

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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P.D. 10/07/2015
SECTION OFFICER (JUDL.)

✓ 7-7-2015

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. Original Application No : 113 / 2009
2. Misc. Petition No : ----- in O.A. No.-----
3. Contempt Petition No : ----- in O.A. No.-----
4. Review Application No : ----- in O.A. No.-----
5. Execution Petition No : ----- in O.A. No.-----

Applicant (S) : Sri Harendra Nath Kalita

Respondent (S) : Union of India & ors.

Advocate for the : Mr. K.K. Mahanta, Sr. Advocate, Mr. K. Konwar,
{Applicant (S)} Mr. N.K. Kalita, Mr. M. Kotaki & Mr. M.K. Boro

Advocate for the : -----
{Respondent (S)} standing counsel, KVS.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C F No. 351308 351309 deposited No. 67E 999712 Dated 24.6.09</p> <p><i>[Signature]</i> Dy. Registrar 17.6.09</p> <p>17.6.09</p> <p>Five copies of application with envelopes received for issue notices to the Respondents No. 1 to 5. Copy served to the standing counsel, KVS. on 16.6.09.</p> <p><i>[Signature]</i> 17/6/09</p>	<p>24.06.2009</p> <p>/lm</p>	<p>Heard Mr. K. K. Mahanta, Sr. Advocate, appearing for the Applicant and perused the materials placed on record.</p> <p>Issue notice on the Respondents requiring them to file their written by 10.08.2009.</p> <p>Call this matter on 10.08.2009 awaiting written statement from the Respondents.</p> <p><i>[Signature]</i> (M.R. Mohanty) Vice-Chairman</p>

Case records
received on
3/8/09 at 2 P.M.

O.A. No. 113 of 2009

10.08.2009 Call this matter on
18.09.2009 awaiting written
statement from the Respondents.

Send copies of this order to
the Respondents in the address
given in the O.A.

(M.K. Chaturvedi)
Member(A)

(M.R. Mohanty)
Vice-Chairman

Notice & order
dated 24/6/09
sent to D/Sec.
for issuing to
resp. by regd.
A/D post.

Cas D/No-9217 to
3/8/09 Dt 9221
Dt 5.8.09

18.09.2009 No written statement has yet been
filed by the Respondents.

Call this matter on 04.11.2009 for
awaiting reply / written statement/
counter from the Respondents.

(M.K. Chaturvedi)
Member (A)

① Service report
awaited.

Send copy of this
order to the Respondents
in the address given in
O.A.

None appears for the parties, despite
second call, reply has not yet been filed. We
notice that Respondents have been served,
yet no appearance on their behalf. This is a
case where penalty of removal from service
has been inflicted vide order dated
04.07.2008 which was affirmed by Appellate
Authority on 23.10.2008. In the interest of
justice one more opportunity is granted to
Respondents to file reply.

List on 07.12.2009. Copy of this order
be sent to Kendriya Vidyalaya Office at
Guwahati requiring them to take steps to
prosecute the matter failing which necessary
inference will be drawn.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

Service served
for Resp'ts. No.
324.

27/8/09

No reply filed.

28/8/09 /bb/

Copies of order
dated 10/8/09 sent
to D/Sec. for issuing
to resp. by post.

Cas D/No-9542-9546
14/8/09 Dt 19/8/09
27/8/09

Notes of the Registry

Date

Order of the Tribunal

K.Das

Send topic of this order dt. 4.11.09 to Kendriya Vidyalaya office at Guwahati.

5/11/09

7.12.2009

Mr.M.K.Mazumdar, learned counsel for the Respondents states that reply will be filed during the course of the day. Rejoinder, if any, may be filed by the Applicant before the next date.

List the matter on 07.01.2010

(Mukesh Kumar Gupta)
Member (J)

Copies of order dt. 4/11/09

send to D/Sec. for issuing to the office at Guwahati. vide Resp. Nos 3 and 4 by post.

D/No-12585-12586

7.1.2010

10 days time is extended to the learned counsel for the Applicant to file rejoinder, as prayed for.

List the matter on 21.1.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

21.1.2010

Learned counsel for the Applicant seeks to be allowed three weeks time to file rejoinder.

List the matter on 10.2.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

10.2.2010.

Mr.P.B.Borthakur, Junior of Mr. K. K. Mahanta, learned counsel appearing for the applicant makes a prayer for two weeks time to file rejoinder.

List the matter on 2.3.2010.

(Madan Kumar Chaturvedi)
Member (A)

8.12.09

W/S filed by the Respondent through Mr. M.K. Mazumdar, Adv. for KVS.

W/S/12/05

No rejoinder filed.

6.1.2010

No rejoinder filed.

20.1.2010

No rejoinder filed.

2.3.2010

O.A.113-09

02.03.2010

Mr.K.Konwar appears for Applicant as proxy counsel. Rejoinder has been filed. Thus, pleadings are complete.

Admit. Subject to legal exception, if any, list for hearing on 24.03.2010.

No rejoinder
filed.

20
26.2.2010

No rejoinder filed.

20
23.3.2010

/bb/

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

24.03.2010

This being a Division Bench matter, adjourned to 04.05.2010.

(Madan K. Chaturvedi)
Member (A)

/bb/

04.05.2010

Applicant's service was terminated as Laboratory Attendant vide Memo dated 04th July 2008. His appeal dated 12th July 2008 against aforesaid penalty was also rejected vide order dated 23.10.2008.

Both sides have not placed on record so-called reply & appeal respectively submitted on 30th July 2008 as well as 12th September 2008. Respondents would have access to complete record and, therefore directed to place on record all such documents & material along with affidavit which were considered by them before taking impugned action. This shall be done within two weeks. The Applicant should also file affidavit placing on record whatever material he has in his possession, to support his contention that he had been suffering from certain disease. Both sides should exchange their affidavit.

List the matter on 25th May 2010.

Rejoinder not
filed.

20
24.5.2010

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/pb/

5-

O.A.113-09

25.05.2010

Proxy counsel for applicant prays for adjournment ^{stating that} Mr.K.K.Mahanta, senior counsel is not keeping well. List on 08.06.2010.

25.5.2010

Record has been filed by the L/Advocate for the Respondents at page no 45 to 106 at flap A with under taking to serve a copy to L/Adv for the Applicant.
25/5/2010

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

08.06.2010

None for the applicant. In the interest of justice adjourned to 17.06.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

nkm

The case is ready

17.06.2010

On the request of Mrs.U.Dutta, proxy counsel stating that Mr.M.K.Mazumdar, learned counsel for respondents is in personal difficulty, adjourned to 25.06.2010.

25.6.2010

Affidavit has been filed by the Applicant. Copy served.

25/6/2010

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

25.06.2010

Pursuant to order dated 04.05.2010, respondents have ^{placed} produced on record as many as 48 documents on 25.05.2010. Mr.M.K.Boro, learned counsel for applicant states that he also intends to file an affidavit placing on record certain medical papers, which were the basis for applicant's absence. He is permitted to file such documents.

List on 02.07.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)


/bb/

O.A. No. 113 of 2009

02.07.2010

Proxy counsel for Applicant states that Mr. K.K. Mahanta, Senior counsel is unwell and therefore prays for adjournment.

List on 13th July 2010 for hearing.


(Madan Kumar Chaturvedi)
Member (A)

/pb/


(Mukesh Kumar Gupta)
Member (J)

13.07.2010

None for the applicant. In the interest of justice adjourned to 19.7.2010.



(Madan Kumar Chaturvedi)
Member (A)

/pg/


(Mukesh Kumar Gupta)
Member (J)

19.07.2010


Being Division Bench matter, list on 2nd August 2010.


(Mukesh Kumar Gupta)
Member (J)


/PB/

02.08.2010


On the request of Mr.M.K.Boro, learned counsel for the applicant stating that Mr.K.K.Mahanta, Sr. Advocate, who has to to argue this matter is returning today only, adjourned to 04.08.2010.


(Madan Kumar Chaturvedi)
Member (A)

/bb/


(Mukesh Kumar Gupta)
Member (J)

The case is ready
for hearing


16.7.2010

O.A. 113/2009

04.08.2010

Heard Mr M.K.Boro, learned counsel for the applicant and Mr M.K.Mazumdar, learned counsel for the respondents. The principal contention raised by the applicant is that penalty of removal inflicted upon him is highly disproportionate, particularly when he had served for 25 years with unblemished career and no disciplinary proceeding was ever imposed upon him.

Reserved for orders.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/pg/

06.08.2010

Judgment pronounced, kept in separate sheets. O.A. is disposed of in terms of said order. No costs.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

Received. note dt. 6/8/10
M/K - Advocate for
CM-K. (M) Applicant
13/8/10

17.8.2010
Judgment/Binal
6.8.2010
anchur's send to the
D/S for passing
Vishal 1936 No 17-8-2010
1940

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI:**

O.T.A. No. 113 of 2009

Date of Decision: 06 .08. 2010

Sri Harendra Nath Kalita

Applicant/s

Mr.M.K.Boro

Advocates for the
Applicant/s

- Versus -

Union of India & Ors.

Respondent/s

Mr.M.K.Mazumdar

Advocate for the
Respondents

CORAM :

HON'BLE MR.MUKESH KUMAR GUPTA, MEMBER (J)
HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)

1. Whether reporters of local newspapers may be allowed to see the Judgment ?
2. Whether to be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?

~~Yes/No~~

~~Yes/No~~

~~Yes/No~~

Judgment delivered by


MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.113 of 2009

Date of Order: This the 6th Day of August 2010

HON'BLE MR.MUKESH KUMAR GUPTA, MEMBER(J)
HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER(A)

Shri Harendra Nath Kalita
LAB.ATTEENDENT, K.V.NEHU,
SHILLONG-793022.
Son of Late Kehoram Kalita
Resident of Village-Beharigaon
Post Office-Beharigaon,
Dist.Nagaon, Assam
Pin-402204

....

Applicant

By Advocate Mr.M.K.Boro

-Versus-

1. 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-110048
2. Kendriya Vidyalaya Sangathan,
Represented by its Commissioner
Institutional Area, Shaheed Jeet Singh Marg
New Delhi-110602
3. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, Khanapara
Jawahar Nagar, Guwahati-22
4. The Education Officer and
Appellate Authority,
Kendriya Vidyalaya Sangathan
(G.R.) Regional Office,
Jawahar Nagar, Khanapara, Guwahati-22
5. The Principal
Kendriya Vidyalaya NEHU, Shillong
NEHU Permanent Campus,
Umshing, Mawlai Mawkynroh,
Shillong-793022.

.....

Respondents

By Advocate Mr.M.K.Mazumdar

ORDER

MADAN KUMAR CHATURVEDI, MEMBER(A)

Applicant is aggrieved against the order dated 4.7.2008 by which he was removed from service under Article 31(d) of Kendriya Vidyalaya Sangathan Education Code (hereinafter called the 'code'). He makes a prayer for reinstatement and other consequential benefits including arrear pay etc.

2. Applicant was appointed as Grade D employee in Kendriya Vidyalaya Sangathan (KVS for short) and posted at Nagaon on 18.7.83. In the month of November 2000 he was promoted to the post of Laboratory Assistant and was posted at Borapani. Thereafter, in September, 2004 he was transferred and posted at Guwahati IIT, KV. In June 2005 he was posted to NEHU, Shillong.

3. On 7.3.2008 applicant made an application for one day casual leave for 10.3.2008 with permission to leave the station. Thereafter, as he did not join duty after the leave period, vide letter dated 15.3.2008

Principal of the KV passed the following order :

"You have been found absent from your duty with effect from 10th March 2008 till date, therefore you are directed hereby to report immediately to your duty within 7(seven) days from the date of issue of this Office Order. Otherwise disciplinary action will be taken against you."

Thereafter, on 31.3.2008 the following memorandum was issued :

"In continuation to this Office Order No.F.61/HNK)/KVN/2007- 081360 dated 15.03.2008, you have been found absent from your duty with effect from 10th March 2008 till date, therefore you are directed hereby to report immediately to your duty within 07.04.2008. Otherwise disciplinary action will be taken against you."



4. On 23.5.08 show cause notice was issued on the applicant giving 10 days time to file his reply. The show cause notice under Article 81 (d) of the code was issued on 23.5.2008 as under :

"Shri Haren Kalita is hereby informed that he has remained absent for a period from 07.03.2008 to onwards, (which is more than 15 days) without sanctioned leave. Shri Haren Kalita has neither reported for duty within the aforesaid period of more than 15 calendar days nor satisfactorily explained the reasons for his absence in terms of sub-clause(1) of clause (d) of Article 81 of the Education code. He is deemed to have voluntarily abandoned his service and thereby provisionally lost lien on his post.

As required under sub-clause (3) of Clause (d) of Article 81, this order is hereby made recording the factum of voluntary abandonment of service by Shri Haren Kalita and provisional loss of his lien on (post) and the same is hereby communicated to him accordingly.

As further required under Sub-clause (3) of Clause (d) of Article 81, Shri Haren Kalita is hereby given the opportunity to show cause as to why the aforesaid order of provisional loss of lien should not be confirmed.

Shri Haren Kalita may make written representation to Shri Nanda Singh, Principal KV NEHU Shillong, within 10 days of the receipt of this order failing which an order shall be passed confirming the loss of lien on the post held by him and, in that case, he shall be deemed to have been removed from the service of the Kendriya Vidyalaya Sangathan as per the provision of Article 81 (d)"

Finally on 4.7.2008 applicant was removed from service by the following order:


"The show cause notice under Article 81 (d) 3 was served to Shri H.Kalita vide order F-61/PF (HNK)/KVN/2008-09/356-57 dated 23.05.08. Shri H.Kalita did not make written representation against the action to be taken even after the 10 days of receipt of the order. Consequently an order is passed confirming the loss of lien on the post of Laboratory attendant held by him and, in this case, he is deemed to be removed from the service of Kendriya

Vidyalaya Sangathan as per the provision of Article 81 (d). His removal from the service will come into effect from 07-03-2008 (7th March 2008), the date from which he was on unauthorized leave."

5. Being aggrieved by the aforesaid order applicant preferred appeal which was rejected vide order dated 4.7.2008. Against the aforesaid rejection applicant has preferred this O.A.

6. Mr M.K.Boro, learned counsel for the applicant appeared before us. It was submitted that due to some unavoidable reasons applicant could not reply the show cause notice in time nor he could attend duty. According to learned counsel applicant was seriously ill. He is the only male member in the family. His daughter is suffering from schizophrenia and his wife is illiterate lady and she was busy in attending the applicant and his daughter as such information in this regard could not be given to the respondents. The reasons for absence was communicated to the Principal KV, Shillong vide letter dated 30.7.2008. Learned counsel produced before us the medical certificates to prove the factum of applicant's as well as his daughter's illness. Reliance was placed on the decision of the Hon'ble Supreme Court rendered in the case of Pepsu Road Transport Corporation vs. Rawel Singh, (2008) 4 SCC 42.


7. Mr M.K.Mazumdar appeared on behalf of Respondents. It was submitted by Mr Mazumdar that since inception applicant was irregular and negligent. He was served with show cause notice under article 81 (d) of the code by the authority on 17.5.06. Thereafter, on receipt of assurance letter dated 15.11.06 from the applicant the Principal allowed him to join vide memo dated 15.11.06. Again on 11.6.07 he left Vidyalaya without taking station leave or without giving any information.



Thereafter he reported for duty on 01.09.2007 with pretext of illness. He was allowed to join duty on 10.9.07. According to learned counsel applicant become habituated to leave Vidyalyaya without taking any leave. On 23.05.08 a show cause notice was served upon the applicant but he did not respond. The respondent No.5 wrote a letter on 9.6.08 to the General Post Master Shillong as to whether the applicant received the notice. The Postmaster confirmed the delivery. After expiry of reasonable time for submission of reply on 4.7.08 order of removal was passed as per the prescription of Article 8(d), of the code.

8. We have heard rival submissions in the light of material placed before us and precedents relied upon. From the evidence adduced it appears that applicant was not maintaining good health during the relevant period. He was under the treatment of a doctor who advised him complete rest. Moreover, his daughter was suffering from schizophrenia. His wife could not communicate the factum of his illness to the office as because she was illiterate, besides she was busy in looking after the ailing husband and daughter. Due to these reasons the notice issued by respondents could not be responded.

9. In the case of Pepsu Road Transport Corporation (*supra*) when allegations were leveled against the respondents, notice was issued and enquiry was conducted but respondent did not participate in the enquiry and the same was held *ex parte* and order of termination was passed. The charge leveled against the respondent were proved. After the enquiry report, again show cause notice was issued and respondent was asked to submit his reply within fifteen days. But the respondent failed to do so. In the fresh enquiry also show cause notice was issued but



respondent did not participate. On these factual matrix the Hon'ble Supreme Court has held as under :

"In our considered opinion, submission of the learned counsel for the respondent workman is well founded that this Court while exercising power under Article 136 of the Constitution may not interfere with that part of the order. The dismissal of workman on the ground of absence for few days, according to the Labour Court, was grossly disproportionate and excessively high. In our judgment, the Labour Court had not committed error of law in recording such finding. Reinstatement granted to the respondent workman, therefore, needs no interference."

(emphasis ours).

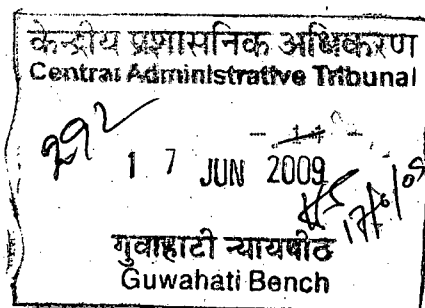
10. Having regard to the facts we hold that there exist a reasonable cause for the absence, respectfully following the decision of the Hon'ble Supreme Court, we direct the respondents to treat the applicant in continuous service. He will also be entitled to consequential benefits on setting aside of dismissal order but he will not be entitled to arrear pay for the period for which he has not worked.

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


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER


(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

PG



DISTRICT - NAGAON

In the Central Administrative Tribunal, Guwahati Bench

D.A. No. 113 09

Shri Harendra Nath Kalita

...Applicant

- Vs -

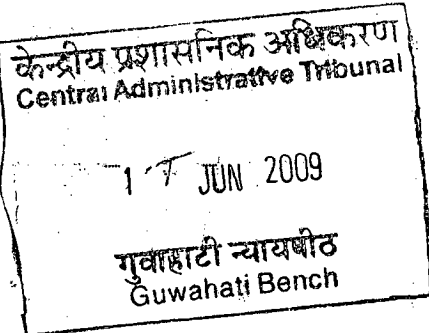
The Union of India and Others

.. Respondents

SYNOPSIS

The applicant, till recently, was working as Laboratory attendant at Kendriya Vidyalaya NEHU, Shillong. But the authority vide its order dated 04.07.08 removed him from service on the ground of voluntary abandonment of service and the Appellate Authority also upheld the said order vide its order dated 23.10.2008. The case of the applicant is that, on 07.03.08 he made an application before the authority seeking one day casual leave with station leave for the date of 10.3.2008 and authority also granted the same. It is stated that 07.03.08 was a Friday and the next days i.e. 08.03.08 and 09.03.08 were holidays being second Saturday and Sunday respectively. The applicant on 07.03.08 after office hour left for his home/native place

Contd/-...

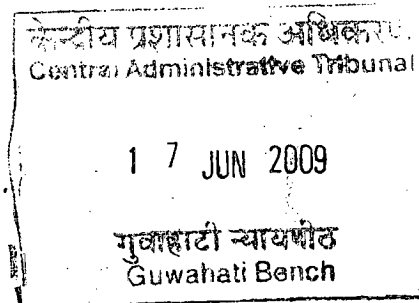


Bihorigaon situated in Nagaon district of Assam. At the time of his leaving for his native place/home he was not keeping well and after reaching home his physical condition further deteriorated. Ultimately, the applicant visited a doctor and after medical examination he was found suffering from malaria associated with jaundice etc. The doctor advised him to take 3 months rest. Therefore, despite his due diligence, the applicant failed to report for duty immediately after expiry of leave. The authority without considering the facts of the case mechanically issued the impugned order dated 04.07.08 without holding any inquiry and giving opportunity to the petitioner of being defended and the appellate authority also without applying its mind passed the impugned order dated 23.10.08 upholding the removal order dated 04.07.08. Being aggrieved the applicant has preferred this application.

Filed by -

(Signature)
I.K. Karmar
ADVOCATE 1616109

Contd/-...



District - NAGAON

In the Central Administrative Tribunal Guwahati Bench

O.A. No. 113 09

Shri Harendra Nath Kalita

..Applicant

- Vs -

The Union of India and Others

.. Respondents

LIST OF DATES

18.7.1983 The applicant was duly appointed as Grade-D employee in Kendriya Vidyalaya Sangathan by the authority and posted at Nagaon K.V., Assam.

November/2000 The applicant got promoted to the post of Laboratory Attendant/Assistant and was posted at Borapani K. V., Shillong, Meghalaya.

September/2004 Applicant was transferred and posted at Gauhati IIT, K.V.

June/2005 The authority again transferred the applicant and posted him at K.V. NEHU, Shillong, Meghalaya.

Contd/-...

— 17 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

07.03.08 The applicant applied for one day casual leave for the date of 10.3.2008 with station leave and the authority granted the same. After office hour applicant left for his native place. Bihorigaon in Nagaon District, Assam. After reaching home his physical condition further deteriorated.

11.03.08 Applicant visited a doctor and after medical examination he was found suffering from malaria and jaundice etc. The doctor advised him to take rest for 3 months.

(Annexure - 1 Page - 16-17)

15.3.08 The principal directed the applicant to report for duty within 7 (seven) days.

(Annexure - 2 3 Page - 20)

31.03.08 Principal issued another letter asking ^{the applicant} to report for duty with 07.04.08.

(Annexure - 4 Page - 21)

23.5.08 The principal issued show-cause notice upon the petitioner giving 10

Contd/-...

17 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

days time to file his reply, otherwise applicant would loss his lien in the post and he would be removed from service. Applicant could not filed his reply due to his illness.

(Annexure - 5 Page - 22)

04.07.08

The principal issued the impugned order removing the applicant from his service.

(Annexure - 6 Page - 23)

12.09.08

The applicant preferred an appeal before the Appellate Authority challenging the order dated 04.07.08.

23.10.08

The appellant authority rejected the said appeal and upheld the order date 04.07.08.

(Annexure - 7 Page - 24-25)

Hence this application

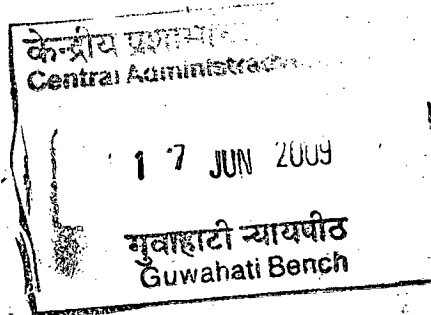
Filed by -

Rumud Kaur

Advocate

16/6/09

Contd/-...



District - NAGADON

In the Central Administrative Tribunal Guwahati Bench

O.A. No. 113 09

Shri Harendra Nath Kalita

Applicant

- Vs -

The Union of India and Others

Respondents

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Filed by -

Kumud Kumar
Advocate 161609

Contd/-...

17 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- 1 -

DISTRICT - NAGAON

In the Central Administrative Tribunal · Guwahati Bench

D.A. No. 113 /2009

Shri Harendra Nath Kalita
LAB. ATTENDENT, KV NEHU, SHILLONG-793022. ✓
son of Late Kehoram Kalita
resident of Village - Biharigaon
Post Office- Beharigaon,
Dist. Nagaon, Assam.
PIN - 402204 ✓

....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 - 110048. ✓

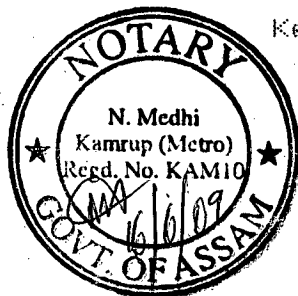
2. Kendriya Vidyalaya Sangathan,

represented by its Commissioner
Institutional Area, Shaheed Jeet Singh
Marg, New Delhi - 110602. ✓

3. The Assistant Commissioner

Kendriya Vidyalaya Sangathan,

Contd/-....



Filed by the applicant.

Harendra Nath Kalita.

Through - Kundu Kumar, Advocate.
16/6/09

17 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- 2 -

Regional Office, Khanapara,
Jawahar Nagar, Guwahati-22. ✓

4. The Education Officer and
Appellate Authority, Kendriya Vidyalaya
Sangathan (G.R.) Regional Office,
Jawahar Nagar, Khanapara, Guwahati-22. ✓

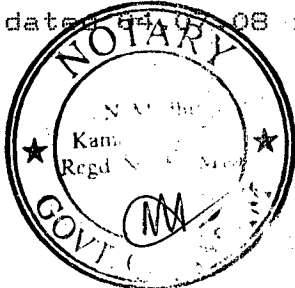
5. The Principal
Kendriya Vidyalaya NEHU, Shillong,
NEHU Permanent Campus,
Umshing, Mawlai Mawkynroh,
Shillong - 793022. ✓

...Respondents...

DETAILS OF APPLICATION

Particulars of Order against which this Application is
made -

1. This application has been preferred by the
applicant against the impugned order bearing Ref No.
F.61/PF(HNK) / KVN/2008-09/541 dated 04.07.08 issued by
the Respondent No.5 removing the applicant from the
service, and the impugned order bearing F. No. 2-
28/2008/KVS GR-17854-57 dated 23.10.2008 passed by
the Respondent No. 4 upholding the impugned order
dated 04.07.08 issued by the respondent No.5.



Contd/-...

Bharendra Nath Kalita

17 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- 3 -

2. JURISDICTION OF THE TRIBUNAL

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

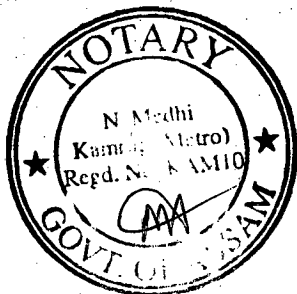
3. Limitation -

The applicant declares 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 a permanent resident of Village - Bihorigaon, District - Nagaon, Assam and is a citizen of India by birth. As such, the applicant is entitled to the rights, protections, 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 in force.

(B) That the applicant, till recently, was working as Laboratory attendant/Assistant at Kendriya Vidyalaya NEHU, but the authority vide order dated 4.7.08 removed him from service on the ground of voluntary abandonment of service and the ap-



Contd/-...

Harendra Nath Kalita.

17 JUN 2009

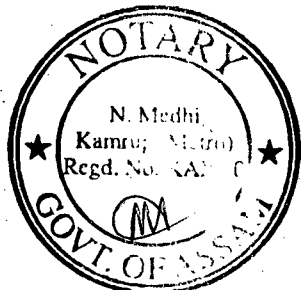
गुवाहाटी न्यायपीठ
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pellate authority also upheld the said order vide its order dated 23.10.2008.

C. That the applicant was initially appointed by the authority as a Grade D employee on 18.07.1983 and his first place of posting was Kendriya Vidyalaya, Nagaon. Since then, the applicant had been discharging his duty with utmost dedication and sincerity to the satisfaction of all concerned without any blemish so far.

D. That in the month of November, 2000 the petitioner was promoted to the post of laboratory attendant and posted on transfer at Kendriya Vidyalaya, Borapani, Meghalaya. In the month of September, 2004 the authority transferred the applicant to Guwahati I.I.T. Kendriya Vidyalaya, but in June/2005, the authority again transferred the applicant and posted him at NEHU Kendriya Vidyalaya, Shillong. The applicant states that it was his second transfer in less than 10 (Ten) months.

E. That the applicant states that while he was working in Kendriya Vidyalaya NEHU, Shillong, on 07.03.08 he made an application before the authority (the principal) seeking one day casual leave with station leave for the date of 10.03.08 and authority also granted the



Contd/-...

Harendra Nath Malita.

17 JUN 2009

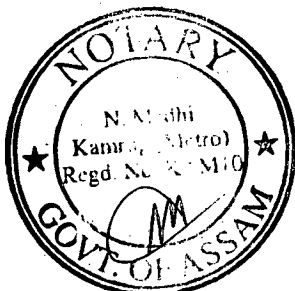
गुवाहाटी न्यायपीठ
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same. It is stated that 07.03.08 was a Friday and the next days i.e. 08.03.08 and 09.03.08 were holidays being second Saturday and Sunday respectively. The applicant on 07.03.08 after office hour left for his native place/home situated at Bihorigaon in the district of Nagaon, Assam just to return back to his place of work by afternoon on 10.03.08 so that he could report for his duty on 11.03.08.

P. That the applicant states that at the time of his leaving for his home he was not keeping well and was suffering from fever and physical weakness for about 2/3 days. It is stated that after reaching home applicant's physical condition further deteriorated and ultimately he was taken to a doctor on 11.03.08. After doing medical examination he was found suffering from malaria, Jaundice etc. The doctor advised him at least 3 (Three) months complete rest for recovery. The applicant states that during the aforesaid period he was under constant medication and remained bed ridden. As a result he could not rejoin his duty immediately after expiry of his leave.

A copy of the Medical certificate dtd.11.03.08 issued by the attending doctor is annexed hereto and marked as Annexure-1.

Contd/-...



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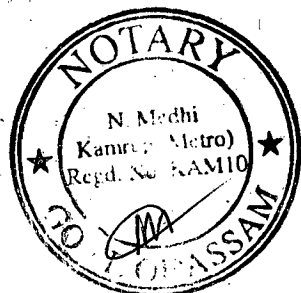
17 JUN 2009

गुवाहाटी न्यायपीठ
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G. That the applicant states that his native Village Biharigaon is a very interior place of Nagaon district and it is also not well connected with the rest of the district by the public transportation system. It is further stated that he has a family of three members consisting of his wife, one minor daughter and himself. The applicant used to stay at his place of posting alone leaving his wife and minor daughter at his home. The applicant states that his wife is a simpleton, rustic village Women and his minor daughter also has been suffering from psychiatric disorder for more than one year and she is still under constant treatment and Medication.

A copy of the Medical certificate dtd. 16.02.09 issued by the Doctor is annexed here to and marked Annexure-2

H. That the applicant states that the school authority i.e. respondent No.5 issued an office order vide Ref.No.F.61/PE(HNK)/KVN/2007-08/1360 dtd. 15.03.2008 stating inter-alia that the applicant had been found absent in duty w.e.f. 10.03.08. and as such directed the applicant to report immediately to his duty within 7 (seven) days from the date of issuance of the said order and that otherwise disciplinary action would be taken against him / the applicant.



Contd/-...

Arendra Nath Kalita.

17 JUN 2009

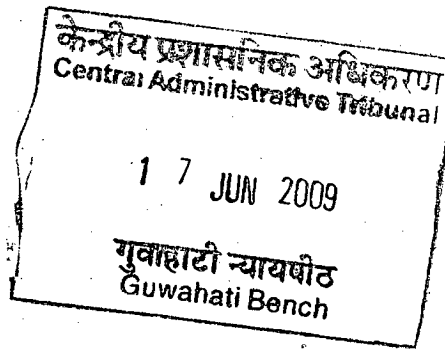
गुवाहाटी न्यायपीठ
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Thereafter, the respondent No.5 issued another order/memorandum vide Ref. No. F.61/PF (HNK)/KVN/2007-08/14-69 dated 31.03.2008 upon the applicant stating inter-alia that the applicant has been found absent in duty w.e.f. 10.3.2008 and therefore he was directed thereby to report immediately to his duty within 07.04.08, otherwise disciplinary action would be taken against him. It is to be mentioned here in that at the time of issuance and causing service of the said office orders, he was seriously ill and was totally bed-ridden. The applicant states that while he was still in the sick bed he received a show cause notice issued by the respondent No.5 vide Ref. No. F.61/PF (HNK)/KVN/2008-09/357 dated 23.5.08. In the said show cause notice it was stated inter-alia that the applicant had remained absent from 07.03.08 till that date, which was more than 15 days, without sanctioned leave and that since, the applicant neither reported for duty within the aforesaid period of more than 15 calendar days nor satisfactorily explained the reasons of his absence he deemed to have voluntarily abandoned his service and thereby provisionally lost lien on his post. In the said show - cause notice the authority directed the applicant to show cause as to why the order of provisional loss of lien should not be confirmed and it was also directed that the said



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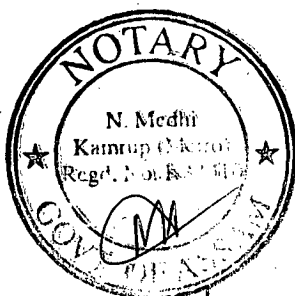
Harindra Nath Kalita.



reply should be filed within 10 days from the date of receipt of the said show cause notice, failing which an order would be passed confirming the loss of lien on the post held by the applicant and, in that case, the applicant would be deemed to have been removed from service. It is stated that despite his due diligence he could not report for his duty on time and also failed to give reply to the said show cause notice due to his fragile health and illness as stated above.

Copies of the said office orders dated 15.03.08 and 31.03.2008 and the show cause notice dated 23.5.08 are annexed hereto and marked as Annexures - 3 and 4 and 5 respectively.

(F) That the applicant states that while he was gradually recovering from illness and preparing to go to his place of work to report for duty, suddenly he received the impugned order of his removal from service issued by the respondent No.5 vide Ref. No. F. 61/FF (PNK) /KVN/2008-09/541 dated 04.07.08. In the said removal order it was stated inter-alia that since the applicant did not make his representation in response to the action proposed to be taken against him pursuant to the show cause notice dated 23.5.08



Contd/-...

Handwritten signature: Harendra Nath Holida.

17 JUN 2009

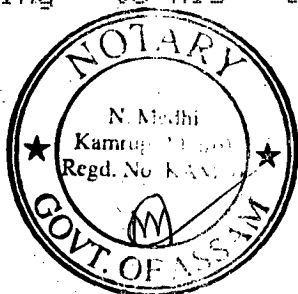
गुवाहाटी न्यायपीठ
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even after the 10 days of receipt of the said notice, an order was passed confirming the loss of lien on the post of Laboratory attendant held by the applicant and, consequently the applicant was deemed to be removed from the service w.e.f. 07.03.2008, the date from which he was allegedly on unauthorised leave.

It is to be stated here in that although he tried hard to report for duty at the earliest possible time but he failed to do so because of his ill health. At the same time the condition of his minor daughter (mental illness) further aggravated, as a result, he had to stay back home for some more time for her treatment.

A copy of the said impugned order dated 04.07.08 is annexed hereto and marked as Annexure - 6.

J. That the applicant states that after receiving the copy of the said impugned order dated 4.7.08 and being aggrieved the applicant filed a representation before the principal of the school on 30.07.08 stating all the facts and circumstances relating to his unauthorised absence ^{over stay of leave} and prayed



Contd/-...

Harendra Nath Gogoi.

17 JUN 2009

गुवाहाटी न्यायपीठ
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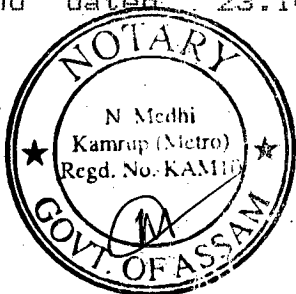
to re-instate him into service by setting aside the impugned order dated 04.07.08. In response to the said representation dated 30.07.08 the principal vide its office Instruction ref. No. F-61/KVN/2008-09/800 dated 23.8.08 advised the applicant to prefer an appeal before the Appellate Authority if he so desires. Accordingly the applicant filed an appeal before the Appellate Authority on 12.9.08 through registered post. Subsequently the Appellate authority vide its order bearing F. No. 2-28/2008/KVSGR-17854-57 dated 23.10.2008 dismissed the said appeal upholding the order dated 4.7.08 passed by the authority.

A copy of the order dated 23.10.2008 is annexed hereto and marked as Annexure-7.

REASONS FOR RELIEF WITH LEGAL PROVISIONS -

5. (i) For that the action of the respondents are highly illegal, unjust, unfair, arbitrary and whimsical and as such not sustainable in law and is liable to be quashed and/or set aside.

(ii) For that, the impugned order dated 04.07.08 and dated 23.10.2008 passed by the Disciplinary



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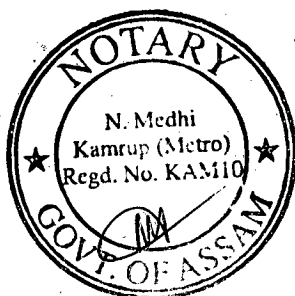
17 JUN 2009

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Authority and Appellate Authority respectively cannot sustain the scrutiny of law as because both orders were passed in a most mechanical way without proper application of mind there-by arrived at a wrong conclusion.

(iii) For that, the penalty inflicted upon the petitioner by the authority is totally disproportionate, and vitiated by non-application of mind and wrong appreciation of the facts and circumstances of the case. As such the impugned orders is liable to be quashed, set aside.

(iv). For that, the Disciplinary Authority passed the impugnd order dated 04.07.08 in a most arbitrary, whimsical and unfair manner without following the procedures laid down in the Central Civil Service (Classification, Control, and Appellate) Rule, 1965. The Appellate Authority also committed gross illegalities in upholding the order passed by the Disciplinary Authority (Order dated 04.07.08) as much as it has failed to consider that the Disciplinary Authority did not follow the laid down procedures in passing the impugned order dated 04.07.08. Hence the impugned order 04.07.08 passed by the Disciplinary Authority and the impugned order dated 23.10.2008



Contd/-...

Harindra Nath Malhotra

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passed by the Appellate Authority are liable to be quashed.

v. For that, the Appellate Authority came into a finding that the applicant is a habitual absentee and thereby allowed the authority to brought a new case against the applicant to justify the actions taken by the Disciplinary Authority, which is out and out illegal. It is stated that no notice^o was served upon the applicant into that effect; no charge sheet was ever framed against the applicant, no enquiry officer was appointed and no opportunity was also given to the applicant to defend his case and, as a result, the Appellate Authority has come to a wrong conclusion and passed the impugned order dated 23.10.08 behind the applicant's back in a most arbitrary manner. Hence, the impugned order 23.10.2008 passed by the Appellate Authority can not sustain in the eyes of law and as such liable to be quashed and set aside.

vi. For that in any view of the matter the impugned orders are not sustainable in law and hence liable to be quashed.

DETAILS OF REMEDIES EXHAUSTED -

6. Departmental appeal was preferred and decided against this appellant.



Contd/-....

Shavendra Nath Malhotra

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

17 JUN 2009

गुवाहाटी न्यायपीठ
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6A. 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 other case pending before any other court/tribunal.

8. RELIEF SOUGHT FOR

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

(i) the impugned orders dated 04.07.08 and 23.10.08 (Annexure -687 respectively) be quashed and/or set aside.

(ii) Direction be issued to reinstate the applicant in his post and pay him all service benefits including the arrear pay etc.

9. PARTICULARS OF POSTAL ORDER

IPO No. 69F 351308, 69F 351309, 69E 999717

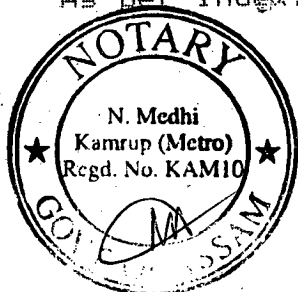
Date of Issue - 24.4.09

Issued From Guwahati G.P.O

Payable at - Guwahati

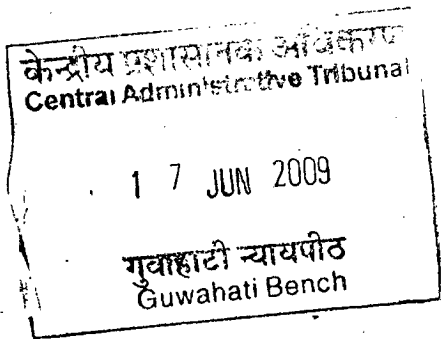
10. LIST OF ENCLOSURES.

As per index.



Contd/-...

Shriendra Nath Gauda.



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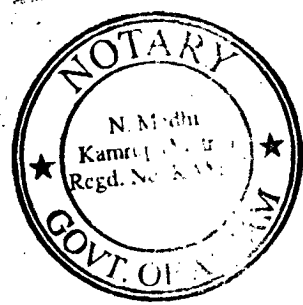
VERIFICATION

I, Shri Harendra Nath Kalita, Son of Late Kehoram Kalita, aged about 51 years, was working as Laboratory attendant in the office of K. V. NEHU, Shillong, Meghalaya, resident of Village- Biharigaon, Post office - Beharigaon, District - Nagaon, Assam, do hereby verify that the contents of paras 1, 2, 3, 4(A, B, C, D, E, F, G, H, I, J) and 6, 6(A) 7, 8(ii) 9, 10 to — are true to my personal knowledge and paras 5(i)(ii)(iii)(iv)(v)(vi) to — believed to be true on legal advice and that I have not suppressed any material fact.

Date : 16-6-09

Place : Guwahati Harendra Nath Kalita.

Signature of the Applicant



Solemnly affirmed before me

N. Medhi
16/6/09
N MEDHI
Advocate / Notary

17 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

AFFIDAVIT

I, Shri Harendra Nath Kalita, son of Late Kehor-
am Kalita, aged about 51 years, resident of Village -
Biharigaon, Post Office- Beharigaon in the district of
Nagaon, Assam, do hereby solemnly affirm and declare
as follows -

1. That I am the Applicant in the instant case
and as such I am well conversant with the facts and
circumstances of the case and competent to swear this
affidavit.

2. That the statement made in this affidavit
and in the accompanying petition in paragraphs

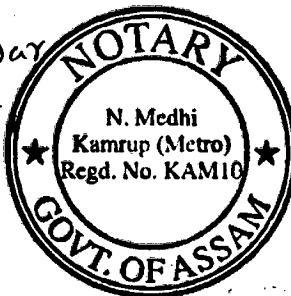
are true to my knowledge,
those made in paragraphs in this accompanying petition
in paragraphs are
true to my information derives from the records which
I believe to be true and the rest are my humble submis-
sions before this Hon'ble Court.

And I sign this affidavit on this 24th day of
April, 2009 at Guwahati.

Harendra Nath Kalita.

Identified by

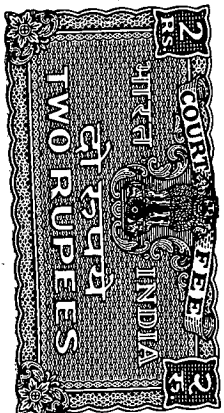
Shruti Tamkdar
16/6/09
Advocate's Clerk

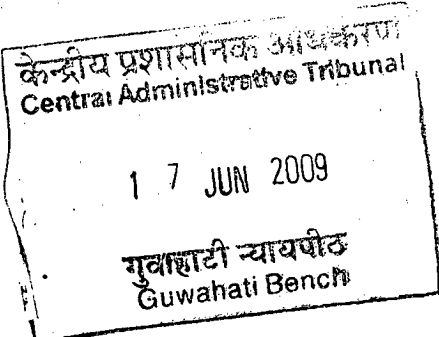


DEPONENT

Solemnly affirmed before me

N. Medhi
16/6/09
N MEDHI
Advocate/Notary





Annexure -1

(Typed Copy, relevant part only)

Dr. Pradip Kr. Borah
M.B.B.S (DIB) PGD MCH, MD (AM), FRSH, AHS
Sr. Medical & Health Officer

Name of the patient - Sri Harendra Nath Kalita
Age - 50 years,
Sex - Male

Address - Birhoigaon, Date - 11.3.08

TO WHOM IT MAY CONCERN

Certified that Sri Harendra Nath Kalita, aged about 50 years of village Birohigaon, P.S. Sadar, District - Nagaon, (Assam) is examined on 11.3.08 and found suffering from Malaral fever Jaundice, RTI TCUS. Advised rest for 3 (three) months w.e.f. 12.3.08 to 12.6.08.

Sd/- Illegible

11.3.08

Dr. P.K. Borah

S. M. & H.O.

Kathiatoli PHC,

Certified True Copy

[Signature]
Advocate

Contd/-...

Dr. Pradip Kr. Borah

M.B.B.S., (DIB) PGD MCH, MD (AM), FRSH, AHS

Sr. Medical & Health Officer

- Specialist in Maternal & Child Health.
- Experienced Physician in Malaria, Kathiatoli PHC, Trained in Malariology, Guwahati
- Trained in MTP (Abortion) & Standard Sterilisation at GMCH, Guwahati, for MTP, Facility of Machine is available.
- Trained in T.B.

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Annexure - 1

ডাঃ প্রদীপ কুমাৰ বৰা

M.B.B.S., (DIB) PGD MCH, MD (AM), FRSH, AHS

জ্যেষ্ঠ স্বাস্থ্য বিষয়া

- শিশু ও মাতৃ যোগৰ বিশেষজ্ঞ
- গুৱাহাটীত মেলেৰিয়াৰ প্ৰশিক্ষণপ্ৰাপ্ত অভিজ্ঞ চিকিৎসক, কঠিয়াতলি পি.এইচ.চি.
- গৰ্ভপাত ও বন্ধ্যাকৰণৰ প্ৰশিক্ষণপ্ৰাপ্ত, গৰ্ভপাতৰ বাবে যান্ত্ৰিক ব্যৱস্থাৰ সুবিধা উপলব্ধ।
- যক্ষ্মাবোগৰ প্ৰশিক্ষণপ্ৰাপ্ত।

Name of the Patient Sr Harendra Nath Kalita Age 50 yrs., Sex : Male / Female
Address Birchigoon Date 14-3-08

C/C

OE

Lab. Investigation

R
TO WHOM IT MAY CONCERN.
Certified that Sr Harendra
Nath Kalita, aged 50 yrs of village -
Birchigoon, P.S - Sadar, Dist Nagaon
(Assam) is examined on 14-3-08 and
found suffering from palmar flexor
tendinitis, RT & LUS. Advised rest
for 3 (Three) months w.e.f 12-3-08 to
12-6-08.

14-3-08
DR. P. K. BORAH
S.M. & H.O.
Kathiatoli PHC.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

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गुवाहाटी न्यायपीठ
Guwahati Bench

Wish You Happy Recovery. Next Visit After 5 Days

Certified True Copy

1. Chm
Advocate

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
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गुवाहाटी न्यायपीठ
Guwahati Bench

Annexure - 2

Certified, that Miss Anamika Kalita aged 16 years, D/o. Shri Harendra Nath Kalita of Village Bihorigaon of District - Nagaon has been suffering from Psychiatric disorder. She has been under treatment of PSY OPD of B.P. Civil Hospital, Nagaon from 5.2.08 till date as advised.

Sd/- Illegible

Sr/. Medical & Health Officer
B.P. Civil Hospital Nagaon

Certified True Copy
Advocate

Contd/-...

Annexure - 2

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To whom it may concern

A minor lady miss Angimika
Kalita aged 16 yrs do son
Harundin Nalu Kalita of village
Bihonigra of Dist - Nagaon
has been suffering from
Psychiatric disorder. She has been
under treatment of Psy. opp. of
B.P. Civil Hospital, Nagaon from
8/2/2008 till date as
advised.

केन्द्रीय प्रशासनिक आयोग
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Sr. Medical & Health Officer
B.P. Civil Hospital Nagaon
Dr. T. Suman
Nagaon

Certified True Copy
1/Adv
Advocat.

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Annexure - 3



KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू, शिलांग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस, उमसिंग
MAWLAI MAWKYNROH SHILLONG - 793022

KV CODE: 1493
Station Code: 266
Administration

Phone No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004
Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

Ref. No: F. 61/PF(HNK)/KVN/2007-08/1360

Date: 15.03.2008

Office Order

You have been found absent from your duty with effect from 10th March 2008 till date, therefore you are directed hereby to report immediately to your duty within 7(seven) days from the date of issue of this Office Order. Otherwise disciplinary action will be taken against you.

To

Mr. H.N.Kalita,
Vill-Biharigaon,
P.O. Biharigaon,
District Nowgong.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

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गुवाहाटी न्यायपीठ
Guwahati Bench

(Nanda Singh)

Principal

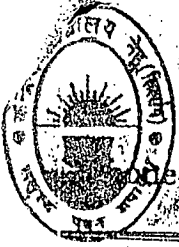
Principal प्राचार्य

K. V. NEHU के. वि. नेहू,

Shillong-22 शिलांग-22

Certified True Copy

Advocate



KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू शिलांग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस उमशिंग
MAWLAI MAWKYNROH SHILLONG - 793022

Phone No: 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004
Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

KV CODE: 1493
Station Code: 266
Administration

Ref. No. F. 61/PF(HNK)/KVN/2007-08/14-69

Date: 31.03.2008

Memorandum

In continuation to this Office Order, No. F. 61/(HNK)/KVN/2007-08¹³⁶⁰ dated 15.03.2008, You have been found absent from your duty with effect from 10th March 2008 till date, therefore you are directed hereby to report immediately to your duty within 07.04.2008. Otherwise disciplinary action will be taken against you.

To

Mr. H.N.Kalita,
Vill-Biharigaon,
P.O. Biharigaon,
District Nowgong.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

17 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Principal

Principal प्राचार्य
K. V. NEHU के. वि. नेहू.
Shillong-22 शिलांग-22

✓ Copy to Assistant Commissioner (GR)
for information & necessary
Action please.

Certified True Copy

[Signature]
Advocate

-22-

Annexure - 5



KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू, शिलांग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस, उम्सिंग
MAWLAI MAWKYNROH SHILLONG - 793022

No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004
Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

KV CODE: 1493
Station Code: 266
Administration

Ref. No. F. 61/FF(HNK)/KVN/2008-09/357

Date: 23.05.2008

Show-cause notice under Article 81(d)(3)

Shri Haren Kalita is hereby informed that he has remained absent for a period from 07.03.2008 to onwards, (which is more than 15 days) without sanctioned leave. **Shri Haren Kalita** has neither reported for duty within the aforesaid period of more than 15 calendar days nor satisfactorily explained the reasons for his absence in terms of sub-clause (1) of clause (d) of Article 81 of the Education code. He is deemed to have voluntarily abandoned his service and thereby provisionally lost lien on his post.

As required under sub-clause (3) of Clause (d) of Article 81, this order is hereby made recording the factum of voluntary abandonment of service by **Shri Haren Kalita** and provisional loss of his lien on (post) and the same is hereby communicated to him accordingly.

As further required under Sub-clause (3) of Clause (d) of Article 81, **Shri Haren Kalita** is hereby given the opportunity to show cause as to why the aforesaid order of provisional loss of lien should not be confirmed.

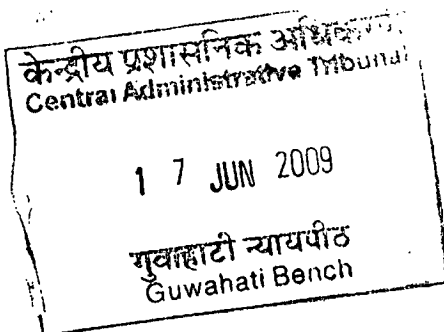
Shri Haren Kalita may make written representation to Shri Nanda Singh, Principal KV NEHU Shillong, within 10 days of the receipt of this order failing which an order shall be passed confirming the loss of lien on the post held by him and, in that case, he shall be deemed to have been removed from the service of the Kendriya Vidyalaya Sangathan as per the provision of Article 81(d)

To

Mr. Haren Kalita,
Vill-Bihorigaon,
P.O. Bihorigaon,
District Nowgong.

Copy for information to:

The Assistant Commissioner, KVS, Guwahati Region, Guwahati.

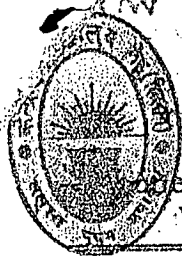


Principal
K. V. NEHU के. वि. नेहू.
Shillong-22 शिलांग-22
Principal
Principal प्राचार्य
K. V. NEHU के. वि. नेहू.
Shillong-22 शिलांग-22

Certified True
10/11/08
A.C.V. 10/11/08

-23-

Annexure-6



KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू, शिलांग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस, उमसिंग
MAWLAI MAWKYNROH SHILLONG - 793022

KV CODE: 1493
Station Code: 266
Administration.

Phone No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004
Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

Ref. No. F. 61/PF (HNK)/KVN/2008-09/541

Date: 04.07.2008

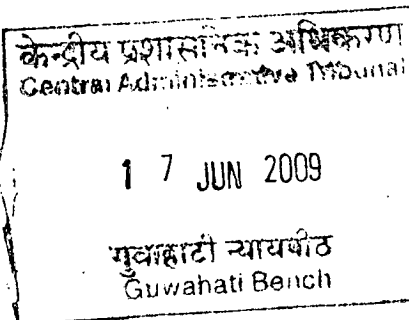
REGD POST WITH AD

REMOVAL FROM SERICE UNDER CLAUSE 81(d)

The show cause notice under Article 81 (d) 3 was served to **Shri H. Kalita** vide order F- 61/PF (HNK)/KVN/2008-09/356-57 dated 23-05-08. **Shri H. Kalita** did not make written representation against the action to be taken even after the 10 days of receipt of the order. Consequently an order is passed confirming the loss of lien on the post of laboratory attendant held by him and, in this case, he is deemed to be **removed from the service** of Kendriya Vidyalaya Sangathan as per the provision of Article 81(d). His removal from the service will come into effect from 07-03-2008 (7th March 2008), the date from which he was on unauthorized leave.

To,

Shri H. Kalita
(Ex Lab. Attendant)
Vill-Biharigaon,
P.O. Biharigaon,
District Nowgong.



Principal
Wanda Singh
K. V. NEHU
Shillong

Copy to:-

The Assistant Commissioner KVS (GR) for his kind information.

Principal

Certified True Copy
Advocate

KVS RO GUWAHATI

F No: 2-28 /2008/KVS GR-17854-57

Dt: 23.10.2008

ORDER

WHEREAS, Shri Harendra Kalita, while serving as Lab Attendant at KV NEHU, Shillong remained absent without any permission and sanction of leave from 07.03.08. The Principal KV NEHU vide his office memo dated 15.03.08 & 31.03.08 had directed Shri Kalita to report for duty immediately. After awaiting for a reasonable period of time, the said Shri Kalita was served with a show-cause notice under Article 81(d) of KVS Education Code, vide notice letter no F 61/PF (HNK)/KVN/2008-09/356-57 dated 23.05.2008, asking as to why the lien on his post cannot be terminated as he was deemed to have voluntarily abandoned his service. In the absence of any response from Shri Kalita, the Principal of KV NEHU, Shillong confirmed the loss of lien vide Memo dated 04.07.2008.

WHEREAS, aggrieved the said Shri Kalita has preferred the instant appeal dated 12.09.08, making the following submissions:-

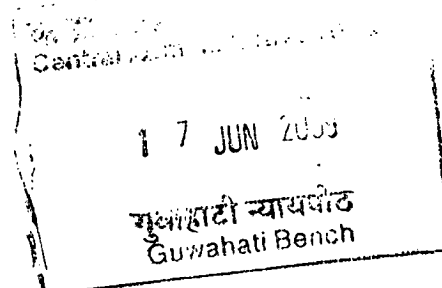
1. That for some unavoidable and genuine reasons, Shri Kalita could neither reply the show cause notice in time nor he could attend his duty since 07.03.2008.
2. That he was suffering from severe malaria and bronchitis since the 1st week of March 2008.
3. That he is the only male member of his family and his wife and daughter remained busy in attending his ailments and hence there was no one to inform the Principal, KV NEHU about his serious ill health.
4. That he had sent a letter dated 30.07.08 in reply to KVS letter no 61/PF (HNK)/KVN/2008-09/541 dated 04.07.2008 (i.e. the letter of removal of the service/ confirmation of loss of lien on the post of Lab Attendant held by him) to the Principal KV NEHU Shillong stating the reasons of his absence from duty w.e.f. 07.03.08.
5. That Shri Kalita has requested for review of the order of loss of lien on account of the genuine medical problems presented in the appeal.

WHEREAS, after receiving the instant appeal, the comments of the Principal KV NEHU vide his office letter dated 27.09.2008, were also obtained so as to enable the undersigned to peruse the case. Having considered the submission made in the appeal and on perusal of the case on records, it has been observed that:

1. It is very strange to note that Shri Kalita had fallen ill on 07.03.08 and could not intimate to Principal till 04.07.08 on which his services were removed followed by the show cause notice dated 23.05.2008 which was delivered to him on 29.05.2008 as per confirmation received from General Post Master, Shillong vide his letter dated 01.07.2008
2. The Principal in his comments to the appeal has categorically stated that the said Shri Kalita left the station on 06.03.08 without giving any

Certified True Copy

Advocate



information. He also mentioned that having no written/oral information /reply from said Shri Kalita in response to his letters dated. 15.03.08 and 31.03.2008, that the said Shri Kalita was served with a show cause vide letter dated 23.05.2008, for which Shri Kalita did not give any response either by resuming his duties or by sending any written/oral information.

3. Having confirmed the receipt of show-cause notice from the Postal Department, his services were removed by confirming the loss of lien vide letter dated 04.07.2008.

4. Principal also submitted the details of his absence in past and given an account of various administrative actions taken so far regarding his frequent absence from duty in an irregular and irresponsive manner, which supports the observation that Shri Kalita had been a habitual absentee.

5. Neither any leave application nor any request justifying the absence supporting with any OPD slips or / and , the medical certificate has been found enclosed even with his appeal.


AND WHEREAS, looking at the above it is obvious that Shri Kalita was totally causal and he neither made any effort to submit any leave application for getting it sanctioned during his stated period of sickness nor with this appeal he could provide an appropriate sickness and fitness certificate. This speaks of a very casual approach on the part of Shri Kalita and there is no convincing ground adduced by Shri Kalita for reviewing the decision of the appointing authority namely, the Principal of KV NEHU, Shillong.

NOWHEREFORE, in view of the above observations and findings, the appeal of Shri Harendra Kalita is hereby disposed off by upholding the decision of the appointing authority under Article 81(d) of KVS Education Code.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench


S K VERMA
Education Officer
&
Appellate Authority

Distribution

1. Shri Harendra Kalita. Village -Bihorigaon , PO- Bihorigaon Dist -Nagaon Assam
2. The Principal, KV NEHU, Shillong
3. AO KVS (GR)/Suptd. Admn KVS (GR)
4. AAO KVS GR

17 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

NOTICE

From : Mr. Kumud Konwar
Advocate
Gauhati High Court

To,

Sub: - D.A. No. 113 2009

Sri Harendra Nath Kalita

..Applicant

- Vs -

The Union of India and Drs.

.. Respondents

Sir,

Please take notice that the above mentioned application is being filed by the applicant before this Hon'ble Central Administrative Tribunal today and a copy/copies is/are furnished herewith for your perusal.

Kindly acknowledge the receipt of the same

Received copy

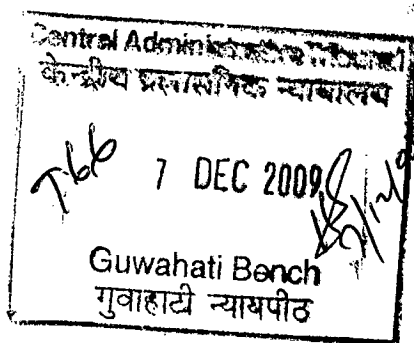
Advocate

Yours faithfully

Advocate

Contd/-...

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



IN THE MATTER OF :

Original Application. NO.113/2009

Sri Harendra Nath Kalita

.....Applicant

- Versus -

Union of India & Ors.

.....Respondents

AND -

IN THE MATTER OF :

Written statement submitted by the Respondents No.

IN THE MATTER OF :

Assistant Commissioner

Kendriya Vidyalaya Sangathan

Guwahati Region, Khanapara,

Guwahati-781022.

The humble answering respondents
submit their written statement as
follows :

MOST RESPECTFULLY SHEWETH

1. That the Deponent states that copies of the O.A have been served upon all the official respondents. On receipt of the copy of the O.A the deponent have gone through the averment along with relevant records pertaining to the case and understood the same and he is competent to file the written statement on behalf of him and for others they being the official respondents.

Aradhesh Kumar Vajpayee

Filed by the Respondent
Through: Mr. Myrander, Advocate
Standing Counsel. K.I. Sargolshan.
7.12.09

2. That the deponent states that the statement and averments made in the Original Application are totally denied. The statement which are not born out of records are denied. The deponent further states that the statements which are not specifically admitted may be deemed to be denied.

3. That the deponent states that before controverting the statements and averments made in the above application the deponent craves leave of this Hon'ble Tribunal to submit the following facts of this case in brief for appreciation.

3.(i) That the deponent states that the incumbent Mr H.N.Kalita, Ex-Lab Attendant of KV, NEHU was in regular practice of remaining absent from duty without any information/application.

3.(ii) Sri H.N.Kalita was transferred on displacement from IIT Guwahati to KV NEHU vide KVS(HQ)Order No.F-13-i(D)/NTS, LATN/2005/Estt-III dated 30.5.05. Since joining he showed his irregularity, act of negligence and remained praying for excuse under the pretext that he would not commit such irresponsible behaviour in future. But for his shier act of negligence and irresponsible behaviour for remaining unauthorisedly absent he was served with show cause notice under article 81(d) by the authority on 17.5.06. Thereafter on receipt of assurance letter dated 15.11.06 from Sri H.N.Kalita, the Principal allowed him to join vide Memo dated 15.11.06.

3.(iii) Again on 11.6.07 he left Vidyalaya without taking station leave or without giving any information, thereafter he reported for duty on 01.9.07 with preext of illness but he could not support his absence with any medical certificate thereafter on 10.9.07 on grant of E.O.L he was allowed to resume duty.

- Ardhesh Kumar Vajpayee

3.(iv) As Kalita became habituated to leave Vidyalaya without taking station leave or informing the authority, he left the Vidyalaya on 06.3.08. He was continuously sent letters on 15.3.08, 31.3.08 (and 30.4.08 respectively to join but he did not report for duty nor gave any information. ✓

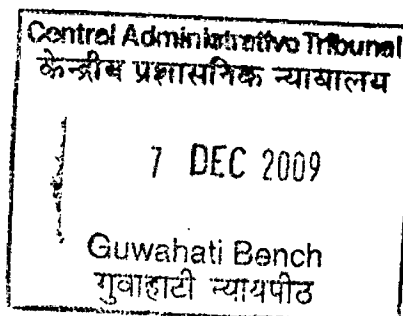
On 23.5.08, a show cause notice under article 81(d) was served to H.N.Kalita. Mr Kalita did not give any response. The respondent No.5 wrote a letter on 9.6.08 to the General Post Master Shillong to know whether Kalita received notice. The Post Master confirmed the delivery. After expiry of reasonable time for submission of reply, on 04.7.08 he was served the order to the effect that he is removed from service as per provision of article 81(d). On being aggrieved the applicant preferred an appeal to the authority which was rejected with just reason vide order dated 23.10.08 hence this Original application.

4. That with regard to the statements made in para 4(A) and 4(B) the deponent states that these are matter of record and does not forward any comment.

5. That with regard to the statements made in para 4(C) the deponent states that except the initial appointment and posting of the applicant the other statement is false and baseless. The deponent denies the correctness of his discharging duties with utmost dedication and sincerely. From the office record, personal file etc. it appears that the applicant is found habituate and confirmed defaulter and absconder from Vidyalaya duties.

6. That with regard to the statements made in para 4(D) the deponent states that these are matter of record and the record reflects that Shri Kalita was transferred from KV NEPA to KV IIT on his own

- Avdhesh Kumar Vajpayee



request and further Shri H.N.Kalita the Lab Attendant (EX) was transferred on displacement from IIT Guwahati to KV NEHU.

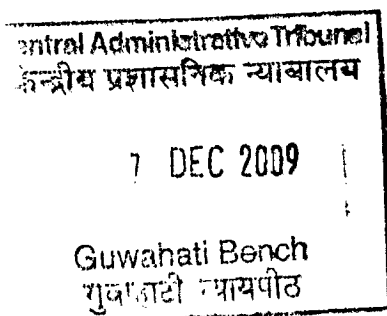
7. That with regard to the statements made in para 4(E) the deponent denies the correctness of the same and state that it is a totally false statement by the applicant on verification. The deponent further states that since 05.03.08 Sri Kalita did not meet the Respondent No.5 till date.

The deponent, conforming from record states that the statement made on verification is contradictory to the representation made before the Respondent No.5 and the appeal made before the Respondent No.4 on this clove alone the application is liable to be rejected.

8. That with regard to this statement made in Par 4(F), 4(G), the deponent states that the applicant never informed about his illness till 05.03.2008 the next date was holiday and since this he was absent without information. Further relating to his daughters illness it is not in record nor the applicant ever informed the authority.

9. That with regard to statement made in Par 4(H), 4(I) & 4(J) the deponent state that the authority ~~processed~~ the matter as per provision of article 81(d) of Education Code. The memo was issued as per rule and in the event of non-receipt of any reply from this applicant to show cause notice dated 23.05.2008, the Respondent No. 5 was left with no alternative but to confirm this loss of lien on the post held by the applicant Es Las Attendant.

It was evident from past record it is the habit of the applicant to remain absent on medical ground.



- A.K. Naykay

The appellate authority decided the appeal afresh by going through the record personal file and comments on the subject and validating the order passed by the Respondent No.5.

10. That with regard to ground set forth in this para are no good grounds to support the contentions made in the Original Application and as such liable to be dismissed.

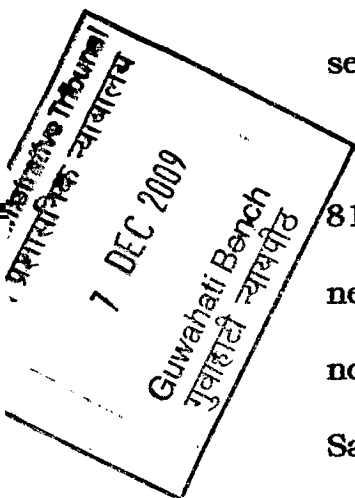
Further, it is respectfully submitted that since the applicant was given several opportunities to give up the habits of taking unauthorised leave in the earlier occasions and disobeying the order of Higher Authority, therefore question does not arise to lift the removal order which is issued by the Competent Authority.

That the applicant didn't bother even to reply the reason of his long absence, without information or prior sanction of leave, it indicates that the applicant took rule in his hands, the article 81(d) itself includes the clause of show cause notice. Therefore issuing show cause notice separately, which stated, carries no meaning.

Further it is respectfully submitted that by issuing notice under 81(d) and the follow up action/orders, which was taken by Principal never violated the natural justice or administrative power, because the norms of article 81(d) have been fixed by the Kendriya Vidyalaya Sangathan for showing equal justice to the KV staff all over India.

Further it is respectfully submitted that according to article 81(d) the authority intends to do justice by making alert all the employees on the job responsibility, by giving up habit of negligence of duty (unauthorized absence from duty).

Further, it is respectfully submitted that due to desperate attitude of the applicant the case remained in the hands of higher authority, which is beyond the limit of consideration.



- Anand Kumar Nayak

Further it respectfully submitted that by following KVS orders/instructions no authority can be blamed or condemned for the major penalty, stating it as whimsical decision.

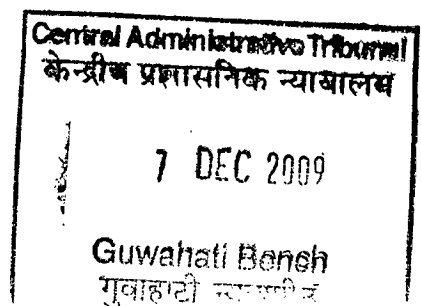
Further, it is respectfully submitted that question of show cause notice/enquiry does not arise, as the service record of the applicant proved the allegation under which the removal order was issued.

Further, it is respectfully submitted that repeated disobedience/negligence of the duty on the part of the applicant (being KVS employee) the higher authority, to take harsh decision for greater interest of Kendriya Vidyalaya.

11. That the deponent/respondents craves leave of this Hon'ble Tribunal to substantiate the averments made in this written statement by adducing further statements if so required and submitting records during the course of hearing.

12. Under such circumstances it is therefore prayed that in consideration of the above facts submitted by respondents/deponent against the contentions made in the Original Application this Hon'ble Tribunal may be pleased to dismiss the O.A.

Verification - R




— Anandesh Kumar Vajpayee

VERIFICATION

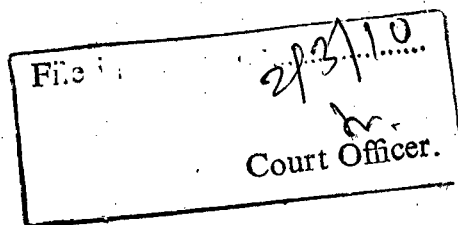
I, Shri Avdesh Kumar Vajpayee, Son of Late J.N. Vajpayee, aged about 56 years, presently working as Assistant Commissioner in the Regional Office of Kendriya Vidyalaya Sangathan, Jawaharnagar, Khanapara, I am one of the respondent do hereby verify the statements made in paragraphs 1, 2, 4, 5, 6, 7 & 8 are true to my knowledge and those made in paragraphs 3(i), 3(ii), 3(iii), 3(iv) & 9 are based on records and rests are my humble submissions. I have not suppressed any material fact.

And I sign this verification on this 7th day of December, 2009 at Guwahati.

- 
DEPONENT

Place :

Date :

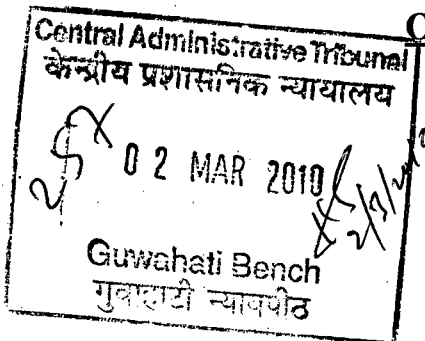


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IN THE CENTRAL ADMINISTRATION TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

(An Application Under Section 19 of Administration Tribunal, Act 1985)



O.A NO. : 113 / 2009

IN THE MATTER OF :

O.A NO. : 113 / 2009
Sri Harendra Nath Kalita.

.....Deponent.

-VS-

Union of India and others

.....Respondents

-AND-

IN THE MATTER OF :

Re-joinder filed by the Deponent in
reply to the Written- Statement filed
by the Respondents

R E - J O I N D E R

Re-joinder filed by the Deponent

MOST RESPECTFULLY SHEWITH:

1. That a copy of written statement has been served upon the deponent through his counsel and the deponent has gone through the same and as such he is well conversant with the contexts there of.
2. That save and except those statements made in the Written Statement, which are specifically admitted herein below, the rest not being admitted should be treated to have been denied by the

Filed By Applicant Through

ms
Harendra Nath Kalita
Kamleshwar Singh (Advocate)
21/3/10

Copy received
Mr. Majumdar
Advocate
02.03.10

deponent hereto . The deponent also does not admit anything which is contrary to and / or inconsistent with the records of the case.

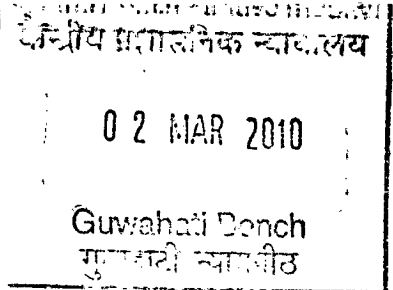
3. That as regards to the statements made in paragraph 1 and 2, of the written statement the deponent has no comments to offer and does not admit anything which is contrary to and /or inconsistent with the records.

4. That as regards to the averments made in paragraph 3 and 3(i) of the written statement it is respectfully stated that he had never remained absent from his duty unauthorizedly and / or without any information / application to the authorities , in his service period . The deponent used to leave whenever necessary the informing respondent No 5 and come to his home at Nagaon to attend his ailing daughter ailments. He has only one child viz . his daughter miss Anamika Kalita , who started showing abnormal behavior from the year 2005 . It cause him lot s of mental tension and sufferings . His daughter was also ousted from her school while she was studying in class – IX due to her uncontrolled behavior / mental disorder , compelling the deponent to frequently visit his daughter at Nagaon.

Meanwhile in the month of June 2005 he suddenly received the transfer order transferring him to Kendriya Vidyalaya NEHU Shillong from Kendriya Vidyalaya, IIT , Guwahati , making his life miserable. Even though he obeyed the transfer order and joined at Kendriya Vidyalaya NEHU, Shillong.

On 07/03/2008 the deponent took one day leave as next couple of days were holydays and came home at Nagaon due to his daughters serious ailment. On arrival at his home he found his daughter in a critical condition and nothing was working for him. Due to all this mental and physical tensions the deponent also felt sick and became totally bedridden. By the time he recovered from illness he was removed from his service vide order dated 04/07/2008 with adhering to the due course of law.

Chandana Nath Kalita.



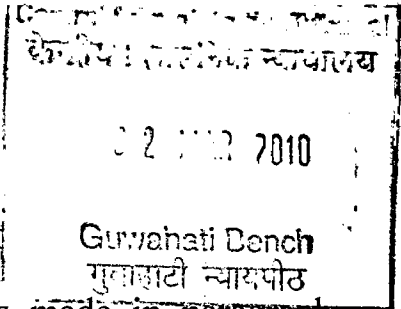
On 06/03/2009 and 24/03/2009 he took his daughter to the Lokopriya Gopinath Bordoloi Regional Institute of Mental Health, Tezpur, Assam for her better treatment, but no improvement was seen. Finding no other way the petitioner consulted Dr. Satyen Talukder, Specialist in Mental-illness, Neurology and General medicine, who diagnosed his daughter to be mentally-ill suffering from chronic-Schizophrenia and as such she is constantly under his observation and treatment till date. Presently the condition is that the Deponent's wife cannot control her own daughter as she has a uncontrolled temptation of talking alone and moving out of the house at any moment irrespective of day or night causing serious security threat to the person of his sick daughter. Being a father the deponent had an obligation and while doing so he was given a major penalty of removal from service making his life more miserable.

Copies of the Medical certificates and prescriptions are annexed herewith and marked as **ANNEXURE -8 Series**

5. That as regards to statements made in paragraph 3(ii) of the written statement it is stated that the authorities have arbitrarily transferred the deponent to Kendriya Vidyalaya, NEHU, Shillong making it difficult on his part to attain his ailing daughter who need his constant care and attention. It is stated that there was/is no negligence on the part of the deponent in his service period and cause of present omission was the out come the his ill-health. In this circumstances the order of removal from service is nothing for him but a bolt from the blue making his life a hell-hole.

Moreover the allegations made herein are not relevant in the present case as it were already settled and not connected at all with the article of charges in question.

Haarendra Nath Chakraborty



6. That as regards to the statements made in paragraph 3(iii), of the written statement it is stated that the statements made herein are not relevant to the present case and the authorities cannot take on past records because that were not a part of allegation made in the charge .

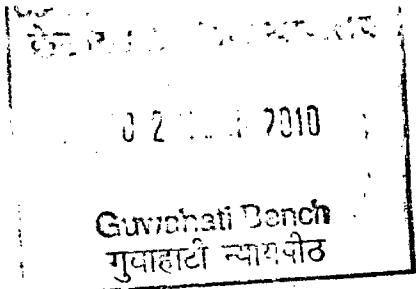
7. That the statements made in paragraph 3(iv), of the written statement are not true and are categorically denied by the deponent. It is stated that the deponent had never left the Vidyalaya without taking station leave

8. That as regards to the statements made in paragraph 4 of the written statement the deponent begs to offer no comments and does not admit anything which is contrary to and /or inconsistent with the records.

9. That the statements made in paragraph 5 of the written statement are not true and are categorically denied by the deponent. It is stated that the deponent always performed his duties with utmost sincerity and dedication. He never absconded from the Vidyalaya duties and when ever he has left the Vidyalaya use to do so by informing and on oral permission of the respondent No.5. By no stress of imagination it can be said that the applicant has absconded his service .

10. That as regards to the statements made in paragraph 6 of the written statement , it is stated that the deponent while working in Kendriya Vidyalaya , NEPA. Meghalaya, sought for transfer posting at Kendriya Vidyalaya , Nagaon as his first preference but he was given posting at Kendriya Vidyalaya , IIT, Guwahati and he joined there in the month of September 2004. There after the deponent was again arbitrarily transferred to Kendriya Vidyalaya, NEHU, Shillong

Harandra Nath Kalita.



vide transfer order dated 30/05/2005, just after completion of ten months of joining at Kendriya Vidyalaya, IIT, Guwahati. From the pleadings (more particularly paragraph-6) of the written statement it is now revealed that the transfer order dated 30/05/2005 was not a normal transfer and was not actuated in the public interest rather it was a punitive measure as such it was done without complying the due procedures prescribed by law.

11. That the statements made in paragraphs 7& 8 of the written statement are not true and are categorically denied by the deponent. The deponent reiterates the same as stated in paragraph 4(E), 4(F), and 4(G) of the Original Application.

12. That as regards to the statements made in paragraph 9 of the written statement , it is stated that the article 81(D) (1) of the Education Code states as follows:-

81.(D). Voluntary Abandonment of Service.

1. if an employee has been absent / remains absent without sanctioned leave or beyond the period of leave originally granted or subsequently extended, he shall provisionally lose his lean on his post unless :-

- a) he returns within fifteen calendar days of the commencement of his absence or the expiry of leave originally granted or subsequently extended , as the case may be; and
- b) satisfies the appointing authority that his absence or his inability to return on the expiry of the leave, as the case may be, was for reasons beyond his control. The employee not reporting for duty within fifteen calendar days and satisfactorily explaining the reasons for such absence as aforesaid, shall be

ab arundha nath / kalita.

02 MAR 2010

Guwahati Bench
গুৱাহাটী ন্যায়ালয়

abrendranath Kalita.

deemed to have voluntarily abandoned his service and would ,
thereby , provisionally lose lien on his post.

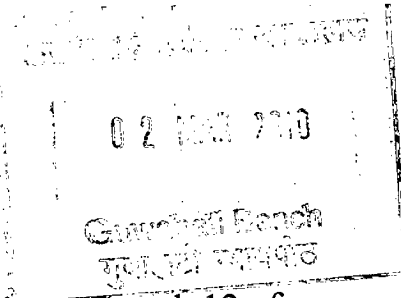
In the present case he could not report back / resume
his duty for the reasons beyond his control as stated in the
application but the authorities had over looked the same without
applying mind.

Even the authorities have not acted in conformity with the
true spirit of Article 81 (D) of the Education Code. The
authorities are conception wrong as it fail to appreciate that no one
can be condemned unheard

13. That as regards to the statements made in paragraph 10 of
the written statement, it is stated that the grounds set-forth in the
Original Application are good grounds and hence it is a fit case where
Hon'ble Court Can exercise its jurisdiction granting relief as prayed
for in the original application for the ends of justice.

Further it is stated that the submission herein are
untenable in the eye of law. The deponent was never a habitual
absentee in his entire service carrier but due to the reasons beyond his
control compelled him to do so. The act of the respondent authorities
are also illegal, arbitrary and against the principles of natural justice
and administrative fair-play. The acts on the part of the respondents
are against the law as the show-cause and the inquiry are the sine-qua
-non for imposition of a major penalty to an employee.

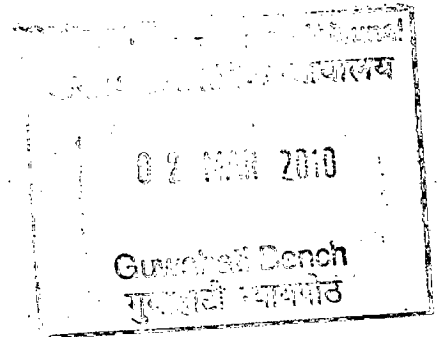
14. That as regards to the statements made in paragraph 11 of
the written statement the deponent begs to offer no comments and
does not admit anything which is contrary to and /or inconsistent with
the records.



15. That as regards to the statements made in paragraph 12 of the written statement it is stated that considering the grounds and the reasons as stated in the Original Application as well as in the rejoinder, the Original Application may be allowed in the interest of justice.

16. That, under the facts and circumstances as stated above, the Original Application deserves to be allowed with costs.

Hareendra Nath Kalia



VERIFICATION

I, Sri Harendra Nath Kalita, Son of Late Kehoram Kalita, aged about 52 years, Resident of Vill & P.O : Biharigaon, Dist:- Nagaon , Assam do here by solemnly affirm and verify that the statements made in the accompanying application in paragraphs....1-3.....5-16.....are true to my knowledge and those made in paragraphs..... being matters of records are true to my information derived therefrom and the ground urged are as per legal advice . I have not suppressed any material facts .

And I sign this verification of this the day of March , 2010
at Guwahati.

Harendra nath kalita.

Deponent

लोकप्रिय गोपीनाथ बरदलै क्षेत्रीय मानसिक स्वास्थ्य संस्थान
तेजपुर : असम : पिन : 784001

Govt. of India

LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL HEALTH,
TEZPUR, ASSAM - 784001
Post Box No.15 :: FAX No. (03712) 233623
TEZPUR :: 784001 :: ASSAM

Token No.
129

Reg. by :- ANAMIKA

UNIT - II
Please visit on every
TUESDAY
Or
FRIDAY

OPD TICKET

OPD Reg. No. 1593/09

IND. Reg. No.

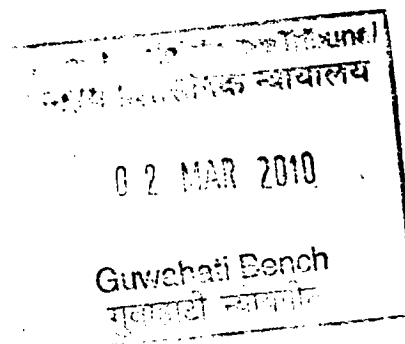
Department PSYCHIATRY Date & Time of Registration 6-3-2009 10:42:07 AM

Patients Name ANAMIKA KALITA Age 15 Sex F Father's Name HARENDRA NATH KALITA

Religion HINDU Marital Status UNMARRIED Occupation STUDENT

Address HARENDRA NATH KALITA BIHUGURI GAON NAGAON

ID Mark Provisional Diagnosis



① Tab O/Hla (10mg)

x - x - x x 5 days

Then

1/2 - x - x x 15 continue

② Tab Proline (2mg)

x - x - x

③ Tab Tenein (1mg)

1 - x - x

Ref: R/o within 20 days

- CT scan brain (Refd To Radiology Dept. Civil Hospital, Nagaon.)

Medicine supplied for 30 days.

- Please bring this document at every visit.
- DO NOT STOP MEDICINES WITHOUT ADVICE.
- Mental illness is treatable.
- Please register yourself at every visit.
- OPD and ADMISSION is closed on SUNDAYS. Only EMERGENCY SERVICE is available on SUNDAYS.

10
भारत सरकार
लोकप्रिय गोपीनाथ बरदलै क्षेत्रीय मानसिक स्वास्थ्य संस्थान
तेजपुर : असम : पिन : 784001

Govt. of India

LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL HEALTH,

Token No.

82

TEZPUR, ASSAM - 784001

Post Box No.15 :: FAX No. (03712) 233623

TEZPUR :: 784001 :: ASSAM

UNIT - II

Please visit on every :

TUESDAY
Or
FRIDAY

Reg. by :- ANAMIKA

OPD TICKET

OPD Reg. No. 1593/09

IND. Reg. No.

Department. PSYCHIATRY Date & Time of Registration. 24-3-2009 10:06:19 AM

Patients Name. ANAMIKA KALITA Age. 15 Sex. F. Father's Name. HARENDRA NATH KALITA

Religion. HINDU Marital Status. UNMARRIED Occupation. STUDENT

Address. HARENDRA NATH KALITA BIHUGURI GAON NAGAON

ID Mark. Provisional Diagnosis.

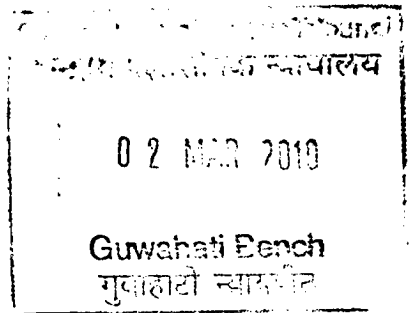
R
① 100mg Oltipar (100mg)
1 - 1 - 1

② 100mg Trazodone (100mg)
1 - 1 - 1

③ 100mg Paroxetine (100mg)
1 - 1 - 1

Dr. R/o within 1 month.

24/3/09



Medicine supplied for 30 days.

- Please bring this document at every visit.
- DO NOT STOP MEDICINES WITHOUT ADVICE.
- Mental illness is treatable.
- Please register yourself at every visit.
- OPD and ADMISSION is closed on SUNDAYS. Only EMERGENCY SERVICE is available on SUNDAYS.

02 MAR 2019

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

NEURO-PSYCH CLINIC

B. BAROOAH ROAD, KEYANPATTY
(NEAR A.S.T.C. BUS STAND)
NAGAON : ASSAM.
ডোলা বৰুৱা পথ, (কেজাপটী)
(টেনচপোট বাছ ষ্টেণ্ডৰ কাষত) নগাঁও

☎ 253457

(বহিৰাৱে খোলা)

(Sunday Open)

বহিৰাৱে পুৱা ১০ বজাৰ পৰা ১২ বজালৈ
সোমবাৰৰ পৰা শনিবাৰলৈকে পুৱা ৯-০০ বজাৰ পৰা ২-০০ বজালৈ।
আবেলি ৬-০০ বজাৰ পৰা সন্ধ্যা ৭-০০ বজালৈ। শনিবাৰে আবেলি বন্ধ।

ডাঃ সত্যেন তালুকদাৰ

এম. বি. বি. এচ., ডি. পি. এম (বয়েল কলেজ, লণ্ডন)

DR. SATYEN TALUKDAR

M.B.B.S., D.P.M. (ROYAL COLLEGE OF PHYSICIAN,
LONDON) SPECIALIST IN MENTAL ILLNESS, NEUROLOGY &
GENERAL MEDICINE.

- * FORMERLY ASST. CONSULTANT IN MENTAL ILLNESS, ALCOHOLISM,
SEXUAL ILLNESS AND PARALYTIC ILLNESS, GLASGOW, U.K.
- * EX. CONSULTANT IN MEDICAL DISEASE IN GLASGOW, U.K.
- * TRAINEE IN INSTITUTE OF NEUROLOGY, SOUTHERN GENERAL HOSPITAL,
GLASGOW AND QUEEN'S SQUARE, LONDON.
(20 YEARS IN BRITISH HOSPITALS)

Rx

Anamika Kalita (157)

Date 14/3/09

Noxoi, Bikanipara Char VII

140
90

Talks alone - 1st year, temper
restless, wants go out

AE patient agitated, uncooperative
Expects psychosurgery

① 10mg Serenase 5m
② 10mg pherazone ①
ডাঃ মিতাল

③ Rx Take Risperidone - 2mg

③

③ Bexol - ১২০০ দিন
৫০০

PLEASE BRING THIS PRESCRIPTION ON YOUR NEXT VISIT.

27 MAR 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

(3) Nitrest-10 (15)
Nitrest-10

29/2/09

140
80

Constipation

Appetite, Tinnitus
Auditory hallucination
Sleep

Wt-55kg

Ch. Psychos

(1) Cal Sulpiride 100

1/2 or 1/3 or 1/4

LOBAZAM 10mg
FRISUM 10

(30)

~~FRISUM 10~~

এক সপ্তাহ - ২০মার্চ (30)-20

8/2/10

(1) SOLTUS-100 (60)

1/2 or 2/3 or 1/4

(2) LOBAZAM-10mg
chud 20mg

02 MAR 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

NEURO-PSYCH CLINIC

B. BAROOAH ROAD, KEYANPATTY
(NEAR A.S.T.C. BUS STAND)
NAGAON : ASSAM

☎: 253457

ভোলা বকরা পথ, (কেএসপিডি)
(ট্রেনচপোর্ট বাছ ষ্টেণ্ড কাষত), নগাঁও

(বমিয়ারে খোলা)

(Sunday Open)

বমিয়ারে পূৱা ১০ বজাব পৰা ১২ বজালৈ
সোমবাৰৰ পৰা শনিবাৰলৈকে পূৱা ৯-০০ বজাব পৰা ২-০০ বজালৈ।
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ডঃ সত্যেন তালুকদাৰ

এম. বি. বি. এচ. ডি. পি. এম (বয়েল কলেজ, লণ্ডন)

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- * TRAINEE IN INSTITUTE OF NEUROLOGY, SOUTHERN GENERAL HOSPITAL,
GLASGOW AND QUEEN'S SQUARE, LONDON
(20 YEARS IN BRITISH HOSPITALS)

R

To whom it concerns

Date 8-2-10

This is to certify that Miss
Anamika Kalita, daughter of
Mr. Harendra Nath Kalita is
under my treatment for last
3 months.

She is suffering from
chronic Schizophrenia.

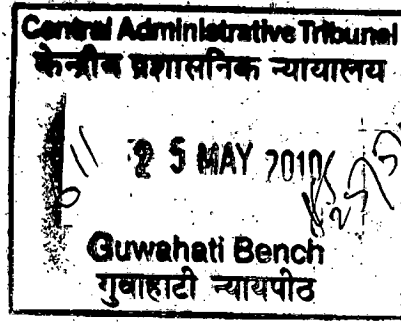
DR. SATYEN TALUKDAR

B. B. Road, Keyan Patty

Nagaon (Assam)

Regd. no. 1039850

PLEASE BRING THIS PRESCRIPTION ON YOUR NEXT VISIT



Filed by the Respondents
Through Mr. M. J. J. J.
Standing Counsel K. V. Sangma

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

IN THE MATTER OF :

Original Application. NO. 113/2009

Sri Harendra Nath Kalita

.....Applicant

- Versus -

Union of India & Ors.

.....Respondents

- AND -

IN THE MATTER OF :

Production of documents and records
by the respondent in support of written
statement already filed for perusal and
disposal of the original applicant.

SL.No	Letter No and date	Name of document	Page No
1	F -2/KVN/83/2549 dated 12.09.1983	Memorandum	57
2	F -2/KVN/83/2572 dated 20.09.1983	Memorandum	56
3	F -/KVN/84-85/4177 dated 30/31.08.1984	Order	55
4	F-/KVN/84-85/4177 dated 15.10.1984	Order	54
5	F-/KVN/84-85/9368-70 dated 15.12.1984	Order	53
6	No.F.P.F./KVN/85-86/4512 dated 25.02.1985	Memorandum	52
7	No.F.P./f./KVN/85-86/4587 dated 25.03.1985	Memorandum	51
8	No.F.P./F(HN Kalita)/KVN/86-87/252 dated 30.08.1986	Memorandum	50
9	Joining report letter and dated 20.02.1989	Joining Report	49
10	Medical certificate 18.02.1989	Medical Certificate	48
11	No. PF/KVN/88-89/521 dated 17.01.1989	Office order	47
12	F.PF/HNK/KVN/88-89/543 dated 20.01.1989	Office order	46
13	F-PF/HNK/GRD/KVN/88-89/606 dated 16.02.1889	Office order	45
14	F.PF./KVN/89-90 dated 14.08.1889	Warning	44
15	F.PF. HNK/KVN/90-91/253 dated 10.10.1991	Memorandum	43

25 MAY 2010

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SL.No	Letter No and date	Name of document	Page No
16	F.PF. HNK/KVN/93-94/132 dated 16.06.1993	Office order	42
17	F-61/PF(HNK)/KVN/2005-06/1142 dated 06.03.2006	Office order	41
18	F-61/PF/KVN/2005-06/1188 dated 20.03.2006	Office order	40
19	Show Cause notice under 81(D) (3) 17.05.2006	Show cause	39
20	Medical Certificate	Medical certificate	38
21	Show cause reply 27.10.2006	Reply	37
22	Ref No. 2-28/KVS(GR)/2006/15591 13.11.2006	Office order	36
23	Ref No. F.61/PF/KVN/2006-07/784-785 15.11.2006	Memorandum	35
24	Undertaking by H.N. Kalita dated 15.11.2006	Undertaking	34
25	Undertaking by H.N. Kalita dated 1.09.2007	Undertaking	33
26	Application for E.O.L. dated 10.0.2007	E.O.L	32
27	Undertaking by H.N. Kalita 10.09.07	Undertaking	31
28	Ref. No. F.61/PF(HNK)/KVN/2007-08/ dated 15.03.08	Office order	30
29	Ref No. F.61/PF(HNK)/KVN/2007-08/1469 dt.31.03.2008	Memorandum	29
30	Ref No. F.03/KVN/2008-09/126 dt.30.04.2008/1.5.08	Correspondence	28
31	No. F/2005 - KVS(GR)/3281 dated 12.05.2008	Office order	27
32	Ref no. 61/PF(HNK)/KVN/08-09/356-57 dt.23.05.2008	Show cause	26
33	Acknowledgement card		25/25(a)
34	Ref No. F-61(HK)/KVN/08-09/935 dt.09.06.08	Letter	24
35	Complaint settled reply dt. /07/2008	Communication	23
36	Ref No. F-61/PF(HNK)/KVN/08-09/540-541 dt. 04.07.08	Removal	22
37	Acknowledgement card		21/21(a)
38	Ref no. F.61/PF(HNK)/KVN/2008-09/542 dt.05.07.08	Correspondence	20
39	Acknowledgement card		19/19(a)
40	Reply to letter dated 04.07.08 (removal) dt.30.07.2008	Reply	16-18
41	Ref No. F.61(HNK)/KVN/2008-09/725 dated 05.08.08	Correspondence	15
42	Ref No. 2-28/KVS(GR)/2006/ dated.13/18.08.2008	Order	14
43	Acknowledgement card		13
44	Ref No. F.61/KVN/2008 - 09/ dated.23.08.2008	Office instruction	12
45	Ref No. 20065/KVN/61/2009-10/515 dated 24/08/09	Comments and evidence	10 - 11
46	Postal Registration slip		9
47	Appeal to Appellate Authority dated 12.09.2008	Dept. appeal	3-8
48	Ref No. 2-28/2008/KVS/GR-17854-57 dated 23.10.2008	Order	1-2

Filed by

W.K. Majumdar
Advocate

25/05/10

1-47-

25 MAY 2010
Guwahati Bench.
গুৱাহাটী ন্যায়পীঠ

KVS RO GUWAHATI

F No: 2-28/2008/KVS GR- 17554-57

Dt: 23.10.2008

ORDER

WHEREAS, Shri Harendra Kalita, while serving as Lab Attendant at KV NEHU, Shillong remained absent without any permission and sanction of leave from 07.03.08. The Principal KV NEHU vide his office memo dated 15.03.08 & 31.03.08 had directed Shri Kalita to report for duty immediately. After awaiting for a reasonable period of time, the said Shri Kalita was served with a show-cause notice under Article 81(d) of KVS Education Code, vide notice letter no F 61/PF (HNK)/KVN/2008-09/356-57 dated 23.05.2008, asking as to why the lien on his post cannot be terminated as he was deemed to have voluntarily abandoned his service. In the absence of any response from Shri Kalita, the Principal of KV NEHU, Shillong confirmed the loss of lien vide Memo dated 04.07.2008.

WHEREAS, aggrieved the said Shri Kalita has preferred the instant appeal dated 12.09.08, making the following submissions:-

1. That for some unavoidable and genuine reasons, Shri Kalita could neither reply the show cause notice in time nor he could attend his duty since 07.03.2008.
2. That he was suffering from severe malaria and bronchitis since the 1st week of March 2008.
3. That he is the only male member of his family and his wife and daughter remained busy in attending his ailments and hence there was no one to inform the Principal, KV NEHU about his serious ill health.
4. That he had sent a letter dated. 30.07.08 in reply to KVS letter no 61/PF (HNK)/KVN/2008-09/541 dated 04.07.2008 (i.e. the letter of removal of the service/ confirmation of loss of lien on the post of Lab Attendant hold by him) to the Principal KV NEHU Shillong stating the reasons of his absence from duty w.e.f. 07.03.08.
5. That Shri Kalita has requested for review of the order of loss of lien on account of the genuine medical problems presented in the appeal.

WHEREAS, after receiving the instant appeal, the comments of the Principal KV NEHU vide his office letter dated 27.09.2008, were also obtained so as to enable the undersigned to peruse the case. Having considered the submission made in the appeal and on perusal of the case on records, it has been observed that:

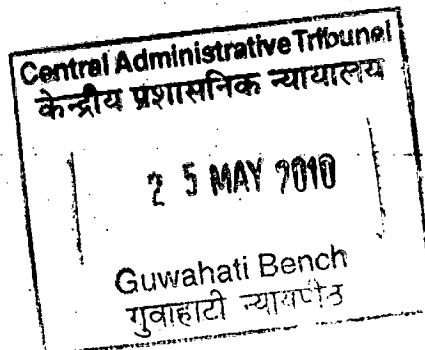
1. It is very strange to note that Shri Kalita had fallen ill on 07.03.08 and could not intimate to Principal till 04.07.08 on which his services were removed followed by the show cause notice dated 23.05.2008 which was delivered to him on 29.05.2008 as per confirmation received from General Post Master, Shillong vide his letter dated 01.07.2008
2. The Principal in his comments to the appeal has categorically stated that the said Shri Kalita left the station on 06.03.08 without giving any

information. He also mentioned that having no written/oral information /reply from said Shri Kalita in response to his letters dated. 15.03.08 and 31.03.2008, that the said Shri Kalita was served with a show cause vide letter dated 23.05.2008, for which Shri Kalita did not give any response either by resuming his duties or by sending any written/oral information.

3. Having confirmed the receipt of show-cause notice from the Postal Department, his services were removed by confirming the loss of lien vide letter dated 04.07.2008.
4. Principal also submitted the details of his absence in past and given an account of various administrative actions taken so far regarding his frequent absence from duty in an irregular and irresponsive manner, which supports the observation that Shri Kalita had been a habitual absentee.
5. Neither any leave application nor any request justifying the absence supporting with any OPD slips or / and , the medical certificate has been found enclosed even with his appeal.

AND WHEREAS, looking at the above it is obvious that Shri Kalita was totally causal and he neither made any effort to submit any leave application for getting it sanctioned during his stated period of sickness nor with this appeal he could provide an appropriate sickness and fitness certificate. This speaks of a very very casual approach on the part of Shri Kalita and there is no convincing ground adduced by Shri Kalita for reviewing the decision of the appointing authority namely, the Principal of KV NEHU, Shillong.

NOWHEREFORE, in view of the above observations and findings, the appeal of Shri Harendra Kalita is hereby disposed off by upholding the decision of the appointing authority under Article 81(d) of KVS Education Code.



(Signature)
S K VERMA
 Education Officer
 &
 Appellate Authority

Distribution

1. Shri Harendra Kalita, Village -Bihorigaon , PO- Bihorigaon Dist -Nagaon Assam
2. The Principal, KV NEHU, Shillong
3. AO KVS (GR)/Suptd. Admn KVS (GR)
4. AAO KVS GR

OK
Ph
 23.10.08

To

The Education Officer,

Kendriya Vidyalaya Sangathan (GR)

Regional Officer, Jawaharnagar,

Khanapara, Guwahati-22.

By Registered Post A/D

Dated - 12/9/08



National Administrative Tribunal
Subject: To prefer the following case, before the
appellate Authority as per the instructions
of the Principal, K.V. NEHU, vide Ref. No.
F.61/KVN/2008-09/800 dated 23.8.08.

25 MAY 2010

Guwahati Bench
Sir, गुवाहाटी न्यायपीठ

In reference to the subject cited above, I have the honour to submit the following explanations :

1. That I am an employee under Kendriya Vidyalaya Sangathan since 1983. That originally a show-cause notice was served on me, vide reference Number F.61/PP(HNK)/KVN/2008-2009/357 dated 23.5.08, wherein I was asked to show cause of my absence from official duties since 7.3.08. That for some unavoidable and genuine reasons, I could not reply the said show-cause notice in time, inspite of my sincere efforts.

That subsequent to the said notice, I was again served with another letter dated 4.7.08 vide Reference number F.61/PP(HNK)/KVN/2008-09/541, wherein an order was passed against me confirming the loss of lien on the post of Laboratory Attendant held by me and in that case I would be deemed to be removed from the service of Kendriya Vidyalaya Sangathan.

2. That Sir, I replied the aforesaid letter dated 4.7.08 on 30.7.08 stating the reasons of my unavoidable absence from duty since 7.3.08. That the said reply was addressed to the Principal, Kendriya Vidyalaya, NEHU, Shillong, Umshing Mawkyarok, Shillong-793022 vide registered post bearing postal registration Number RDAD C 6145 Dated 30.7.08, Nagaon H.P.O.

As

Put up draft A copy of the said reply is annexed herewith as Annexure-I and for asking postal registration slip as Annexure-II).

Contd...2

25 MAY 2019

Guwahati Bench
गुवाहाटी न्यायपीठ

-2-

3. That subsequent to the aforesaid reply an office instruction was sent to me by the Principal, Kendriya Vidyalaya, NEHU, Shillong-22, vide Reference Number F.61/KVN/2008-09/800, wherein I was advised to prefer my case before your authority. That being so, I am putting forth my explanations on the following points. (A copy of the Office instruction is annexed herewith as Annexure-III).

4. That Sir, on some unavoidable and genuine grounds, I could not attend my duty since 7.3.08. That in reality, I was suffering from severe Malaria and bronchitis since the first week of March. That for the said ailments, I had to rush back to my home, which is at a deep remote interior place of Nagaon district in Assam. That in my home, I was immediately treated upon and thereafter the attending doctors advised me total bed-rest.

That Sir, I am the only male member of my entire family and at my home my wife and my daughter got busy in attending to my ailments and hence, there arose a communication gap between you and me as there was none to inform you about my serious ill-health.

That the relevant medical papers will be furnished before your authority as and when required by you for your kind perusal.

5. That in fact, I am a very poor person with no other source of income, to feed myself and my whole family. That by this said job, I have been looking after my whole family and is also bearing every expenses of them. That my daughter is a school going student of Class VIII and I had to bear a lot financially for her proper upbringing.

That for any reasons, if I am removed from my service then it will be hard on my part to meet both ends of my family. That in such circumstances, I along with my entire family will be ruined for ever.

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

-3-

6. That sir, I have been an employee of your organisation for the last more than two decades and during this period, I have not done anything which is detrimental to the interest of your esteemed organisation. I vow to keep the good image of the organisation intact at all costs and further assure you that every of my deeds will be for the good and welfare of your organisation.

That sir, whatever I did was quite unintentional, without any malafide and was quite unavoidable.

7. That I have now fully recovered from my illness and hence ready to join my regular duties, provided your authority permits me to do so.

8. That, I repose my full faith on your authority and hopes that justice from your end will be meted out to me.

Therefore, I pray before your authority to kindly consider the above stated facts showing cause of my absence from regular official duties and then be pleased to condone the said absence w.e.f. 7.3.08 for reasons stated above and then be further pleased to set aside the order passed by your authority vide letter reference Number F.61/PT(HMK)/KVN/2008-09/541 dated 4.7.08 and then also be pleased to re-instate me in my job for the ends of justice and oblige.

ANNEXURES: -

- ✓ I. Reply letter to the Principal, K.V. NEMU
- ✓ II. Postal slip.
- ✓ III. Office instruction from the Principal K.V. NEMU.

Copy to the
Assistant Commissioner,
KVS(OR) Jawaharnagar, Khanapara,
Guwahati-22.

Yours Obediently,

Harendra Nath Kalita
(HARENDRA KALITA)
Vill. Biherigaon,
P.O. Biherigaon, Dist. Nagaon
(Assam).

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

To

The Principal,
Kendriya Vidyalaya,
NEHU, Shillong,
NEHU permanent campus,
Umshing,
Mawlai,
Mawkynroh,
Shillong - 793022.

Dated 30.7.08

Subject : Reply to the letter dated 4.7.08, vide
reference Number F.61/PF (HNK)/IKVN/
2008-2009/541.

Sir,

In reference to the letter cited above, I have the honour to submit the following explanations :-

1. That, I am an employee under Kendriya Vidyalaya Sangathan since 1983. That a show-cause notice was served to me vide Reference Number F.61/PF(HNK)/KVN/2008-2009/357 dated 23.5.08, wherein I was asked to show cause of my absence from 7.3.08. That for some unavoidable and genuine reasons, I could not reply the said show-cause notice in time inspite of my sincere efforts.

That subsequent to the said notice, I was again served with another letter dated 4.7.08, wherein an order was passed against me confirming the loss of lien on the post of Laboratory Attendant held by me and in this case, I will be deemed to be removed from the service of Kendriya Vidyalaya Sangathan.

Contd...2

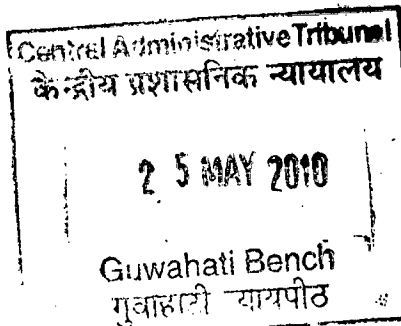
2. That sir, on some unavoidable grounds, I could not attend my duty from 7.3.08. That in reality, I was suffering from severe malaria and bronchitis since the first week of March, 2008. That for the said ailment I had to rush back to my home which is at a deep remote interior place at Nagaon District of Assam. That in my home I was immediately treated upon and I got bed-ridden. That sir, I am the only male member of my family and my wife and my minor daughter badly remained busy in attending to me and for that reason there was none to communicate or inform your authority about my serious health conditions and hence there arose a communication gap between you and me and for that reason, I failed to reply your show-cause notice in time inspite of my sincere and best efforts.

That the concerned medical certificates will be furnished before your authority as and when required for your kind perusal.

3. That, in fact I am a very poor person with no other source of income to feed myself and my whole family. That by this said job, I have been looking after my whole family and also bearing every expenses of them. That my daughter is a school going student and I had to bear a lot financially for her proper upbringing.

That for any reasons, if I am removed from my service then, it will be hard on my part to meet the both ends of my family. That in such a case, I along with my entire family will be ruined for ever.

4. That sir, I have been an employee of your Organisation for the best more than two decades and this period, I have not done anything which detrimental to the interest of your



-54-

esteemed organisation, and I further assure you that every
of my deed will be for the good and welfare of your
organisation.

That Sir, whatever I did was quite unintentional, without
any mala fide and was quite unavoidable.

Therefore, I fervently pray before your authority
to kindly consider the above stated causes of absence and
then be pleased to set aside the said order passed by your
honour, vide letter reference Number F.61/PF(MEK)/KVN/
2008-09/541 dated 4.7.08 and then be pleased to re-instate
me in my job for the ends of justice and oblige.

Yours sincerely,

Copy retained.

(H. KALITA)

Lab. Attendant,
Vill. Biharigaon,
P.O. Biharigaon,
Dist. Jowong-782001
Assam.

Annexure - II

- 55 - 9



NO. 10001
SLAB C 6145
Regulator No. 10001/01
To: THE PRINCIPAL, A.Y.
Muzaffarpur, 210002

Subordinate,
District Office, Muzaffarpur,
Bihar, 210002

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
12 5 MAY 2011
Gulwariati Bench
मुम्बई



KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू शिलॉंग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस, उमशिंग
MAWLAI MAWKYNROH SHILLONG - 793022
 Phone No. 0364-2550004(O) 2721141 Fax: 0364-2550200
 Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

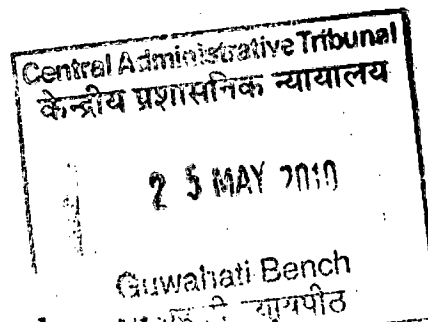
KV CODE 1493
 Station Code 256

Ref/No. F. 20065/KVN/61/2009-10/ S/S

Date: 24.08.2009

To,

The Assistant Commissioner,
 Kendriya Vidyalaya Sangathan,
 Guwahati Regional Office,
 Jawaharnagar, Khanapara,
 Guwahati - 781 022



Subject: Submission of the OA comments and evidences in Original.

Sir,

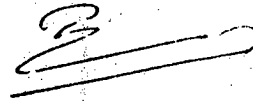
The following documents in the original together with the comments parawise of the OA pertaining to CAT Guwahati Bench. Please instruct an official to receive the documents.

SL.No	Letter No. and date	Name of document
1	F.-2/KVN/83/2549 dated 12.09.1983	Memorandum (Annexure-1)
2	F.-2/KVN/83/2572 dated 20.09.1983	Memorandum (Annexure-2)
3	F.-/KVN/84-85/4177 dated 30/31.08.1984	Order (Annexure-3)
4	F.-/KVN/84-85/4177 dated 15.10.1984	Order (Annexure-4)
5	F.-/KVN/84-85/9368-70 dated 15.12.1984	Order (Annexure-5)
6	No.F.P.F./KVN/85-86/4512 dated 25.02.1985	Memorandum (Annexure-6)
7	No.F.P.F./KVN/85-86/4587 dated 25.03.1985	Memorandum (Annexure-6-A)
8	No.F.P.F. (HN Kalita)/KVN/86-87/252 dated 30.08.1986	Memorandum (Annexure-7)
9	No..PF./KVN/88-89/521 dated 17.01.1989	Office order (Annexure -7A)
10	F-PF/HNK/GrD/KVN/88-89/606 dated 16.02.1889	Office order (Annexure -8)
11	F.PF./KVN/89-90 dated 14.08.1889	Warning (Annexure-09)
12	F.PF.HNK/KVN/90-91/253 dated 10.10.1991	Memorandum (Annexure-10)
13	F.PF.HNK/KVN/93-94/132 dated 16.06.1993	Office order (Annexure -10A)
14	F-61/PF/(HNK)/KVN/2005-06/1142 dated 06.03.2006	Office order (Annexure -11)
15	F-61/PF/KVN/2005-06/1188 dated	Office order (Annexure -11)

	20.03.2006	A)
16	F-61/PF/KVN//2006-07/157 dated 17.05.2006	Show-cause notice under Article 81(d) (Annexure 12)
17	Under taking and joining report 15.11.2006 (Mr. Kalita)	Annuxure-13
18	F-61/PF/KVN//2006-07/784-785 dated 17.05.2006	Memorandum (Annexure-12)
19	No. 2-28/KVS (GR)/2006/15591 dated 13.11.2006	Application in r/o Mr. H.N. Kalita lab. Attendant.

Enclose: as above.

Yours faithfully

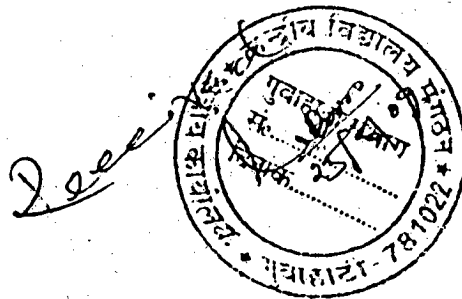


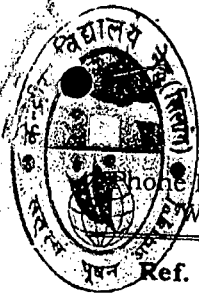
(Nanda Singh)
Principal :
Dr. V. NLU के वि. नेह
Shillong-22 गिलंग-22

Receiving official's Name -

Receiving official's Signature

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
25 MAY 2010
Guwahati Bench
गुवाहाटी न्यायपीठ





KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू, शिलांग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस, उम्शिग
MAWLAI MAWKYNROH SHILLONG - 793022
 Phone No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004
 Website: www.kvnchu.org E-mail: principalkvnchu@gmail.com

Ref. No. F. 61/KVN/2008-09/400

Date: 23.08.2008

KV CODE: 1493
 Station Code: 266
 Administration

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

25/8/2008

Guwahati Bench
 गुवाहाटी न्यायालय

OFFICE INSTRUCTION

Vide letter no. F-61 (HNK)/KVN/2002008-09/725 dated 05-08-08, of KV NEHU Shillong, in respect of the removal of Shri. Harendra Kalita from the service of the KVS under Article (81) D CCA/CCS rule 1965, the guidance regarding the next action in the case of Shri. Harendra Kalita was sought from Assistant Commissioner KVS (RO) Guwahati, Vide letter no. 2-28/KVS/ (GR)/2006/120602, dated 13/18-08-0. The Assistant Commissioner instructed the undersigned to advise Shri Harendra Kalita to prefer his case to Appellate Authority (i.e Education Officer, KVS (GR)) for consideration, if he so desires. As such Shri Harendra Kalita is advised to prefer his case to the Appellate Authority if he so desires.

To,
 Shri. Harendra Kalita
 (Ex-Lab. Attendant)
 Village Bihori Gaon
 P.O. Bihori Gaon
 Distt. Nowgaon

23/08/08
 Principal
 Principal प्राचार्य
 K. V. NEHU के वि. नेहू,
 Shillong-22 शिलांग-22

→ Copy to -
 The Assistant Commissioner
 KVS (RO), Guwahati for
 information

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Date Stamp

Sender's Address :-

H. Kalita

Vell - Bihariagan

P.O - Bihariagan

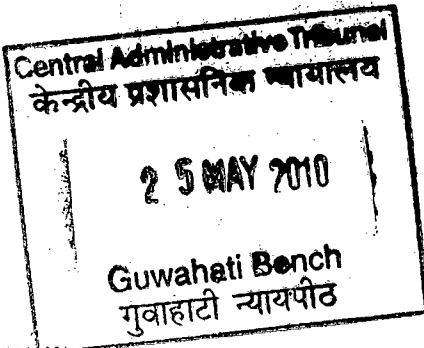
Dist - Nalogaing, Assam

Pin. -

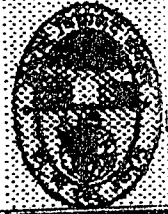
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ



Epbx- 2360105/06
Phone No 2360107(AC)
Fax No. 2360108



KENDRIYA VIDYALAYA SANGATHAN

REGIONAL OFFICE, KHANAPARA, JAWAHAR NAGAR,
GUWAHATI-781 022.

www.kvsroguwahati.org

Ref. No. 2-28/KVS (GR)/2006/

Dated: 13-08-2008.

The Principal,
Kendriya Vidyalaya
NEHU, Shillong.

Sub :- Removal of Shri Harendra Kalita from Service under clause 81 (d) of
Education Code for KV's

Sir,

I am to refer to your letter No. F. 61 (HNK)/KVN/2008-09/725 dated
05-08-2008 on the subject cited above.

In this connection, you may advise Shri Kalita to prefer his case to
appellate authority (i.e. Education Officer, KVS (GR)) for consideration, if he so
desires.

Yours faithfully,

(U.N. KHAWAREY)
ASSISTANT COMMISSIONER



KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू, शिलांग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस, उमसिंग
MAWLAI MAWKYNROH SHILLONG - 793022

Phone No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004
 Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

KV CODE: 1493
 Station Code: 266
 Administration

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

Ref. No. F. 61(HNK)/KVN/2008-09/725

Date: 05.08.2008 2 5 MAY 2008

To,

The Assistant Commissioner,
 Kendriya Vidyalaya Sangathan,
 Guwahati Regional Office,
 Jawaharnagar, Khanapara,
 Guwahati - 781 022

Guwahati Bench
 गुवाहाटी न्यायालय

Subject: Removal of Shri Harendra Kalita from service under Clause 81(d).

Sir,

Mr. Harendra Kalita, the Lab. Attendant of this Vidyalaya went to his home without taking station leave or without prior sanction of any leave.

Vidyalaya issued Office order vide F. 61/PF(KHK)/KVN/2007-2008/1360 dated 15.03.2008 to resume his duty in the Vidyalaya within seven days from the date of the issue of the letter. Mr. Kalita neither joined the Vidyalaya nor sent any information.

On 31.03.2008 the Vidyalaya issued a Memorandum vide letter No. F. 61/PF(HNK)/KVN/2007-08/1469 dated 31.03.2008. He was ordered to join his duties in the Vidyalaya by 07.04.2008 otherwise disciplinary action would be initiated against him. But Mr. Kalita neither sent any information in this regard nor turned up for joining the duty. On 01.05.2008 vide letter No. F. 03/KVN/2008-09/126 dated 30.04.2008 your kind self was informed, 'Sir; vide your letter No. F. 2-28/2008-KVS (GR)/3281 dated 12-05-2008, I was directed to take action against Shri H. Kalita under 81(d) of KVS Education code.

In compliance with your order Mr. Kalita was served show cause notice under Article 81(d) 3 vide our letter No. F. 61/PF (HNK)/KVN/2008-09/356-57 dated 23.05.2008. In order to confirm whether the letter is received by Mr. Kalita or not, I wrote letter to General Post Master (Letter No. F. 61/HK/KVN/2008-09/935 dated 09.06.2008. He responded that the letter was received by Mr. Kalita on 29.05.2008. After awaiting 35 days when no written representation from Shri H. Kalita against the action taken, was received by this office, the order removal from the service of KVS under article 81(d) was passed, on 04.07.2008.

Shri Harendra Kalita sent me a letter dated 30.07.2008 that has the explanation of my letter 04.07.2008.

'Sir' your kindness is requested to be kind to guide me to the effect what action should I take in respect of his letter.

Enclosure:-

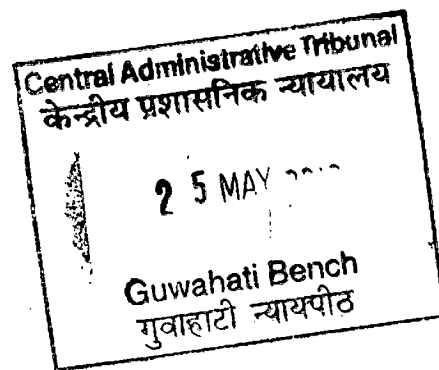
1. Xerox copy of the letter served to Sh. Kalita on 15.03.2008
2. Xerox copy of the Memorandum served to Sh. Kalita on 31.03.2008
3. Xerox copy of the letter dated 30.04.2008 sent to your kind self dated 12.05.2008
4. Xerox copy of the letter served by your kind self ordering me to take action against Sh. Kalita under article 81(d).
5. Xerox copy of the show cause notice under article 81(d) 3 dated 23.05.2008.
6. Xerox copy of the letter dated 01.07.2008 issued by Supdt. of Post Office, Meghalaya to confirm the date on which the show cause notice was received by Mr. Kalita.
7. Xerox copy of the letter of removal from service under clause 81(d)
8. Xerox copy of the letter Sh. Kalita dated 30.07.2008.

Yours faithfully

(Nanda Singh)
 Principal
 K. V. NEHU के वि. नेहू.
 Shillong-22 शिलांग-22

To

The Principal,
Kendriya Vidyalaya,
NEHU, Shillong,
NEHU Permanent Campus,
Umshing,
Mawlai,
Mawkynroh,
Shillong - 793022.



Dated 30/7/08

Subject : Reply to the letter dated 4.7.08, vide
reference Number F.61/PF (HNK)/IKVN/
2008-2009/541.

Sir,

In reference to the letter cited above, I have the
honour to submit the following explanations :-

1. That, I am an employee under Kendriya Vidyalaya Sangathan since 1983. That a show-cause notice was served to me vide Reference Number F.61/PF(HNK)/KVN/2008-2009/357 dated 23.5.08, wherein I was asked to show cause of my absence from 7.3.08. That for some unavoidable and genuine reasons, I could not reply the said show-cause notice in time, inspite of my sincere efforts.

That subsequent to the said notice, I was again served with another letter dated 4.7.08, wherein an order was passed against me, confirming the loss of lien on the post of Laboratory Attendant held by me and in this case, I will be deemed to be removed from the service of Kendriya Vidyalaya Sangathan.

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

2. That Sir, on some unavoidable grounds, I could not attend my duty from 7.3.08. That in reality, I was suffering from severe malaria and bronchitis since the first week of March, 2008. That for the said ailment I had to rush back to my home which is at a deep remote interior place at Nagaon District of Assam. That in my home I was immediately treated upon and I got bed-ridden. That Sir, I am the only male member of my family and my wife and my minor daughter badly remained busy in attending to me and for that reason there was none to communicate or inform your authority about my serious health conditions and hence there arose a communication gap between you and me and for that reason, I failed to reply your show-cause notice in time, inspite of my sincere and best efforts.

That the concerned medical certificates will be furnished before your authority as and when required for your kind perusal.

3. That, in fact I am a very poor person with no other source of income to feed myself and my whole family. That by this said job, I have been looking after my whole family and also bearing every expenses of them. That my daughter is a school going student and I had to bear a lot financially, for her proper upbringing.

That for any reasons, if I am removed from my service then, it will be hard on my part to meet ^{the} both ends of my family. That in such a case, I along with my entire family will be ruined for ever.

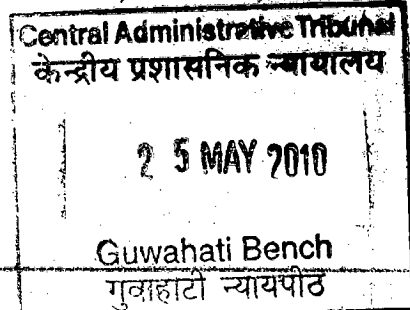
4. That Sir, I have been an employee of your organisation for the last more than two decades and this ⁱⁿ period, I have not done anything which ^{is} detrimental to the interest of your

-3-

esteemed Organisation and I further assure you that every of my deed will be for the good and welfare of your Organisation.

That Sir, whatever I did was quite unintentional, without any malafide and was quite unavoidable.

Therefore, I fervently pray before your Authority to kindly consider the above stated causes of absence, and then be pleased to set-aside the said order passed by your honour, vide letter reference Number F.61/PF(HNK)/KVN/2008-09/541 dated 4.7.08 and then be pleased to re-instate me in my job for the ends of justice and oblige.



Yours sincerely,

Harendra Nath Kalita

(H. KALITA)

Lab. Attendant,
Vill. Bihari gaon,
P.O. Bihari gaon,
Dist. Nowgong-
Assam.

Copy retained.

12:59

03/07/2003

From: 15grams To: SHILLONG, PIN:22

To
The Principal,
Kendriya Vidyalaya
NEHU - Shillong
NEHU Permanent Campus
Umshing
Marolai
Mawlsyngh
Shillong - 793022

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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

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(366)-66-

KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू, शिलांग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस, उमसिंग
MAWLAI MAWKYNROH SHILLONG - 793022

KV CODE: 1493
 Station Code: 256
 Administration

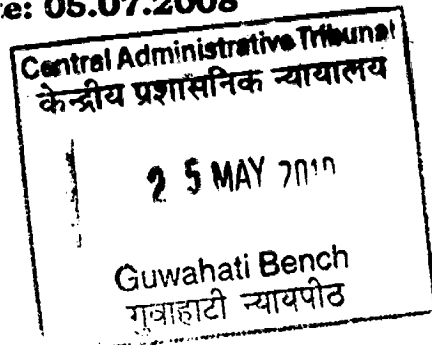
No. 0364-2550004(O) 2721-141 (O) 2550988 (R) Fax: 0364-2550004
 Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

Ref. No. F. 61/PF (ANK)/KVN/2008-09/548.

Date: 05.07.2008

To

The Assistant Commissioner,
 Kendriya Vidyalaya Sangathan,
 Guwahati Regional Office,
 Jawahar Nagar, Khanapara,
 Guwahati, Assam
 Pin - 781022.



Subject: Submission of the order pertaining to the Removal from service under Clause 81 (d)

Sir,

Please find enclosed herewith the order of removal from the service of KVS issued by the principal KV NEHU to Shri Harendra Kalita, the lab attendant of this Vidyalaya for your kind information.

With due regards.

Yours faithfully

(Principal Singh)
 R. V. NEHU
 Shillong-22 शिलांग-22

OK

for PRINCIPAL 21
K. V. NENU
SHILLONG
PERMANENT CAMPUS
SHILLONG
793022
NEHICAMPUS
5-7-08
374

-67-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
25 MAY 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

A/D CARD
PRINCIPAL
K. V. NENU
SHILLONG
PERMANENT CAMPUS
SHILLONG
793022

68



From
H. K. Gupta
(Lab Assistant)
P.O. - Bihariyagan,
Dist - Nagaong, Assam

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
25 MAY 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

23-

-69-

STC
1986
The Assistant Comm. Secy
Kamaja Panchayat Sangathan
Guwahati Regional Office
P.O. Laga Khapara
Guwahati - 781022

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
25 MAY 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

To
SHRI KALITA
VILL. BIHARIGAN
P.O. BIHARIGAN
DISTT. MONGAON
703022

22 70
KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू शिल्लोंग
NEHU PERMANENT CAMPUS, UMSHINO नेहू परमानेंट कैम्पस उम्शिण
MAWLAI MAWKYNROH SHILLONG - 793022

No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004
Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

KV CODE: 1493
Station Code: 266
Administration

Ref. No. F. 61/PF (HNK)/KVN/2008-09/540-541

Date: 04.07.2008

REGD POST WITH AD

REMOVAL FROM SERICE UNDER CLAUSE 81(d)

The show cause notice under Article 81 (d) 3 was served to **Shri H. Kalita** vide order F- 61/PF (HNK)/KVN/2008-09/356-57 dated 23-05-08. **Shri H. Kalita** did not make written representation against the action to be taken even after the 10 days of receipt of the order. Consequently an order is passed confirming the loss of lien on the post of laboratory attendant held by him and, in this case, he is deemed to be **removed from the service** of Kendriya Vidyalaya Sangathan as per the provision of Article 81(d). His removal from the service will come into effect from **07-03-2008 (7th March 2008)**, the date from which he was on unauthorized leave.

To,

Shri H. Kalita
(Ex Lab. Attendant)
Vill-Biharigaon,
P.O. Biharigaon,
District Nowgong.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

(Nanda Singh)
Principal

Copy to:-

The Assistant Commissioner KVS (GR) for his kind information.

Principal
R. V. Principal
Shillong-22 शिल्लोंग-22

Office copy delivered
22.5.08

23

71-

DEPARTMENT OF POSTS - INDIA
SR. SUPERINTENDENT OF POST OFFICES MEGHALAYA DIVISION SHILLONG - 793001.
TEL: 0364-2504250
222325

COMPLAINT - SETTLED REPLY

01/07/2008

NO. 793000-05135

To

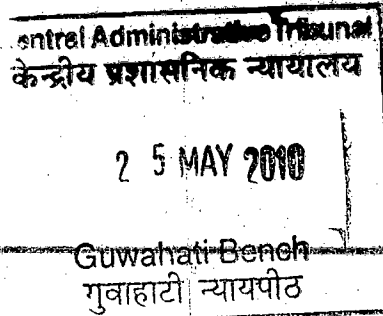
NANDA SINGH (PRINCIPAL), K
V NEHU, SHILLONG, 793022.

Dear Sir / Madam,

In continuation of our letter regarding the Complaint No. 793000-05135, it is to inform you that the complaint of Non Receipt of Ack./Proof of Delivery of Registered Letters with Acknowledgement with Transaction No. B 5084 on 24/05/2008 of Shillong gpo is settled on 01/07/2008 with the following information that 'delivered on 29.5.2008'.

Thanking you,
Yours faithfully,


SSPO
MEGHALAYA





KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू शिल्लोंग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस उम्शिंग
MAWLAI MAWKYNROH SHILLONG - 793022

KV CODE 1493
Station Code 266
Administration

Phone No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004
Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

Ref. No. F. 61(HK)/KVN/2008-09/935.

Date: 09.06.2008

**The General Post Master,
Shillong GPO,
Shillong - 793001.**

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

subject: Intimation of delivery of letter issued from this office.

Sir,

On 24.05.2008 a letter to Shri Haren Kalita, Biharigaon, Nowgong Assam, has been dispatch by this office under Registered Post bearing No. Shillong GPO (793001) RIAD B 5084 dated 24.05.2008 along with Acknowledgement Card.

Till today, Acknowledgement Card has not come back to this Office, in this connection kindly intimate this office the date of delivery of the letter to Shri Haren Kalita, Biharigaon, Nowgong Assam, as the date of receiving of the letter by Shri Haren Kalita, is urgently required by this office for further necessary action.

With due regards.

Enclo: Photo copy of RECIEPT Voucher.

Yours faithfully

(Nanda Singh)

Principal

K. V. NEHU के वि. नेहू.
Shillong-2, शिल्लोंग-2

आ. पो 54
R.F. 4

भारतीय डाक-विभाग 25
DEPARTMENT OF POSTS, INDIA

तारीख-मोहर -73-

पत्र डाकघर की नाम-मोहर
Name Stamp of office of posting



Date Stamp

भेजनेवाले का पता / Sender's Address

70 PRINCIPAL,

K. V. NENU. SHILLONG

Permanent Campus Nenu. Shillong

Shri H. M. Kalita

पिन/Pin

793022

Mess Grana mai Kalita

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायापीठ

प्राप्ति-स्वीकृति (रसीद) / ACKNOWLEDGEMENT

-74-

* एक रजिस्ट्री बीमा पत्र/पोस्ट कार्ड/पैकेट/पार्सल प्राप्त हुआ क्रमांक

* Received a Registered Letter/Postcard/Packet/Parcel No. Insured

पाने वाले का नाम

Addressed to (name)

Shri. H. N. KALITA

VIII Bimari GAN

PO Bimari GAN Dist. Nowgona

● बीमे का मूल्य (रुपयों में)

● Insured for Rupees

बितरण की तारीख

Date of Delivery

पाने वाले के हस्ताक्षर / Signature of addressee

* अनावश्यक की काट दिया जाये / Score out the matter not required.

* केवल बीमा वस्तुओं के लिए / For insured articles only.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
25 MAY 2010
Guwahati Bench
गुवाहाटी न्यायपीठ



KENDRIYA VIDYALAYA NEHU SHILLONG कन्द्रीय विद्यालय नेहू शिलांग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस उम्शिंग
MAWLAI MAWKYNROH SHILLONG - 793022

No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004
Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

KV CODE: 1493
Station Code: 266
Administration

Ref. No. F. 61/PF(HNK)/KVN/2008-09/356-57

Date: 23.05.2008

Show-cause notice under Article 81(d)(3)

Shri Haren Kalita is hereby informed that he has remained absent for a period from 07.03.2008 to onwards, (which is more than 15 days) without sanctioned leave. **Shri Haren Kalita** has neither reported for duty within the aforesaid period of more than 15 calendar days nor satisfactorily explained the reasons for his absence in terms of sub-clause (1) of clause (d) of Article 81 of the Education code. He is deemed to have voluntarily abandoned his service and thereby provisionally lost lien on his post.

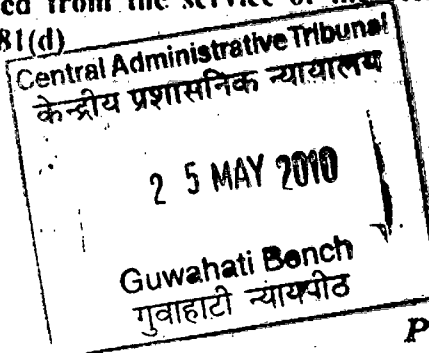
As required under sub-clause (3) of Clause (d) of Article 81, this order is hereby made recording the factum of voluntary abandonment of service by **Shri Haren Kalita** and provisional loss of his lien on (post) and the same is hereby communicated to him accordingly.

As further required under Sub-clause (3) of Clause (d) of Article 81, **Shri Haren Kalita** is hereby given the opportunity to show cause as to why the aforesaid order of provisional loss of lien should not be confirmed.

Shri Haren Kalita may make written representation to Shri Nanda Singh, Principal KV NEHU Shillong, within 10 days of the receipt of this order failing which an order shall be passed confirming the loss of lien on the post held by him and, in that case, he shall be deemed to have been removed from the service of the Kendriya Vidyalaya Sangathan as per the provision of Article 81(d)

To

Mr. Haren Kalita,
Vill-Bihorigaon,
P.O. Bihorigaon,
District Nowgong.



Principal

Copy for information to:
The Assistant Commissioner, KVS, Guwahati Region, Guwahati.

o/c

Principal
K. V. NEHU के. वि. नेहू
Shillong-22 शिलांग-22

27 (35)

-76-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE,
KHANAPARA, JAWAHAR NAGAR
GUWAHATI : 781 022

Speed Post

No.F. 2-28/2005-KVS(GR)/3281

Dated : 12-05-2008

To

The Principal,
Kendriya Vidyalaya,
NEHU, Shillong

Sub: Unauthorized absent of employees beyond 15 days- information regarding.

Sir,

I am to refer to your letter No.F.03/KVN/2008-09/126, dated 30/04/2008 on the subject cited above.

In this connection, you are informed that principal is the competent authority to take action for the Lab Attendant and Gr.D of the vidyalaya on the matter of un-authorized absent(i.e issuance of notice U/81(d) of KVS Education Code etc and confirmation thereof).

Hence, you are directed to take action to Shri J.N. Kalita, lab Attendant accordingly under intimation to this office.

Yours faithfully

(Signature)
(U.N. Khawarey)
Assistant Commissioner

office for unauthorised
action
23/05/08

F- 61
S.N. 95
dt. 23/5/08



28 (353) - 77-

KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू, शिलांग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस, उमसिंग
MAWLAI MAWKYNROH SHILLONG - 793022
Phone No. 0364-2550004(O) 2721141 (O) Fax: 0364-2550004
Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

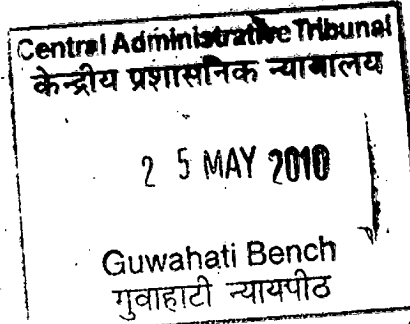
KV CODE: 1493
Station Code: 266
Administration

Ref. No. F. 03/KVE/2008-09/126.

Date: 30.04.2008

To,

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati Regional Office,
Jawaharnagar, Khanapara,
Guwahati - 781 022




Subject: Un-authorised absent of employees beyond 15 days-Information regarding.

Sir,

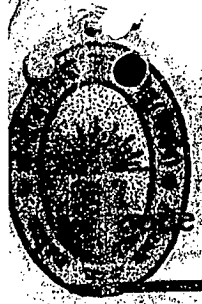
Reference to KVS(GR) letter No. F. 28-13/KVS(GR)-2007/14153-94 dated 12.10.2007, I am to inform you that Mr. H.N.Kalita, Lab. Attendant of this Vidyalaya is absent from his duty with effect from 10.03.2008 till date, Office Order & Memorandum already sent to him on 15.03.2008 and 31.03.2008.

Thanking you.

Yours faithfully


Principal
K. V. NEHU P. N. S.
Shillong - 793022

o/c



29 (357) -78 -
KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहू, शिलांग
NEHU PERMANENT CAMPUS, UMSHING नेहू परमानेंट कैम्पस, उमसिंग
MAWLAI MAWKYNROH SHILLONG - 793022

KV CODE: 1493
Station Code: 266
Administration

Phone No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004
Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

Ref. No. F. 61/PF(HNK)/KVN/2007-08/1469

Date : 31.03.2008

Regd Post

Memorandum

In continuation to this Office Order, No. F. 61/(HNK)/KVN/2007-08 ¹³⁶⁰ dated 15.03.2008, You have been found absent from your duty with effect from 10th March 2008 till date, therefore you are directed hereby to report immediately to your duty within 07.04.2008. Otherwise disciplinary action will be taken against you.

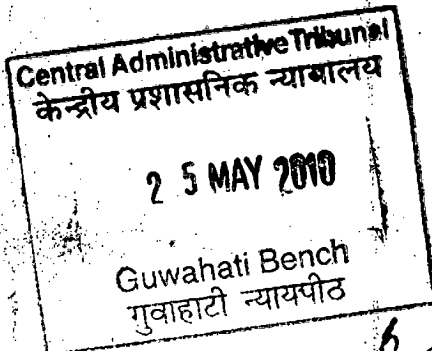
To

Mr. H.N.Kalita,
Vill-Biharigaon,
P.O. Biharigaon,
District Nowgong.

AK
Principal

Principal प्राचार्य
K. V. NEHU के वि. नेहू
Shillong-22 शिलांग-22

Copy to Dist. Com. KVS (GR)
for information & may
action please.



AK
Principal
Principal प्राचार्य
K. V. NEHU के वि. नेहू
Shillong-22 शिलांग-22

0/L

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-79-



KENDRIYA VIDYALAYA NEHU SHILLONG कन्द्रीय विद्यालय नेहु शिल्लोंग
NEHU PERMANENT CAMPUS, UMSHING नेहु परमानन्त कैम्पस उम्शिंग
MAWLAI MAWKYNROH SHILLONG - 793022

KV CODE 1493
 Station Code 266
 Administration

Phone No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004
 Website: www.kvnehu.org E-mail: principalkvnehu@gmail.com

Ref. No. F. 61/PF(HNK)/KVN/2007-08/1365

Date : 15.03.2008

Recd Pex

Office Order

You have been found absent from your duty with effect from 10th March 2008 till date, therefore you are directed hereby to report immediately to your duty within 7(seven) days from the date of issue of this Office Order. Otherwise disciplinary action will be taken against you.

To

Mr. H.N.Kalita,
 Vill-Biharigaon,
 P.O. Biharigaon,
 District Nowgong.

(Nanda Singh)
 Principal

Shillong, 15.03.2008

c/c

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench
 गुवाहाटी न्यायपीठ

UNDERTAKING

31

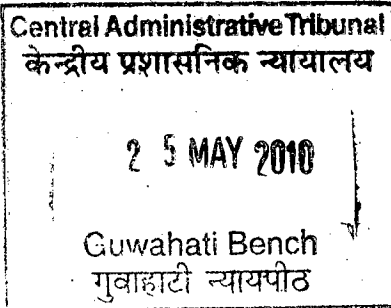
-80-

I Mr. HORENDARNATH KALITA Lab Ahd K.V.

NEHU Shillong do hereby undertake that I will not take any leave without any information in future and I assure that I will perform my duty sincerely and regularly.

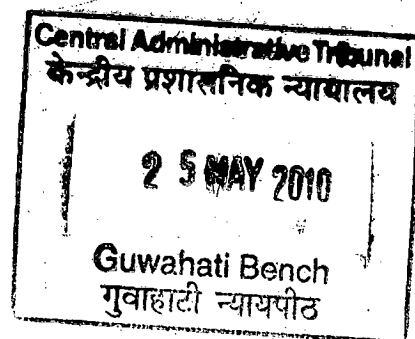
DT Shillong
10/09/08

Harendra Nath Kalita
(HARENDARNATH KALITA)
(LAB AHD.)



76

The Principal
K. V. NEHU Shillong



Subject: Application for E.O.L.

Sir,
With due respect I would like to inform you that I could not attend my duty with effect from 11.06.2007 to 09.09.2007 due to my ill health (Medical Certificate enclosed herewith).

Also I have received the letters from you regarding my absence but I could not reply because of my total bed ridden, an undertaking is also enclosed herewith for your consideration. Sir to kindly grant

So, I request you Sir to kindly grant me E.O.L. for the period stated above and oblige.

Thanking you.

Date: 10/09/2007

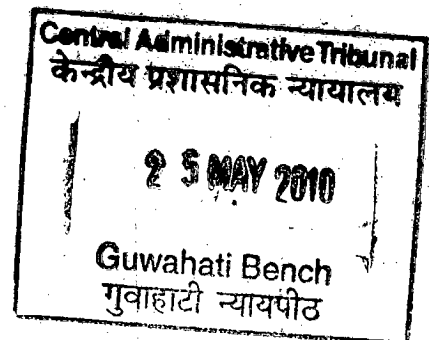
E.O.L. for
the period w.e.f.
11-06-2007 to 09-09-2007
granted
10-09-07

Yours faithfully,

Harendra Nath Kata
(H. N. Katita)
Lab. Assistant
K. V. NEHU,

To
The Principal,
K. V. NEHU, Shillong.

Subject: Undertaking



Sir, With due respect I would like to inform you that I was absent from duty with effect from 11/06/2007 to 31/08/2007 due to suffering from Scurdier & Hypertension and also I could not ~~reply~~ send any application due to my ill health.

Sir, In this connection I ~~request~~ ^{undertake} ~~you~~ that in future such type of absent I will not repeat again.

Kindly I request you Sir, to allow me to join my duty today ~~and~~ the 01st September 2007.

Thanking you

Yours faithfully

Date: 01/09/2007

Harendra Nath Kalita.
(H. N. Kalita)
Lab Hill.
K. V. NEHU.

To
The principal,
Kendriya Vidyalaya, NEHU,
Shillong - 22.

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- 83 -

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Respected Sir,

I M.N. Kalita request you to kindly permit me to join in my duty from today 15.11.2006 fore-noon. I assure you Sir from today onwards I will come regularly to my duty. I won't repeat the same in future, I am very sorry for the above situation.

Thanking you,

Yours faithfully,

Harendra Nath Kalita.

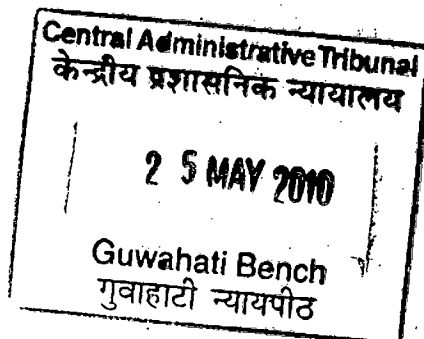
(M.N. KALITA)

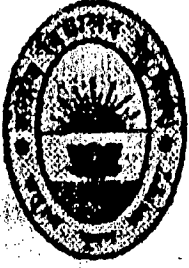
Lab. Attendant.

dt. 15/11/2006

Allowed to join
the duty from
today is 15/11/06.
He will not go for
leave without the
prior permission
of the Officer
incharge NEHU.

15/11/06





35
348

Kendriya Vidyalaya
North Eastern Hill University
NEHU Permanent Campus, Umching
Mawlai Mawkyroh
Shillong - 793022

84-

KV CODE: 1493
Station Code: 266
ADMINISTRATION

Telephone No: 2550004 (O)
2721141 (O)
2721143 (O)

Ref. No. F. 61/PF/KVN/2006-07/ 784-785

Date : 15.11.2006

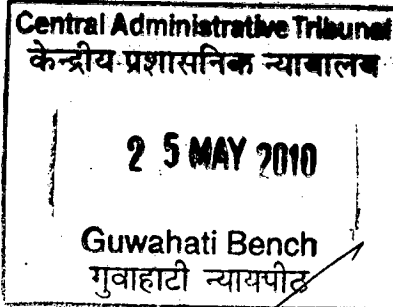
MEMORANDUM

You are hereby allowed to join your duty as per the instruction issued by Assistant Commissioner, KVS, R.O. Guwahati vide letter No. 2-28/KVS(GR)/2006/15591 dated 13.11.2006 from today, i.e 15.11.2006 (forenoon) subject not to repeat the same in future.

Further you are directed to submit an Undertaking that, you will not repeat the same in future, if you are repeating it again, you will be held responsible for that, and there will not be any excuse for the same. You will be punished according to the CCA rules for KVS employees.

To

Mr. H.N.Kalita,
Lab. Attendant,
Kendriya Vidyalaya
NEHU, Shillong.



Principal

Copy to:

The Assistant Commissioner, KVS(GR) under reference to his letter stated above.

15/11/06

Principal
Principal प्राचार्य
K. V. NEHU के. वि. नेह.
Shillong-22 शिलांग-22

P.F.

36

85-

(347)

**KENDRIYA VIDYALAYA SANGATHAN, REGIONAL OFFICE, KHANAPARA,
JAWAHARNAGAR, GUWAHATI - 22.**

Ref. No. 2-28/KVS (GR)/2006/15591

Date : 13.11.2006

To,

The Principal,
Kendriya Vidyalaya, NEHU,
Shillong.

Sub :- Application in respect of Mr. H.N. Kalita, Lab. Attendant.


Sir,

Application alongwith Medical Certificate and Fitness Certificate is returned herewith to allow Shri Kalita to join duty. He may be sanctioned leave of the kind due and admissible for the period of absence.

Further, you are directed to issue him warning and take an undertaking stating that he would not repeat the same in future.

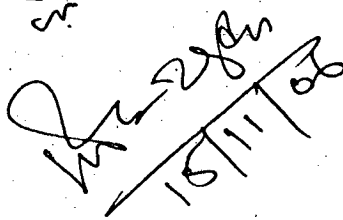
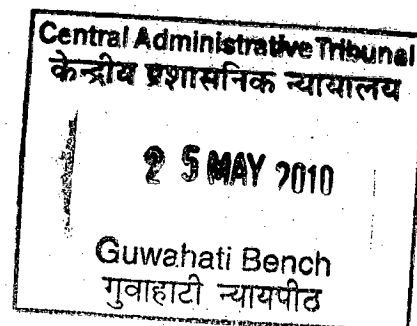
Encls: as above.

Yours faithfully,



(U.N. Khawarey)
Asstt. Commissioner.

argued
Kalita may be issued
warning letter and he
should be instructed to submit
an undertaking stating
that he would not repeat
the same in future.

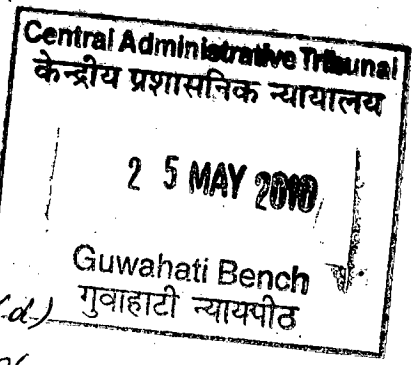

15/11/06

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The Assistant Commissioner,
Kondruja Vidyalaya Samgathan,
Khanapara, Guwahati - 781022.

(346)



Through the Principal, K. V. NEHU, Shillong.

Sub: - Reply of show cause. Notice under 81(d)
Ref: - F-61/KUN/2006-07/157, dt 17-05-06

Respected Sir,

With due respect I wish to state that

I have have given application for (01) one day
Casual leave on 18-02-06 (Saturday) to Principal
Sir, (Dr R.D. Pendey) for some urgent work at
my Home Town Nagaon (Assam). As soon as
I reach there I fell ill, Doctor told me that
I am suffering from Malaria and Tonic (Malena)
My health condition was not permitting to
join the duties. I had sent one registered letter
informing my health condition.

Sir, I am very sorry for my long absence
from my duty station but the condition were
beyond my control.

Kindly allow me to join my the duties
and I shall never repeat this again.

Thanking you

Dt Shillong
27-10-06

Encl: - Medical Certificate
along with Fitness
Certificate.

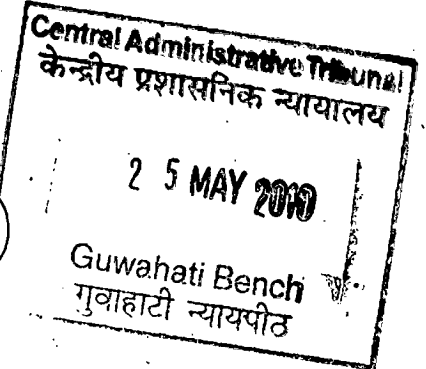
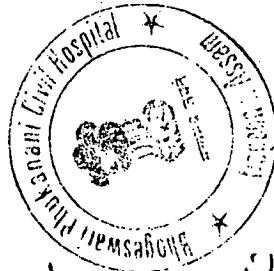
Principal
K. V. NEHU
Shillong-22

Yours faithfully

Harendra Nath Talwar

(H. N. Kalita)
Lab Atd

K. V. NEHU, Shillong



245

To whom it may concern.

This is to certify that Sri Narendra Nath Kalita was under my treatment for long period since 18.2.06 for UBI bleeding (Malaria) to 25.10.06, was at Nagaon B.P. Civil Hospital vide OPD no 6580/06. During his treatment he was in bed rest & medication. Now he is found fit to join his work from 26.10.06.

[Signature]
 Medical Officer
 B. P. Civil Hospital
 Nagaon & Amc.

KENDRIYA VIDYALAYA SANGATHAN

Subject : Format of show-cause notice under Article 81(d)(3)

Shri/Smt./Km. H. N. Kalita is hereby informed that he/she has remained absent for a period of fifteen days or more from 18.2.16 to 03.4.16 without sanctioned leave or beyond the period of leave originally granted or subsequently extended. Shri/Smt./Km. H. N. Kalita has neither reported for duty within the aforesaid period of 15 calendar days nor satisfactorily explained the reasons for his/her absence in terms of subclause (1) of Clause (d) of Article 81 of the Education Code, he/she is deemed to have voluntarily abandoned his/her service and thereby provisionally lost lien on his/her post.

As required under sub-clause (3) of Clause (d) of Article 81, this order is hereby made recording the factum of voluntary abandonment of service by Shri/Smt./Km. H. N. Kalita and provisional loss of his/her lien on (post) and the same is hereby communicated to him/her accordingly.

As further required under Sub-clause (3) of Clause (d) of Article 81, Shri/Smt./Km. H. N. Kalita is hereby given the opportunity to show cause as to why the aforesaid order of provisional loss of lien should not be confirmed.

Shri/Smt./Km. H. N. Kalita may make written representation to the (Appointing Authority's name and designation) within 10 days of the receipt of this order failing which an order shall be passed confirming the loss of lien on the post held by him/her and, in that case, he/she shall be deemed to have been removed from the service of the Kendriya Vidyalaya Sangathan as per the provision of Article 81(d).

(Name and Designation of the Appointing Authority)

(Signature) 17/05/06

To,
Shri/Smt./Km. H. N. Kalita
VILL - BIHARIGADN, P.O. Biharigaon
Dist: Nongong (Assam).

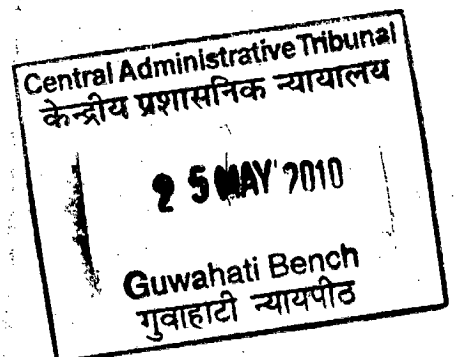
Principal प्राचार्य
ड. व. नेहु के. वि. नेहु.
Shillong-22 दिबांग-22

Copy for information to :
(Head of office/Controlling Officer)

392

F61/PP/KVN/2008-07/157

dt. 17/05/2006





केन्द्रीय विद्यालय 40
KENDRIYA VIDYALAYA

पूर्वोत्तर पर्वतीय विश्वविद्यालय (परमानेंट कैंपस)
NEHU (PERMANENT CAMPUS)

उमसिंग, मोकेनहो

Um-Shing Mawkynroh

पो० ब्रो० शिलांग, मेघालया-७६३०२२

P.O. SHILLONG-22, MEGHALAYA (PIN-793022)

Phone-Off.-250004
Resi.-250009

340

Ref. No. F.61/KVN/2005-06/1188

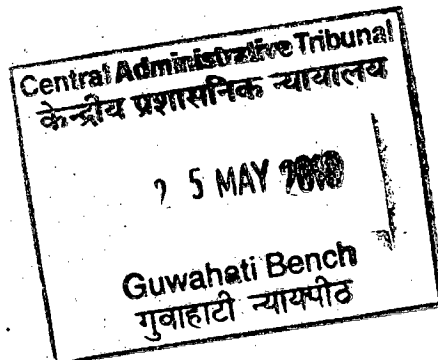
Date 20-3-2006.

OFFICE ORDER.

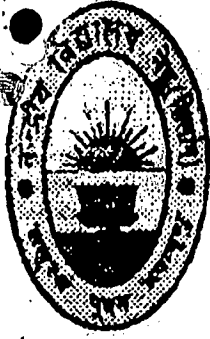
///ith reference to this letter No.F.61/PF/
HNK/KVN/2005-06/1142 dt.06-03-2006,by Regd post.
Mr.H.N.Kalita,Lab-Attendant was ordered to be pre-
sent in the Vidyalaya but he has not reported till
now.He is once again directed to report in the Vid-
yalaya as soon as he gets the information.

To

Mr.H.N.Kalita,Lab-Attendant
Kendriya Vidyalaya NEHU
Vill.Bihari gaon
P.O.Biharigaon
Dist.Nowgaon Assam.



Principal
K.V.NEHU
SHILLONG.
K. V. NEHU के वि. नेहू
Shillong-22 शिलांग-22



Kendriya Vidyalaya
North Eastern Hill University
NEHU Permanent Campus, Umshing
Mawlai Mawkynroh
Shillong - 793022

Telephone No: 2550004 (O)
2721141 (O)
2001260 (R)

Ref. No. F. 61/PF(HNK)/KVN/2006-06/1142 Date : 06.03.2006

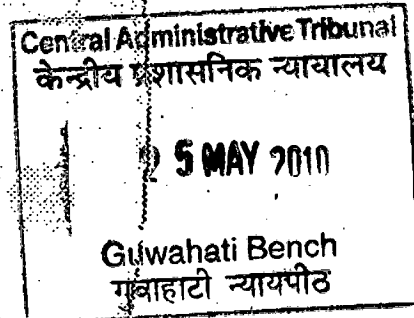
Royal Post

Office Order

Shri H.N.Kalita is absent from his duty from the afternoon of 18.02.2006, without information. He is directed to join his duty immediately, after getting this information failing which disciplinary action will be taken against him.

To

Mr. H.N.Kalita,
Lab. Attendant,
Kendriya Vidyalaya NEHU
Vill-Biharigaon,
P.O. Biharigaon,
District Nowgong.



(Dr. R.D. Pandey)

Principal

Principal प्राचार्य
K. V. NEHU के. वि. ने. यु.
Shillong-22 शिलांग-22

42 (146) -91-

F.PF(HNK)/KVN/93-94/132

16-6-93

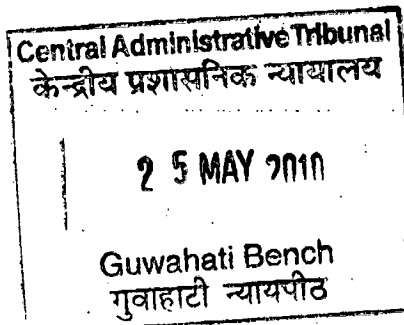
OFFICE OR-DER

Sh. H. N. Kalita,
Gr. 'D', KV Nagaon.

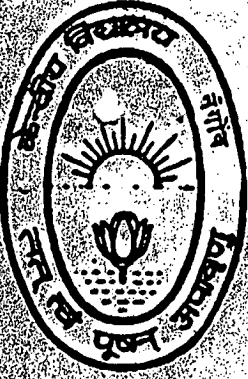
You have been found absent in your duty
w.e.f. 24-5-93 to till date without any information.

Therefore you are instructed to attend
your duty immediately. Otherwise you may face any
disciplinary action.

B. Bhattacharya
Offg. Principal



PF/HNK



43 (11) फोन/Phone : 373
केन्द्रीय विद्यालय, नैगोंब
Kendriya Vidyalaya, Nowgong

पोस्ट माफिस : नैगोंब - 782002, जिला : नैगोंब (असम)
P.O. : NOWGONG-782001, Dist. : NOWGONG (Assam)

पत्रांक/Ref. No. F. PF (HNK) / KVM/90-91 दिनांक/Dated, 10-10-1991.

MEMORANDUM

It has been observed by the undersigned that you failed in performing your duties properly. Due to your carelessness any type of damage is possible to the school building and its furniture.

As such you are hereby warned and instructed to perform your duties properly failing which action will be taken against you as per the rule.

In the primary wing if any damage is found due to your carelessness of yesterday you will be liable to compensate the same.

10/10/90
PRINCIPAL.

To
Sri H.N. Kalita,
Group 'D' employee.
Kendriya Vidyalaya, Nagaon.
KENDRIYA VIDYALAYA
पत्रांक-782001 Nagaon

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

44 (84) 93
KENDRIYA VIDYALAYA : NAGAOON : ASSAM.

F.O. : Nagaoon-782001.

Dated: 14-8-1989.

No. F. PE/KVN/89-90/

W A R N I N G.

It has been marked that the following group 'D' employees of this vidyalaya are not performing their duties properly.

Hence, they are hereby warned that in future they will not repeat such actions which will be considered as negligence of their duties.

1. Sri D. Basumatary.

2. Sri B. Das.

3. Sri B. K. Das.

Sri H. M. Kalita.

Sri H. M. Kalita.

K. D. 89

(Dr. S. Dube
PRINCIPAL.
नापाव / Principal,

केन्द्रीय विद्यालय

KENDRIYA VIDYALAYA.

नापाव-782001 Nagaoon

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ



45 (82) फोन/Phone : 373-94

Kendriya Vidyalaya, Nowgong

पोस्ट आफिस : नैगोंग - 782002, जिला : नैगोंग (असम)

P.O. : NOWGONG-782001, Distt. : NOWGONG (Assam)

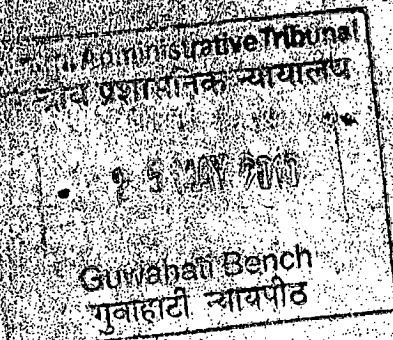
पत्रांक/Ref. No. F. PF/HNK/GrD/KVN/88-89/606 दिनांक/Dated..... 16-2-89

OFFICE ORDER

To

Sh. H. N. Kalita,
Group 'D'

It is found from the Attendance Register that you are absent from duty wef 28-1-89 till date without any information. So, you are hereby ordered to attend your duty immediately; otherwise disciplinary action may be taken against you.



PRINCIPAL.

Kendriya Vidyalaya, Nagaon.

केन्द्रीय विद्यालय

KENDRIYA VIDYALAYA,

पिन-782001 Nagaon

Sri Harekrishna Nath Kalita

Date 16.2.89



46-95-
फोन/Phone : 373
केन्द्रीय विद्यालय, नंगोंव
Kendriya Vidyalaya, Nowgong

पोस्ट आफिस : नंगोंव - 782002, जिला : नंगोंव (असम)
P.O. : NOWGONG-782001, Distt. : NOWGONG (Assam)

पत्रांक/Ref. No. F.PF/HNK/KVN/88-89/ दिनांक/Dated..... 20-1-89.
543

OFFICE ORDER.

1. Reference this office memo No.F.PF/KVN/88-89/521 dated 17-1-89.
2. You are hereby ordered to report in the school on 21-1-89 positively failing which disciplinary action may be taken against you.

(Dr. S. Dube)
PRINCIPAL,
नागार्थ / Principal,

To
Sri H.N. Kalita, Group 'D', केन्द्रीय विद्यालय
Kendriya Vidyalaya,
Nagaon (Assam).
KENDRIYA VIDYALAYA,
नंगोंव-782001 Nagaon

Sri H.N. Kalita

Date
20.1.89

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 1989

Guwahati Bench
गुवाहाटी न्यायपीठ

47
-96-
79
KENDRIYA VIDYALAYA::NAGAON::ASSAM.

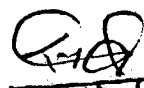
Ref.No. PF/KVN/88-89/521

Phone: 373
P.O. : Nagaon-782001
Dated: 17/1/1989

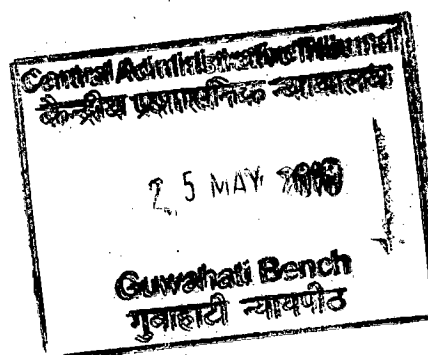
OFFICE ORDER

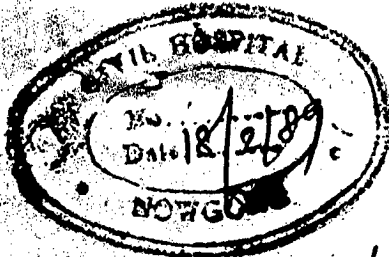
You have been allotted night duty in the vidyalaya. It is found that wooden gate on the back of the campus is not traceable and three window panes of the principal's office are also broken. It is negligence of your duty, for which you are warned and required to make up loss by 19-1-89. Failing which you will be liable for serious consequences.

To. Mr. H.N. Kahlō
grade IV employee


(Dr. S. Dube)
PRINCIPAL.

Received - Sri Harekrishna Nath Kahlō.
O/c





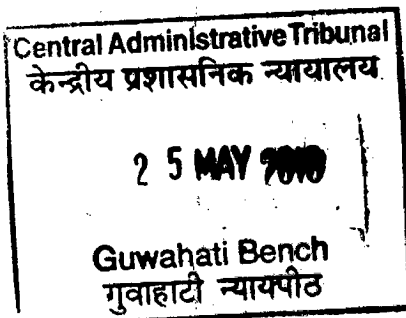
90

So when it may concern

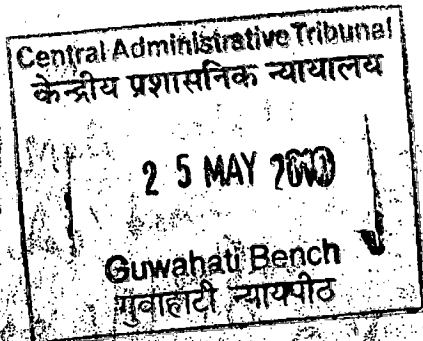
This is to certify that Shri Hemendra Nath Kalita 30 yrs/Male whose signature is given below has been suffering from P.U.S. since 1/2/89 for which he is treated at Nagaon Civil Hospital (O.P.D. Regd. No. 8180 Dtd. 1/2/89) & to-day he is found to be medically fit to join & resume his duties & effect from to-morrow (i.e. 19/2/89).

Sd/- Hemendra Nath Kalita
Signature of H.N. Kalita

Medical Officer, - I
NAGAON CIVIL HOSPITAL
Nagaon : Assam.



(8)



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To

The Principal,
Kendriya Vidyalaya
Nagarm

Sub: - recovery report.

Sir,

I have the honour to inform you
that after availing twenty four ⁽²³⁾~~(24)~~ days
medical leave from 27.1.89 to 19.2.89
I have join my duty today forenoon.

Therefore, I request you to kindly
permit me to join my duty today and
be able.

20-2-89

Yours faithfully

Sd/- Shambhu Nath Chakraborty
Grade IV.

get
in order to submit
the medical certificate
and leave
is granted

50

(46) - 99

KENDRIYA VIDYALAYA : NAGAON :: ASSAM.

No.F.P/F(HN.Kalita)/KVN/86-87/252

P.O. : Nagaon-782001.
Dated: 30-8-1986.

M E M O R A N D U M.

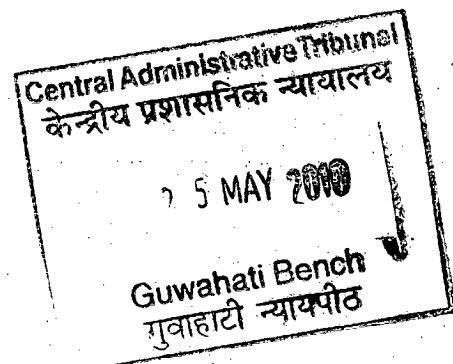
Sri Harendra Nath Kalita, a Group 'D' employee of this vidyalaya who was on night duty on the rest day of Sri L.B.Malla, night chowkider on 1.8.28-8-86 miserably failed in his duty as informed by Sri L.B.Malla to undersigned.

Sri Harendra Nath Kalita is to explain within 3 days of receipt of this memo why strong disciplinary action will not be taken against for the very serious lapse on his part.

To
Sri Harendra Nath Kalita,
Group 'D' employee,
Kendriya Vidyalaya, Nagaon.

M.P. Upadhyay
(Dr.M.P.Upadhyay)

PRINCIPAL.
Principal,
Kendriya Vidyalaya
Nagaon, Assam



51
KENDRIYA VIDYALAYA : NOWGONG :: ASSAM.

24-100-
P.O. : Nowgong-782001.
Dist.: Nowgong(Assam)
Dated: 25-3-85.

No.F.P/f/KVN/85-86/4587

MEMORANDUM.

Sri Haren Kalita, Group D employee (Night chowkidar) is reported to be absent on 8th.March/85 and when the office room was opened the Steel Almirah where all the important records are kept was found half open.

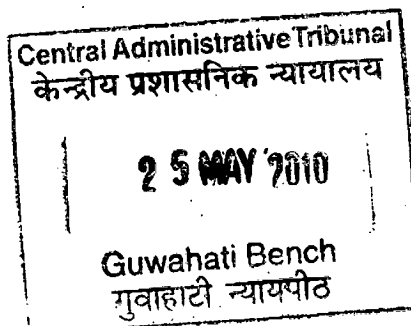
On enquiry Sri Kalita could not give satisfactory reply as he tried to avoid the topic simply by trying to shift the responsibility to other Group D employee, then to UDC and then to LDC which is very much confusing.

Sri Haren Kalita is directed to give a full statement within 7 days of receipt of this memo as to how such a lapse of such a serious nature occurred during his duty so that further necessary action may be taken in this regards.

ML 25/04/85
(T.ROY.)
PRINCIPAL.

Principal,
Kendriya Vidyalaya
Nowgong (Assam)

To
Sri Haren Kalita,
Group D employee,
K.V.Nowgong.



52
KENDRIYA VIDYALAYA.

(Central School)

Nowgong-782001:Assam.

No.F.P.F./KVN/85-86/4579

97-101-
Dated: 25-2-85.

MEMORANDUM.

It has been observed that Sri Haren Kalita, a Group-D employee (Night Chowkider), is not at all sincere and dutiful in his duties. On the night of 1st.Feb/85 and 24th.Feb/85 he was not found in duties. There are other such instances also.

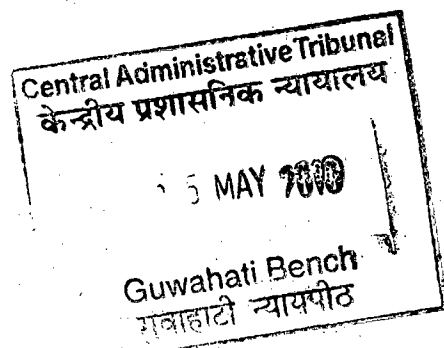
Sri Kalita is directed to explain within 3 days of receipt of this memo why disciplinary action will not be initiated against him for his negligence in duties.

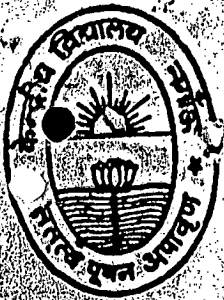
He is further directed that he will make himself available for the entire duty hours allotted to him.

1 Feb
T. Roy
(T.ROY.)
PRINCIPAL.

Kendriya Vidyalaya.
Nowgong (Assam)

To
Sri Haren Kalita,
Group-D employee,
K.V.Nowgong.





Kendriya Vidyalaya

(CENTRAL SCHOOL)

Nagaon-782 001 * Assam.

Dated 15-12-84.

No.F. KVN/84-85/9368-70.

ORDER.

Where as Sri Haren Chandra Kalita, Group-D employee of this Vidyalaya committed gross and where as an Enquiry Committee under Rule 14(b) of CCS(CCA) Rules, 1965 was instituted vide this office Memo No.F. KVN/84-85/4177 Dt.15-10-84.

2. Where as Sri Haren Chandra Kalita, Group-D employee has admitted the charges levallled against him which was substantiated by the Enquiry Committee vide Memo Dt.4th.Dec./84.

3. Now, therefore, the undersigned imposes upon Sri Haren Chandra Kalita, Group D employee the pana- lty of with holding one increment of pay with cumulative effect with immediate effect. His suspension order hereby stands revoked.

(T.ROY.)
PRINCIPAL.

To

Sri Haren Chandra Kalita, Group D employee
Kendriya Vidyalaya, Nowgong, Assam.

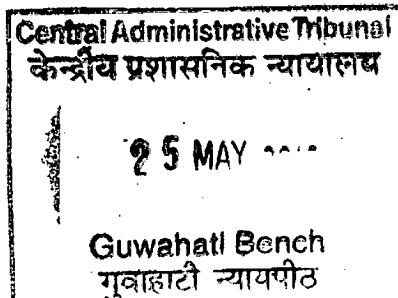
Copy to:-

1. The Asstt. Commissioner, KVS, Gr., for information and Necessary action.
2. The Chairman, KV, Nowgong, for information and necessary action.
3. Personal File.

PRINCIPAL.

Principal,

Kendriya Vidyalaya, Nagaon.





Kendriya Vidyalaya

(CENTRAL SCHOOL)

Nagaon-782001 * Assam.

Phone :- 373

-103-

No P. /KVN/84-85/4177

Dated 15-10-81.

ORDER

Where as, an enquiry under Rule 14 of the Central Civil Services Rules 1965 is being held against Sri Haren Kalita, Group 'D' employee.

And Where as the undersigned considers that a Board of Enquiry should be appointed to enquire in to the charges framed against the said Sri Haren Kalita.

Now, therefore, the undersigned, in exercise of the powers conferred by Sub-rule(2) of the said rule hereby appoints a Board of Enquiry consisting of :-

1. Sri C.M.Kurup, PGT(Eng.)- Convenor.
2. Sri A.K.Sukla, PGT(Maths.)-Member.
3. Sri M.G.Opta, TGT(S.Studies)-Member.

(T.ROY.) 15/10
PRINCIPAL

Copy to:-

1. Sri Haren Kalita, Group D employee, K.V. Nowgong.
 2. Sri C.M.Kurup, PGT(Eng.)
 3. Sri A.K.Sukla, PGT(Maths.)
 4. Sri M.G.Opta, TGT(S.S.)
- for necessary action.

(T.ROY.) 15/10
PRINCIPAL

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2000

Guwahati Bench
गुवाहाटी न्यायपीठ

F. /KVN/84-85/4177

30-8-84

31

Order.

Whereas a disciplinary proceeding against Sri Haren Kalita, Group D employee is contemplated.

Now, therefore, the undersigned, in exercise of the powers conferred by sub-rule (1) or Rule 10 of the C.C.S. rules 1965, hereby placed the said Sri Haren Kalita under suspension with immediate effect.

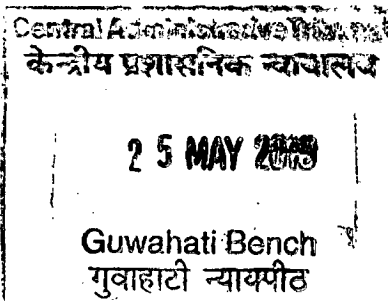
It is further ordered that during the period that this order will remain in force the Headquarters of Sri Haren Kalita, Group D employee should be Nowgong and that he shall not leave the Headquarter without obtaining the previous permission of the undersigned and that during the period of his suspension subsistence allowance @ 30% will be admissible to him.

(T. Roy.)
Principal,
K. V. Nowgong (S. 2.)
K. V. Nowgong

Copy to:-

1. Sri Haren Kalita, Grade IV employee, K.V. Nowgong
2. Assistant Commissioner, KVS, G.R. for information.

(T. Roy.)
Principal.



20-9-83

N/83/2572

Memorandum

It has been reported that Sri Harendra Nath Kalita Grade IV employee who was on temporary duty in Primary section had left the school without closing the doors and windows.

Again when he was on duty as night chowkider in the main school building he left the school for his home town on 8th sept. simply handing over the keys to an unknown person.

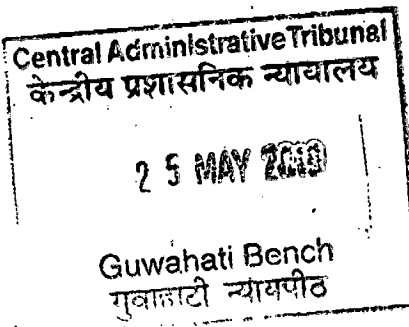
Now that a member of furniture is reported to have been recovered from the Normal School hostel building and I.T.I. hostel building.

Sri Haren Kalita is to explain within 3 days of receipt of this memo how the furniture could be recovered from the Vidyalaya buildings.

Copy to:-

Sri Haren Kalita.
Grade IV empl.
K.V. Newgong.

(T.Roy.)
Principal.





KENDRIYA VIDYALAYA

(CENTRAL SCHOOL)

Nowgong (Assam)

Phone

-106-

No. F.No-2/KVN/83/2549

Dated 12-9-83

Memorandum.

Sri Haren Kalita, Grade IV employee who was doing night duties committed a very serious irregularity by leaving the Vidyalaya without permission and knowledge of the authority concerned.

However a lenient view has been taken this time and Sri H. Kalita is ~~not~~ severely warned not to repeat the same in future.

(T. Roy.)
Principal.

Forwarded for
Sri Haren Kalita,
Grade IV employee,
Kendriya Vidyalaya.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

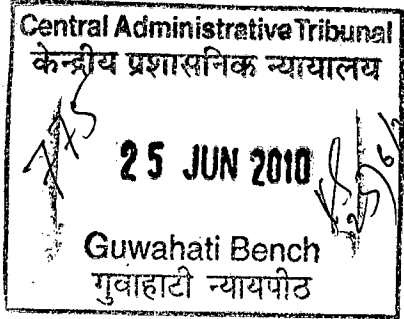
25 MAY 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

O.A. No. 113 of 2009



Filed by the Applicant -
through
Kamalewar Singh,
Advocate.
25/6/10.

IN THE MATTER OF:

Shri Harendra Nath Kalita .

.....Applicant.

-Vs-

The Union Of India and thers.

..... Respondents.

-AND-

IN THE MATTER OF:

An affidavit filed by the applicant in pursuant to the order dated 04/05/2010 passed by this Hon'ble Court in O.A. No. 113/2009

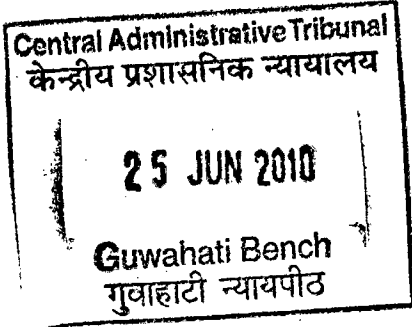
AFFIDAVIT

I Sri Harendra Nath Kalita , son of late Kehoram Kalita , aged about 51 years, resident of vill- Beharigaon , Post Office – Beharigaon in the district of Nagaon , Assam , do hereby solemnly affirm and declare as follows-

1. That the applicant has filed the present original Application praying for setting aside and quashed the impugned order dated 04/07/2008 and 23/10/2008 (Annexure 6 and 7 of the original Application) and for issuance of a direction to the respondents authority to reinstate the application in his post and pay him all service benefits including the arrear pay .
2. That the matter came for hearing on 04/05/2010 before this Hon'ble Court and the Hon'ble Court directed the parties to filed an affidavit and enclosing the medical certificate / reports / prescriptions etc. in support of his illness for his unauthorized absence from 10/03/2008 to 04/07/2008.

Received Capt
25/06/10
MKM Jindal
Jindal

3. That this affidavit is filed in present to the order dated 04/05/2010 passed in O.A. No.113/09 affirming the contentions made in the Original Application relating to his ailment . The applicant hereby submits all the medical certificate , prescription to prove his contention made in the Original Application regarding his illness where by he was diagnosed to be a Patient of malaria , Jaundice and Respiratory track Infection (RTI) and advise for rest for 3 months.



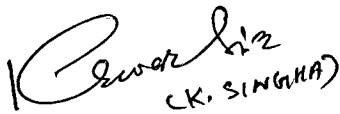
A copy of the certificate issued by the Chief Medical and Health Officer Kothiatoli Public Health Centre , a copy of the certificate issued by the Senior Medical and Health Officer B. P. Civil Hospital Nagaon and a copy of the prescription dated 11/03/2008 is annexed here with and marked as ANNEXURE 8, 9 and 10 respectively.

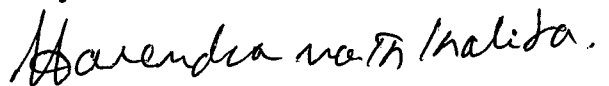
4. That this a affidavit may be treated as a part of the Original Application being O.A. No. -113/2009.

5. That the statement made in this paragraph and those made in paragraph 1,2,3, and 4 are true to my knowledge derived from the records and the rest are my humbal submission before this Hon'ble court . I have been not suppressed any material fact .

And I sign this affidavit on this 17th day of June 2010, at Guwahati

Identified by me


Advocate



Deponent.

Dr. Pradip Kr. BorahM.B.B.S., (DIB) PGD MCH, MD (AM), FRSH, AHS
Sr. Medical & Health Officer

- Specialist in Maternal & Child Health.
- Experienced Physician in Malaria, Kathiatoli PHC, Trained in Malariology, Guwahati
- Trained in MTP (Abortion) & Standard Sterilisation at GMCH, Guwahati, for MTP, Facility of Machine is available.
- Trained in T.B.

ডাঃ প্রদীপ কুমাৰ বৰাM.B.B.S., (DIB) PGD MCH, MD (AM), FRSH, AHS
জ্যেষ্ঠ স্বাস্থ্য বিষয়া

- শিশু ও মাতৃ ৰোগৰ বিশেষজ্ঞ
- গুৱাহাটীত মেলেৰিয়াৰ প্রশিক্ষণপ্ৰাপ্ত অভিজ্ঞ চিকিৎসক, কঠিয়াতলি পি.এইচ.টি.
- গৰ্ভপাত ও বন্ধ্যাকৰণৰ প্রশিক্ষণপ্ৰাপ্ত, গৰ্ভপাতৰ বাবে যান্ত্ৰিক ব্যৱস্থাৰ সুবিধা উপলব্ধ।
- যক্ষ্মাৰোগৰ প্রশিক্ষণপ্ৰাপ্ত।

Name of the Patient Sr Harendra Nath Kalita Age 50 yrs., Sex : Male / FemaleAddress Baridighat Date : 11-3-08

CIC
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
25 JUN 2010
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

OE

Lab. Investigation

R TO WHOM IT MAY CONCERN:
Certified that Sr Harendra
Nath Kalita, aged 50 yrs of village -
Baridighat, P.S - Sadar, Dist Nagaon
(Assam) is examined on 11-3-08 and
found suffering from malarial fever &
jaundice, RTI & LUS. Admitted us
for 3 (Three) months up to 12-3-08 to
12-6-08.

11-3-08
DR. P.K. BORAH
S.M.A.H.O.
KATHIATOLI PHC.

Wish You Happy Recovery: Next Visit After 5 Days

Annexule - 9 - 110 -

25 JUN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

OFFICE SEAL OF
HEALTH INST.



(2005-2012)

NATIONAL RURAL HEALTH MISSION

Name of the Patient:

Harender Nath Kalita ব্রাহ্মই পূৰ্বম ধন
Age: 50 Sex:

Age: 50 Sex: M

Father's / Husband's Name

Beziehungen

Address :

OPD Regd. No.

249/58

Date: 11/3/08

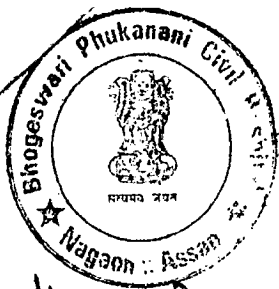
Date	Findings of Examination	Advice
	BLIND LHS = PE Tandem my HPT <u>(130/90)</u>	P.T. 1 @ 1 Aug @ 100 1 a cage @ 100 Record O to (30) 100 Diagnosis Green liver sr ST set by lymphatic dead x 39 Emel 5 with M. a - B.P.
	9m after 10m with 10m	

মেলেৰিয়াৰ পৰা ৰক্ষা পাবলৈ আঠুৱা ব্যৱহাৰ কৰক।

বিদ্ব : অনুগ্রহ করি অহাবার আহোতে কার্ডখন লগত লৈ আহিব।

Date :

বিদ্র : অনুগ্রহ কৰি অহাবাৰ আহোতে কাৰ্ডখন লগত লৈ আহিব।



-6-

Souhamis may also

Annexure - 10

-112-

Certified that since
Agenda and health of Mr.
Bhagwan Singh & others
has been suffering from
Psychiatric disorder (major depression)
He has been under treatment of
Psychiatry Deptt of B.P. Civil Hospital
Nagaon, Assam. Since 10/12/2008
as advised.
He has been to resume his
duty

Guwahati Bench गुवाहाटी न्यायालय
Guwahati Bench गुवाहाटी न्यायालय

Sr. Medical & Health Officer
B.P. Civil Hospital, Nagaon

B.P. Civil Hospital, Nagaon