

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓
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R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

Gahtra
11/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application NO. 298/07

2. MIBs Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant(S). Dr. Ashwin Kr. Mahanta vs Union of India & Ors

Advocate for the Applicants. K. K. Mahanta, P. K. Das

Advocate for the Respondant(S). K. N. Choudhary, R. S. Choudhary, M. Khond
N. Y. S. Counsel for Rptt-3

| Notes of the Registry | Date | Order of the Tribunal |
|---|-------------------------------------|--|
| <p>Application is in form is /ad/C F. for Rs. 50/- d pos 3 vide IPC/PD No. <u>70E 016761</u>, <u>66F844957</u> Dated <u>26.11.07</u>, <u>66F844958</u></p> <p><u>bb/</u></p> <p>Registrar <u>Am.</u></p> <p>Petitioner's copies for issue notices are received with envelopes under taking given for service copy.</p> <p><u>29/11/07</u></p> | <p>30.11.2007</p> <p>03.12.2007</p> | <p>Post the matter on 03.12.2007.</p> <p>Heard Mr. K. K. Mahanta, learned counsel for the Applicant.</p> <p>Issue notice to the Respondents requiring them to file their reply within four <u>weeks</u> <u>17.12.2007</u></p> <p>Pendency of this case shall not stand on the way of the Respondents to explore the possibility of posting the Applicant (and his wife) in any nearby school.</p> <p>Contd.....</p> |

A. 298/07

Contd.
03.12.2007

Order dated 3/12/07
Revised

Dr. A.K. Mahanta, Applicant
3/12/07 A/N

Send copy of this order along with notice to the Respondents, by Speed Post, at the cost of the Applicant. Mr.K.K.Mahanta, learned counsel for the Applicant, undertakes to furnish required postage in course of 4th December, 2007.

Call this matter on 17.12.2007.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

Speed post cost for /bb/
issue Notice's received
vide receipt no-2492
dt. 3/12/07, Rs=304/- 17.12.2007
only.

The Respondents, represented through Mrs. R. S. Choudhury, Advocate, have filed an affidavit today in Court after serving a copy on Mr. Malabya Pathak; who received the same on behalf of Mr.K.K.Mahanta learned counsel for the Applicant.

Call this matter before the next available Division Bench, on 07.01.2008, along with O.A. No.279/2007 & O.A. 280/2007.

(M.R.Mohanty)
Vice-Chairman

Notice and order sent to D/Section for issuing to respondent nos. 1 to 5 by speed post, A/D with the cost of applicant.

D/No-1680 to

DT-4/12/07

S.O. (G) 4.12.07

① Service report /bb/
awaited. 07.01.2008

Judgment pronounced in open Court. Kept in separate sheets. Application is disposed of. No costs.

13.12.07.

18.12.07

An affidavit filed by the Respondent No. 2 and 3. Copy served.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

Affidavit filed by R.No-2 & 3. 4.12.07.

Dr. A.K. Mahanta (Applicant)
9/12/08

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. Nos298 of 2007, O.A.279 of 2007 &
O.A.280 of 2007(M.P.No.280 of 2007)

DATE OF DECISION: 07.01.2008

Dr.Ashwin Kumar Mahanta ,
.....Applicant/s
Mr.K.K.Mohanta and Others
..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors
.....Respondent/s
Mr.K.N.Choudhury, and Ors,
..... Advocate for the
Respondents

CORAM.

THE HON'BLE MR.M.R.MOHANTY, VICE-CHAIRMAN
THE HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No ✓
2. Whether to be referred to the Reporter or not? Yes/No ✓
3. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No ✓


Vice-Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Date of Order: This the 7th Day of January, 2008

**HON'BLE MR.MONORANJAN MOHANTY, VICE-CHAIRMAN
HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER.**

1. **Dr.Ashwin Kumar Mahanta
Son of Sri Subal Chandra Mahanta
Teacher, Physical Education
Jawahar Navodaya Vidyalaya
Nalbari, District -Nalbari, Assam
(Applicant in O.A. No.,298 of 2007)**

By Advocate Mr. K.K.Mahanta, Mr.P.K.Das

2. **Dr.Ashwin Kumar .Mahanta
Son of Sri Subal Chandra Mahanta
Teacher, Physical Education,
Jawahar Navodaya Vidyalaya,
Nalbari, District -Nalbari, Assam.
(Applicant in O. A No. 279 of 2007)**

**By Advocate Mr.K.K.Mahanta, R.Duarah, Mr.K.Konwar,
Mr.M.Pathak**

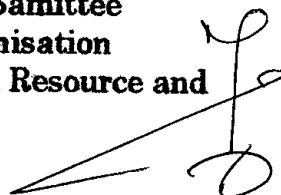
3. (i) **Dr.Ashwin Kumar Mahanta
Son of Sri Subal Chandra Mahanta
Teacher, Physical Education,
Jawahar Novadaya Vidyalaya,
Nalbari, District-Nalbari, Assam.**

- (ii) **Mr. Babita Mahanta
Wife of Dr.Ashin Kumar Mahanta,
Librarian, Jawahar Navodaya Vidyalaya,
Nalbari, District-Nalbari, Assam.
Applicants in O.A. No.280 of 2007(M.P.No.124 of 2007)**

**By Advocate Mr.K.K.Mahanta, Mr.R.Duarah, Mr.K.Konwar,
Mr.M.Pathak,**

-Versus-

1. **The Union of India,
Represented by the Commissioner and
Secretary to the Ministry of Human Resource and
Development, Government of India, Shastri Bhawan,
R.P.Road, New Delhi**
2. **Commissioner,
Navodaya Vidyalaya Samittee
An Autonomous Organisation
Of Ministry of Human Resource and**



Development Government of India,
Represented by its Commissioner,
Navodaya Vidyalaya Samittee
Kailash Colony, New Delhi-28

3. Deputy commissioner,
Navodaya Vidyalaya Samittee,
Regional Office,
Temple Road, Barik point,
Shillong, Meghalaya,
Pin.793003
4. The Principal,
Jawahar Navodaya Vidyalaya,
Nalbari, District – Nalbari, Assam
Pin.781340
5. Mr.R.Daniel Ratnakumar
Principal,
Jawahar Navodaya Vidyalaya, Nalbari,
District – Nalbari, Assam Pin-781340

(Respondents in All the cases)

Mr.K.N.Choudhury, Mrs. R.S.Choudhury, Ms.M.Khound, for Respondent No.3

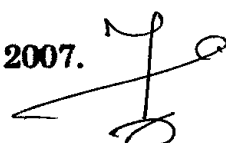
(O.A.298 of 2007)
(O.A. 279 of 2007)
(O.A. 280 of 2007 &
M.P.124/2007)

ORDER (ORAL)

M.R.MOHANTY,V.C:

The Applicant Dr.Ashwin Kumar Mahanta, Physical Education Teacher of Jawahar Navodaya Vidyalaya was placed under suspension while continuing at Jawahar Navodaya Vidyalaya at Nalbari. His suspension is the subject matter of challenge before this Tribunal in O.A.No.279 of 2007.

2. During pendency of the said Original Application No. 279 of 2007, the Applicant's wife Mrs. Babita Mahanta (a Librarian of Jawahar Navodaya Vidyalaya at Nalbari in the State of Assam) was transferred to Jawahar Navodaya Vidyalaya at West Kameng in Arunachal Pradesh. While transferring Mrs. B. Mahanta to J.N.V at Kameng in Arunachal Pradesh, the Headquarters' of her husband was asked to be shifted to Kameng. The said action against the husband and wife became the subject matter of O.A.No.280 of 2007.



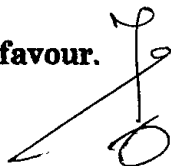
3. During pendency of both the cases, the suspension of the Applicant, Dr.A.K.Mahanta was revoked and, as such, the O.A. 279 of 2007 become infructuous.

4. Instead of filing an Application in O.A. No.279 of 2007, wrongly a Petition (for withdrawal) was filed in O.A.No.280 of 2007; for which Misc. Petition No.124 of 2007 has been filed to restore O.A. No.280 of 2007.

5. While revoking the order of suspension, the Applicant Dr.A.K.Mahanta was asked to go and join at JNV/West Kameng/Arunachal Pradesh, for which the said Applicant filed O.A. No.298 of 2007.

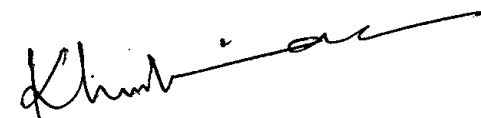
6. During the pendency of all the cases the Authority of J.N.V, who asked for posting of both husband and wife at J.N.V., West Kameng in Arunachal Pradesh, were asked to give posting (to both husband and wife) at a nearby place and, as it appears, the authority now have given posting to both the Applicants at J.N.V, Ri Bhoi in Meghalaya State. Apparently, the Authorities did not find a suitable vacancy in any nearby J.N.V.

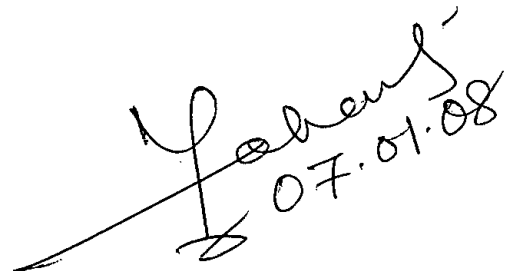
7. Since the authorities have, on reconsideration, given posting to both the Applicants, at J.N.V/ Re Bhoi/ Meghalaya; the Applicants have now expressed their desire to go and join at the new station. Applicant, Dr.Mahanta has disclosed, in writing, that he will go and report at the new Station on 14th January, 2008 i.e. after reopening of the school following to the current Winter Vacation. He has given in writing that he shall claim TA and other transfer benefits after joining new J.N.V. at Re Bhoi in Meghalaya. Mrs. R.S.Choudhury, learned counsel appearing for the JNV/Respondents, states (on receiving instructions) that, on joining the new Station, the TA and other transfer benefits claims of both the Applicants shall be settled in their favour.



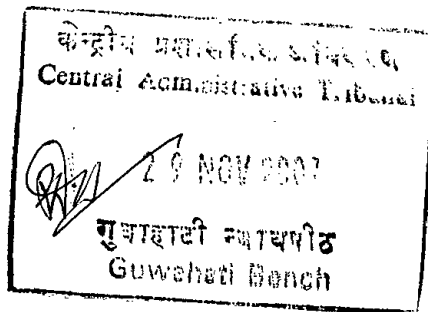
8. In the aforesaid premises, Mr.K.K.Mahanta, learned counsel appearing for the Applicants did not want to press all the cases', any further.

9. The Original Application Nos. 279 of 2007, Misc. Petition No.124 of 2007 filed in O.A.No.280 of 2007 and O.A.No.298 of 2007 accordingly stands disposed of.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(M.R.MOHANTY)
VICE-CHAIRMAN

LM



Filed by petitioner
through Sri P. K. Das,
Advocate,
28/11/07.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH AT GUWAHATI

O.A. No. 298 07

Dr. Ashwin Kumar Mahanta

...Petitioner

- Vs -

The Union of India and Ors.

...Respondents

LIST OF DATES

30.08.05

The applicant was posted in JNV,
Nalbari i.e. the present station on/
transfer from JNV, Kalaigaon.

23.08.07

The respondent authority issued order
putting the applicant under suspension
on alleged ground of contemplated
Departmental Proceeding against the
applicant.

(Annexure-1, Page-22)

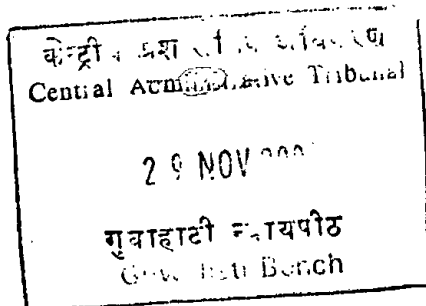
26.08.07

(Sunday)

Non working day being a Sunday, but the
respondent No.3 faxed the order dated
23.8.07 to the principal of the JNV,
Nalbari.

Contd/-...

Dr. Ashwin Kumar Mahanta



27.8.07

The Principal issued letter handing over the order dated 23.8.07 to the applicant and directed the applicant to handover the charges held by him.

(Annexure-2, Page- 23)

28.8.07

The applicant filed representations to the principal seeking permission for station leave for taking legal advice and also requested the principal to inform him in detailed about the so called contemplated departmental proceeding against the applicant.

In pursuance to the said representations the principal forwarded the same to the Deputy Commissioner, NVS, R.O. Shillong.

(Annexure-3 (series), Page- 24)

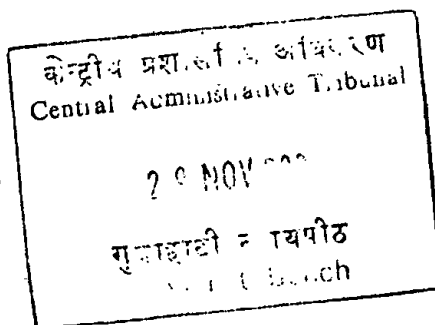
30.8.07

The applicant submitted his representation before the Commissioner, NVS, Head Office, New Delhi, stating inter-alia that there is a well planned conspiracy against the applicant hatching in behest of the principal only to oust the applicant since he has detected various irregularities and illegalities in JNV, Nalbari.

(Annexure- 4, Page-33-40)

Contd/-...

Dr. Ashwin Kumar Mahanta



06.09.07

Applicant filed representation before the Deputy Commissioner, through the Principal, JNV, Nalbari, Assam for his re-instatement.

(Annexure- 3 (Series), Page 24)

18.9.07

The Deputy Commissioner issued order transferring the wife of applicant who is also working in JNV, Nalbari as Librarian to JNV, West Kameng, Arunachal Pradesh. Through the said order the authority also attached the applicant to JNV, West Kameng, Arunachal Pradesh.

(Annexure-5, Page-44)

22.09.07

The Principal, JNV, Nalbari issued orders whereby the relieved the wife of the applicant and the applicant himself from the school, directing the wife of the applicant to vacate the her official residence with immediate effect and also constituted a board for taking over the library charge from the wife of the applicant.

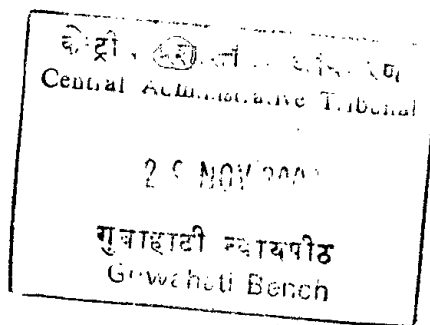
(Annexure- 6 (series), Page-44-45)

03.10.07

The applicant and his wife submitted applications before the Deputy Commis-

Contd/-...

Dr. Atish Kumar Mahanta



sitioner requesting him to post the wife of the applicant anywhere in Assam nearest to his home district Kokrajhar.

(Annexure-7 (series), Page-34, 75)

23.10.07

The Hon'ble CAT passed an order directing the respondent to dispose of the representations filed by the petitioner within 15 days of receipt of the order, for revocation of the suspension order and directing the applicant to submit his joining report.

Annexure - 8, Page No. 54

24.10.07

The applicant submitted his joining report at his place of posting i.e. Rs. 4 and 5.

25.10.07

The applicant posted the joining report to the respondent No. 3, 4 & 5 through registered post with A/D which was duly received and acknowledged.

12.11.07

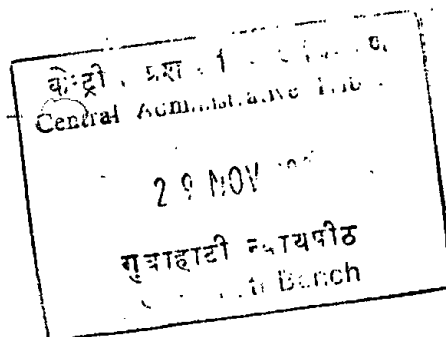
The applicant again submitted his joining report to Respondent No. 4 & 5.

13.11.07

The petitioner again posted the joining report through registered post to Respondent No. 3, 4 and 5.

Contd/-...

Dr. Arjun Kumar Mahanta



13.11.2007

The respondent No. 3 issued an order bearing Memo No. F. No. NVS (SHR)/Pers/AKM/07/3660 dated 13.11.07 revoking the suspension order of the petitioner and posting him at JNV, West Kameng, Arunachal Pradesh.

Annexure No. 9, Page No. 56

14.11.07

The respondent No. 4, issued an order bearing Memo No. F.1-17/JNV(NLBR)/2007-08/CONF/17-20 dated 14.11.2007 relieving the petitioner from JNV, Nalbari, Assam.

Annexure No.10, Page - 57

22.11.2007

The petitioner received one office Memorandum being No. F.2-7 PF/NVS (SHR)/Pers/ 3686 (b) dated 15.11.2007 issued by the Deputy Commissioner, NVS, Shillong which contains that considering the representations of the applicant and direction of Hon'ble CAT, and in view of SMS message of applicant, the transfer of the petitioner is necessary.

Annexure No. 11, Page No. 58

Contd/-...

Dr. Ashish Kumar Mahanta

केन्द्रीय न्यायिक प्रणाली
Central Judicial Case Library

29 NOV 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

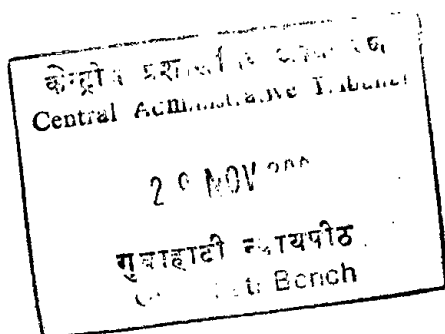
22.11.07

The petitioner received an another office memorandum bearing No. F.2/AKM/NVS (SHR)/Pers/3716 dated 19.11.07 containing article of charges etc. asking the petitioner to show cause against the charges within 10 days.

Annexure - 12, Page No. - 59

Dr. Ashwin Kumar Manohar

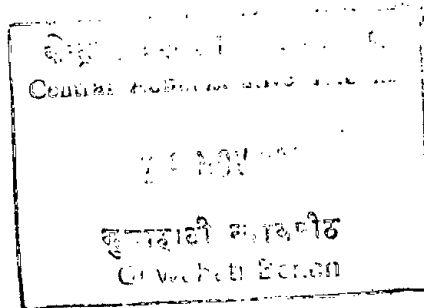
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SYNOPSIS

This application has been filed by the petitioner challenging the order dated 13/11/07 issued by the Respondent Authority, whereby the petitioner has been transferred to JNV, West Kameng, Arunachal Pradesh. The petitioner is currently serving as as Physical Education Teacher in JNV, Nalbari, Assam. The petitioner was posted in present place of posting on 30/8/05 on transfer and has just completed two years in the said station. The petitioner is an outspoken honest and well principled person who always work with almost sincerety and dedication. During this two years of his stay in the present station the petitioner detected various irregularities and illegalities taking place in the school with full knowledge and consent of the pricipal of the said school. When the petitioner started to object these irregularities and illegalities the principal and his other staff, who always co-operate with the principal in his corrupt practice, started conspiring against the petitioner to oust him from the school. As a result the authority has put the petitioner under suspension order dated 23/8/07 on the alleged ground of contemplated departmental proceeding against him. But later on as per the order dated 23/10/07 Hon'ble Central Administrative Tribunal, petitioner's suspension order has already been revoked by the Respondent Authority though the petitioner is still not allowed to join. Rather, on 13/11/07 and on 14/11/07, the Respondent authority issued orders posting the petitioner at JNV West Kameng, Arunachal

Dr. Ashwin Kumar Mahanta



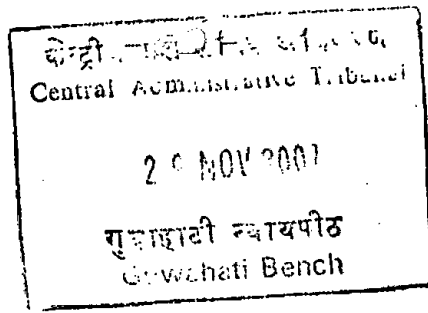
Pradesh and relieving the petitioner from the JNV, Nalbari, Assam respectively on the same day ignoring all the representations filed by the petitioner. The office Memorandum issued by the Respondent Authority on 15/11/07 and 19/11/07 are not clear in fact. Further, the presence of the petitioner is essential to assist the fair departmental investigations which has already been drawn by the respondent authority but the petitioner is being denied. Hence this petition.

Filed by

P. Das

Advocate

Dr. Arjun Kumar Mahanta



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH AT GUWAHATI

O.A. No. 298 07

Dr. Ashwin Kr. Mahanta

..Petitioner

- Vs -

The Union of India and Others

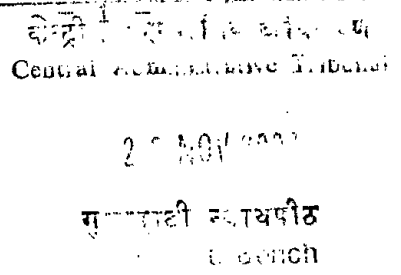
.. Respondents

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Contd/-...

Dr. Ashwin Kr. Mahanta



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH AT GUWAHATI

Filed by petitioner
through Sri P.K. Das.
Advocate
28/11/07

O.A. No. 298 07

1. Dr. Ashwin Kumar Mahanta
son of Sri Subal Chandra Mahanta
Teacher, Physical Education,
Jawahar Navodaya Vidyalaya,
Nalbari, District - Nalbari, Assam.

Applicant

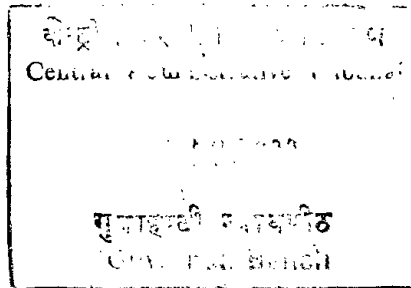
- Vs -

1. The Union of India
Represented by the Commissioner and
Secretary to the Ministry of Human
Resource and Development, Government of
India, Shastri Bhawan, R.P. Road,
New Delhi. 110001

2. Commissioner,
Navodaya Vidyalaya Samittee
An Autonomous Organisation
of Ministry of Human Resource and
Development Government of India,
Represented by its Commissioner
Navodaya Vidyalaya Samittee,
Kailash Colony, New Delhi- 28.

Contd/-...

Dr. Ashwin Kumar Mahanta



3. The Deputy Commissioner,
Navodaya Vidyalaya Samittee,
Regional Office,
Temple Road, Barik Point,
Shillong, Meghalaya, 793003

4. The Principal,
Jawahar Navodaya Vidyalaya,
Nalbari, District - Nalbari, Assam.
Pin. 781340

5. Mr. R. Daniel Ratnakumar
Principal,
Jawahar Navodaya Vidyalaya, Nalbari,
District - Nalbari, Assam.
Pin. 781340

...Respondents.

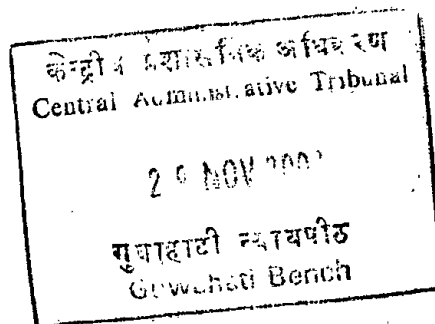
DETAILS OF APPLICATION

PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION
IS MADE

1. This application has been preferred by the applicant against the impugned orders bearing Memo No. NVS (SHR)/Pers/Akm/07/3660 dated 13th November, 2007 issued by the Deputy Commissioner, Navodaya Vidyalaya Samittee, Shillong and order bearing Memo No. F, 1-17/JNV/(NLBR)/2007-06/CONF/17-20 dated 14.11.2007, issued by the Principal, JNV, Nalbari, Assam.

Contd/-...

Dr. Bishwanath Mahanta



2. JURISDICTION OF THE TRIBUNAL

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

3. Limitation -

The applicant declare that the application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

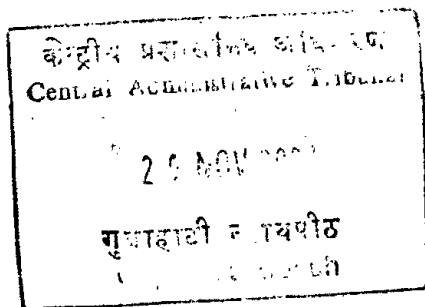
4. Facts of the Case -

a. The applicant is permanent resident of Kokrajhar, Assam and are bonafide citizen of India by birth. As such the applicant is entitled to the rights and privileges guaranteed under the Part - III of the Constitution of India and other legal rights granted by the various Acts, Rules, Statutes etc. framed thereunder, presently being inforce.

b. That the applicant is currently serving as Physical Education Teacher in Jawahar Navodaya Vidyalaya (JNV, in short), Nalbari. He was posted in Jawahar Navodaya Vidyalaya, Nalbari on 30.8.05 on transfer from JNV, Kalaigaon and has just completed 2 (two) years in the present station.

Contd/-...

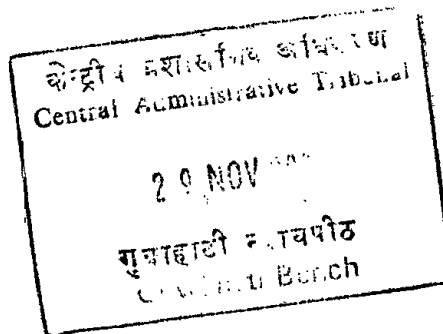
Dr. Ashwin Kumar Borah



c. That after joining the JNV, Nalbari the applicant who is an honest sincere and dedicated employee of the school detected various irregularities and illegalities taking place in the school with the full knowledge and consent of the principal of the School, some of those illegal acts were also committed by the Principal himself. The applicant started objecting those illegal acts of the principal and the other staffs, who assisted him to commit those illegal acts and thus the applicant became an eyesore to the Respondent No. 4 & 5 and started conspiring against the applicant to oust him from the school so that he could easily carry on his illegal activities. The Principal alongwith the night chowkidar of the school viz. Sri Kamal Deka allowed mass copying in the last Board examinations by collecting Rs 50/- to Rs. 100/- per student which the applicant No.1 strongly objected. Besides, the respondent No.4 and 5 took away, the water purifiers fitted in the dinning hall of the school meant for the students, to his residence and also took away the refrigerators, grinder mixture, T.V. Stand, Gas stove, Cylinder etc.meant for the students, staffs Medical Inspection Room and guests house which was also strongly condemned and objected by the applicant No. 1. Further, the respondent No.4 and 5 purchased some below standard

Contd/-...

Manabendra
Dr. Ashwin Kumar

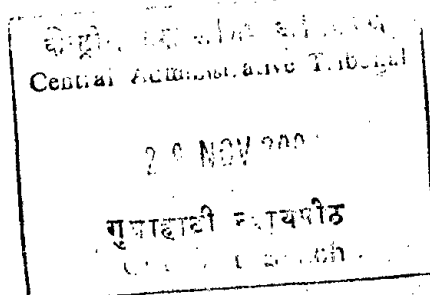


school Uniforms from a supplier for his personal gains which was also strongly objected by the applicant No. 1 as he was one of the members of the verification Committee for verification and acceptance of those uniforms and the respondent No. 4 and 5 was compelled to take an undertaking from the supplier to the effect that he would replace the goods if the uniforms quality deteriorates within a year and thus the respondent No. 4 and 5 developed an enmity towards the applicant and started instigating the teachers and other staffs of the school as well as the students against the applicant and started hatching conspiracy. Besides, the respondent No. 4 and 5 also started instigating the respondent No. 3 against the applicant for fulfillment of his illegal designs to remove the applicant No. 1 from the school malafide with a revengeful attitude.

d. That as a result, on 23.8.07 the respondent No. 3 issued an order bearing Memo No. F.2-44/07-NVS (SHR)/Pers/Putting the applicant under suspension without any rhyme or reason on the alleged ground of contemplated Departmental proceeding against the applicant. In the said order it was also ordered that the applicant would not leave the station without prior permission of the respondent No. 3.

Contd/-...

Dr. Ashwin Kumar Mahanta



A copy of the order dated 23.8.07 is annexed hereto and marked as Annexure -1.

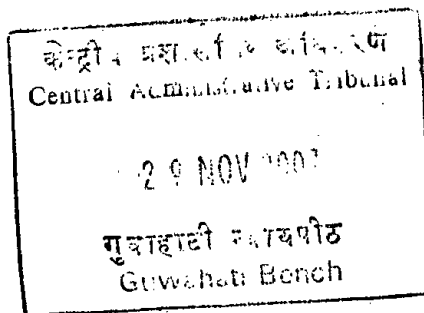
e. That the said order was faxed by the office of the respondent No.3 to the Respondent No. 4 and 5 on 26.8.07 (A non working day being a Sunday) and the respondent No.4 issued a letter to the applicant No.1 on 27.8.07 vide letter bearing Memo No. F.1-17/JNV (WLBR)/2007-08/Conf/05 directing him to handover the charge.

A copy of the letter dated 27.8.07 is annexed herewith and marked as Annexure -2.

f. That being surprised by the suspension order as well as its consequential order date 27.8.07, the applicant submitted an application to the Respondent No. 4 on 28.8.07 seeking permission for station leave and another representation against the suspension order. The respondent No.4 forwarded both the applications to the respondent No.3 vide its letter dated 28.8.07. But the respondent No.3 neither permitted the applicant to leave the station nor revoked the suspension order and continued to remain silently. The applicant also telephonically tried to talk with

Contd/-...

Dr. Ashwin Kumar Bhowmik



the respondent No.3 for permission of station leave. But the respondent No.3 bluntly refused to talk to the applicant. Finding no other way the applicant sent another representation on 6.9.07 to the respondent No. 3 but in vain.

Copies of the representations dated 28.8.07, forwarding letters dated 28.8.07 and representation dated 6.9.07 are annexed hereto and marked as Annexures - 3 (series),

g. That in the meantime the applicant No.1 also intimated the Commissioner, Navodaya Vidyalaya Samittee about the irregularities and illegalities going on in the school vide his letter dated 30.8.07. But till date no action has been taken against the respondent No. 4 and 5 in this regard.

A copy of the representation dated 30.8.07 is annexed hereto and marked as Annexure - 4.

h. That coming to learn about the said letter, the respondent No.4 and 5 became more furious and

Contd/-...

Dr. Arjun Kumar Pathak

केन्द्रीय प्रशासकीय बोर्ड
Central Administrative Tribunal

20 NOV 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

again conspired against the applicant with the help of the night chowkidar of the school viz. Sri Kamal Deka, a temporary employee of the school. Consequently, on 10.9.07 the said night chowkidar threatened the applicant with life without any provocation/rhyme and reason. The applicant on that night itself informed the incidence to the Respondent No. 3 through SMS from his mobile phone requesting to take necessary actions. The exact words sent through the 'SMS' are as follows - 'Respected Sir, Kamal Deka might Chowkidar has life threatened me and my family at 6.30 p.m.. We both inform to Principal. But he is mum. Please do necessary action Dr. AKM, B. Mahanta 10.9.07 at 20:21:38'

i. That on 11.9.07 the respondent No.3 accorded permission to the applicant to leave station for taking legal advice from 11.9.07 to 21.9.07 and on 22.9.07, the applicant resumed his duties when the respondent No. 4 & 5 served him a copy of the order dated 18.9.07 whereby the respondent No. 3 has attached the applicant to JNV, West Kameng, Arunachal Pradesh on the so-called request of the applicant and has also transferred his wife viz. Smt. Babita Mahanta, to JNV, West Kameng, Arunachal Pradesh.

Contd/-...

Dr. Ashish Kumar Mahanta

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

20 NOV 2007

गुनाहादी न्यायपीठ
Gunaahadi Bench

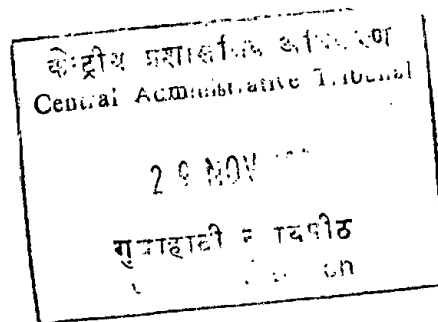
A copy of the order dated 18.9.07 is annexed hereto and marked as Annexure -5.

J. That it may be stated herein that the applicant never requested for his transfer and only intimated the respondent No.3 about the threatening given by the night chowkidar on 10.9.07 requesting for necessary actions. But, the respondent No.3 manipulating and misinterpreting the entire information given through the SMS, illegally and arbitrarily passed the impugned order. It is worth mentioned herein that the respondent No.3 ought to have taken actions for safety of his staffs and ought to have enquired the matter and should have taken appropriate measures against the respondent No.4 and 5 as well as the night chowkidar. But instead, passed the impugned order attaching the applicant in JNV, West Kameng, Arunachal Pradesh, a very Hard- Hard remote Area, and also transferred his wife to the same place on the alleged administrative ground.

k. That the respondent No. 4 and 5, in pursuance of the said order, issued other consequential orders on 22.9.07 vide its orders bearing Memo Nos. F-1-17/JNV (NLBR)/2007-08 Conf/10 and F-2-6/JNV (NLBR)/2007-

Contd/-...

Dr. Ashwin Kumar Mahapatra



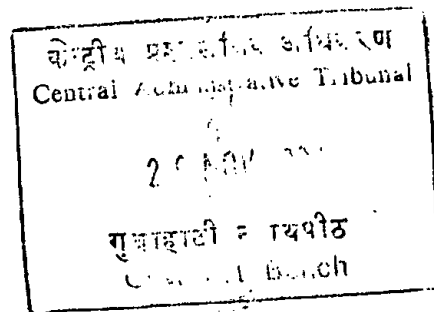
08/CONF/09 relieving the wife of the applicant directing her to vacate the official residence forthwith and further constituting a Board for taking over the full charges of the library vide order No. F.1-17/JNV(NLBR)/2007-08/CONF/09 dated 22.9.07 the respondents also relieved the applicant vide relieving order No. F.1-17/JNV(NLBR)/2007-08/CONF/11 dated 22.9.07. Not resting on this, the respondent No.4 & 5 sealed the library without any justified reason. It may be stated herein that all the impugned orders have been served in a sealed envelope together.

A copy of the envelope along with the impugned orders dated 22.9.07 are annexed hereto and marked as Annexure -6 (series).

1. That the applicant on 3.10.07 submitted representations before the respondent No.3 for posting him in a place near to his home district - Kokrajhar. The respondent No.3 has disposed of the said representation vide an order dated 22.10.2007 directing the applicant to join his new place of posting assigning reason that there is no vacant post in Assam to accommodate the applicant the applicant and his wife a place near to their native place. However,

Contd/-...

(Dr. Abhin Kumar Mahanta)



the applicant and his wife has not yet joined their new place of posting. Further it would result serious hardship to the petitioner if he is compelled to join at West Kameng, Arunachal Pradesh with his 3 years kid.

Copies of representations dated 3.10.07 and letter dated 22.10.07 are annexed hereto as Annexure - 7 (series).

m. That being aggrieved, the petitioner preferred two original applications being O.A. No. 279/07 and O.A. No. 280/07 before this Hon'ble Tribunal and this Hon'ble Court vide a common order dated 23.10.2007 was pleased to issue notice upon the respondents. This Hon'ble Tribunal was also pleased to direct the respondents to dispose of the representation to be filed by the applicant within 15 days of receipt of the same, for revocation of the suspension order and was further pleased to direct the applicant to submit his joining report.

A copy of the order dated 23.10.07 is annexed herewith and marked as Annexure - 8.

Contd/-...

Dr. Ashwin Kumar Mishra

केन्द्रीय प्रशासनिक अपील बोर्ड
Central Administrative Tribunal

20 NOV 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

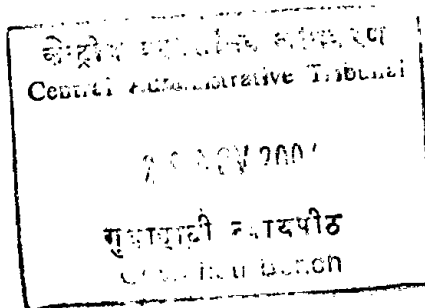
n. That consequent to the aforesaid order dated 23.10.2007 the petitioner submitted his joining report at his place of posting i.e. JNV, Nalbari, Assam on 24.10.2007. That the respondent No. 4 and 5 refused to accept the same. The petitioner then posted the joining report to the respondent No. 3, 4 and 5 on 25.10.2007 by Registered A.D. which was duly received and acknowledged.

o. That on 12.11.2007 after reopening of the school due to puja vacation the petitioner again submitted his joining letter to Respondent No.4 and 5. But this time also the Respondent No.4 and 5 refused to accept the same and so the petitioner sent the joining report again by registered post on 13.11.07 to respondent Nos. 3, 4 and 5.

p. That on 13.11.2007 the respondent No.3 issued an order bearing Memo No. NVS (SHR) /Pers/AKM/07/3660 revoking the suspension order of the petitioner and posting him at JNV West Kameng, Arunachal Pradesh. Consequent to the said order the respondent No.4 issued another order bearing Memo No. F.1-17/JNV (NLBR)/2007-08/17-20 dated 14.11.2007 reliving the petitioner from the JNV, Nalbari, Assam.

Contd/-....

Dr. Arjun Kumar Bhaumik



Copies of the aforesaid two orders dated 13.11.2007 and 14.11.2007 are annexed hereto and marked as Annexure- 9 and 10 respectively.

q. That although the petitioner has been purported by relived on the same day, the petitioner has not yet joined JNV, West Kameng, Arunachal Pradesh. As such there would be no impediment if the aforesaid orders dated 13.11.2007 and 14.11.2007 are stayed forthwith.

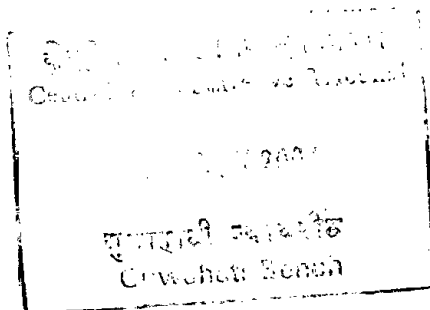
r. That, the applicant however preferred a petition for stay of the impugned orders dated 13.11.2007 and 14.11.2007 being M.P. No. 120.07 in D.A. No. 280/07. But as the suspension order was revoked, the applicant withdrew the original application and as such the miscellaneous petitioner was also disposed of vide an order dated 19.11.2007.

s. That while preparing to file this petition, the petitioner on 22.11.07 received one office memorandum being No. F.2-7 PF/NVS(SHR)/Pers/3686 (b) dated 15.11.2007 issued by the Deputy Commissioner, NVS, Shillong, which inter-alia contains the following -

'Now therefore, considering his representation and direction of Hon'ble CAT, keeping in view SMS

Contd/-...

Dr. Ashwin Kumar Mahanta



message wherein threat to him and his family was brought to the notice of the authorities Sri A. K. Mahanta stand attached to join in JNV Nafra, West Kameng, Arunachal Pradesh. His wife has also been transferred with transfer grant benefit so that both could stay in peaceful environment. His shifting from JNV, Nalbari was necessitated as he may not interfere in the departmental investigations and evidences during the inquiry. His charge sheet is also charge sheet is also issued within 90 days from his suspension."

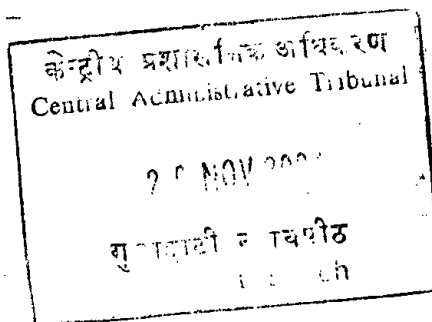
A copy of the said Office Memorandum is annexed herewith and marked as Annexure-11.

t. That on the same said day i.e. 22.11.07 the petitioner received another office memorandum bearing No. F.2-7PF/AKM/NVS (SHR)/Pers/3716 dated 19.11.2007 containing article of charges etc. and asking the petitioners to show cause against those charges within 10 days. The petitioner is yet to respond to the said charges, for which same time as well as his presence is necessary at JNV Nalbari, Assam.

A copy of the said order dated 19.11.2007 is annexed herewith and marked as Annexure - 12.

Contd/-...

Dr. Arun Mahanta



u. That in the date of issue of the aforesaid Annexure - 11 the charge sheet was not issued and that the petitioner was not under suspension. Further, the reason shown in the said memo are also unfounded and unreasonable in as much as the petitioners informed the authority about the threat, given to his life with a view to take action against the employee of the JNV only and not asking for transfer. Again for defending his interest in the Departmental Proceeding, his presence in JNV Nalbari, Assam is absolutely necessary and also that there is no question as well as scope to interfere with the enquiry/evidence since all officials are involved with documents, which are already in the possession of the authority.

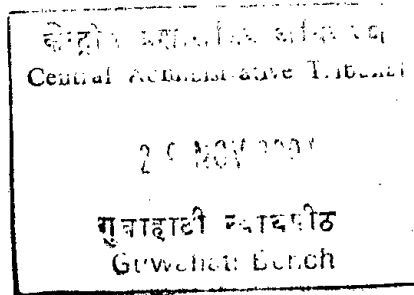
Dr. Asish Kumar Borah

GROUND FOR RELIEF WITH LEGAL PROVISIONS -

5. (i) For that the actions of the respondents are highly illegal, unjust, unfair, mala-fide, bias, arbitrary and whimsical and as such not sustainable in law and hence the impugned order is liable to be quashed and/or set aside.

ii. For that the impugned orders by which the petitioner has been sought to be transferred and released from JNV, Nalbari, Assam have been

Contd/-...



passed malafide to oust the applicant from that school with revengeful attitude without any administrative exigency and as such not sustainable in law and is liable to be quashed and/or set aside. The reasons shown in the subsequent order dated 15.11.2007 are also arbitrary, unfounded and not sustainable in law.

iii. For that, the impugned order has been passed mechanically without any application of mind and hit by the doctrine of 'Malice in law' and 'malice in fact' and the impugned order is not sustainable in law and is liable to be quashed and/or set aside.

iv. For that in normal course, transfer of the petitioner is not due and the impugned order which tantamount transfer of the petitioners from JNV, Nalbari to JNV West Kameng is highly prejudicial of the petitioner and the background of the order is clearly indicates that it is punitive in nature and not passed in public interest but to harass the petitioner.

v. For that in view of the fact that the respondent authority has already drawn a de-

Contd/-...

Dr. Arjun Kumar Dabral

29 NOV

गुवाहाटी न्यायपीठ
Guwahati Bench

partmental proceeding against the petitioner on some allegation pertaining to JNV Nalbari, JNV Kalaigaon, Darrang, JNV Lakhimpur, Assam, the presence of the petitioner at JNV Nalbari, Assam is essential for a fair enquiry of the proceeding and he should not be transferred out from JNV, Nalbari, Assam.

vi. For that the action of the respondent is crystal clear example of calourable exercise of power and administrative discretion and as such not sustainable in law.

vii. For that in any view of the matter the impugned orders are not sustainable in law and are liable to be quashed and/or set aside.

DETAILS OF REMEDIES EXHAUSTED -

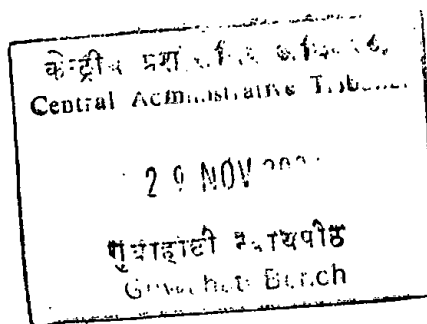
6. It is stated that there is no other remedy under any rule and this Hon'ble Tribunal is the only remedy.

MATTER NOT PENDING WITH ANY COURT

7. The applicant declares that there is no case pending before any other Court/Tribunal.

Contd/-...

Dr. Arjun Kumar Mahanta



8. RELIEF SOUGHT FOR

In the facts and circumstances of the case the applicant prays for the following relief(s):-

8.1 The impugned orders dated 13.11.07 (Annexure-9) and 14.11.2007 (Annexure -10) and the order dated 15.11.2007 (Annexure - 11) be quashed and/or set aside.

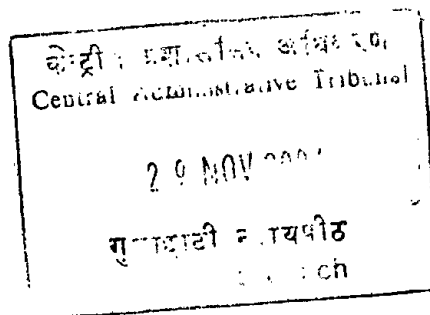
8.2 Such further and other order (s) may be deemed fit and proper for the ends of justice may also be passed.

9. INTERIM RELIEF -

In the facts and circumstances of the case, the applicants prays for an interim order staying the operation of the impugned orders dated 13.11.07 (Annexure-9) issued by the respondent No. 3 as well as the release letter dated 14.11.2007 (Annexure -10) issued by the respondent No. 4, and the order dated 15.11.2007 (Annexure -11) till the disposal of this petition.

Contd/-...

Dr. Arjun Kumar Bhatnagar



10. In the event of the application being sent by registered post the application has been filed through lawyer.

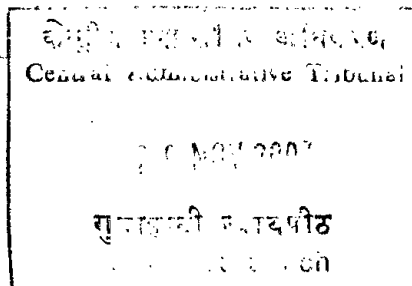
11. PARTICULARS OF POSTAL ORDER

I.P.O. No. - 70 E 016761, 66 F 844957,
66 F 844958,
Date of issue - 26/11/07
Issued from - G.P.O Ghy
Payable at - Ghy.

12. LIST OF ENCLOSURES -

As per index.

Contd/-...



AFFIDAVIT

I, Dr. Ashwin Kumar Mahanta, son of Sri Subal Chandra Mahanta, aged about 32 years, by profession Teacher, Physical Education, Jawahar Navodaya Vidyalaya, Nalbari, in the district of Nalbari, Assam, do hereby solemnly affirm and declare as follows -

1. That I am the Applicant in the instant case and as such I am fully acquainted with the facts and circumstances of the case.

2. That the statement made in this affidavit and in the accompanying petition in paragraphs 1, 2, 4(a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t), 5, 7, 8, 9, 10, 11, 12 are true to my knowledge, those made in paragraphs in this accompanying petition in paragraphs 4 (i, p, s, t) — are true to my information derives from the records which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this 28.. th day of November, 2007 at Guwahati.

Identified by

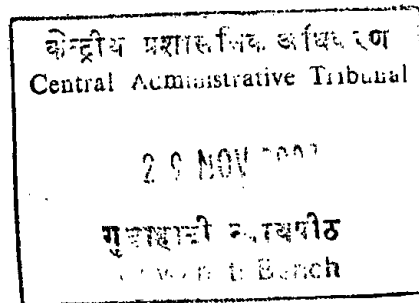
Pras.

Advocate's Clerk

Dr. Ashwin Kumar Mahanta
DEPONENT

Dr. Ashwin Kumar Mahanta

Contd/-...



VERIFICATION

I, Dr. Ashwin Kumar Mahanta, son of Sri Subal Chandra Mahanta, aged about 32 years, by profession Teacher, Physical Education, Jawahar Navodaya Vidyalaya, Nalbari, in the district of Nalbari, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 12 are true to the best of my knowledge, belief and information.

And I put my hands unto this verification on this 28th day of November, 2007 at Guwahati.

Dr. Ashwin Kumar Mahanta
Signature

Contd/-...

22 -

Annexure - I

20/09/2007 12:44 FAX

01

NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE, NONGRIM HILLS
SHILLONG
PIN-790003
(Ministry of Human Resource Dev.
Department of Education)



Phone No. 0364-2521362
Fax No. 0364-2521362

email: navsan@sancharnet.in
navsan@illong@rediffmail.com

F.2-44/07-NVS(SHR)/Pers/

Dated:- 23.08.07

ORDER

Where as a disciplinary proceeding against Dr. A.K. Mahanta, PET, JNV, Nalbari (Assam) is contemplated.

Now, therefore, the undersigned, in exercise of the powers conferred by sub-rule of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules 1965, here by places the said Dr. A.K. Mahanta - under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the headquarters of Dr. A.K. Mahanta - PET, JNV, Nalbari shall be the same JNV i.e Nalbari (Assam) and the said Dr. Mahanta shall not leave the hqrs. without obtaining the prio permission of the undersigned.

To
Dr. A.K. Mahanta- PET,

(M.L. Sharma)
Dy. Commissioner

Certified to be true copy

Advocate

Annexure - 2



Jawahar Navodaya Vidyalaya :: Banekuchi : Nalbari Dist
(Under Ministry of HRD, Department of Secondary and Higher Education, Government of India)
ASSAM

NO F.1-17/JNV(NLBR)/2007-08/ CONF/05

DATED: 27.08.2007

To

Dr A.K.Mahanta
TGT/Physical Education Teacher
Jawahar Navodaya Vidyalaya
Nalbari, Assam.

Sub: - Handing over of Order No.F.2-44/07-NVS(SHR)/Pers/ dated 23.08.2007.

Sir,

1. Enclosed herewith the Order No.F.2-44/07-NVS(SHR) / Pers dated the 23rd August, 2007 of the Regional Office of the Navodaya Vidyalaya Samiti at Shillong received by this office through FAX for your immediate necessary action.
2. Hence, you are hereby directed to handover all the charges held by you in r/o Games and Sports Stores to Sri S.S.Shuvam, Store Keeper with immediate effect and the Store Keeper will handover the said store to the PET [F] on her joining after availing the leave.

Yours faithfully,

[R.Daniel Retnakumar]
PRINCIPAL
J.N.V. NALBARI
জানবি. নলবাড়ী
ASSAM অসম

Copy to:-

1. The Deputy Commissioner, NVS, Shillong for inf. Pl.
2. The Deputy Commissioner-Cum-Chairman[VMC], Nalbari
- for information pl.
3. Sri S.S.Shuvam, Store Keeper for compliance.
4. The Personal File of the incumbent for records.
5. Office Copy.

PRINCIPAL

Certified to be true copy

Advocate

24 - Annexure - 3 (Series)

ANNEXURE-3 (Series)

To,

The Principal
Jawahar Navodaya Vidyalaya, Nalbari (Assam)

Subject: Regarding Suspension Order.

Dated: 28th August, 07.

Respected Sir,

As you handed over a Suspension Order vide letter
No.F.1-17/JNV(NALB)/2007-08/CONF/05 dated 27/08/07

1. Which is injustice and malafide
2. Which is without prior intimation and so cause.
3. Which is without giving chance/time to defend
4. Which is mentally harassment in the part of my sincere service.

So, in the above circumstances I would like to know from you what is the disciplinary proceeding contemplated against me and for which reason I have been handed over a suspension order as earlier as possible.

Thanking you.

Yours faithfully

Sd/- Illegible

28/08/07

Dr. A.K. Mahanta

TGT (Phy. Ed.)

J.N.V. Nalbari (Assam)

Contd....p/

Certified to be true copy

Advocate

Annexure - 3 (Series)

To, The Principal

Jawahar Navodaya Vidyalaya, Nalbari (Assam)

Subject: Regarding Suspension Order

Dated: 28th August, 07

Respected Sir,

As you handed over a Suspension Order vide letter No. F.1-17/JNV(NALB)/2007-08/CONT/05 dated 27/08/07

1. Which is injustice and mala fide
2. Which is without prior intimation and so cause.
3. Which is without giving chance/time to defend
4. Which is mentally harassment in the part of my sincere service.

So, in the above circumstances I would like to know from you what is the disciplinary proceeding contemplated against me and for which reason I have been handed over a suspension order as earlier as possible.

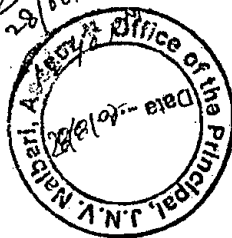
Thanking you.

Yours faithfully

Dr. A.R. Mahanta
28/08/07

Dr. A.R. Mahanta
TGT (Phy. Ed)
J.N.V. Nalbari (Assam)

Received. S.S. Shukla
S/K/28/08/07



Certified to be true copy
P. Das
Advocate

ANNEXURE-3 (i)

To,

The Principal

Jawahar Navodaya Vidyalaya, Nalbari (Assam)

Subject: Regarding Station leave.

Dated: 28th August, 07.

Respected Sir,

As you handed over a Suspension order vide letter No.F.1-17/JNU (NACB)/2007-08/CONF/05 dated 27/05/07; which is injustice and malafide without prior intimation and socause. Since, I have been rendering my sincere service to the samiti retaining my Quality and result, the said order astonished me.

Hence, I would like to go to Guwahati to take some legal advice. So, kind sir allow me for the said. I need station leave from 29th August to 1st September D/N, 07.

Thanking you.

Yours faithfully

Sd/- Illegible

28/08/07

Dr. A.K. Mahanta

TGT (Phy. Ed.)

J.N.V. Nalbari (Assam)

Certified to be true copy

P. Das
Advocate

Contd....p/

Ar-3rd
Annexure - 3(1)

To, The Principal
Jawahar Navodaya Vidyalaya, Nalbari, Barakuchi (Assam)
Subject: Regarding station leave
Dated: 28th August, 07

Respected Sir,

As you handed over a Suspension Order Vide letter No. F.1-17/JNV (NALB)/2007-08/CONS/05 dated 27/08/07; which is injustice and mala fide without prior intimation and because. Since, I have been rendering my sincere service to the Samiti retaining my Quality and result, the said order astonished me.

Hence, I would like to go to Guwahati to take some legal advice. So, Kind Sir allow me for the said. I need station leave from 29th August to 1st Sept A/N. 07

Thanking you.

Yours faithfully

Adm
Dr. A.K. Mahanta
28/08/07

TGT (Phy. Ed)

J.N.V. Nalbari (Assam)

Received. G.S. Shukla
28/08/07. S/keeper



Certified to be true copy

Advocate

Amexure - 3 (ii)



Jawahar Navodaya Vidyalaya:: Banekuchi:: Nalbari Dist
Under Ministry of HRD, Department of Secondary and Higher Education, Government of India
ASSAM [781 340]

Dated: 28.08.2007

No F.1-17/JNV (NLBR)/2007-08/02

To

The Deputy Commissioner
Navodaya Vidyalaya Samiti,
Regional Office- Shillong.

Sub:- Forwarding of application - Reg.

Sir,

1. Please find enclosed herewith an application submitted by Dr. A.K.Mahanta TGT / PET in respect of the suspension order issued Vide NVS, RO .Letter No. F.2-44/07-NVS (SHR) / Pers/ Dated 23rd August, 2007.
2. The application in original is forwarded herewith for your observation please.

Yours faithfully

[Signature]
24/08/07

[R.D.Retnakumar]
PRINCIPAL

PRINCIPAL, মাচার্ঘ
J.N.V., NALBARI
জামখি, নলবাৰী
ASSAM অসম

Enclosed:- As stated above.

Copy to - Dr. A.K. Mahanta
TGT (PET)

Xerox copy of forwarding letter has been given to
Dr. A.K. Mahanta TGT (PET).

[Signature]

Certified to be true copy

[Signature]
Advocate

-29-

Annexure -3(iii)



Jawahar Navodaya Vidyalaya:: Banekuchi:: Nalbari Dist
Under Ministry of HRD, Department of Secondary and Higher Education, Government of India
ASSAM [781 340]

No F.1-17/JNV (NLBR)/2007-08/06

Dated: 28.08.2007

To

The Deputy Commissioner
Navodaya Vidyalaya Samiti,
Regional Office- Shillong.

Sub:- Forwarding of application - Reg.

Sir,

1. Please find enclosed herewith the Station Leave permission submitted by Dr. A.K.Mahanta TGT/ PET from 29TH August,2007 to 1st September, 2007.
2. The application in original is forwarded herewith for your observation please.

Yours faithfully

[Signature]
28/08/07

[R.D. Retnakumar]

PRINCIPAL

PRINCIPAL, NALBARI
J.N.V., NALBARI
জোনাকি, নালবাৰী
ASSAM অসম

Enclosed: - As stated above.

Copy to - Dr. A.K.Mahanta
TGT (PET)

Xerox copy of forwarding letter has been given to -
Dr. A.K.Mahanta
TGT (PET)

OK

Certified to be true copy
[Signature]
Advocate

সত্যতা নিশ্চিত (নালবাৰী)

ANNEXURE-3 (iv)

To,

The Deputy Commissioner Through Principal, J.N.V.
Nalbari, Assam,
N.V.S. Regional Office (Shillong Region)
Nougrim Hills, Noar Civil Hospital
Shillong (Meghalaya)

Subject: Regarding reinstate of my service.

Dated: 6th Sept., 07, J.N.V. Nalbari (Assam)

Respected Sir,

Most respectfully & truly I Dr. A.K. Mahanta would like to state you that on 28th August, 2007, I prayed regarding my station leave to take legal advice and the reason of my sudden Suspension order. But, still I am not receiving any information from your kind self (10 days over). the said applications has been routed out from the Principal J.N.V. Nalbari on 28th August, 07 by vide letter No.F.1-17/JNV(NLBR)/2007-08/06 & 07. Again, I have sent the xerox copy of teh said applications. Through "speed post" on 30/08/07 (Because, R.O's Fac and telephone No. was not working)

Respected Sir, I am a sincere staff of N.V.S.; I render my sincere service to the Samiti Since the eyar 2001. But, I am in gerat suppressed even you obtain me from my fundamental right by your adamant behaviour.

Certified to be true copy

P. Das
Advocate

Contd....p/

So, kind Sir, once again I am praying your honour to reinstate me in my service to give me relief and utilize me for organising the cluster & Regional Sports meet which is my prime duty a grand success. (Because, I personally requested Mr. V.V. Reddy Asstt. Com. Sir to select the J.N.V. Nalbari as Vence for teh said Sport meet.07)

Your early necessary action in this regard is highly solicited.

Thanking you.

Yours faithfully

Sd/- Illegible

6th Sept.2007

Dr. A.K. Mahanta

TGT (Phy. Ed.)

J.N.V. Nalbari (Assam)

Contd....p/

Annexure - 3(IV)

To, The Deputy Commissioner Through Principal, J.N.V. Nalbari
 N.V.S. Regional office (Shillong Region) (Assam)
 Nongrim Hills, Near Civil Hospital
 Shillong (Meghalaya)

Subject :- Regarding Reinstall of my service.

Dated :- 6th Sept, 07, J.N.V. Nalbari (Assam)

Respected Sir,

Most respectfully & truly I Dr. A.K. Mahanta would like to state you that on 28th August, 2007, I prayed regarding my station leave to take legal advice and the reason of my sudden Suspension order. But, still I am not receiving any information from your kind self (10 days over). The said applications has been routed out from the Principal J.N.V. Nalbari on 28th August, 07 by vide letter No. F.I-17/JNV(NLBR)/2007-08/06 & 07. Again, I have sent the xerox copy of the said applications through "Speed post" on 30/08/07 (Because, R.O's fax and telephone No. was not working)

Respected Sir, I am a sincere staff of N.V.S; I render my sincere service to The Samiti since the year 2001. But, I am in great suppressed, even you abstain me from my fundamental right by your adamant behaviour.

So, kind Sir, Once again I am praying your honour to reinstate me in my service to give me relief and utilize me for organising the cluster & Regional Sports meet which is my prime duty. a grand success. (Because, I personally requested Mr. H.V. Reddy Asst. Com. Sir to select The J.N.V. Nalbari as venue for the said Sports meet. 07)

Your early necessary action in this regard is highly solicited.

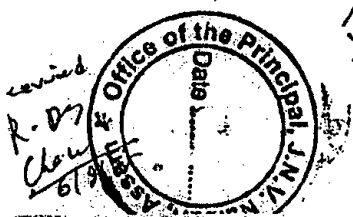
Thanking you.

Yours faithfully

Certified to be true copy

Advocate

Dr. A.K. Mahanta
 T.G.T. (Dy. Ed). J.N.V. Nalbari (Assam)



-33-

Annexure - 4

ANNEXURE-4.

To,

The Hon'ble Commissioner
Navodaya Vidyalaya Samiti, Head Office, New Delhi.
(Kailash Colony)

Subject: Prayer for justice.

Dated : 30th August, 07 Nalbari (Assam)

Respected Sir,

Most respectfully and truly I would like to state you that on 27th August, 07, I got suspension order from my Principal Mr. D. Tatna Kumar, I astonished by receiving the sudden Order which was without prior intimation and so cause.

Respected Sir, It is a complete malafide, fabricated, total conspiracy and planning on my sincere service. As I have been rendering my sincere service since 2001 and during my service I always tried to established the truth for better tomorrow. By which I have been tortured/harassed/5 times transferred by authority/ever attacked by the instigated students; which is well know to you. As I am in truth, that's why in every occasion by grace of god I got success for establishing the truth. Of course it was late.

Last year, before joining of Mr. Retna Kumar, Principal of this school, the Vidyalaya was in worse condition. No, teachers were interested to manager the situation. Myself and Retna Kumar (Principal) tried to

Contd....p/

Certified to be true copy

Advocate

- 34 -

manage the school. Even, he has issued several memo to the teachers for their each (not supporting the authority). The said memo's were kept in their personal file. Somehow, we manage the situation. But, in my name principal is taking advantage and gradually molest the school's environment and management for his own benefit and gain. Then I understood his motive and set aside myself. even, he tried to motivate me by giving different chances.

HOW, MR. PATNAKUMAR, PRINCIPAL, MISMANAGE THE VIDALAYA FOR HIS PERSONAL BENEFIT:

1. In cost Board Exam, Principal initiated a mass copying with the help of D Group and answer written by the teaching staff, Mr. Kamal Deka, night Chowkider collected Rs.50/- to Rs.100/- per students to hand over the written copy from the physics Laboratory which is nearest to the exam room where teachers were engaged to write the answer.
2. Last year two Water Purifier "AQUA GUARD" had purchased for the students. It was happened due to request by me to Hon'ble Deputy Commissioner, Mr. D. Hazarika. And I personally took the initiative to fitted the said in the Dinning Hall. But over Principal took the said "AQUA GUARD" to his own Quarter for his two son and wife by depriving 250 students along with staff.
3. Vidalaya's FREEZE, GRINDER MIXI, T.V. Stand along with gas stove, cylinder, guest house items and lob move unauthorisedly kept in his quarter by depriving the

Contd....p/

facility given to the Students, Staff, M.I. Room and Guest.

4. Catering Assistant, Mr. Santosh Bora with the help of Mess I/C Sold huge amount of broken rice without any information. An enquiry committee was formed (by the Principal) where I was the member of that Committee and we placed the report along with the points of recommendation. In the Recommendation Committee recommend to deposit the amount received by selling the Broken rice to the Office but it was not deposited till now. There was no account on it. Principal is taking the money and blackmail the Catering Asstt. by that letter and taking advantage from him.

5. In the mess, mismanagement is going on alongwith not distributing the food times equally to the Students. Principal is mum on the matter.

6. In purchasing of Uniform, he is taking interest to deprive the poor students by giving low quality. But he failed because, I was the members of verifying Committee.

7. In my initiation R.O. has given an opportunity to organise cluster and Regional Sports meet along with National Coaching camp to this Vidyalaya for the first time ever since establishment of this School. But, Principal is playing a negative role and instigating the parents that it would hamper the teaching of the Vidyalaya. So, targeted me for my initiation.

8. Principal has given more advantage to the most indiscipline students for which this Vidyalaya has been facing trouble. Now he is instigating the said students against me (only 5 student of Class X).
9. Principal is not taking any action against the teachers who indulged in different activities. Their personal file could give you details. Now, he is instigating the said teachers to give wrong statements against me.
10. Last year more than Rs. 1 Lakhs mismanagement done by meso Committee. The details kept by Principal in hidden record.
11. He engaged Mr. Promod Singh, Arvind Kumar Kairect Zolal, Mrs. M. Chutia, Vidyalaya Night Chowkider, Driver and some P.T.C. members (one has Criminal Register case in Nalbari Thana) to instigate the students to give wrong statements against me to the Officer or any body whoever come to find out the facts.
12. He has been threatening the poor students/parents by forcefully taking the Court affidavit.
13. He is always deprive the leadership Quality of the Students.
14. He developed a groupism among the staff and destroying the whatsoever of us.

Contd....p/

15. By hook and crook he wants my removal from his Vidyalaya for his staff style Autocratic, undemocratic management which is only for his benefit and result etc.

Much more to say

In the above circumstances, I fervently pray your honour to understand the situation which is a conspiracy and planning against me and give me justice to find out the truth for better tomorrow. I would like to add more here that said Principal is taking the Support of Mr. Deepak Deka, a parent and forcefully member of P.T.C. who himself is criminal cum contractor cum political leader (self style) (He has register case in his name in Nalbari Thana). He is frequently visited the Principal even in night 11 p.m. and making this School a battle field of criminals for his personal benefit but not for the welfare of the Vidyalaya. Much more to say but it was not happened so.

Therefore, your early necessary action is highly solicited.

Yours faithfully,

Sd/ Illegible

30.08.2007.

Dr. A.K. Mahanata)

T4T (Phy.Ed)

J.M.V. Nalbari, Assam.

Copy to:

Deputy Commissioner, Shillong Region for information
Please.

Contd....p/

Annexure - 4

Copy - (1)

To, The Honourable Commissioner
Navodaya Vidyalaya Samiti, Head office, New Delhi
(Kailash colony)

Subject: ~ Prayer for justice.

Dated: ~ 30th August, 07. Nalbari (Assam)

Respected Sir,

Most respectfully and truly I would like to state you that on 27th August, 07, I got suspension order from my Principal Mr. D. Retnakumar, I astonished by receiving the sudden order which was without prior intimation and because.

Respected Sir, It is a complete malafide, fabricated, total conspiracy and planning on my sincere service. As I have been rendering my sincere service since 2001 and during my service I always tried to established the truth for better tomorrow. By which I have been tortured / harassed / 5 times transferred by authority / even attacked by the instigated students; which is well known to you. As I am in truth, that's why in every occasion by grace of god I got success for establishing the truth. Ofcourse it was late.

Last year, before joining of Mr. Retnakumar, Principal of this school, the Vidyalaya was in worse condition. No, Teachers were interested to manage the situation. Myself and Retnakumar (Principal) tried to manage the school. Even, he has issued several memo to the teachers for their act (not supporting the authority), The said memo's were kept in their personal file. Somehow, we manage the situation. But, in my name Principal is taking advantage and gradually molest the school's environment and management for his own benefit and gain. Then I understood his motive and set aside myself. Even, he tried to motivate me by giving different chances.

HOW, MR. RATNAKUMAR, PRINCIPAL mismanage the Vidyalaya for his personal benefit: ~

1. In last Board Exam, Principal initiated a mass copying with the help of D. group and answer written by the teaching staff. Mr. Kamal Deka, night chawkidar collected Rs. 50/- to Rs. 100/- per student to handover the written copy from the physics laboratory which is nearest to the exam room where teachers were engaged to write the answer.

Certified to be true copy

Advocate

→ Cont - (2)

2. Last year Two Water Purifier "AQUA GUARD" had purchased for the students. It was ~~supposed~~ happened due to request by me to Honourable Deputy Commissioner, Mr. D. Hazarika. And I personally took the initiative to fitted the said in the Dining Hall. But, Our Principal took the said "AQUA GUARD" to his own Quarter for his two son and wife. by depriving 250 students along with staff.
3. Vidyalaya's 'FREEZE', GRINDER MIXI, T.V. Stand, along with gas stove, cylinder, guest house items and lot more unauthorisely kept in his quarter by depriving the facility given to the students, staff, M.I. Room, and guest.
4. Catering Assistant, Mr. Santosh Bera with the help of Mess. if sold huge amount of broken rice without any information. An enquiry Committee was formed (by the Principal) where I was the member of that Committee. and we placed the report along with the points of recommendation. In the recommendation Committee recommend to deposite the amount received by selling the broken rice to the office but it was not deposite till now. There was no account on it. Principal is taking the money and blackmail the Cath. Asst. by that letter and taking advantage from him.
5. In the mess, mismanagement is going on along with not distributing the food items equally to the students. Principal is mum on the matter.
6. In purchasing of Uniform, he is taking interest to deprive the poor students by giving low quality. But, he failed because, I was the members of verifying committee.
7. In my initiation R.O has given an opportunity to organise Cluster and Regional Sports meet along with National Coaching camp to this Vidyalaya for the first time ever since establishment of this school. But, Principal is playing a negative role and instigating the parents that it would hamper the teaching of the Vidyalaya. So, targetted me for my initiation.
8. Principal has given more advantage to the most indisciplined students for which this Vidyalaya has been facing trouble. Now, he is instigating the said students against me. (Only 5 students of class 8)
9. Principal is not taking any action against the teachers who indulged in different activities. Their personal file could give you details. Now, he is instigating the said teachers to give wrong statements against me.
10. Last year more than Rs. 1 lakh mismanagement done by mess committee. The details kept by principal in hidden record.
11. He engaged Mr. Promod Singh, Arvind Kumar, Kaimul Zolal, Mrs. M. Chutia, Vidyalaya Night Chawkidar, Driver and some P.T.C members (One has criminal register case in Nalbari Thana) to instigate the students to give wrong statements against me to the officers or any body who ever come to find out the facts.

12. He has been threatening the poor students/parents by forcefully taking the Court affidavit.
 13. He is always deprive the leadership Quality of the Students.
 14. He developed a groupism among the staff and destroying the cohesiveness of us.
 15. By hook and crook he want my removal from this Vidyalaya for his self style Autocratic, Undemocratic management which is only for his benefit and result. etc.
- Much more to say

In the above circumstances, I fervently pray your Honours to understand the situation which is a conspiracy and planning against me and give me justice to find out the truth for better tomorrow. I would like to add more here that said Principal is taking the support of Mr. Deepak Deba, a parent and forcefully member of P.T.C. who himself is criminal cum contractor cum political leader (selfish). (He has register case in his name in Nalbari Thana). He is frequently visited the Principal even in night 11 pm and making this school a battle field of criminals for his personal benefit but not for the welfare of the Vidyalaya. Much more to say but it won't happen so.

Therefore your early necessary action is highly solicited.

Yours faithfully

Bhish
30/08/07

Dr A.K. Mahanta)
TGT (Phy. Ed)
J. M. V. Nalbari (ASSAM)

copy to -
Deputy Commissioner, Shillong Region for information Please.

<41-

Annexure - 5

3-SEP-2007 14:43

NAVSAM SHILLONG.....

03642500335

+ P. 01

Annexure - 5



NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE, SHILLONG
TEMPLE ROAD, BARIK POINT,
LACHUMIERE, SHILLONG - 793001
(Ministry of Human Resource and Development,
Deptt. Of Education, Govt. of India)
Tel: 0364-2500331/2500332
E-mail: navsamsamshillong@gmail.com
www.shillongnavsam.org.in
Website: www.navsamshillong.gov.in

F.2-7/PF/NVS(SHR)/Pers/

Dated: 18th Sept. 07

OFFICE ORDER

Whereas, Dr. A.K. Mahanta, PET, JNV Nalbari has been placed under suspension vide this office letter no.2-44/NVS(SHR)/Pers/2663 dated 23/8/07.

Whereas, Dr. A.K. Mahanta sent message through SMS on 10/9/07 to the undersigned and to the Cluster i/c stating thereby that there was threat to his life and his family in JNV, Nalbari.

Now, therefore, considering his request Dr. A.K. Mahanta, PET (U/S) is attached to JNV, W. Kameng. His wife Mrs. B. Mahanta, Librarian, JNV, Nalbari is also hereby transferred to JNV, W. Kameng on administrative ground so that the family may stay together.

They are entitled for TTA/TA/DA benefits as per NVS rules.

To,

Dr. A.K. Mahanta,
PET(U/S);
Mrs. B. Mahanta,
Librarian,
JNV, Nalbari.

(M.L. SHARMA) 18/9/07
DEPUTY COMMISSIONER

Copy to :-

1. The Principal JNV, Nalbari to relieve the concerned persons immediately.
2. The Principal JNV, W. Kameng with request to submit reporting/joining immediately.

Certified to be true copy

Advocate

DEPUTY COMMISSIONER



Form,

JAWAHAR NAVODAYA VIDYALAYA

जवाहर नवोदय विद्यालय

(मानव संसाधन विकास मंत्रालय, भारत सरकार, शिक्षा विभाग)

बानेकुची, जिला: नलबारी (असम) पिन- 781 340

(Ministry of Human Resource Development
Govt. of India, Deptt. of Education)

Banekuchi :: Dist.- Nalbari Pin-781 340 (Assam)

☎ 03624-240332 :: Fax No.- 03624-240332

e.mail-jvnalbari@sify.com

To,

Mrs. Baraita Mahanta.

TGT (Library)

JNV, Nalbari,

Annexure-6 (Series)

- ① F-2-6/JNV (NLBR)/2007-08/Conf/08 Dt. 22.9.07
- ② F-2-7/DF/NVS (SHB)/PEW/Dt. 18.9.2007
- ③ F-1-A/JNV (NLBR)/2007-08 Conf/09 Dt. 22.9.07
- ④ F-1-17/JNV (NLBR)/2007-08 Conf/10 Dt. 22.9.07.

Certified to be true copy

P. D. D.
Advocate

43 -

Annexure-6 (Serial)



Jawahar Navodaya Vidyalaya :: Banekuchi : Nalbari Dist
(Under Ministry of HRD, Department of Secondary and Higher Education, Government of India)
ASSAM

No F.2-6/JNV(INLBR)/2007-08/CONF/ 08

DATED : 22 .09.2007

OFFICE ORDER

Consequent upon of the NVS, Regional Office, Shillong vide Office Order No. F.2-7/PF/NVS(SHR)/Pers/ dated the 18th September, 2007 [copy enclosed], Mrs B.Mahanta TGT/Librarian is transferred and posted at JNV, West Kemeng on administrative ground.

Mrs B.Mahanta TGT/Librarian is, hereby, relieved of her duties on the FN of the 22nd September, 2007 with a direction to join her new place of posting with immediate effect. Her Last Pay Certificate will be dispatched by post in due course of time.

She is entitled for TTA/TA/DA benefits as per NVS rules.

sd/-
[R.Daniel Retnakumar]
Principal
PRINCIPAL
J.N.V., NALBARI

Copy to:-

1. The Deputy Commissioner, NVS, Shillong Region for inf. Please.
2. The DC-Cum-Chairman [VMC], Nalbari for inf. Please.
3. The Principal, JNV, West Kemeng with a request that her Service Book and other service records will be dispatched in due course of time.
- ✓ 4. Mrs B.Mahanta, TGT/Librarian for strict compliance.
5. Office Copy.

22/09/07
PRINCIPAL
PRINCIPAL
J.N.V., NALBARI
Assam

Certified to be true copy

P. Das,
Advocate



Jawahar Navodaya Vidyalaya :: Banekuchi : Nalbari Dist
(Under Ministry of HRD, Department of Secondary and Higher Education, Government of India)
ASSAM

No F.1-17/JNV(NLBR)/2007-08/ CONF/11

DATED : 22.09.2007

OFFICE ORDER

In pursuance of the NVS, Regional Office, Shillong vide Office Order No. F.2-7/PF/NVS(SHR)/Pers/ dated the 18th September, 2007 [copy enclosed], Dr A.K.Mahanta TGT/PET[M] under suspension is, hereby, attached to JNV, West Kemeng with immediate effect.

Now, therefore, the said Dr A.K.Mahanta, PET [U/S] is, hereby, relieved from this establishment on the FN of the 22nd September, 2007 with a direction to report to The Principal, JNV, West Kemeng with immediate effect.

He is eligible for the TA/DA as per NVS rules.

sd-
[R.Daniel Retnakumar]

Principal
PRINCIPAL
J.N.V., NALBARI
Assam

Copy to:-

1. The Deputy Commissioner, NVS, Shillong Region for inf. Please.
2. The DC-Cum-Chairman [VMC], Nalbari for inf. Please.
3. The Principal, JNV, West Kemeng for inf. and n/a please.
4. Dr A.K.Mahanta, PET [U/S] for immediate compliance.
5. Office Copy.

6. P/F of official

1. [Signature]
2. [Signature] 22/9/07
PRINCIPAL
PRINCIPAL
J.N.V., NALBARI
Assam

Certified to be true copy

[Signature]
Advocate



Jawahar Navodaya Vidyalaya :: Banekuchi : Nalbari Dist
(Under Ministry of HRD, Department of Secondary and Higher Education, Government of India)
ASSAM

NO F.1-17/JNV(NLBR)/2007-08/CONF/10

DATED : 22.09.2007

OFFICE ORDER

Consequent upon the transfer and posting of Smt. B.Mahanta TGT/Librarian to JNV, West Kemeng with immediate effect vide NVS, Regional Office, Shillong Office Order No. F.2-7/PF/NVS(SHR)/Pers/ dated the 18th September, 2007 and her subsequent relieving from this establishment vide Office Order No F.1-17/JNV(NLBR)/2007-08/CONF/08 dated 22.09.07, she is directed to vacate the official residence allotted to her in this establishment with immediate effect enabling this office to allot the said quarter to next official on seniority.

[R.Daniel Retnakumar]
Principal
PRINCIPAL
J.N.V., NALBARI
Assam

Copy to:-

1. The Deputy Commissioner, NVS, Shillong Region for inf. Please.
2. The DC-Cum-Chairman [VMC], Nalbari for inf. Please.
3. ✓ B.Mahanta, TGT/Librarian for strict compliance.
4. Office Copy.

1/1
2. Muc
22/09/07
PRINCIPAL
PRINCIPAL
J.N.V., NALBARI
Assam

Certified to be true copy

P. D. Das
Advocate



Jawahar Navodaya Vidyalaya :: Banekuchi : Nalbari Dist
(Under Ministry of HRD, Department of Secondary and Higher Education, Government of India)
ASSAM

No F.1-17/JNV(NLBR)/2007-08/CONF/09

DATED : 22.09.2007

OFFICE ORDER

Consequent upon the transfer and posting of Smt. B. Mahanta TGT/Librarian to JNV, West Kameng with immediate effect vide NVS, Regional Office, Shillong Office Order No. F.2-7/PF/NVS(SHR)/Pers/ dated the 18th September, 2007 and her subsequent relieving from this establishment vide Office Order No F.1-17/JNV(NLBR)/2007-08/CONF/08 dated 22.09.07, a board is, hereby, constituted to take over the full charges of the Library with the officials as under :-

| | | |
|----------------------------|---|-------------------|
| Sri K. Zalal, PGT/English | : | Presiding Officer |
| Sri P.K. Singh PGT/Hindi | : | Member |
| Sri S.S. Shubham, S/Keeper | : | Member |
| Smt M.M. Roy, TGT/Music | : | Member |
| Smt D. Deka, TGT/Hindi | : | Member |

The board will check and verify the ground stock with the ledger stock and discrepancies, if any, are found, a report to be submitted to this office for further necessary action at this end. On taking over of the Library charges, the Library is to be sealed and handed over to the Librarian whoever is going to join the institution against the vacant post. The necessary handing/taking over of charges to be completed latest by 1700 hours on the 22nd September, 2007 enabling the relieved official to join her new place of posting at her earliest.

sd/-
[R. Daniel Retnakumar]

Principal
PRINCIPAL

J.N.V., NALBARI

Assam

Copy to:-

1. The Deputy Commissioner, NVS, Shillong Region for inf. Please.
2. The DC-Cum-Chairman [VMC], Nalbari for inf. Please.
3. ✓ Smt B. Mahanta, TGT/Librarian for strict compliance & necessary coordination with the board members.
4. Officials concerned with a direction that discrepancies, if any, are found in future, they will be held responsible for the consequences there-of.
5. Office Copy.

2. Daniel
22/9/07
PRINCIPAL
J.N.V., NALBARI
Assam

Certified to be true copy

P. D. Das
Advocate

47 -
Annexure - 7 (Series)

ANNEXURE-7 (Series)

To,

The Hon'ble Deputy Commissioner,
Navodaya Vidyalaya Samiti,
Regional Office (RO), Shillong.

Sub: Regarding Head Quarter Attachment.

Dated: 3rd September, 2007.

Respected Sir,

With due respect and humble submission, I would like to state you that I Dr. A.K. Mahanta, TGT (Phy. Ed) got your Order F. 2 .27/PF/NVS(SHR)/Prs dated 18th September, 2007 on 24th September, 2007 where I have been attached with my wife to J.N.V. West Kamant. But sir West Kamant is far away from my home District (Kokrajhar) and previous J.N.V. Nalbari Where my inventory and house hold items were kept and it will be the place where we will find difficult to look after my old parents and study of my Son "Abhinav".

So, kind sir, do necessary steps sympathetically so, that my wife could be posted in Near by J.V.V. of Assam which is nearest to my home district Kokrajhar.

Thanking You,

Yours

faithfully

Sd/ Illegible

(Dr. A.K. Mahanta) TGT (Phy.ED)

J.N.V. Nalbari, Assam.

Certified to be true copy

Contd....p/

P. Das
Advocate

Annexure - 7 (Series)

To

The Honorable Deputy Commissioner
Navadaya Vidyalaya Samiti
Regional Office (RC) Shillong

Subject: Regarding Head Quarter attachment

Dated: 3rd Sept. 07

Respected Sir,

With due respect and humble submission I would like to state you that I Dr. A.K. Mahanta TGT (Phy. Ed) got your order F.2-3/PA/NVS(SHR)/PIS dated 18th Sept. 07 on 24th Sept. 07 where I have been attached with my wife to J.N.V. West Kameng. But, Sir, West Kameng is far away from my home district (KOKRAJHAR) and previous J.N.V. Nalbari where all my inventory and house hold items were kept and it will be the place where we will find difficult to look after my old parents and study of my son "Abhinav".

So, Kind Sir, do necessary steps sympathically so, that my wife could be posted in Nore by J.N.V. of Assam which is nearest to my home district KOKRAJHAR.

Thanking you.

Yours faithfully

Dain
2 Sept. 07
(Dr. A.K. Mahanta)
TGT (Phy. Ed)
J.N.V. Nalbari (ASSAM)

Recd
20/09/07

Certified to be true copy

Das
Advocate

- 49 -

- 25 -

ANNEXURE-7 (i)

To,

The Hon'ble Deputy Commissioner,
Regional Office (RO), Shillong.
Navodaya Vidyalaya Samiti,

Sub: Regarding Transfer Order.

Dated: 3rd September, 2007.

Respected Sir,

With due respect and humble submission, I would like to state that I Mrs. B. Mahanta, TGT (Leb) got my transfer Order F. 2-7/PF/NVS(SHR)/Prs dated 18th September, 2007 on 24th September, 2007 where I have been transferred to J.N.V. Kameng along with my husband Dr. A.K. Mahanta (attached). But Sir, JNV Kameng is far away from my home district and previous posting area JNV Nalbari where all my inventory and household items were kept and it will be the place where we will find difficult to look after my old parents in law (who are suffering from heart and having pace maker) and the study of small son.

So, please Sir, do necessary steps sympathetically that we could be posted in near by JNV of Assam which is nearest to my home district Kokrajhar.

Thanking you.

Yours faithfully

Sd/ Illegible

(B. Mahanta)

TGT (Liberian)

J.N.V. Nalbari, Assam.

Certified to be true copy

[Signature]
Advocate

Contd....p/

Annexure - 7(1)

Shillong

3rd Sept '07

To,

The Honourable Deputy Commissioner

Regional office Shillong

Navodaya Vidyalaya Shillong

Subject: Regarding Transfer Order

Respected Sir,

With due respect and humble submission, I would like to state that I Mrs B Mahanta, TGT(Kib) got ~~an~~ my transfer order F.2-7/PFINVS(SHR)/Bws/ dated 18th Sept 07 on 24th Sept. 07 where I have been transferred to JNV Kameng along with my husband Mr. A. K. Mahanta (attached). But Sir, JNV Kameng is far away from my home district and previous posting area JNV Nalbari where all my inventory and house hold items were kept and it will be the place where we will find difficult to look after my old parents in law (who are suffering from heart and having pace maker) and the study of small son.

So, please Sir, do necessary steps sympathetically that we could be posted in near by JNV of Assam which is nearest to my home district Kokrajhar.

Thanking You:-

Yours faithfully,

B. Mahanta

TGT (Kibnam) JNV Nalbari

JNV Nalbari

Mr. B. Mahanta
Jy. 03/09/07
DI
Date
File No

Certified to be true copy

B. Das.
Advocate



-51-

Jawahar Navodaya Vidyalaya :: Banekuchi :: Nalbari District
[Under Ministry of HRD, Department of Secondary and Higher Education, Government of India]
ASSAM [781 340].

No F.17/JNVNLBR/2006-07/Conf/ 14

Dated: 22.10.2007

Regd. Post/AD.

To

Mr A.K.Mahanta
S/O Subal Chandra Mahanta
Ward No 10, Near T.V.R.C
P.O.Kokrajhar
Kokrajhar District [783370]

SUB:- Forwarding of official letters – Reg.

Sir,

Enclosed herewith two official letters from NVS(SHR) letter Nos F. 2-7/2001/NVS(SHR)/ Pers/2805 dated 13.09.2007 and F.2-8/2007/ NVS(SHR)/Pers/ dated 04.10.2007 in r/o Mr A.K.Mahanta PET(M) under suspension and presently attached at JNV, West Kameng and Mrs B.Mahanta Ex-Librarian of this vidyalaya and presently posted to JNV, West Kemeng for their information.

Thanking you,

Enclos: Xerox Copies A.S.A

Yours faithfully

R. Daniel Retnakumar
22/10/07
[R.Daniel Retnakumar]
PRINCIPAL
PRINCIPAL
J.N.V., NALBARI
Assam

Certified to be true copy

Archan
Advocate

*Both the letter received on 1/11/07 at
Kokrajhar residence*

< 52 -

ANNEXURE - 7/series



RAVODAYA VIDYALAYA SAMITHI
REGIONAL OFFICE, SHILLONG
TEMPLE ROAD, HARIK POINT,
TACHUMILRI, SHILLONG - 791001
(Ministry of Human Resource and
Development, Deptt. of Education,
Govt. of India)
Tel : 0364-2500331 Fax 25003353
E-mail :
Website : www.nvsroshillong.gov.in

F.No. 2-8/2007/NVS(SHR)/Per/

Dated : / 10/2007

To

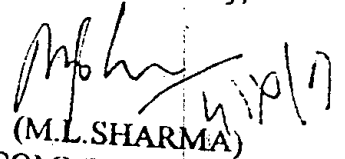
Smt. B.Mahanta, Librarian
JNV- West Kameng
Ar, Pradesh.

Sub: Request transfer of Smt. B.Mahanta-Librarian, JNV West Kameng to a JNV
nearby home dist. Kokrajahar (Assam) of Dr. A.K.Mahanta-PET(U/S).

Sir/Madam,

It is regretfully conveyed that your request for transfer to a JNV nearby your home
dist. was considered sympathetically, but owing to non-availability of vacancy in any JNV
located in the state of Assam, it could not be acceded to. You are advised to join your duty
immediately

Yours faithfully,


(M.L.SHARMA)

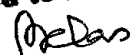
DEPUTY COMMISSIONER

Copy to :-

1. Dr.A.K.mahanta, PET(U/S) JNV West kameng (Ar.Pradesh) with reference to his
representation dated 4/10/2007
2. The Principal JNV West Kameng / JNV Nalbari for information necessary.
3. Personal file.


DEPUTY COMMISSIONER

Certified to be true copy


Advocate

- 53 -

NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE
Barik Point, SHILLONG-793003
navsam@sancharnet.in
(Ministry Of Human Resource Dev.)
nvsroshillong@rediffmail.com

Phone No.: 0364-2500331
Fax No. : 0364-2500335
email:

F.No.2-7/2001 / NVS(SHR)/Pers/ 28-65

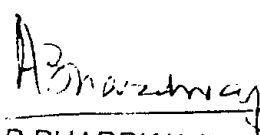
Dated : 13th September 2007

OFFICE ORDER

Sanction is hereby accorded to release the subsistence allowance equal to 50% of his leave salary on half pay with appropriate dearness allowance of his pay drawn w.e.f.23/08/2007 in respect of Dr.A.K.Mahanta, PET (under suspension) attached to JNV Nalbari (Assam).

Further, the suspended official has to submit the mandatory certificate as per rules before release of the subsistence allowance to the Principal JNV Nalbari (Assam) that he does not engaged himself with any kind of business of profit, profession or vocation. And the same copy has to be forwarded to this office for its records.

To
Dr. A.K.Mahanta, (U.S.)
PET JNV Nalbari
(Assam)


(A.B. BHARDWAJ)
I/C DY. COMMISSIONER

Copy to:

01. The Principal JNV Nalbari (Assam) for information and necessary action
02. The Cluster Incharges, NVS Regional Office for information.


I/C DY. COMMISSIONER

Received on 11/11/07 at Kokrajhar Residence

CONFIDENTIAL ADMINISTRATIVE CONFIDENTIAL

CIVIL RIGHTS DIVISION

1. Original Application NO. _____ 2011/06 }

2. MILES Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant(s) . . . J. & L. . . vs. Union of Teachers

Advocate for the Applicants..K.K. Mahalingam, R. Murugesan.....
 ...R. Kinnara.....
 Advocate for the Respondents.....

Advocate for the Respondant(S:.....)

Notes of the Registry

Date _____

Order of the Tribunal

23.10.2007

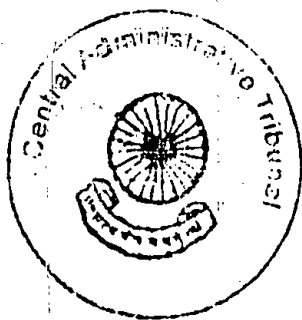
Heard Mr.K.K.Mahanta, Medined

counsel for the Applicants in C.O.A.
Nos.279/2007 & 280/2007.

The Applicant in O.A.277/2007 contends that he was suspended from service w.e.f. 23.08.2007 but so far he has not been issued any charge sheet which normally should have been issued within 45 days, otherwise suspension stands revoked as per rules. If the contention of the Applicant is correct, then he is directed to resubmit his joining report along with representation to the concerned authority pointing out relevant rules and the concerned authority is directed to dispose of the representation within 15 days from the date of receipt of the representation. Meanwhile, Applicant would have right to join his duties if he has not been issued any charge sheet within the times stipulated in the rules.

Complet...

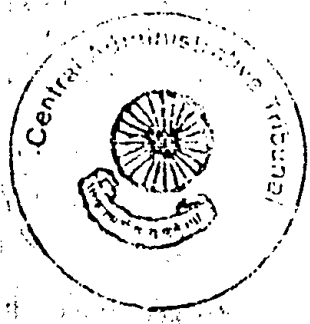
certified to be true
Pradas.
Advocate



- 55 - (A. 722/2007)

Contd
23.10.2007

Applicant No.2 Mrs. Babita Mahanta wife of the first Applicant (in O.A. No.280/2007) who has been transferred out on 18.9.2007 and has been asked to vacate the residential quarter. Learned counsel for the Applicant contends that this action has been taken only to harass the Applicant and his wife i.e., second Applicant.

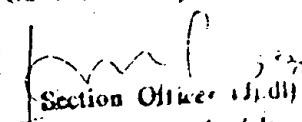


Considering the facts and circumstances of the case, the O.A. is admitted. Issue notice to the Respondents. Respondents are directed to file reply statement. Looking to the circumstances of the case, as explained by the learned counsel for the Applicants, if Mrs. Babita Mahanta may be allowed to continue in the present place of posting till the next date, if she has not been relieved already.

Post the case on 10.12.2007. Copy of this order shall be sent to the Respondents directly also.

Sd/- K. Rushiram
Member (Admin.)

No. of Application : 23.10.07
Date on which copy is ready : 23.10.07
Date on which copy is delivered : 23.10.07
Certified to be true copy


Section Officer (Adm.)
C. A. T. Guwahati Bench
Guwahati-5
23/10/07

10:18

NAVSAM SHILLONG.

03642500335

P.01

MAHAPAYA VIDYALAYA SAMITI
REGIONAL OFFICE
TEMPLE ROAD, BARIK POINT
LACHUMIERE SHILLONG-783001
(Ministry Of Human Resource Dev.
Department of Education)



Phone No. : 0364-521383
Fax No. : 0364-521302
e-mail: mahapaya@mahapaya.in
mahapaya@mahapaya.com

F. No. NVS(SHR)/Pers/AKM/07/ 3660

Dated: 13 Nov.'07.

ORDER

Whereas an order placing Dr. A.K. Mahanta, PET, JNV. Nalbari under suspension was made by the undersigned on 23.8.07.

Now, therefore, the undersigned in exercise of the powers conferred by Clause (c) of sub-rule (5) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby revokes the said order of suspension with immediate effect.

On revocation of suspension, Dr. A.K. Mahanta, PET is posted to JNV. West Kameng with immediate effect.

(M.L. SHARMA)
DEPUTY COMMISSIONER

Dr. A.K. Mahanta,
PET,
JNV. Nalbari, Assam.

Copy to:

The Principal, JNV Nalbari/ West Kameng.

Certified to be true
Advocate.



- 57 -

No F.1-17/JNV(NLBAR)/2007-08/ CONF/ / 7- 20

Dated : 14.11.2007

By Regd Post / By Hand

OFFICE ORDER

Consequent upon the revocation of the suspension order by the Competent Authority vide NVS, RO Letter no. F.NVS(SHR)/Pers/AKM/07/3660 dated 13.11.2007 [Copy Enclosed], Dr A.K.Mahanta TGT/PET is p posted at JNV, West Kemeng, Arunachal Pradesh with immediate effect and he is, hereby, relieved from this vidyalaya on the A.N of the 14th November, 2007.

His Personal File and Service Book will be dispatched in due course of time.

Dr A.K.Mahanta, TGT/PET
Attached at JNV West Kemeng
Arunachal Pradesh.

[R.Daniel Retnakumar]
Principal
PRINCIPAL
J.N.V., NALBARI
Assam

Copy to:-

1. The Deputy Commissioner, NVS, Shillong Region for inf. Please.
2. The DC-Cum-Chairman [VMC], Nalbari for inf. Please.
3. The Principal, JNV, West Kemeng with an intimation that the LPC of the incumbent is attached herewith for N/A.
4. Office Copy.

PRINCIPAL
PRINCIPAL
J.N.V., NALBARI
Assam

Certified to be true
R.Dan.
Associate.

- 58 -

Annexure - II

NAVODAYA VIDYALAYA SAMITHI
REGIONAL OFFICE, SHILLONG
TEMPLE ROAD, BARIK POINT,
LACUMIERE, SHILLONG - 793 001
(Ministry of Human Resource and
Development, Deptt. Of Education,
Government of India)
Tel : 0364 2500331 Fax : 2500332

No F.2-7PF/NVS(SHR)/Pers/ 2787 (A)

Dated : 15.11.2007

OFFICE MEMORANDUM

Whereas, Sri A.K.Mahanta, PET, JNV, Nalbari was suspended on 23.08.2007 and a departmental inquiry was contemplated against him and was attached to JNV, West Kameng, Arunachal Pradesh on the basis of SMS message sent to authorities that there was threat to his life in JNV, Nalbari.

Whereas, he has appealed to Hon. CAT, Guwahati to allow him to join in JNV, Nalbari on ground that no charge sheet has been issued to him and Hon. CAT has directed to allow him to join if charges has not been framed within 45 or 90 days as per rules.

Whereas, Sri A.K.Mahanta has represented on 25.10.2007 to allow him to join as 45 days have passed and he is entitled to join as per direction of Hon. CAT.

Now therefore, considering his representation and direction of Hon. CAT, keeping in view SMS message wherein threat to him and his family was brought to the notice of the authorities Sri A.K.Mahanta stand attached to join in JNV, Nalbari, West Kameng, Arunachal Pradesh. His wife has also been transferred with transfer grant benefit so that both could stay in peaceful environment. His shifting from JNV, Nalbari was necessitated as he may not interfere in the departmental investigations and evidences during the inquiry. His charge sheet is also issued within 90 days from his suspension.

[M.L.Sharma]
Deputy Commissioner

To

Sri A.K.Mahanta, TGT/PET [JVS]
Attached to JNV West Kameng,
Arunachal Pradesh

Copy to:-

1. The Principal, JNV, Nalbari /West Kameng [A.P] for necessary action.
2. Office Copy.

DEPUTY COMMISSIONER

*certified to be true
Advocate*



- 59 -

Annexure No-12

NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE, SHILLONG
TEMPLE ROAD, BARIK POINT,
LACUMIERE, SHILLONG - 793 001
(Ministry of Human Resource and
Development, Deptt. Of Education,
Government of India)
Tel : 0364-2500331 Fax - 25003358

No F.2-7PF/A.KM/NVS(SHR)/Pers/ 37/6

Dated : 19.11.2007

OFFICE MEMORENDUM

1. The undersigned proposes to hold an inquiry against Dr. A. K. Mahanta, PET, JNV, West Kameng, Arunachal Pradesh under Rule-14 of the CCA (Classification, Control, and Appeal) Rules, 1965. The substance of the imputations of misconduct of misbehavior in respect of which the inquiry is proposed to be held set in the enclosed statements of Article of charges (Annexure-I). A statement of the imputations of misconduct of misbehavior in support of Article of charges is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the Articles of charge is proposed to be sustained is also enclosed (Annexure-III & IV).
2. Dr. A.K. Mahanta, PET is directed to submit within 10 days of the receipt of this Office Memorandum a written statement of his defense and also to state whether he desires to be heard in person.
3. He is informed that the enquiry will be held only in respect of that article of charges as are not admitted. He should therefore specifically admit or deny each article of charge.
4. Dr. Mahanta, PET is further informed that if he does not submit his written statement of defense on or before the date specified in Para-2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of rule-14 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex-parte.
5. Attention of Dr. Mahanta, PET 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 Dr. Mahanta is aware of such representation and that it has been made at his instance and action will be taken against him for violation of rule 20 of CCS(CCA) Rule, 1965.
6. The receipt of memorandum may be acknowledged.

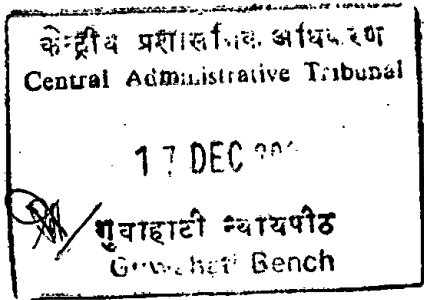
Dr. A. K. Mahanta, PET
JNV, West Kameng,
ARUNACHAL PRADESH


(M.L.SHARMA)
DEPUTY COMMISSIONER

*Certified to be true
As per
Advocate*

File in Court No. 17/12/07
Court Officer.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.



IN THE MATTER OF :

O.A. NO. 298 of 2007

Dr. Ashwin Kumar Mahanta

...Applicant

-Vs-

Union of India & Ors.

...Respondents

-AND-

IN THE MATTER OF :

O.A. NO. 280 of 2007

Dr. Ashwin Kumar Mahanta

...Applicant

-Vs-

Union of India & Ors.

...Respondents

-AND-

IN THE MATTER OF :

O.A. NO. 279 of 2007

Dr. Ashwin Kumar Mahanta

...Applicant

-Vs-

Union of India & Ors.

...Respondents

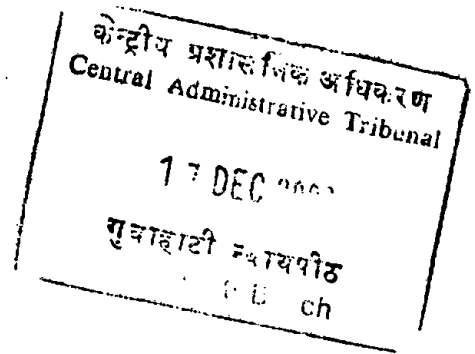
-AND-

IN THE MATTER OF :

A brief affidavit filed on behalf of the Respondent Nos. 2 and 3 (Commissioner and Deputy Commissioner, Navodaya Vidyalaya Samiti) in O.A. No. 298/2007, to place on record the developments, which have taken place in the aforesaid matters.

Filed by
the Respondent Nos 2 & 3
through Jyotsna Khound.
Manisha Khound
Advocate 17/12/07

M. Khound

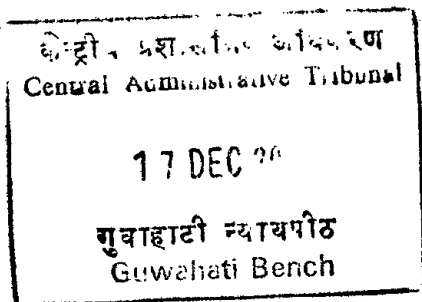
A FFIDAVIT

I, Sri Mohan Lal Sharma, aged about 58 years, son of Sri B . R. Sharma, presently serving as the Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Nongrim Hills, Shillong, Meghalaya do hereby solemnly affirm and declare as follows :

1. That, I am the Deputy Commissioner, Navodaya Vidyalaya Samiti (herein after referred to as N.V.S in short), Shillong and I have been impleaded as the Respondent No.3 in Original Application No. 298 of 2007. I have also been impleaded as a party Respondent in the other two Original Applications, viz. 279 of 2007 and 280 of 2007. I am fully acquainted and well conversant with the facts and circumstances of the instant case and as such, I am competent to swear this affidavit. I have been duly authorized to swear this affidavit on behalf of the Respondent No.2 as well.
2. That, the instant affidavit is being filed for the limited purpose of placing on record the various developments, which have taken place in the aforesaid matters pursuant to the filing of the said Original Applications. The Deponent craves leave of this Hon'ble Tribunal to refer to and reply upon the statements and averments made in this affidavit for the purpose of proceedings in Original Applications No. 279 of 2007 and 280 of 2007. The Deponent briefly places the factual matrix of the case herein below :-
 - (A) That, on 23.08.2007 the Applicant was placed under suspension in contemplation of disciplinary proceeding while he was serving as Physical Education Teacher (PET) at Jawahar Navodaya Vidyalaya, (herein after referred to as J.N.V in short), Nalbari, Assam.
 - (B) That, against the said suspension order, the Applicant Sri Ashwin Kumar Mahanta made several representations to the authorities for revoking the same. In the said representations, the Applicant also made various allegations against his authorities including the Principal of J.N.V, Nalbari.
 - (C) That, on 10.09.2007 the Applicant sent an S.M.S to the Deponent stating, interalia, that there was a threat to his life and his family at J.N.V, Nalbari. Therefore, on 18.09.2007, *considering his request*, the Deponent issued an order transferring him to J.N.V, West Kameng, Arunachal Pradesh along with his wife Mrs. Babita Mahanta, who had also been serving as a Librarian at J.N.V, Nalbari.


M. K. Khuntia

Be it stated herein that pursuant to such transfer orders being issued in favour of the Applicant and his wife, the Applicant's wife had also been released on 22.09.2007 and had withdrawn T.T.A advance of Rs.13,000/= in this regard and the new incumbent in place of Mrs. Babita Mahanta (Sri R. K. Pandey) also joined at J.N.V, Nalbari on 24.09.2007.



A copy of the said joining report of the new incumbent of Librarian of J.N.V, Nalbari dated 24.09.2007 is annexed herewith and marked as ANNEXURE - A

- (D) That, despite having withdrawn the T.T.A advance, the Applicant and his wife Mrs. Babita Mahanta filed two Original Applications, by suppressing material facts before this Hon'ble Tribunal, in October, 2007 challenging, interalia, the transfer order dated 18.09.2007 in Original Application No.280 of 2007 and another Application praying for revoking the order of suspension dated 23.08.2007 in Original Application No.279 of 2007
- (E) That, this Hon'ble Tribunal, on 23.10.2007 considering both the applications, was pleased to direct that if Mrs. Babita Mahanta had not been released already, she may be allowed to continue in her present place of posting. This Hon'ble Tribunal was further pleased to direct that the Applicant, may submit his joining report along with his representation to the concerned authorities pointing out the relevant rules which will be disposed of by the authorities within 15 days.

A copy of the said order dated 23.10.2007 passed by this Hon'ble Tribunal is annexed herewith and marked as ANNEXURE - B

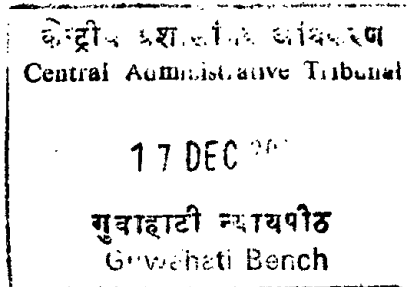
- (F) That, on 13.11.2007 the Deponent vide order under memo No. NVS (SHR)/Pers/AKM/07/3660 was pleased to revoke the suspension order of the Applicant and further directed him to join at J.N.V, West Kameng. However, the Applicant once again deemed it fit to approach this Hon'ble Tribunal by way of a Misc. Case No. 120 of 2007 in Original Application No.280 of 2007 praying, interalia, for staying the order dated 13.11.2007.

M. K. Ramg.

A copy of the order dated 13.11.2007 revoking the suspension of the Applicant is

annexed herewith and marked as
ANNEXURE – C

- (G) That, however, this Hon'ble tribunal, after hearing the Counsel for the Applicant on 19.11.2007, was pleased not to entertain the Misc. case and infact was pleased to allow the Original Application to be withdrawn and the Misc. Petition was also permitted to be withdrawn.



Copies of the orders dated 19.11.2007 passed by this Hon'ble Tribunal are annexed herewith and marked as **ANNEXURE – D1 & D2**

- (H) That, pursuant to the revocation of the order of suspension, a statement of imputation of misconduct was issued against the Applicant on 19.11.2007.

A copy of the said imputation of misconduct dated 19.11.2007 is annexed herewith and marked as **ANNEXURE – E.**

- (I) That, however, the Applicant once again approached this Hon'ble Tribunal by way of another original Application, which was registered as O.A No.298 of 2007 praying for quashing of the orders dated 13.11.2007 (revocation of suspension) and 15.11.2007 (order whereby Applicant was directed to join at J.N.V, West Kameng).

- (J) That, it is pertinent to mention herein that the said Original Application No.298 of 2007 had been filed on 28.11.2007. However, vide order dated 23.11.2007 issued under memo No. F.2-7/PF/BM-NVS (SHR)/Pers/3762, once again *on his request*, the Applicant had been transferred to J.N.V, Ri bhoi, Meghalaya and Mrs. Babita mahanta vide a similar order had also been posted at J.N.V, Ri bhoi

Copies of the order dated 23.11.2007 are annexed herewith and marked as **ANNEXURE – F1 & F2**

That, in view of the facts and circumstances that have been narrated herein above, it is evident that the Applicant has approached this Hon'ble tribunal by suppressing material facts in all the 3 Applications and has filed frivolous litigations. The Deponent humbly states that the sequence of events narrated herein above clearly reveals that the authorities have acted in a most bonafide


M. Khanna

manner and have tried to look into the interest of the Applicant at various stages and have accordingly, transferred him at J.N.V, Ri bhoi, Meghalaya. In view of the same, the Original Applications No. 279 of 2007, 280 of 2007 and 298 of 2007 have become infructuous and are accordingly, liable to be closed by this Hon'ble Tribunal.

4. That, the statements and averments made in the instant affidavit may be treated as a part of the records of Original Applications No. 279 of 2007 and 280 of 2007

5. That, the statements made in this paragraph and in paragraphs 1, 2.A, 2.B, 2.C (Partly), 2.D, 2.E, 2.F, 2.G, 2.H, 2.I, 2.J. (Partly) & 3. are true to my knowledge and those made in Paragraphs 2.C (Partly) & 2.J (Partly) being matters of record are true to my information derived therefrom, which I believe to be true and the rest are my humble submission before this Hon'ble Court. I have not suppressed any material facts.

And I sign this affidavit on this 17th day of December, 2007 at Guwahati.

Identified by me :

DEPONENT

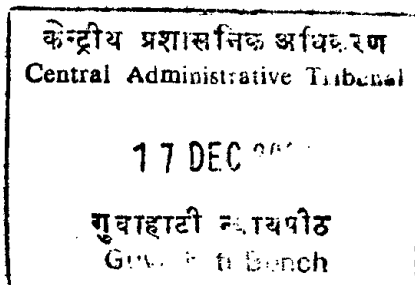
Amisha Khound

Advocate

Solemnly affirm and declare before me

by the Deponent, who is identified by

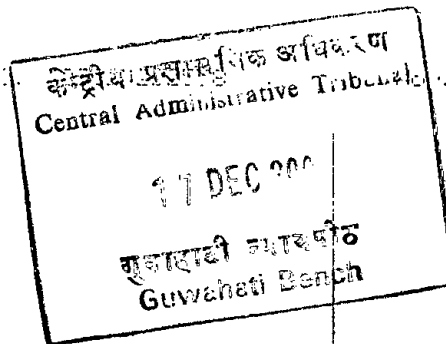
Ms. M. Khound Advocate, on this the day of December, 2007 at Guwahati



ADVOCATE

Rajashri Malla Deka

FROM : P. B. PHOTOSTAT



22 2007 09:35:11 F1

To.

The Principal
JNV-Nalbari

Date: 24/09/2007

Ref. F. 2-7/2001-NV'S(SHR)/Pers/2962, Dated 21/09/07

Sub: Joining report.

Sir,

Most respectfully, I do like to inform you with reference to the above cited letter, that I have been appointed by Navodaya Vidyalaya Samiti as an Librarian and posted in your School.

I have accepted the appointment and wish to join your Vidyalaya today on 24/09/07 F/N.

It is for your intimation and needful action.

Yours faithfully

Ravish

24.09.2007.

(Ravish Kumar Pandey)
JNV-Kokrajhar, Assam.

- ① Allowed to join on the FM of 24.09.2007. subject to the fulfilment of terms & conditions A letter verify the documents on in the appointments listed.
- ② Report if any discrepancy and
- ③
- 24/09/2007
(F.N.)

Documents and found correct and forward
24/09/2007
(M. Khand)

Certified to be true

M. Khand.

Advocate.

OS
Allowed to join on the FM of 24/09/2007 as Librarian. His name in the SH. Reg. is Librarian. He is to assume the duty and ask him to assume the duty.

24/09/2007
(M. Khand)

ANNEXURE - B

CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH:

1. Original Application No. 279/07

2. Interlocutory No.

3. Contempt Petition No.

4. Review Application No.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

Applicant(s) ... A.K. Mahanta vs. Union of India

Advocate for the Applicants ... K.K. Mahanta, R. Mahanta

... K. Kanwar

Advocate for the Respondent (S)

Dates of the Registry

Date

Order of the Tribunal

23.10.2007

Heard Mr.K.K.Mahanta, learned

counsel for the Applicants in C.A. Nos.279/2007 & 280/2007.



The Applicant in O.A.279/2007 contends that he was suspended from service w.e.f. 23.08.2007 but so far he has not been issued any charge sheet which normally should have been issued within 45 days, otherwise suspension stands revoked as per rules. If the contention of the Applicant is correct, then he is directed to resubmit his joining report along with representation to the concerned authority pointing out relevant rules and the concerned authority is directed to dispose of the representation within 15 days from the date of receipt of the representation. Meanwhile, Applicant would have right to join his duties if he has not been issued any charge sheet within the times stipulated in the rules.

Contd...

Certified to be true

M. Khand

Advocate.

Contd
23.10.2007

Applicant No.2 Mrs. Babita Mahanta wife of the first Applicant (in O.A. No.280/2007) who has been transferred out on 18.9.2007 and has been asked to vacate the residential quarter. Learned counsel for the Applicant contends that this action has been taken only to harass the Applicant and his wife i.e., second Applicant.

Considering the facts and circumstances of the case, the O.A.s are admitted. Issue notice to the Respondents. Respondents are directed to file reply statement. Looking to the circumstances of the case, as explained by the learned counsel for the Applicants, if Mrs. Babita Mahanta may be allowed to continue in the present place of posting till the next date, if she has not been relieved already.

Post the case on 10.12.2007. Copy of this order shall be sent to the Respondents directly also.



Kushiram
Member(A)

Date of Application 1 25.10.07

Date on which copy is ready 1 25.10.07

Date on which copy is delivered 1 25.10.07

Certified to be true copy

[Signature]
Section Officer (Adl)

C. A. T. Guwahati Bench
Guwahati-5.

23/10/07

MANIPALAYA VIDYALAYA SAMITI
CENTRAL OFFICE
100/101 ROAD, BARAK POINT
LACHUMIRI SHILLONG-783001
(Ministry Of Human Resource Dev.
Department of Education)



Phone No. : 0364-231383
Fax No. : 0364-211223
e-mail : mayamg@yahoo.co.in
http://www.mayamg.org

केन्द्रीय प्रशासनिक न्यायाधीश
Central Administrative Tribunal

17 DEC

गुवाहाटी न्यायपीठ
Guwahati Bench

F. No. NVS(SHR)/Per/AKM/07/ 36 60

Dated : 13 Nov. 07.

ORDER

Whereas an order placing Dr. A.K. Mahanta, PET, JNV, Nalbari under suspension was made by the undersigned on 23.8.07.

Now, therefore, the undersigned in exercise of the powers conferred by Clause (c) of sub-rule (5) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby revokes the said order of suspension with immediate effect.

On revocation of suspension, Dr. A.K. Mahanta, PET is posted to JNV, West Kameng with immediate effect

(M.L. SHARMA) 13/11/07
DEPUTY COMMISSIONER

Dr. A.K. Mahanta,
PET,
JNV, Nalbari, Assam.

Copy to :

The Principal, JNV Nalbari/ West Kameng.

Certified to be true
M. K. Khandu
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application NO. 280/07
2. MIs Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

केन्द्रीय प्रशासनिक अपील निकाय
Central Administrative Tribunal

17 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

Applicant(S) Arhwin Kr. Mahanta vs Union of India & Ors

Advocate for the Applicants K.K. Mahanta, R. Duarah.

K. Konwar, P.K. Das

Advocate for the Respondent(S) _____

Notes of the Registry Date Order of the Tribunal

19.11.2007

Mr R. Duarah, learned counsel for the Applicant is present. None for the Respondents. Learned counsel for the Applicant has stated that the Applicant of the O.A. has been reinstated on revocation of the suspension order. Therefore, he prays for withdrawal of the O.A. The O.A. is allowed to be withdrawn. M.A. No. _____ is also permitted to be withdrawn.

The O.A. accordingly stands disposed of. No order as to costs. He



Sd/-
Khushiram
Member (A)

TRUE COPY
प्रतिनिधि

(Signature)
अनुमोदित अधिकारी
Section (I) (Sub)
Central Administrative Tribunal
गुवाहाटी न्यायपीठ
GUWAHATI BENCH
गुवाहाटी-5

Sd/-
Manoranjan Mohanty
Vice-Chairman

Certified to be True
M. Khound
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application NO. _____/

2. MIs Petition No. _____ 120/07 in O.A 280/07

3. Contempt Petition No. _____/

4. Review Application No. _____/

Applicant(S)... Dr. A. K. Mahanta VS Union of India & Guwahati Bench

Advocate for the Applicants... K. K. Mahanta, R. D. Guah
K. K. Konwar, P. K. Dey

Advocate for the Respondant(S):..... Counsel for N. VS

केन्द्रीय प्रशासनिक अपिप.रण
Central Administrative Tribunal

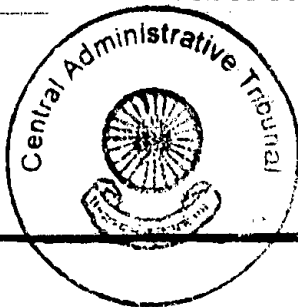
17 DEC 2007

गुवाहाटी न्यायपीठ

Notes of the Registry

Date

Order of the Tribunal



19.11.2007

In view of the order passed in the
O.A. this M.P. also stands disposed of.

Sd/-
Khushiram
Member (A)

Sd/-
Manoranjan Mohanty
Vice-Chairman

TRUE COPY

प्रतिलिपि

अनुमोदित 20/11/07

Section Clerk

Central Administrative Tribunal

गुवाहाटी न्यायपीठ
GUWAHATI BENCH

गुवाहाटी न्यायपीठ

Certified to be true

M. Khand
Advocate

No F 2-71P/A.KM/NVS(SHR)/Pers/ 3277

Dated : 19.11.2007

OFFICE MEMORENDUM

1. The undersigned proposes to hold an inquiry against Dr. A. K. Mahanta, PET, JNV, West Kameng, Arunachal Pradesh under Rule-14 of the CCA (Classification, Control, and Appeal) Rules, 1965. The substance of the imputations of misconduct of misbehavior in respect of which the inquiry is proposed to be held set in the enclosed statements of Article of charges (Annexure-I). A statement of the imputations of misconduct of misbehavior in support of Article of charges is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the Articles of charge is proposed to be sustained is also enclosed (Annexure-III & IV).
2. Dr. A.K. Mahanta, PET is directed to submit within 10 days of the receipt of this Office Memorandum a written statement of his defense and also to state whether he desires to be heard in person.
3. He is informed that the enquiry will be held only in respect of that article of charges as are not admitted. He should therefore specifically admit or deny each article of charge.
4. Dr. Mahanta, PET is further informed that if he does not submit his written statement of defense on or before the date specified in Para-2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of rule-14 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex-parte.
5. Attention of Dr. Mahanta, PET 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 Dr. Mahanta is aware of such representation and that it has been made at his instance and action will be taken against him for violation of rule 20 of CCS(CCA) Rule, 1965.
6. The receipt of memorandum may be acknowledged.

Dr. A. K. Mahanta, PET
JNV, West Kameng,
ARUNACHAL PRADESH

(M.L. SHARMA) 19/11/07
DEPUTY COMMISSIONER

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

Certified to be true

M. Khound
Advocate.

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST Dr
A.K.MAHANTA, PET, JNV, NALBARI ASSAM

ANNEXURE - I

ARTICLE - I

Dr A.K.Mahanta, PET while working in JNV, Nalbari, Assam misguided and instigated the students of Class X and acted against the established norms of the organization.

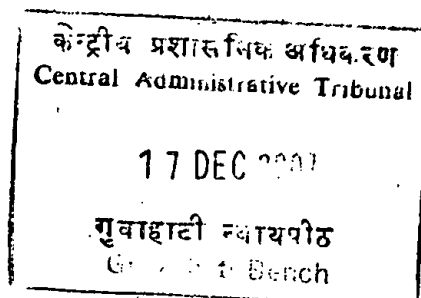
ARTICLE - II

That Dr A.K.Mahanta while working at Jawahar Navodaya Vidyalaya, Nalbari, Assam is alleged to have manhandled Sri R.K.Mandali, TGT (English) and Sri P.K.Singh, PGT (Hindi) on 14.08.2006 during the evening assembly in the presence of staff and students.

ARTICLE - III

The said Dr A.K.Mahanta while working as PET at Jawahar Navodaya Vidyalaya, Kalaigoan during the period from August, 2003 to September, 2005 is alleged to have been in habit of instigating and provoking the students against Vidyalaya administration and putting outside pressure.

In this way the said Dr A.K.Mahanta has indulged in a behavior unbecoming of a Government Servant thereby contravening Rule 3 (1) (iii) of CCS (Conduct) Rules, 1964 as applicable to the employees of Navodaya Vidyalaya Samiti.



STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN
SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST DR.
A.K.MAHANTA, PET, JNV, NALBARI, ASSAM

ARTICLE - I

Dr A.K.Mahanta while functioning as PET in JNV, Nalbari, Assam instigated the students of Class X against vidyalaya administration. While misguiding them he said that he and the students were from Assam and the Principal was Non-Assamese. He misguided them and provoked them to unite on the Assamese and Non-Assamese lines to remove the present Principal Sri R.Daniel Retnakumar as in the past they were united to remove Sri P.Madhavan, the then Principal, one year back.

Dr A.K.Mahanta also shared his divisive views with some parents. In the Parents Teachers Council meeting held on the 12th August, 2007 he told the PTC members that there is no need for the students to become Doctors and Engineers as all these professionals were corrupted.

Hearing a complaint about the anti vidyalaya activities of Dr A.K.Mahanta, Sri K.C.Das, Assistant Commissioner and Cluster in Charge reached JNV, Nalbari to investigate the matter on 20.08.2007. A few PTC members knowing about the visit of the Assistant Commissioner complained before the investigating officer that the said Dr A.K.Mahanta was creating problems for the vidyalaya administration by misguiding and provoking the students. Dr A.K.Mahanta was asked to clarify his position and he admitted that he had said these words.

The students of Class X while deposing before the investigating officer on 20.08.2007 submitted written statement indicting that Dr A.K.Mahanta was disturbing their minds by unnecessary instigation against the Principal and teachers. They further stated that he had shown favour towards Class XII for his own interest.

Sri Sanjay Kumar, Principal, JNV, Lakimpur, Assam has alleged that Dr A.K.Mahanta was in the habit of instigating the students on Assamese and Non-Assamese lines while working in JNV, Lakimpur. During his tenure in Samiti, Dr A.K.Mahanta is observed creating problems for the school administration, dividing students and teachers on the basis of regionalism.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

In this way the said Dr AK.Mahanta has indulged in a behavior unbecoming of a Government Servant, thereby contravening Rule 3 (1) (iii) of CCS (Conduct) Rules, 1964 as applicable to the employees of Navodaya Vidyalaya Samiti.

ARTICLE - II

That on 14.08.2006 there was final inter house foot ball match between the students of Shivalik and Udaigiri houses of JNV, Nalbari. After the match all the students and teachers assembled at the assembly ground for evening assembly. The said Dr A.K.Mahanta asked Sri R.K.Mandali TGT (English) to announce the results of the match. Sri R.K.Mandali expressed his inability to announce the result as he was not feeling well and requested the said Dr A.K.Mahanta to announce the result for the day. However, the said Dr A.K.Mahanta insisted saying that it was his (Sri R.K.Mandali's) duty to announce the result and thus became furious and violent. In the presence of the students and staff he pushed and manhandled Sri R.K.Mandali. When Sri P.K.Singh PGT (Hindi) tried to stop the said Dr A.K.Mahanta, he misbehaved with him, pushed and manhandled him also in the presence of staff and students of JNV, Nalbari. Keeping in view the sensitivity and gravity of the situation, Principal called a meeting of the staff at 9.15 P.M on 14.08.2006 itself and maximum of the staff members condemned the act of said Dr A.K.Mahanta.

In this way the said Dr A..Mahanta has indulged in a behavior unbecoming of a Government Servant, thereby contravening Rule 3 (1) (iii) of CCS (Conduct) Rules, 1964 as applicable to the employees of Navodaya Vidyalaya Samiti.

ARTICLE - III

That due to unbecoming activities the said Dr A.K.Mahanta while working as PET at Jawahar Navodaya Vidyalaya, Kalaigoan during the period from August, 2003 to September, 2005, he was placed under suspension. In order to put pressure on the administration for revocation of his suspension he instigated and provoked the students against the vidyalaya administration and got issued a memorandum dated 08.08.2005 from Kalaigoan Anchalic Students' Union alleging regionalism and harassment to Dr A.K.Mahanta and his wife Mrs Babita Mahanta. He also got issued a news item in the local news paper dated 31.07.2005 thereby maligning the reputation of the organization in the estimation of general public.

In this way the said Dr A..Mahanta has indulged in a behavior unbecoming of a Government Servant, thereby contravening Rule 3 (1) (iii) of CCS (Conduct) Rules, 1964 as applicable to the employees of Navodaya Vidyalaya Samiti.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED
AGAINST DR. A.K.MAHANTA, PET, JNV, NALBARI, ASSAM ARE PROPOSED
TO BE SUSTAINED

ARTICLE - I

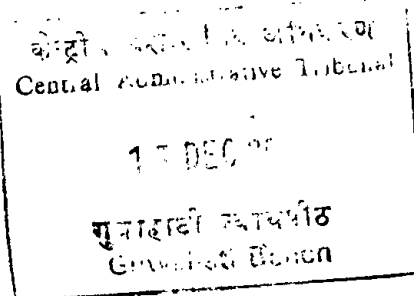
- 1] Statement of students of Class X.
- 2] Minutes of PTC Meetings.
- 3] Investigation report submitted by Sri K.C.Das, Assistant Commissioner.
- 4] Allegation by Sri Sanjay Kumar, Principal.

ARTICLE - II

- 1] Statement dated 15.08.2006 of Sri R.K.Mandali, TGT/Eng, JNV, Nalbari.
- 2] Statement dated 15.08.2006 of Sri P.K.Singh, PGT/Hin, JNV, Nalbari.
- 3] Statement dated 15.08.2006 of Sri A.G.Sharma, PGT/Bio, JNV, Nalbari.
- 4] Statement dated 12.12.2006 of Sri P.Madhavan, Principal, JNV, Nalbari.
- 5] Notice dated 14.08.2006 for meeting of staff of JNV, Nalbari.
- 6] Minutes of meeting of staff of JNV, Nalbari held on 14.08.2006

ARTICLE - III

- 1] News item published in the daily News Paper "Pratidin" dated 31.07.2005.
- 2] Letter dated 08.08.2005 from Kalaigoan Anchalic Students' Union.



ANNEXURE - IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED
AGAINST DR A.K.MAHANTA, PET, JNV, NALBARI (ASSAM) ARE PROPOSED
TO BE SUSTAINED

ARTICLE - I

- 1] Sri Madan Malakar, Parent of Class IX Student, PTC Member, Nalbari.
- 2] Master Direswar Boro, Class X, JNV, Nalbari.
- 3] Sri K.C.Das, Assistant Commissioner, NVS, Shillong.

ARTICLE - II

- 1] Sri R.K.Mandali, Ex-TGT (English), JNV, Nalbari.
- 2] Sri P.K.Singh, PGT (Hindi), JNV, Nalbari.
- 3] Sri A.G.Sharma, PGT (Biology), JNV, Nalbari.
- 4] Sri P.Madhavan, Ex-Principal, JNV, Nalbari.
- 5] Sri K.Zala, PGT (English), JNV, Nalbari.
- 6] Sri H.R.Singh, Ex-PGT (Physics), JNV, Nalbari.
- 7] Sri S.Bahuguna, Ex-TGT (Maths), JNV, Nalbari.
- 8] Sri A.Kumar, PGT (Geo), JNV, Nalbari.
- 9] Miss D.Nayak, Ex-FCSA, JNV, Nalbari.
- 10] Mrs P.Sarma, TGT (Assamese), JNV, Nalbari.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 DEC 2000

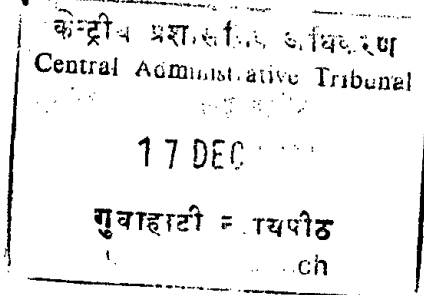
मुवाहादी न्यायपीठ
Bench

ARTICLE - III

- 1] Sri Tapas Kumar, Assistant, NVS, RO, Shillong.

-18-

ANNEXURE - F₁



Navodaya Vidyalaya Samiti
Regional Office, Shillong
Temple Road, Barik Point
Lachumiere, Shillong-793001
Tel : 0364-2500331/2500332
Email : nvgsoshillong@rediffmail.com
Website: www.nvgsoshillong.gov.in

NAVODAYA VIDYALAYA SAMITI

F 27/PF/BM-NVS(GHR)/Pcis / 3262

Dated: 23 Nov'2007

OFFICE ORDER

Sh. A.K. Mohanta, PET, who was posted to JNV, West Kameng Arunachal Pradesh after revocation of suspension is now posted on request to JNV, Ri Bhoi, Meghalaya

He is directed to report on duty in JNV, Ri Bhoi, Meghalaya with immediate effect.


(M.L. SHARMA) 23/11/07
DEPUTY COMMISSIONER

To,
A.K. Mohanta,
PET
JNV, West Kameng,
Arunachal Pradesh

Copy to :

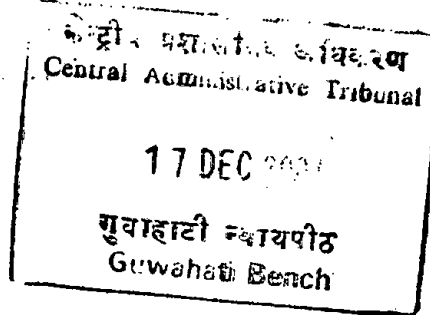
1. The Principal, JNV, West Kameng, Arunachal Pradesh.
2. The Principal, JNV, Ri Bhoi, Meghalaya


DEPUTY COMMISSIONER

Certified to be true

M. Khound.

Advocate.



Navodaya Vidyalaya Samiti,
Regional Office, Shillong,
Temple Road, Barik Point,
Lachumiere, Shillong-793001
Tel : 0364-2500331/2500332
Email : nvsroshillong@rediffmail.com
Website: www.nvsroshillong.gov.in

NAVODAYA VIDYALAYA SAMITI

F. 2-7/PF/BM-NVS(SHR)/Pers /37-61

Dated: 23 Nov'2007

OFFICE ORDER

Transfer of Mrs. B. Mohanta, Librarian, JNV, West Kameng Arunachal Pradesh is hereby modified on request to JNV, Ri Bhoi, Meghalaya

She is directed to report on duty in JNV, Ri Bhoi, Meghalaya with immediate effect.

M.L. Sharma
(M.L. SHARMA) 23/11/07
DEPUTY COMMISSIONER

To,

Mrs. B. Mohanta,
Librarian
JNV, West Kameng,
Arunachal Pradesh

Copy to :

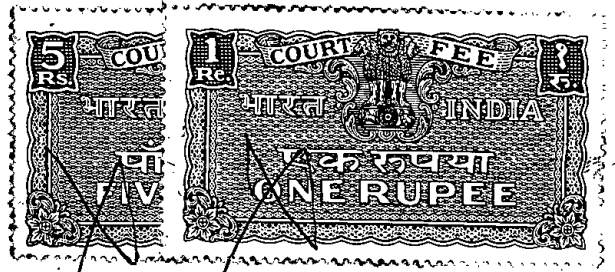
1. The Principal, JNV, West Kameng, Arunachal Pradesh.
2. The Principal, JNV, Ri Bhoi, Meghalaya

M.L. Sharma
DEPUTY COMMISSIONER 23/11/07

Certified to be true

K. Khound
Advocate

VAKALATNAMA



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH, GUWAHATI

O.A./R.A./C.P.M.A/PT/ _____ / No. 298 of 2007

..... Dr. Ashwin Kr Mahanta Applicant (s)

-Versus-

..... The Union of India & Ors. Respondent (s)

I, M. L. Sharma Applicant

No. / Respondent No. 3 in the above application/Petition do hereby appoint
Shri K.N. Chowdhury, Sr. Adv., Mrs. R.S. Chowdhury, ^{Ms. M. Khand} Advocate/s to appear, plead and act
for me /us in the above application/petition and to conduct and prosecute all proceedings
that may be taken in respect thereof including Contempt of court petitions and Review
applications arising therefrom and applications for return of documents/ enter into
compromise and to draw any moneys payable to me/us in the said proceeding.

Place :- Guwahati

M. L. Sharma
Signature of the Party

Date :- 17/12/07

Accepted

M. L. Khand
Accepted.

Executed in my presence

Signature with date
R.S. Chowdhury
(R.S. Chowdhury)

Signature

()

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A./~~R.A./C.P.M.A.P.T.~~ 298 /2007

Dr Ashwin Kumar Mahanta.....Applicant (s)

-Versus-

The Union of India & ors..... Respondent (s)

MEMO OF APPEARANCE

I, Rakhee Lianthia Chowdhury.....having been authorized

.....
by the Central/State Government/ Government Servant/ Navodaya Vidyalaya Society..... Authority/

Corporation/ Society notified under Sec. 14 of the Administrative Tribunal Act, 1985,

hereby appear for applicant No. / Respondent No. 2, ~~3~~ ^{and} 3 and undertake

to plead and act for them in all matters in the aforesaid case.

Place : Guwahati

Date : 17/12/07

Rakhee Lianthia Chowdhury
Signature and Designation of the Counsel

Address of the Counsel for service.

Mpham

NOTICE

Date : 17/12/07

From : Mrs. Manisha Khaund,
Advocate

To : Mr. R. Duarah,
Advocate for Applicant

Sub : O.A. No. 298 of 2007

Sri Ashwin Kumar Mahanta

... Applicant

-Vs-

The Union of India & Ors.

... Respondents

Sir,

Please find herewith a copy of the Affidavit filed on behalf of the Respondents No. 2 and 3 in the above noted case. Kindly acknowledge receipt of the same.

Manisha Khaund

(Manisha Khaund)
Advocate

Received copy:

Malabje Pathak
17/12/07
10:30 AM
for R. Duarah.