provide a large number of copies of irrelevant documents. He was provided the copies of

relevant documents vide Memorandum dated 26-12-2002. He was repeatedly insisting to provide all the documents and did not submit his reply. He was served upon the charge-sheet under Rule 14 of CCS (CCA) Rules, 1965 by the Commissioner, KVS vide Memorandum dated 11-12-2003 on the above mentioned irregularities. He again insisted on to provide the same documents instead of submitting his Defence statement. Hence to complete the Disciplinary Proceedings within a time frame against Shri A.K. Bhatt the competent Authority appointed the Inquiry Officer / Presenting Officer vide order dated 16-02-2004. The Inquiry Officer was directed to complete the Disciplinary Proceedings against Shri A.K. Bhatt as per the judgement of the Hon'ble CAT, Guwahati Bench, Guwahati CAT dated 26-02-2004 as expeditiously as possible within a period of six months from the date of receipt of the order. Applicant was also directed to co-operate with the enquiry and shall not adopt any delaying tactics. The Regular Hearing in the said case was held on 17-01-2005 and 18-01-2005.

4). That the deponent further submits that the applicant have already been provided with the relevant documents and have also been intimated that he may call and inspect all other documents related to the case during the course of the regular hearing vide Annexure - F, Annexure - L of the present Original Application. But the applicant have also not used the documents provided to him nor could also convince the inquiry officer during

inquiry as to why the other documents were required by him in the present proceeding.

5). It is further stated that as informed from Head Quarter during the regular hearing the presenting officer was asked to submit the written brief to the enquiry officer with copy to the charged officer / the present applicant by 27-01-2005 and the charged officer was required to submit written brief within 10 days from the receipt of the presenting officer's brief.

Hence the present petition for quashing of the departmental proceeding is not maintainable for the applicant had participated in the proceeding which is awaiting completion.

6). That the respondent submits that under such circumstances the relief sought in the present application cannot be granted for the conduct of the applicant and in particular when the proceeding is continuing. The applicant have got ample opportunity to inspect, call and obtain any or every documents necessary for convenient conclusion of proceeding without any sort of withholding of opportunity or prejudice towards him and thus the present application is liable to be dismissed.

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VERIFICATION

I Shri Uday Narayan Khawarey, Son of Shri Jagat Narayan Khawarey, aged about 44 years, presently working as Assistant Commissioner in the Regional Office of Kendriya Vidyalaya Sangathan, Maligaon, Guwahati, do hereby verified that the statement made in paragraphs 1, 2, 3 (part), 4 (part), 5 are true to my knowledge and those made in paragraphs are 3 (part), 4 (part) based on records.

And I sign this verification on this the 2nd day of April, 2005 at Guwahati.

Place: Guwahati

Uday Narayan Khawarey

DEPONENT

Date: 02-04-05

संघ न्यायिक आयोग
Central Administrative Tribunal

- 5 MAY 2005

गुवाहाटी न्यायिक आयोग
Guwahati Bench

In the Central Administrative Tribunal,
Guwahati Bench, Guwahati:

Filed by Respondents
Jhengh, Mr. Moinuddin
Standing Counsel K.N. Sampath
05/05/05

Original Application No. 6 of 2005

Sri Ashok Kumar Bhatt

Applicant

-V E R S U S-

The Commissioner, K.V.S & others.

Respondents

-AND-

IN THE MATTER OF:

Written Statement filed by the
respondents No.1, 2 & 3.

-AND-

IN THE MATTER OF:

Preliminary reply / objection that
has already been filed by the Respon-
dents.

-AND-

Contd.../-

IN THE MATTER OF:

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati Region, Maligaon,
Guwahati.

The humble written statement on behalf of the respondents are as follows:

I, Sri U.N Khawarey, the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati, on being authorised to file this written statement do hereby solemnly affirm and file the written statement on behalf of Respondents No.1, 2 and 3 as under:-

1). That the respondents having been served with a copy of the Original Application, have gone through the contents of the O.A and on being supplied with comments from the Head-quarters this reply has been submitted on behalf of the respondents.

2). That the deponent states the allegations / averments which are not borne out by records are denied and not admitted. Any averments / allegations which are not specifically admitted hereinafter are deemed to be denied.

.3). That with regard to the statement made in paragraph 1 under heading of 'DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE', the deponent states that matter has become infructuous so far as the applicant have participated in the inquiry, the regular hearing of the case was taken up as per schedule, the witnesses were examined and cross-examined, the relevant documents were exhibited and after closure of the defence case the Presenting Officer was directed to submit his written brief with a copy to the Charged Officer by 27-01-2005. The Charged Officer has been asked to submit his written brief within 10 days from the date of receipt of Presenting Officer's brief. This step was taken by the Enquiry Authority to give fair opportunity to the parties to submit their arguments. As such the statements / averments whatever are made before this Hon'ble Tribunal to substantiate the cause of action and the grounds whatsoever forwarded by the applicant in the instant application have become infructuous and on this score alone this O.A is not maintainable to grant any of the relief as prayed; and as such the O.A is liable to be dismissed and quashed with cost.

4). That the deponent before controverting the statements and allegations made in the O.A craves leave of this Hon'ble Tribunal to submit that the respondents have already submitted preliminary reply / objection appraising the brief facts of the case in view of the

continuation of the Departmental Proceeding and participation of the present applicant held in 17-01-2005 and 18-01-2005 and rely on the same to treat the preliminary reply as part of this written statement.

PARAWISE COMMENTS:

5). That with regard to the statement made in paragraph 4.1 of the O.A, the deponent offers no comment.

6). That with regard to the statement made in paragraph 4.2 of the O.A, the deponent states that the same are matter of records and hence offers no comment.

7). That with regard to the statement made in paragraph 4.3, the deponent states that the applicant was suspended on 05-04-2002 and his suspension has not affected his selection as Assistant Commissioner.

8). That with regard to the statement made in paragraph 4.4, the deponent states that memorandum dated 26-09-2002 has been issued to the applicant calling for his explanation for the allegation leveled against him and in response to the memorandum he filed a representation dated 10-10-2002 requesting to provide a large number of copies of irrelevant documents to submit his reply. The applicant was provided the copies of the documents mentioned in Annexure III of the Charge-sheet vide memorandum dated 26-12-2002.

9). That with regard to the statement made in paragraph 4.5, the deponent states that the applicant was issued charge-sheet under Rule 14 of CCS (CCA) Rules 1965 vide memorandum dated 11-12-2003.

10). That with regard to the statement made in paragraph 4.6, the deponent begs to state that the representation dated 10-10-2002 was considered by the competent authority and the copies of the relevant documents were provided to the applicant vide memorandum dated 26-12-2002.

11). That with regard to the statement made in paragraph 4.7, the deponent states that the suspension of the applicant was revoked vide order dated 20-01-2003 without prejudice to the outcome of the Disciplinary Proceedings contemplated against the applicant and posted him to Kendriya Vidyalaya, Bokajan.

12). That with regard to the statement made in paragraph 4.8, the deponent states that the applicant has already been provided the relevant documents and also intimated that he may call and inspect all the other documents related to the case during the course of regular inquiry.

13). That with regard to the statement made in paragraph 4.9, the deponent begs to state that the appli-

cant filed an O.A No.302/2003 before the Hon'ble CAT, Guwahati Bench, Guwahati and the same was disposed at the admission stage by the Hon'ble Tribunal with a direction to the respondents to complete the Disciplinary Proceedings as expeditiously as possible within a period of six months from the date of receipt of the order. The applicant is also directed to cooperate with the enquiry and shall not adopt any delaying tactics. In order to complete the Disciplinary Proceedings within the time frame period, the competent authority has already appointed the Inquiry Officer and Presenting Officer vide order dated 16-02-2004.

14). That with regard to the statements made in paragraphs 4.10 and 4.11, the deponent states that the Inquiry Officer is the Competent Authority for sanctioning for the supply of the documents and he provided all the relevant documents related to the disciplinary proceedings. The Charged Officer has also not used the documents provided to him. Moreover, the Charged Officer also could not convince the Inquiry Officer as to why he required the other documents.

15). That with regard to the statement made in paragraph 4.12, the deponent begs to state that the Inquiry Officer informed the applicant that as per the declaration given by the previous examination-in-charge of Kendriya Vidyalaya No.1, Jodhpur, the Marks Register of Class-IX-B for the year 2000-2001 was handed over to

the then Principal Shri A.K. Bhatt for giving the reply - of letter received from the Head Quarter by him.

16). That with regard to the statement made in paragraph 4.13, the deponent states that the Inquiry Officer being the Ex-Controller, CAG knows very well the procedure of conducting enquiries and provided all the relevant documents during the regular inquiry.

17). That the averments made in paragraphs 4.14 and 4.15 are denied. The applicant was directed by the Hon'ble Tribunal to cooperate with the enquiry and shall not adopt any delaying tactics but he is adopting delaying tactics by insisting the Inquiry Officer to provide irrelevant documents. Moreover, the applicant failed to convince the Inquiry Officer as to why he required the other documents. The applicant has also not used the documents provided to him during the inquiry.

18). That the averment made in paragraph 4.16 is denied by the deponent as the action of the respondents are not malafide, illegal, arbitrary and whimsical.

19). That with regard to the statement made in paragraph 4.17, the deponent states that the Inquiry Officer being the Ex-Controller, CAG knows very well the procedure of conducting enquiries and he approved for all the relevant documents related to the case during the

regular inquiry, hence his application deserves rejection.

20). That the averments / allegations made in paragraphs 4.18, 4.19 and 4.20 are denied by the deponent.

The action of the respondents is not arbitrary and whimsical. The applicant has committed some financial and academic irregularities and violated the rules. No serious injustice and mental trouble was given to him. Hence the said Disciplinary proceedings may not be set aside and quashed.

21). That with regard to the grounds as set forth in paragraphs 5.1 to 5.8 by the applicant, the deponent begs to submit that the action of the respondents is legal and within their jurisdiction. The Regular hearing in the said case was held on 17-01-2005 and 18-01-2005. The applicant himself is not cooperating with the enquiry and adopted delaying tactics in-spite of the directions of the Hon'ble Tribunal. The applicant has committed some financial and academic irregularities and violated the rules. The applicant has been provided all the relevant documents related to the case. Hence the disciplinary proceedings initiated against him may not be set aside and quashed.

22). On conspectus of the facts and circumstances as stated above, the deponent begs to submit that the relief

sought by the applicant in paragraph 8 of the instant O.A, may not be granted to him as the Inquiry Officer approved all those documents related to the case during the regular inquiry, hence this application deserves rejection. As such the Hon'ble Tribunal may be pleased to dismiss the O.A filed by the applicant with cost.

V E R I F I C A T I O N Page/10

~~VERIFICATION~~
AFFIDAVIT

I Shri Uday Narayan Khawarey, Son of Shri Jagat Narayan Khawarey, aged about 44 years, presently working as Assistant Commissioner in the Regional Office of Kendriya Vidyalaya Sangathan, Maligaon, Guwahati, do hereby solemnly affirm and declare as follows:

1. That I am the Assistant Commissioner of the Kendriya Vidyalaya Sangathan, Maligaon, 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 1-6, 13-20 & 21 are true to my knowledge, those made in paragraphs 7-12 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 5 th day of May October, 2005 at Guwahati.

Identified by

Uday Narayan Khawarey

DEPONENT

Advocate's Clerk.