

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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

*113/2009  
X-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 in its

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

Advocate for the : Standing Counsel, KVS.  
{Respondent (S)}

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C.F. is 0/- deposit.</p> <p>No. 67 E, 351308 351309 67E 999717</p> <p>Dated...24.6.09.....</p> <p><i>N. Bhattacharya 17.6.09 Dy. Registrar 17/6/09</i></p> <p><u>17.6.09</u></p> <p>Five copies of application with envelope 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>17/6/09</i></p>	24.06.2009	<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>4</i></p> <p><b>(M.R. Mohanty)</b> Vice-Chairman</p>
	/lm	

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

1/m/

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)

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) (Mukesh Kumar Gupta)~~  
Member (A) Member (J)

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

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

① Service report  
answerteel.

~~Mr. Madan Kumar Chaturvedi~~ 00000000000000000000000000000000  
7-9-09  
instalment of fine vide order dated  
K.Day

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

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

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

Service Served  
for Respects. No.  
3 & 4.

No wts filed.

27/8/09

31/8/09  
/bb/

Notes of the Registry

Date

Order of the Tribunal

K-day

Send copies of this order dt. 4.11.09 to Kendriya Vidyalaya office at Gurugram.

No  
stated

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

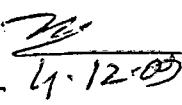
  
(Mukesh Kumar Gupta)  
Member (J)

Copies of order dt. 4.11.09  
sent to D/Sec. Box  
returning to the office at  
Guwahati. vide. Resp. Nos  
3 and 4. by post.

D/No-12585-12586

  
Date 12-11-2009  
S/11/09.

No reply filed.

  
12.12.09

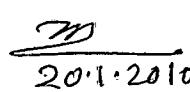
8.12.09  
W/S filed by the  
Respondent through Mr.  
M.K. Mazumdar, Adv.  
for KVS.

18.12.09

No rejoinder filed.

  
6.1.2010

No rejoinder filed.

  
20.1.2010

No rejoinder filed.

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)

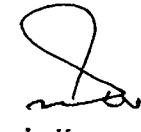
/lm/

21.1.2010

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

List the matter on 10.2.2010

  
(Madan Kumar Chaturvedi)  
Member (A)

  
(Mukesh Kumar Gupta)  
Member (J)

/lm/

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)

/lm/

O.A.113-09

02.03.2010

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

No rejoinder  
filed.

26.2.2010

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

 (Madan Kumar Chaturvedi) Member (A)  (Mukesh Kumar Gupta) Member (J)

/bb/

23.3.2010

24.03.2010

This being a Division Bench matter,  
adjourned to 04.05.2010.

 (Madan Kumar Chaturvedi)  
Member (A)

/bb/

04.05.2010

Applicant's service was terminated as Laboratory Attendant vide Memo dated 04<sup>th</sup> July 2008. His appeal dated 12<sup>th</sup> 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 30<sup>th</sup> July 2008 as well as 12<sup>th</sup> 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 25<sup>th</sup> May 2010.

 (Madan Kumar Chaturvedi) Member (A)  (Mukesh Kumar Gupta) Member (J)

/pb/

Rejoinder not  
filed.

24.5.2010

O.A.113-09

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

Proxy counsel for applicant prays for adjournment <sup>stating that</sup> Mr.K.K.Mahanta, senior counsel is not keeping well. List on 08.06.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

/bb/

08.06.2010 None for the applicant. In the interest of justice adjourned to 17.06.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

nkrm

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.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

/bb/

25.06.2010

Pursuant to order dated 04.05.2010, respondents have <sup>placed</sup> 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) (Mukesh Kumar Gupta)  
Member (A) 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 13<sup>th</sup> July 2010 for hearing.

  
/pb/

(Madan Kumar Chaturvedi)

Member (A)

  
(Mukesh Kumar Gupta)

Member (J)

*The case is ready  
for hearing*

  
16.7.2010

13.07.2010

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

  
/pg/

(Madan Kumar Chaturvedi)

Member (A)

  
(Mukesh Kumar Gupta)

Member (J)

19.07.2010

Being Division Bench matter, list  
on 2<sup>nd</sup> August 2010.

  
/PB/

(Mukesh Kumar Gupta)  
Member (J)

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.

  
/bb/

(Madan Kumar Chaturvedi)

Member (A)

  
(Mukesh Kumar Gupta)

Member (J)

7  
O.A. 113/2010

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) (Mukesh Kumar Gupta)  
Member (A) 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) (Mukesh Kumar Gupta)  
Member (A) Member (J)

/bb/

17-8-2010  
Judgment pronounced  
and delivered on 6.8.2010  
by Smt. M.K. Chaturvedi  
Date 17-8-2010 No 17-8-2010  
Recd. 17-8-2010

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI:

O.P.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 ?

Yes/No

2. Whether to be referred to the Reporter or not ?

Yes/No

3. Whether their Lordships wish to see the fair copy  
of the Judgment ?

Yes/No

Judgment delivered by

*Madan Kumar Chaturvedi*  
MEMBER (A)

0

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.113 of 2009

Date of Order: This the 6<sup>th</sup> 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 Mawkyroh,  
Shillong-793022.

....

Respondents

By Advocate Mr.M.K.Mazumdar



ORDERMADAN 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.

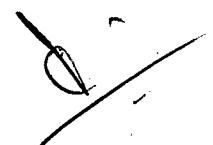
2. Applicant was appointed as Grade D employee in Kendriya Vidyalaya Sangathan (KVS for short) and posted at Nagaon on 18.7.83. In the month of November 2000 he was promoted to the post of Laboratory Assistant and was posted at Borapani. Thereafter, in September, 2004 he was transferred and posted at 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 10<sup>th</sup> 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 10<sup>th</sup> 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 (7<sup>th</sup> 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 became habituated to leave Vidyalaya 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

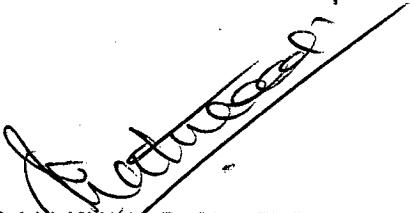
respondent did not participate. On these factual matrix the Hon'ble Supreme Court has held as under :

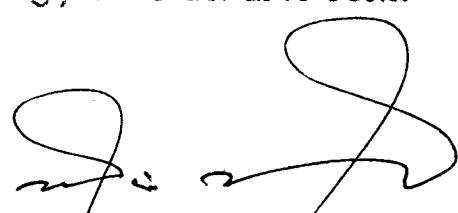
"In our considered opinion, submission of the learned counsel for the respondent workman is well founded that this Court while exercising power under Article 136 of the Constitution may not interfere with that part of the order. The dismissal of workman on the ground of absence for few days, according 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

केन्द्रीय प्रशासनिक अधिकारात  
Central Administrative Tribunal

17 JUN 2009

गुवाहाटी न्यायालय  
Guwahati Bench

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

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/-...

केन्द्रीय प्रशासनिक अधिकाराण  
Central Administrative Tribunal

17 JUN 2009

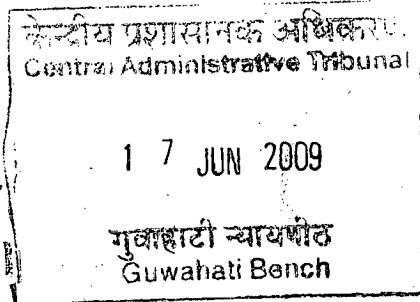
गुवाहाटी न्यायालय  
Guwahati Bench

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

(Chm  
TK.Konwar)  
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/-...

केन्द्रीय प्रशासनिक अधिकारपाल  
Central Administrative Tribunal

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 <sup>The applicant</sup> asking him 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 न्यायघरीठ  
Guwahati Bench

days time to file his reply, otherwise applicant would loss his tenure in the post and he would be removed from service. Applicant could not file 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 dated 04.07.08.

(Annexure - 7 Page - 24-25)

Hence this application

Filed by -

Ramud Konwar  
16/6109  
Advocate

Contd/-...

17 JUN 2009

गुवाहाटी न्यायघर  
Guwahati Bench

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

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केन्द्रीय प्रशासनिक न्यायिक बोर्ड  
Central Administrative Tribunal

- 1 -

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गुवाहाटी न्यायिक बोर्ड  
Guwahati Bench

DISTRICT - NAGAON

In the Central Administrative Tribunal - Guwahati Bench

D.A. No. 713 /2009

Shri Harendra Nath Kalita  
LAB. ATTENDENT, KV NEHU, SHILLONG-793022. ✓  
son of Late Kehoram Kalita

resident of Village - Beharigaon

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. ✓

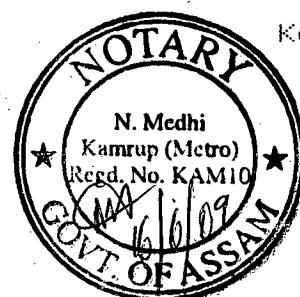
2. Kendriya Vidyalaya Sangathan,

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

3. The Assistant Commissioner

Kendriya Vidyalaya Sangathan,

Contd/-...



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গুৱাহাটী ন্যায়পীঠ  
Guwahati Bench

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

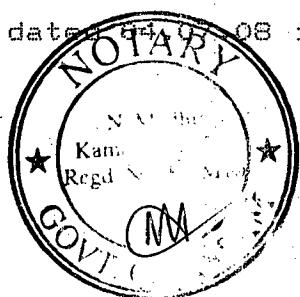
Kendriya Vidyalaya NEHU, Shillong,  
NEHU Permanent Campus,  
Umshing, Mawlai Mawkyrnroh,  
Shillong - 793022. ✓

### ... 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.



Cont'd / ---

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Guwahati Bench

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.

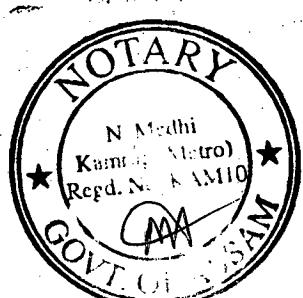
3. Limitation -

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 inforce.

(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-



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Guwahati Bench

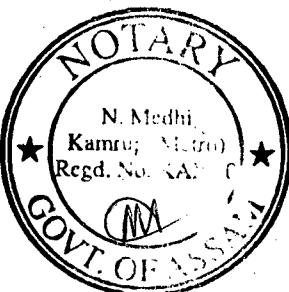
appellate authority also upheld the said order vide its order dated 23.10.2008.

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

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17 JUN 2009

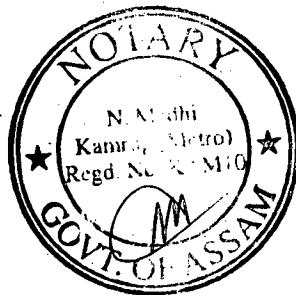
गुवाहाटी न्यायालय  
Guwahati Bench

same. It is stated that 07.03.08 was a Friday and the next 2 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.

¶. 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 bedridden. 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/-...

Sameer Nath Chaito.

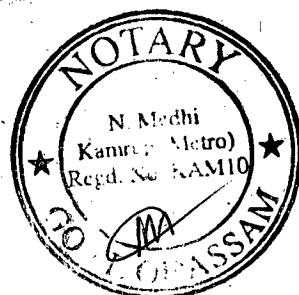
17 JUN 2009

গুৱাহাটী ন্যায়বীঠ  
Guwahati Bench

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 woman 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.



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17 JUN 2009

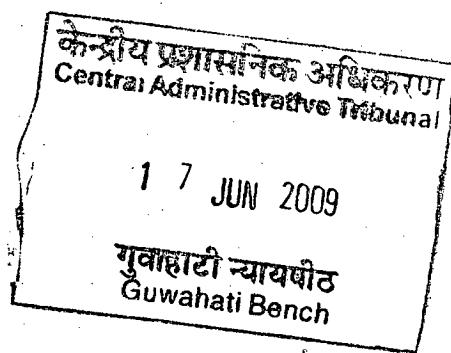
गुवाहाटी न्यायालय  
Guwahati Bench

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 this 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 had 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



Contd/-.

*Harendra Nath Kalita*

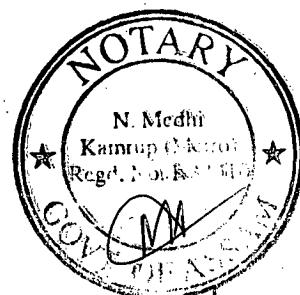


Guwahati Bench

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.

(1) 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/PF (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



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17 JUN 2009

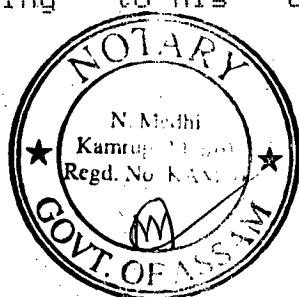
गुवाहाटी न्यायालय  
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even after the 10 days of receipt of the said notice, an order was passed confirming the loss of lien on the post of Laboratory attendant held by the applicant and, consequently the applicant was deemed to be removed from the service 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 <sup>over stay of leave</sup> and prayed



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17 JUN 2009

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Guwahati Bench

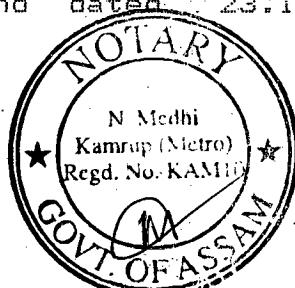
to re-instate him into service by setting aside the impugned order dated 04.07.08. In response to the said representation dated 30.07.08 the principal vide its office Instruction ref. No. F-61/KVN/2008-09/800 dated 23.8.08 advised the applicant to prefer an appeal before the Appellate Authority if he 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.

GROUND 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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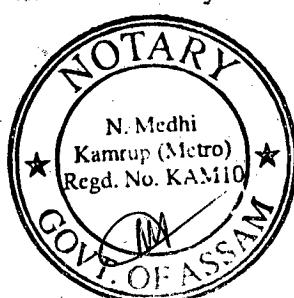
17 JUN 2009

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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



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17 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

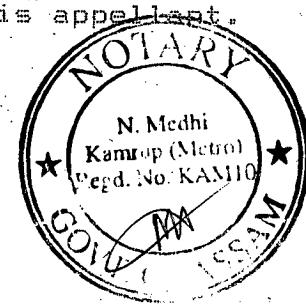
passed by the Appellate Authority are liable to be quashed.

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 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/-...

17 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

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 -6 & 7 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

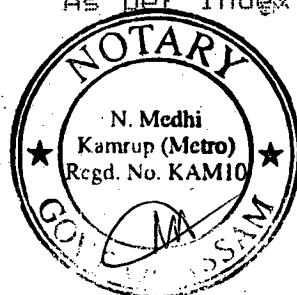
Date of Issue - 24.4.09

Issued From Guwahati G. P.O

Payable at Guwahati

10. LIST OF ENCLOSURES.

As per index.



Contd/-...

17 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

- 14 -

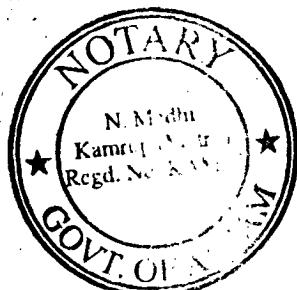
VERIFICATION

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(I) 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



Personally affirmed before me

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

- 15 -

17 JUN 2009

गुवाहाटी न्यायालय  
Guwahati Bench

AFFIDAVIT

I, Shri Harendra Nath Kalita, son of Late Kehoram Kalita, aged about 51 years, resident of Village - Beharigaon, 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.

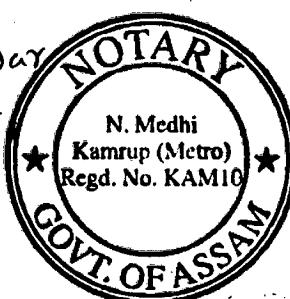
2. That the statement made in this affidavit and in the accompanying petition in paragraphs are true to my knowledge, those made in paragraphs in this accompanying petition in paragraphs are true to my information derives from the records which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

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

Harendra Nath Kalita.

Identified by

Shrubu Tukdar  
16/6/09  
Advocate's Clerk



DEPONENT

Solemnly affirmed before me

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

17 JUN 2009

गुवाहाटी न्यायालय  
Guwahati Bench

Annexure - 1

(Typed Copy, relevant part only)

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

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

Address - Birohigaon,

Date - 11.3.08

TO WHOM IT MAT 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 Malarial fever Jaundice, RTI TCUS. Advised rest for 3 (three) months w.e.f. 12.3.08 to 12.6.08.

Sd/- Illegible

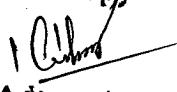
11.3.08

Dr. P.K. Borah

S. M. & H.O.

Kathiatoli PHC,

**Certified True Copy**

  
Advocate

Contd/-...

Dr. Pradip Kr. Borah

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

Sr. Medical & Health Officer

Specialist in Maternal & Child Health.

Experienced Physician in Malaria, Kathiatoli PHC,  
Trained in Malaria, Guwahati

Trained in MTP (Abortion) & Standard Sterilisation at  
GMCH, Guwahati, for MTP, Facility of Machine is available.

Trained in T.B.

- 17 -

Annexure - 1

ডাঃ প্রদীপ কুমার বৰা

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

জ্যোষ্ঠ স্বাস্থ বিষয়া

- শিশু ও মাতৃ বোগখ যিশেখজ্ঞ
- গুবাহাটীত মেমেবিয়ান প্রশিক্ষণপ্রাপ্ত অভিজ্ঞ চিকিৎসক,  
কঠিয়াতলি পি.এইচ.টি.
- গর্ভপাত ও বন্ধ্যবন্ধন প্রশিক্ষণপ্রাপ্ত, গর্ভপাতৰ বাবে যাত্রিক  
ব্যবস্থাৰ সুবিধা উপলক্ষ।
- যন্ত্রাবোগ প্রশিক্ষণপ্রাপ্ত।

Name of the Patient Dr. Haradra Nath Kalita Age 50 yrs. Sex : Male / Female

Address Birchigam

Date 11-3-08

To whom it may concern :

R

Certified Dr. Haradra

Nath Kalita, aged 50 yrs of ~~50~~ 51 years -  
Birchigam, P.S. Sukan, Dist. Nagaland  
(Aizawl) is examined on 11-3-08 and  
found suffering from malarial fever -  
jaundice, RTI & CUS. Advised rest  
for 30 (Three) months w.e.f 12-3-08 to  
12-6-08.

*11-3-08*  
DR. P.K. BORAH  
Sr. M&HO  
Kathiatoli P.H.C.

কেন্দ্ৰীয় প্ৰশাসনিক অধিকৰণ  
Central Administrative Tribunal

17 JUN 2009

গুৱাহাটী ন্যায়পৰিষত  
Guwahati Bench

Wish You Happy Recovery. Next Visit After 5 Days

Certified True Copy

*10th*

Advocate

17 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

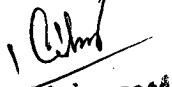
Annexure No. 2

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

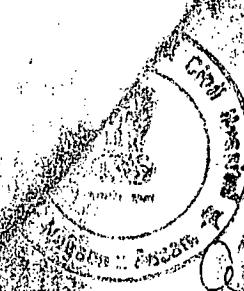
Certified True Copy

  
Advocate

Contd/-...

Anomie - 1

- 19 -



To whom it may concern  
Civics Unit miss Anomie  
Kalita & Co. Lrs. Dr. S.M.  
Harmoni Arun Kalita & will  
Behon gone of us — N. S.M.  
has been suffering from her  
Psychiatric disorder. She has been  
under treatment of Psy. Dr. P. B.  
B.P. Civil Hospital, Nagaon from  
01/2008 till date as  
advised.

Central Administrative Tribunal  
Guwahati Bench

17 JUN 2009

Sr. Medical & Health Officer  
B.P. Civil Hospital Nagaon  
Dr. M. S. Deka  
M. S. Deka

Certified True Copy

Advocat.



KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहु, शिलांग

NEHU PERMANENT CAMPUS, UMSHING नेहु परमनेन्ट कैम्पस, उम्सिंग

MAWLAI MAWKYNROH SHILLONG - 793022

Phone No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004

Website: [www.kvnehu.org](http://www.kvnehu.org) E-mail: [principalkvnehu@gmail.com](mailto:principalkvnehu@gmail.com)

KV CODE: 1493  
Station Code: 266  
Administration

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 10<sup>th</sup> 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.

*3/15/08*

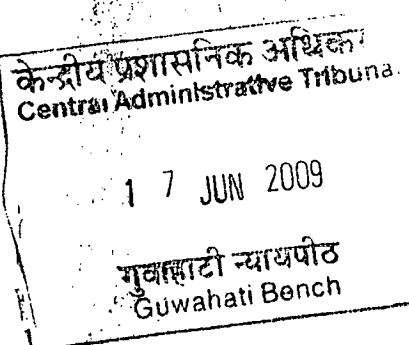
( Nanda Singh )

Principal

Principal प्राचाय

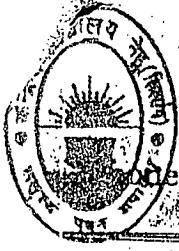
K. V. NEHU के. वि. नेहु

Shillong-22 शिलांग-22



Certified True Copy

*Chetan*  
Advocate



KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहु शिलांग

NEHU PERMANENT CAMPUS, UMSHING नेहु पर्मानेंट कैम्पस उम्शिंग

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KV CODE: 1493  
Station Code: 266  
Administration

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

Date : 31.03.2008

### Memorandum

In continuation to this Office Order, No. F. 61/(HNK)/KVN/2007-08 dated 15.03.2008, You have been found absent from your duty with effect from 10<sup>th</sup> 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 अधिकारी  
Central Administrative Tribunal

17 JUN 2009

गुवाहाटी न्यायपाठ  
Guwahati Bench

Principal

9<sup>th</sup> Principal प्राचार्य  
E. V. NEHU के. वि. नेहु  
Shillong-22 शिलांग-22

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

Certified True Copy

*[Signature]*  
Date: 31.03.08



KENDRIYA VIDYALAYA NEHU SHILLONG केन्द्रीय विद्यालय नेहु शिलांग  
NEHU PERMANENT CAMPUS, UMSHING नेहु परमनेट कैम्पस उम्शिंग

MAWLAI MAWKYNROH SHILLONG - 793022

No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004  
Website: [www.kvnehu.org](http://www.kvnehu.org) E-mail: [principal.kvnehu@gmail.com](mailto:principal.kvnehu@gmail.com)

KV CODE: 1493  
Station Code: 266  
Administration

Ref. No. F. 61/PF(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.

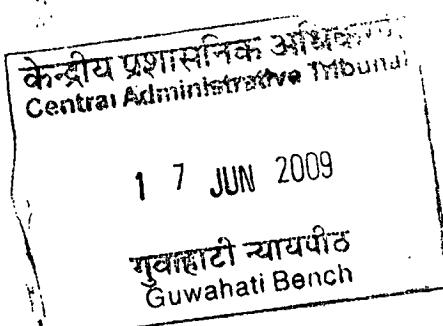
**Shri Haren Kalita** may make written representation to Shri Nanda Singh, Principal KV NEHU Shillong, within 10 days of the receipt of this order failing which an order shall be passed confirming the loss of lien on the post held by him and, in that case, he shall be deemed to have been removed from 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 Nowrang.

23/05/08  
Principal  
K. V. NEHU के. वि. नेहु  
Shillong-22 शिलांग-22

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



Certified T. V. S.  
ACV 10.72

**KENDRIYA VIDYALAYA NEHU SHILLONG** केन्द्रीय विद्यालय नेहु, शिलांग  
NEHU PERMANENT CAMPUS, UMSHING नेहु पर्मानेंट कैप्स, उम्शिंग

MAWLAI MAWKYNROH SHILLONG - 793022

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

KV CODE: 1493  
Station Code: 266  
Administration

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

Date: 04.07.2008

REGD POST WITH AD

### REMOVAL FROM SERVICE 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 (7<sup>th</sup> March 2008)**, the date from which he was on unauthorized leave.

To,

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

केन्द्रीय प्रशासनका अधिकारी  
Central Administrative Tribunal

17 JUN 2009

गुवाहाटी न्यायालय  
Guwahati Bench

2009  
Wanda Singh  
X. Principal  
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-17854-59

### ORDER

Dt: 23.10.2008

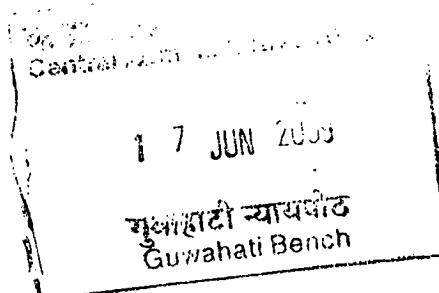
**WHEREAS**, Shri Harendra Kalita, while serving as Lab Attendant at KV NEHU, Shillong remained absent without any permission and sanction of leave from 07.03.08. The Principal KV NEHU vide his office memo dated 15.03.08 & 31.03.08 had directed Shri Kalita to report for duty immediately. After awaiting 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 1<sup>st</sup> 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.

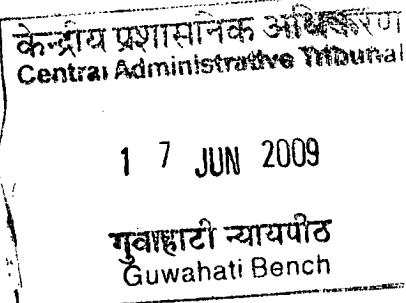
3. Having confirmed the receipt of show-cause notice from the Postal Department, his services were removed by confirming the loss of lien vide letter dated 04.07.2008.

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 irresponse 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.

NOWTHEREFORE, 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.



  
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. Admin KVS (GR)  
4. AAO KVS GR

केन्द्रीय प्रशासनिक अदायकरण  
Central Administrative Tribunal

- 1 -

17 JUN 2009

गुवाहाटी न्यायघीठ  
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 Ors.

... Respondents

Sir,

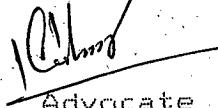
Please take notice that the above mentioned application is being filed by the applicant before this Hon'ble Central Administrative Tribunal today and a copy/copies is/are furnished herewith for your perusal.

Kindly acknowledge the receipt of the same

Received copy

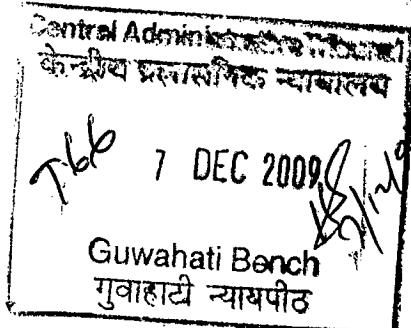
Advocate

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.

— Ardhesh Kumar Vajpaye

Filed by the Respondent, Assolo  
through Pukh Mymon, K.M. Sarath  
Standing Counsel, K.M. Sarath  
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 shrewd 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 pretext 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.

— Avdush Kumar Majumdar

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.

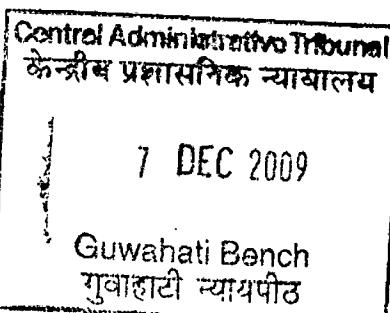
On 23.5.08 a show cause notice under article 81(d) was served to H.N.Kalita. Mr Kalita did not give any response. The respondent No.5 wrote a letter on 9.6.08 to the General Post Master Shillong to know whether Kalita received notice. The Post Master confirmed the delivery. After expiry of reasonable 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

— Avdhush Kumar Vajipayan



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.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

7 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

A.K.Vajpayee

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 dismiss.

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 arises to lift the removal order which is issued by the Competent Authority.

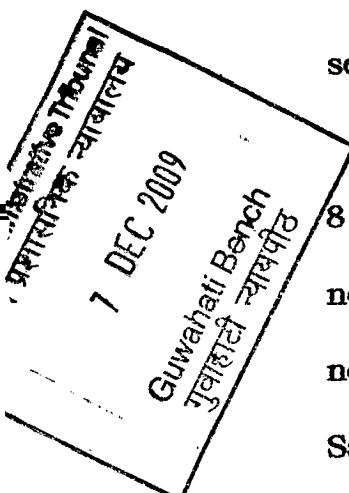
That the applicant didn't bother even to reply the reason of his long absence, without information or prior sanction of leave, it indicates that the applicant took rule in his hands, the article 81(d) itself includes the clasue of show cause notice. Therefore issuing show cause notice separately, which 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.

— Avdesh Kumar Nagpaul



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.

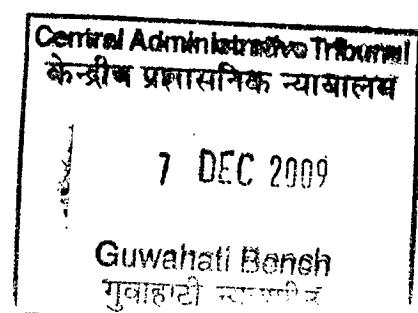
Further, it is respectfully submitted that question of show cause notice/enquiry does not arise, as the service record of the applicant proved the allegation under which the removal order was issued.

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 .. 2



Abdulshah Kumar Vajiprayag

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.

*Avdesh Kumar Vajpayee*  
DEPONENT

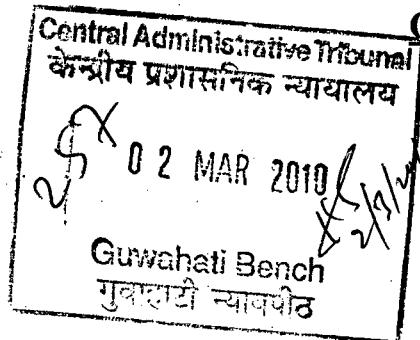
Place :

Date :

**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/Plaintiff  
Harendra Nath Kalita.  
Bamunwar Singh (Bamunwar)  
24/3/11

Copy received by me  
MK Mominuddin  
Advocate  
02.03.10

Guwahati Bench  
नान्दीय प्राप्ति अधिकारी संघ

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.

Bishnudutta Nath Kalita

02 MAR 2010

Guwahati Bench  
गুৱাহাটী বৰাবৰীঠ

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 .

Abinandan 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

Harpendra Nath Bhattacharya

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

Abuendra nath kohita

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 sprit 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.

Abanindranath Kalita

Court of Appeal  
Guernsey Branch  
2010-02-02

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.

Amena math Malika

02 MAR 2010

VERIFICATION

Guwahati Bench  
গুৱাহাটী বিধানসভা

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

Govt. of India

LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL HEALTH,  
Token No. UNIT - II  
129 Post Box No.15 :: FAX No. (03712) 233623  
TEZPUR :: 784001 :: ASSAM 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..... 6-3-2009 ..... 10:42:07 AM .....

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

Religion.....HINDU..... Marital Status.....UNMARRIED..... Occupation.....STUDENT.....

Address.....HARENDRANATH KALITA..... BIHUGURI GAON..... NAGAON.....

ID Mark..... Provisional Diagnosis.....

Guwahati Bench  
गुवाहाटी न्यायालय

02 MAR 2010

① Tab Othra (10w)

— — — 1 x 5 days

then  
② Tab — — — 1 x 15 tablets

③ Tab Proline (2w)

— — — 1

④ Tab Tramadol (w)

— — — 1 — — — 1

Adv. — Tab within 20 days

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

Medicine Supplied for ..... 20 ..... days.

06

PD

- 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.

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

10  
91

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.  
82

UNIT - II  
Please visit on every :  
TUESDAY  
Or  
FRIDAY

Reg. by :- ANAMIIKA

## 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..ANAMIIKA KALITA..... Age...15..... Sex...F..... Father's Name..... HARENDRANATH KALITA  
Religion...HINDU..... Marital Status....UNMARRIED..... Occupation...STUDENT.....  
Address.....HARENDRANATH KALITA..... BIHUGURI GAON..... NAGAON.....  
ID Mark..... Provisional Diagnosis.....

गुवाहाटी न्यायालय  
गुवाहाटी न्यायालय

02 MAR 2010

Guwahati Bench  
गुवाहाटी न्यायालय

rx  
① Tab Othia (10mg)  
1 - x - 1  
2

② Tab Tneomil (m)  
1 - x - x

③ Tab Proline (m)  
x - x - 1/2

Dr: - 8/0 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 2010

Guwahati Bench  
মুক্তিপুরী ন্যায়পীট

# NEURO-PSYCH CLINIC

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

253457

ডেলা বকরা পথ, (কেওপটি)

(ট্রেইনিংপ্রেস বাহ টেরে কাস্ট) নগাঁও

(যথিবাবে খোলা)

(Sunday Open)

বিবাবে পুরা 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 বজ্ঞ।

ডঃ 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, ALCOTTOLISM, 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

Aramika Kalitz (15Y)

Date 14/3/09

140  
90

No Noi, Bishnupur Clas VII

Talks alone - 1/2 year, Dampers  
restless, wants go out  
as patient agitated, uncooper

Excreted Psycho

St

1) ✓ Dry Serenore 5m ①

✓ Dry + pharyngeal ①

dry stool

3) ✓ Take Rison - 2m

Bo

days - 2m

3) ✓ Bexol - 2m 2m

days

PLEASE BRING THIS PRESCRIPTION ON YOUR NEXT VISIT

17 MAR 2010

Nitrest - 10

Ritrest - 10

(15)

3x

29/2/09

संसाधन

Guwahati Bench  
गुवाहाटी न्यायपीठ

140

constipation

80 appetite talk slow

auditory hallucination

sleep

WT - 55

Ch. Psych

1x

Tal Supital 100

दो दो दो दो

2x

LOBABAM 10

(30)

FRISAMENT

8/2/10

8/2/10

संसाधन

(30) - 20

1

पूर्ण

SOLTIS - 100

(60)

दो दो संसाधन

2

LOBABAM - 10

चाहे चाहे

संसाधन

02 MAR 2010

Guwahati Bench  
গুৱাহাটী আয়োজিত

## NEURO-PSYCH CLINIC

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

ঠ: 253457  
ভোলা বকরা পথ, (কেঞ্চপটি)  
(ট্রেনচপোর্ট বাছ টেওব কামত), নগাও

(বিবিবাবে খোলা)

(Sunday Open)

বিবিবাবে পুৱা ১০ বজাৰ পৰা ১২ বজালি।  
সোমবাৰব পৰা শনিবাৰলৈকে পুৱা ১০:০০ বজাৰ পৰা ২:০০ বজালি।  
আবেলি ৬:০০ বজাৰ পৰা সন্ধা ৭:০০ বজালি। শনিবাৰে আবেলি বৰু।

ডাঃ সত্যেন তালুকদাৰ

এম. বি. বি. এচ. ডি. পি. এম (বেলি 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, ALCOTTISM,  
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

To whom it concerned

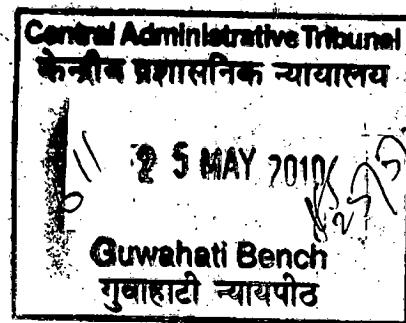
Date 8-2-10

This is to certify that miss  
Anamita Kalita, daughter of  
Mr. Harendra Nath Kalita is  
under my treatment for last  
3 month.

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



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

Filed by the Respondents  
Through Mr. Abhijit  
Shandilya, Counsel for the  
Union of India & Ors.

25 MAY 2010

Guwahati Bench  
গুৱাহাটী ন্যায়পৌঠ

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

M. Majumdar  
Advocate

25/05/10

25 MAY 2010

Guwahati Bench  
গুৱাহাটী চ্যাপিট

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 1<sup>st</sup> 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.

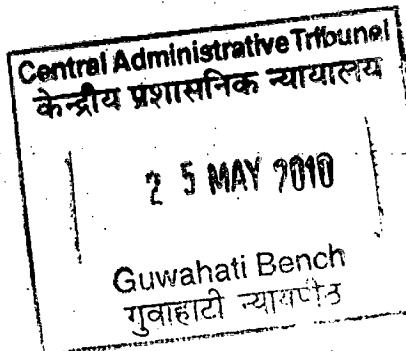
3. Having confirmed the receipt of show-cause notice from the Postal Department, his services were removed by confirming the loss of lien vide letter dated 04.07.2008.

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 irresponse 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.

NOWTHEREFORE, 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.



  
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. Admin KVS (GR)
4. AAO KVS GR

OLC  
23.10.08

3  
49-  
By Registered Post A/D  
Dated - 12/9/08  
To  
The Education Officer,  
Kendriya Vidyalaya Sangathan (GR)  
Regional Officer, Jawaharnagar,  
Khanapara, Guwahati-22.



Central Administrative Tribunal  
केन्द्रीय प्रशासनिक विधायिका  
25 MAY 2010  
Guwahati Bench  
sir, गुवाहाटी न्यायपीठ

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.

18/9  
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 Mawkyarh, 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).

Final draft  
P.D. concurred  
n.519

Contd... 2

25 MAY 2010

- 2 -

Guwahati Bench  
गुवाहाटी न्यायपीठ

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/2008-09/200, 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 get 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

-3-

Guwahati Bench  
गुवाहाटी न्यायपीठ

6. That Sir, I have been an employee of your organization 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 organization. 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 organization.

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 P.61/PT(HNK)/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. NEHU
- ✓ II. postal slip.
- ✓ III. Office instruction from the principal K.V. NEHU.

Yours Obediently,

Harendra Nath Kalita,  
(HARENDRAN KALITA),  
Vill. Bihergaon,  
P.O. Bihergaon, Dist. Nagaon  
(Assam).

Copy to the  
Assistant Commissioner,  
KVS (GR) Jawahar Nagar, Khanapara,  
Guwahati-22.

To

The Principal,  
 Kendriya Vidyalaya,  
 NEHU, Shillong,  
 NEHU Permanent Campus,  
 Umshing,  
 Mawlawi,  
 Mawkyu, Shillong - 793022.

Central Administrative Tribunal  
 केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
 गुवाहाटी न्यायपीठ

Dated 30.7.08

Subject : Reply to the letter dated 4.7.08, vide  
 reference Number F.61/PF (HMK)/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(HMK)/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 last more than two decades and this period, I have not done anything which detrimental to the interest of your

8

-3-

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

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/PE(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,

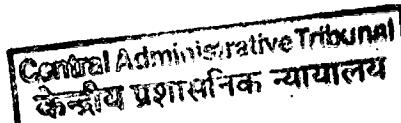
copy retained.

( H. KALITA )

Lab. Attendant,  
vill. Biharigaon,  
P.O. Biharigaon,  
Dist. Nowgong-782001

Assam.

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Guwahati Bench  
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**KENDRIYA VIDYALAYA NEHU SHILLONG** केन्द्रीय विद्यालय नेहु शिलांग  
 NEHU PERMANENT CAMPUS, UMSHING नेहु पर्मेनेंट कैम्पस शिलांग  
 MAWLAI MAWKYNROH SHILLONG – 793022  
 Phone No. 0364-2550004(O) 2721141 Fax: 0364-2550200  
 Website: [www.kvnehu.org](http://www.kvnehu.org) E-mail: [principalkvnehu@gmail.com](mailto:principalkvnehu@gmail.com)

KV CODE 1493  
 Station Code 256

Ref. No. F. 20065/KVN/61/2009-10/ S/5

Date: 24.08.2009

To,

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

Central Administrative Tribunal  
 केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
 गुवाहाटी न्यायालय

**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 re Mr. H.N. Kalita lab. Attendant.

Enclose: as above.

Yours faithfully

B

( Nanda Singh )  
Principal  
Z. V. NEHU के. वि. नेहु  
Shillong-22 शिलांग-22

Receiving official's Name -

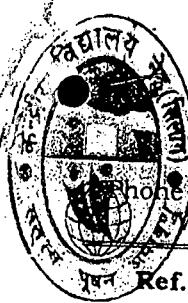
Receiving official's Signature

Central Administrative Tribunal  
संघीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गুৱাহাটী বেচ





**KENDRIYA VIDYALAYA NEHU SHILLONG** केंद्रीय विद्यालय नेहु शिलांग  
 NEHU PERMANENT CAMPUS, UMSHING नेहु पासानेन्ट कैम्पस, उम्शिंग  
 MAWLAI MAWKYNROH SHILLONG - 793022  
 Phone No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004  
 Website: [www.kvnchu.org](http://www.kvnchu.org) E-mail: [principalkvnchu@gmail.com](mailto:principalkvnchu@gmail.com)

KV CODE: 1493  
 Station Code: 266  
 Administration

Central Administrative Tribunal  
 केंद्रीय प्रशासनिक न्यायालय

25/08/2008

Ref. No. F. 61/KVN/2008-09/600

Date: 23.08.2008

Guwahati Bench  
 गुवाहाटी न्यायालय

### OFFICE INSTRUCTION

Vide letter no. F-61 (HNK)/KVN/2008-09/725 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

23/08/2008  
 Principal  
 Principal प्राचार्य  
 K. V. NEHU के. वि. नेहु  
 Shillong-22 शिलांग-22

Copy to -  
 The Assistant Commissioner  
 KVS (R.O) Guwahati for  
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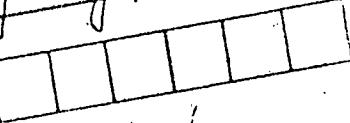
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Date Stamp

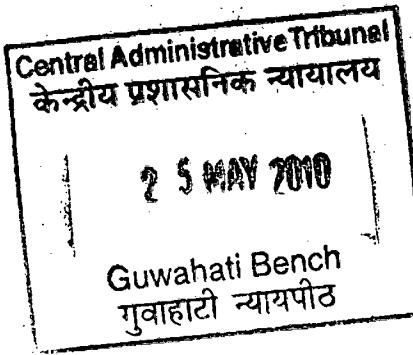
Sender's Address :-

H. K. Litra  
Vell-Bihawingan  
P.O- Bihawingan  
Dist - Nagaon, Assam

Pin -



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25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

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- 60 -

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

## KENDRIYA VIDYALAYA SANGATHAN

REGIONAL OFFICE, KHANAPARA, JAWAHAR NAGAR,  
GUWAHATI-781 022.  
[www.kvsroguwahati.org](http://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

15

**KENDRIYA VIDYALAYA NEHU SHILLONG** केंद्रीय विद्यालय नेहु, शिलांग  
**NEHU PERMANENT CAMPUS, UMSHING** नेहु परमानेन्ट कैप्स, उम्सिंग  
**MAWLAI MAWKYNROH SHILLONG - 793022**  
 Phone: No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004  
 Website: [www.kvnehu.org](http://www.kvnehu.org) E-mail: [principalkvnehu@gmail.com](mailto:principalkvnehu@gmail.com)

KV CODE: 1493  
 Station Code: 266  
 Administration

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

Date: 05.08.2008 25 MAY 2008

To,

*✓ 28*  
 The Assistant Commissioner,  
 Kendriya Vidyalaya Sangathan,  
 Guwahati Regional Office,  
 Jawaharnagar, Khanapara,  
 Guwahati - 781 022

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. 2-03/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 kindself is requested to be kind to guide me to the effect what action should I take in respect of his letter.

Enclosure:

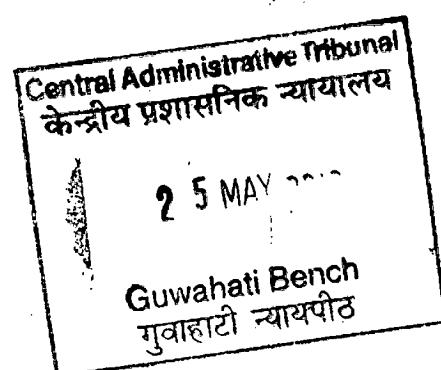
1. Xerox copy of the letter served to Sh. Kalita on 15.03.2008
2. Xerox copy of the Memorandum served to Sh. Kalita on 31.03.2008
3. Xerox copy of the letter dated 30.04.2008 sent to your kind self dated 12.05.2008
4. Xerox copy of the letter served by your kind self ordering me to take action against 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

*✓ 28*  
 ( Nanda Singh )  
 Principal  
 Principal प्राक्षय  
 Z. V. NEHU के. वि. नेहु.  
 Shillong-22 शिलांग-22

To

The principal,  
Kendriya Vidyalaya,  
NEHU, Shillong,  
NEHU Permanent Campus,  
Umshing,  
Mawlai,  
Mawkyroh,  
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  
গুৱাহাটী ন্যায়পীঠ

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 the. 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 period, I have not done anything which detrimental to the interest of your

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.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench

গুৱাহাটী ন্যায়পুর

Yours sincerely,

*Hemanta Nath Kalita*  
( H. KALITA )

Lab. Attendant,  
Vill. Biharigaon,  
P.O. Biharigaon,  
Dist. Darrang-  
ASSAM.

Copy retained.

- 65 -

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To The Principal  
Kendriya Vidyalaya

NEHU - Shillong  
NEHU Permanent Campus

Umshing

Meola

Mawlynnong

Shillong - 793022

30/03

KAC

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

20  
(36)-66

**KENDRIYA VIDYALAYA NEHU SHILLONG** केन्द्रीय विद्यालय नेहु, शिलांग  
NEHU PERMANENT CAMPUS, UMSHING नेहु पर्मेनेंट कैम्पस, उम्सिंग  
MAWLAI/MAWKYNROH SHILLONG - 793022  
No. 0364-2550004 (O), 2721141 (O), 2550988 (R) Fax: 0364-2550004  
Website: [www.kvnehu.org](http://www.kvnehu.org) E-mail: [principalkvnehu@gmail.com](mailto:principalkvnehu@gmail.com)

KV CODE: 1493  
Station Code: 236  
Administration

Ref. No. F. 61/PF (2MK)/KVN/2008-09/542.

Date: 05.07.2008

To

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

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

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

Sir,

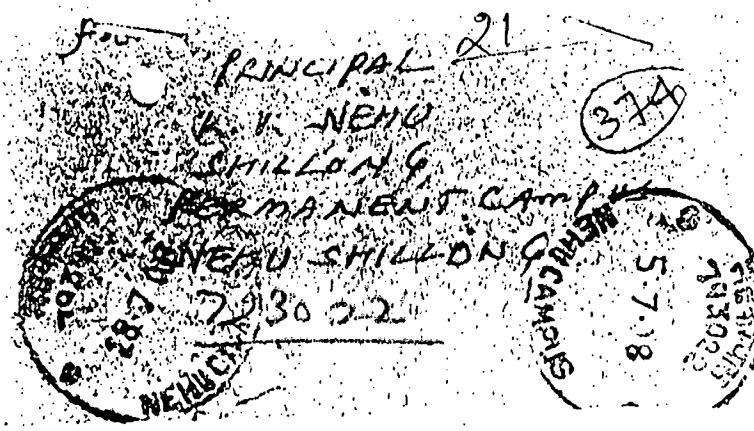
Please find enclosed herewith the order of removal from the service of KVS issued by the principal KV NEHU to Shri Harendra Kalita, the lab attendant of this Vidyalaya for your kind information.

With due regards.

Yours faithfully

*(Signature)*  
(Principals Singh )  
R. V. Principals  
Shillong-22 Shillong-22

OIC

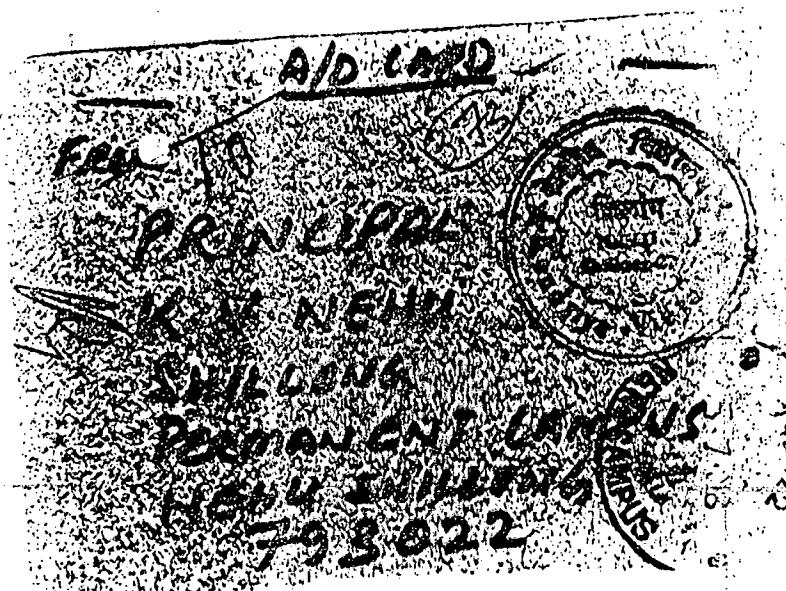


-67-

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्याययीठ



## Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

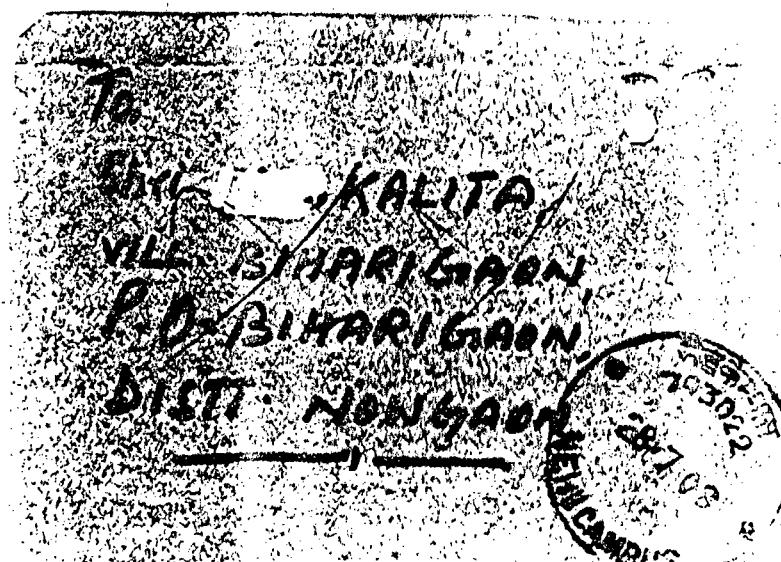
## Guwahati Bench গুৱাহাটী ন্যায়পীঠ

23-  
 Central Administrative Tribunal  
 Regional Office  
 Guwahati Bench  
 25 MAY 2010

Central Administrative Tribunal  
 केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
 गुवाहाटी न्यायपीठ



22

70

**KENDRIYA VIDYALAYA NEHU SHILLONG** केन्द्रीय विद्यालय नेहु, शिलांग  
NEHU PERMANENT CAMPUS, UMSHINO नेहु पर्मानेट कैम्पस, उम्पिंग  
MAWLAI MAWKYNROH SHILLONG - 793022  
Phone No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004  
Website: [www.kvnehu.org](http://www.kvnehu.org) E-mail: [principalkvnehu@gmail.com](mailto:principalkvnehu@gmail.com)

KV CODE: 1493  
Station Code: 266  
Administration

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

Date: 04.07.2008

REGD POST WITH AD

### **REMOVAL FROM SERVICE 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 leave 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 (7<sup>th</sup> March 2008)**, the date from which he was on unauthorized leave.

**To,**

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

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.**

Office was delivered  
29.5.08

Principal  
R. V. Singh  
Shillong-22 शिलांग-22

23

-71-

DEPARTMENT OF POSTS - INDIA  
SR. SUPERINTENDENT OF POST OFFICES MEGHALAYA DIVISION SHILLONG - 793001.  
TEL: 0364-2504750  
2222326

COMPLAINT - SETTLED REPLY

31/07/2008

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,

65POS  
MEGHALAYA

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ



**KENDRIYA VIDYALAYA NEHU SHILLONG** केंद्रीय विद्यालय नेहु शिल्लंग  
NEHU PERMANENT CAMPUS, UMSHING नेहु पार्मानेन्स कैम्पस शिल्लंग  
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](http://www.kvnehu.org) E-mail: [principalkvnchhu@gmail.com](mailto:principalkvnchhu@gmail.com)

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

Date: 09.06.2008

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

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

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

Sir,

On 24.05.2008 a letter to Shri Haren Kalita, Bihariigaon, Nowgong Assam, has been dispatch by this office under Registered Post bearing No. Shillong GPO (793001) RLAD 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, Bihariigaon, 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.

*Yours faithfully*  
*✓ 5/1/08 b/s*

( Nanda Singh )

Principal  
Principal निदेशक  
K. V. NEHU के वि. नेहु  
Shillong-2, शिल्लंग-2

o/c

Enclo: Photo copy of RECEIPT Voucher.

आर. पी. 54  
R.F. 4

भारतीय डाक-विभाग  
25  
DEPARTMENT OF POSTS, INDIA

तारीख-मोहर

-73-

डाक डाकघर की नाम-मोहर

Name/Stamp of office of posting



Date Stamp

भेजनेवाले का पता / Sender's Address

To  
PRINCIPAL,

K. V. NEHU, SHILLONG

Permanent Campus, NEHU, Shillong

Shri H. M. Kalita Pin/Pin 793022

Mess Gurungmai Kalita

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायीठ

प्राप्ति-स्वीकृति (रसीद) / ACKNOWLEDGEMENT

-74-

रजिस्टर्ड

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

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

Insured SRI H. N. KALITA

पाने वाले का नाम

Addressed to (name) } VILL BISHNU GOSWAMI

P.O. BISHNU GOSWAMI Dist. NAGARHON

● बीमा 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.

Assam Administrative Tribunal  
संघीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ



26 75

**KENDRIYA VIDYALAYA NEHU SHILLONG** केन्द्रीय विद्यालय नेहु शिलांग  
 NEHU PERMANENT CAMPUS, UMSHING नेहु प्रमाणित क्षेत्र अभियान  
 MAWLAI MAWKYNROH SHILLONG - 793022  
 No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004  
 Website: [www.kvnehu.org](http://www.kvnehu.org) E-mail: [principalkvnehu@gmail.com](mailto: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.

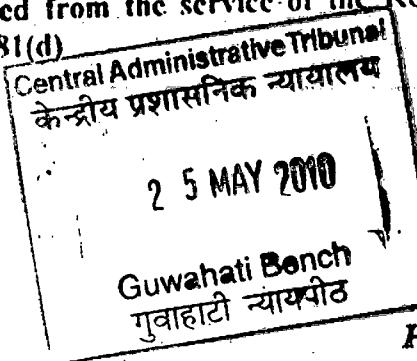
As required under sub-clause (3) of Clause (d) of Article 81, this order is hereby made recording the factum of voluntary abandonment of service by **Shri Haren Kalita** and provisional loss of his lien on (post) and the same is hereby communicated to him accordingly.

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.

*Copy to 23/5/2010*  
 Principal  
 K. V. NEHU के. वि. नेहु  
 Shillong-22 शिलांग-22

0/C.

27

(59)

-76-

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायिकी

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).

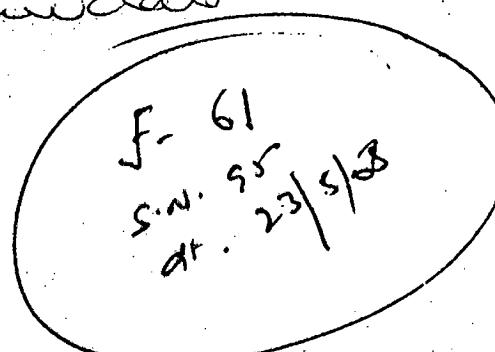
Hence, you are directed to take action to Shri H.N. Kalita, lab Attendant accordingly under intimation to this office.

Yours faithfully

*Leew*  
(U.N. Khawarey)  
Assistant Commissioner

Office for immediate  
action

23/05/08



28 (353) - 77 -

**KENDRIYA VIDYALAYA NEHU SHILLONG** केन्द्रीय विद्यालय नेहु, शिलांग  
NEHU PERMANENT CAMPUS, UMSHING नेहु परमानेन्ट कैम्पस, उम्सिंग  
MAWLAI MAWKYNROH SHILLONG - 793022  
Phone No. 0364-2550004(O) 2721141 (O) Fax: 0364-2550004  
Website: [www.kvnehu.org](http://www.kvnehu.org) E-mail: [principalkvnehu@gmail.com](mailto:principalkvnehu@gmail.com)

KV CODE: 1493  
Station Code: 266  
Administration

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

Date: 30.04.2008

To,

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

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

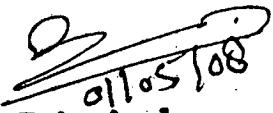
**Subject:** Un-authorised absent of employees beyond 15 days-Information  
regarding.

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

  
01/05/08  
Principal  
K. V. NEHU  
Shillong - 793022

29 357

-78-

**KENDRIYA VIDYALAYA NEHU SHILLONG** केंद्रीय विद्यालय नेहु शिलांग  
**NEHU PERMANENT CAMPUS, UMSHING** नेहु परमानेट कैम्पस उम्शिंग

**MAWLAI MAWKYNROH SHILLONG - 793022**

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

KV CODE: 1493  
Station Code: 266  
Administration

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

Date : 31.03.2008

Reqd 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 10<sup>th</sup> 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.

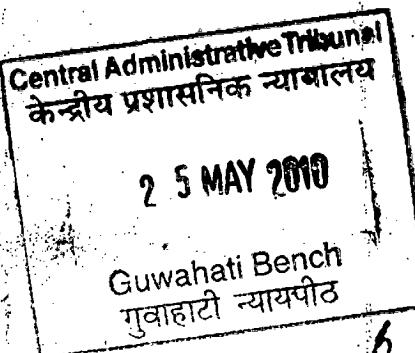
To

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

*AKD*  
Principal

1/1 Principal प्राचार्य  
K. V. NEHU के वि. नेहु  
Shillong-22 शिलांग-22

Copy to Dist. Com. & vs (6R),  
for information & may  
act on please.



*AKD*  
Principal

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

0/1



30 -79-

**KENDRIYA VIDYALAYA NEHU SHILLONG** केन्द्रीय विद्यालय नेहु शिल्लंग  
NEHU PERMANENT CAMPUS, UMSHING नेहु पर्मानेंट कॉम्प्यूटर कॉम्प्यूटर कॉम्प्यूटर

KV CODE 1493  
Station Code 206  
Administration

MAWLAI MAWKYNROH SHILLONG - 793022  
Phone No. 0364-2550004(O) 2721141 (O) 2550988 (R) Fax: 0364-2550004  
Website: [www.kvnehu.org](http://www.kvnehu.org) E-mail: [principalkvnehu@gmail.com](mailto:principalkvnehu@gmail.com)

Ref. No. E. 61/PF(HNK)/KVN/2007-08/ 1260

Date : 15.03.2008

Recd. for

### Office Order

You have been found absent from your duty with effect from 10<sup>th</sup> 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.

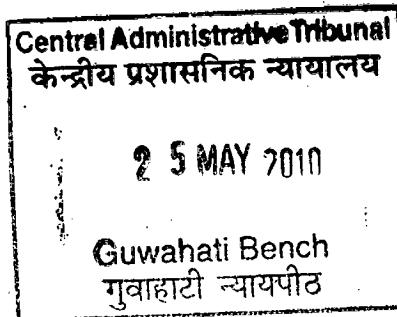
To

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

( Nanda Singh )  
Principal

Shillong, 15.03.2008

C/C



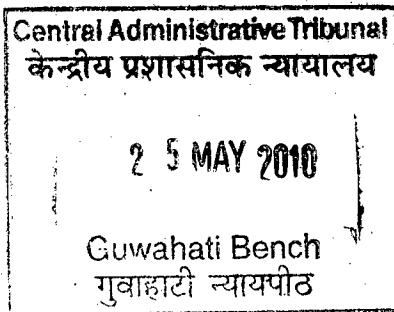
13/6/11

8 Mr. HARENDRARNATH KALITA Lab Attol K.V.

NEHU Shillong do hereby undertake that I will not take any leave with out any information in future and I assure that I will perform my duty sincerely and regularly.

Dt Shillong  
10/09/02

Harenra Nath Kalita  
(HARENDRARNATH KALITA)  
(Lab Attol.)



7  
The Principal  
K. V. NEHU Shillong

Subject: Application for E.O.L.

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

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 letter from you  
regarding my absence, but I could not reply because  
of my total bedridden, an undertaking is also enclosed herewith  
to you consideration. Sir it is kindly grant

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

Thanking you.

Date: 10/09/2007. So ent. 09.2007/0000 much fully.

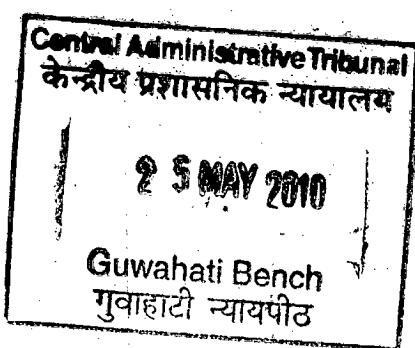
E.O.L.  
The period of  
11.06.2007 to 09.09.2007  
granted  
10.09.07

Harendra Nath Kata  
(H. N. Kata)  
Lab. Attendant  
K. V. NEHU

To

The Principal,  
K.V. H.E.C.U. 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 Jaundice & Hypertension and also I could not ~~apply~~ <sup>apply</sup> for any application due to my ill health.

Sir, in this connection I undertake ~~not~~ <sup>to</sup> that in future I will not repeat again.

Such type of absent I will not repeat again.

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

Thanking you

Yours faithfully

Date: 01/09/2007

Harenkrishna Kalita.  
(H. K. Kalita)

Lab No. 11.

K.V. H.E.C.U.

To

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

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Respected Sir,

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

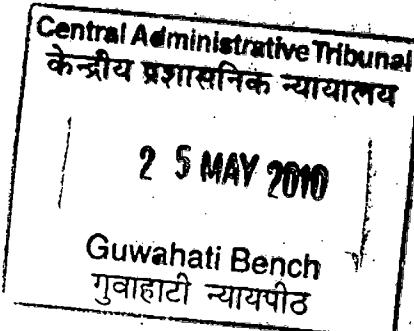
Thanking you,

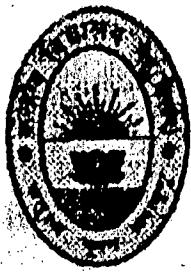
Yours faithfully.

Harendra Nath Kalita  
(H.N.KALITA)  
Lab. Attendant.

of 15/11/2006

Allowed to join  
the duty from  
today : 15/11/06  
He will not go for  
leave without the  
prior permission  
of the Officer  
in charge.





35

84

348

**KV CODE: 1493  
Station Code: 266  
ADMINISTRATION**

**Kendriya Vidyalaya  
North Eastern Hill University  
NEHU Permanent Campus, Umshing  
Mawlawi Mawkyroh  
Shillong - 793022**

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

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

Date : 15.11.2006

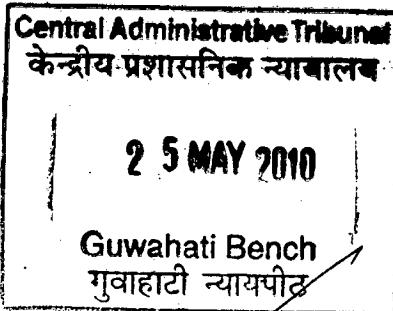
## MEMORANDUM

**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.**

*Ver. P. Ch.*  
15/11/106  
**Principal**  
Principal प्राचार्य  
K. V. NEHU के. वि. नेह.  
Shillong-22 शिलंग-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.

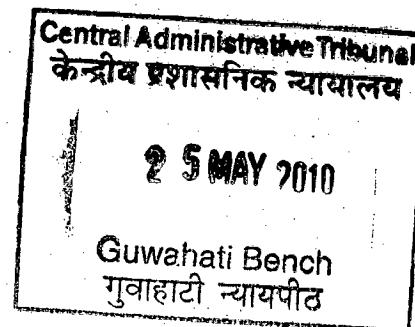
Yours faithfully,

*Lalit*

(U.N. Khawarey)  
Asstt. Commissioner.

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

*15/11/10*



37  
The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Khanapara, Guwahati - 781022.

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

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

Respected Sir,

With due respect I wish to state that I have law given application for (01) one day Casual leave on 18-02-06 (saturday) to Principal Sir, (Dr R.D. Pendek) for some urgent work at my Home Town Naugoan (Assam). As soon as I reach there I fell ill, Doctor told me that I am suffering from Malaria and Tonelic (Malaria). 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

Dr Shillong  
27-10-06

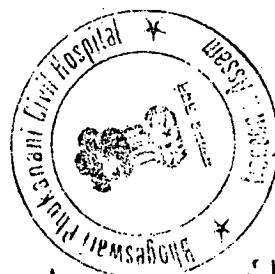
Enclo:- Medical Certificate  
along with Fitness  
Certificate.

W. No. 27/10  
Principal  
K. V. NEHU  
Shillong-22  
Date 22/05/2006

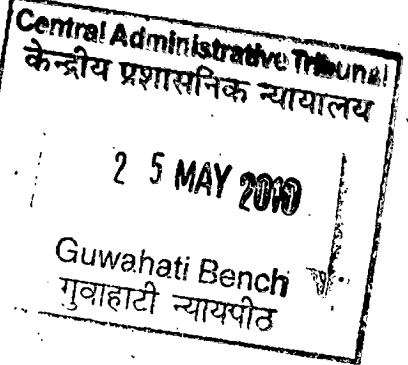
Yours faithfully

Harendra Nath Kalita  
(H.N. Kalita)  
Lab Atst.

K. V. NEHU, Shillong



345



To whom it may concern.

This is to certify that Sri Narendra Nath Kalita was under my treatment for long period since 18.12.06 for UGI bleeding (Malaena) to 25.10.06, was at Nagaon B.P. unit hospital under OPD no 6580/06. During his treatment he was in bed for a month. Now he is found fit to go to his work from 26.10.06.

*Surjya*  
Medical Superintendent  
B. P. Hospital  
Nagaon 808001

## KENDRIYA VIDYALAYA SANGATHAN

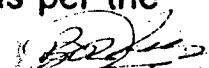
Subject: Format of show-cause notice under Article 81(d)(3)

Shri/Smt./Km. H. N. Kalita is hereby informed that he/she has remained absent for a period of fifteen days or more from 18-3-06 to 03-04-06 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).

  
(Signature) 17/05/06

(Name and Designation of the Appointing Authority)

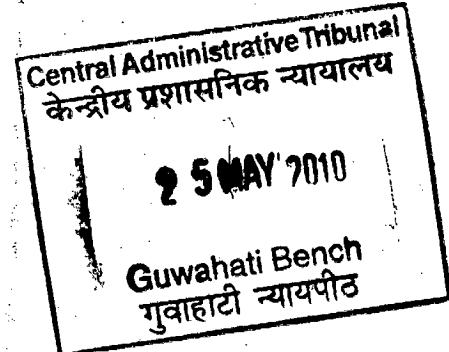
To,  
Shri/Smt./Km. H. N. Kalita H. M.  
VILL - BIHARIGAON, P.O. Biharigaon  
DIST: Nowrang (ASSAM).

Principal प्राचार्य  
K. V. NEHRI के. वि. नेरी  
Shillong-22 शिलांग-22

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

392

FB1/PP/KVN/2006-07/157 dt: 17/05/2006





केन्द्रीय विद्यालय *40*

Phone-Off.-250004  
Resi.-250009

*39*

# KENDRIYA VIDYALAYA

पूर्वोत्तर पर्यावरण विश्वविद्यालय (परमानेन्ट कॅम्पस)

NEHU (PERMANENT CAMPUS)

उमसिं, मोकेनडो

Um-Shing, Mawkyuñroh

पो० ओ० शिलांग, मेघालया-७६३०२२

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

Ref. No. *F.61/PF.* *F.61/KVN/2005-06/1142*

Date 20-3-2006.

## OFFICE ORDER.

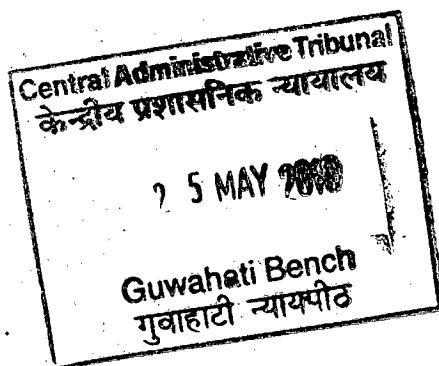
With reference to this letter No.F.61/PF/  
HNK/KVN/2005-06/1142 dt.06-03-2006, by Regd post.  
Mr.H.N.Kalita, Lab-Attendant was ordered to be pre-  
sent in the Vidyalaya but he has not reported till  
now. He is once again directed to report in the Vid-  
yalaya as soon as he gets the information.

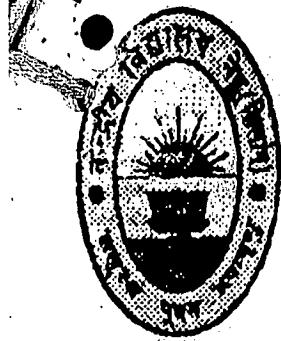
To

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

Vill.Bihati gaon  
P.O.Biharigaon  
Dist.Nowgaon Assam.

*22/3/06*  
PRINCIPAL  
K.V.NEHU  
SHILLONG.  
R. V. NEHU के. वि. नेहु  
Shillong-22 शिलांग-22





41

-96-

339

**Kendriya Vidyalaya** Telephone No: 2550004 (O)  
**North Eastern Hill University** 2721141 (O)  
**NEHU Permanent Campus, Umshing** 2001260 (R)  
**Mawlai Mawkyroh**  
**Shillong - 793022**

Ref. No. F. 61/PF(HNK)/KVN/2005-06/ 1142 Date : 06.03.2006

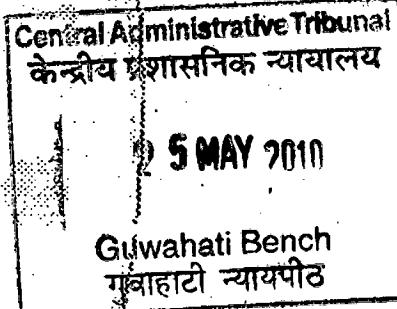
Royal Post

**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 Nowrang.



61(PF)

*(Dr. R.D. Pandey)*

*Principal*

Principal राज्य  
R. V. NEHU के. वि. रा.  
Shillong-22 शिलंग-22

42 (146) - 91

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

16-6-93

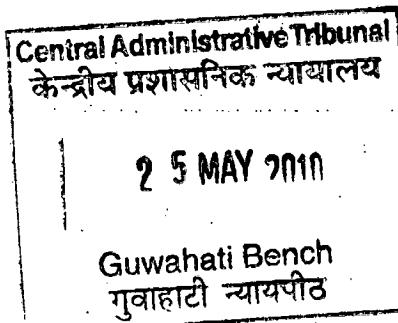
OFFICE OR-ORDER

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

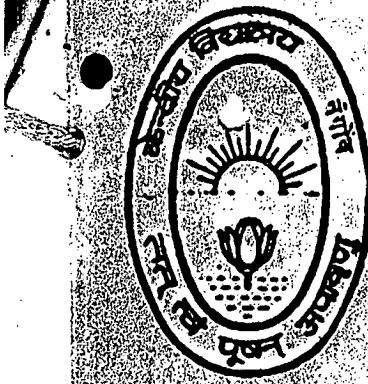
You have been found absent in your duty  
w.e.f. 24-5-93 to till date without any information.

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

*B. Bhattacharyya*  
Offg. Principal



PF/HNK



43 92  
फोन/Phone : 373

## केन्द्रीय विद्यालय, नेगोंव

# Kendriya Vidyalaya, Nowgong

पोस्ट अॅड्रेस : नेगोंव - 782002, जिला : नेगोंव (असम)

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

पत्रांक/Ref. No. P. PF (HNB) / KVN/ 90-91 253 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.  
Assam-782001 Nagaon

प्रधान / Principal,  
केन्द्रीय विद्यालय

KENDRIYA VIDYALAYA

Assam-782001 Nagaon

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

44 (SW) 93  
KENDRIYA VIDYALAYA, NAGAON, ASSAM.

P.O. : Nagaon-782001.  
Dated: 14-8-1989.

No. F. RE/KVR/89-90/

W A R N I N G S.

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.

( Dr. S. Dube ) 14/8/89  
PRINCIPAL.

प्राचार / Principal,

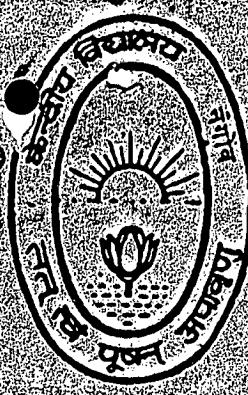
केन्द्रीय विद्यालय

KENDRIYA VIDYALAYA  
पर्स-782001 Nagaon

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ



45 (82) 94  
फोन/Phone : 373

केन्द्रीय विद्यालय, नेगोव

# Kendriya Vidyalaya, Nowgong

पोस्ट अफिस: नेगोव - 782002, जिला: नेगोव (असम)

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

परामर्श/Ref. No. P. PF/HNK/Gr-D/KVN/88-89/ ८६  
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 w.e.f 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.

Administrative Tribunal  
प्रशासनिक विद्यालय

Guwahati Bench  
गुवाहाटी नायपीठ

6/2  
16/2/89  
PRINCIPAL.

Kendriya Vidyalaya, Nagaon.

केन्द्रीय विद्यालय  
KENDRIYA VIDYALAYA  
पांव-782001 Nagaon

ग्रन्थालय मालिक  
Date 16.2.89

95-  
46  
18  
केन्द्रीय विद्यालय, नेगोंव

## Kendriya Vidyalaya, Nowgong

पोस्ट ऑफिस : नेगोंव - 782002, ज़िला : नेगोंव (असम)

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

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

243

OFFICE ORDER.

- Reference this office memo No. F.PF/KVN/88-89/521 dated 17-1-89.
- 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)*  
 (Dr. S. Dube)  
 PRINCIPAL,  
 शासकीय प्राथमिक प्रिंसिपल,  
 Sri H. N. Kalita, Group 'D', केन्द्रीय विद्यालय  
 Kendriya Vidyalaya, KENDRIYA VIDYALAYA,  
 Nagaon (Assam). नगान 782001 Nagaon

Sri Banchita nabi Kalita

*Dale*  
 20.1.89

Central Administrative Tribunal  
 केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
 गुवाहाटी न्यायपीठ

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KENDRIYA VIDYALAYA::NAGAON::ASSAM.

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

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

OFFICE ORDER

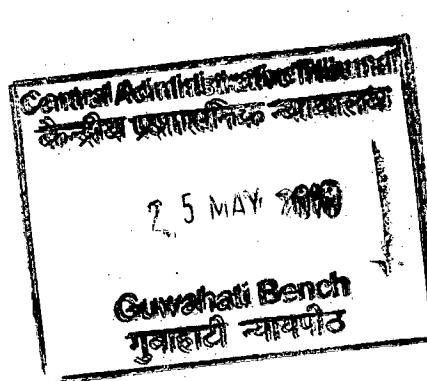
You have been allotted night duty in the vidyalaya. It is found that wooden gate on the back of the campus is not traceable and three window panes of the principal's office are also broken. It is negligence of your duty, for which you are warned and required to make up loss by 19-1-89. Failing which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

To. Mr. J. N. Kahlé  
, grade IV employee

*Guo*  
( Dr. S. Dube, N & C  
PRINCIPAL.

Received - Sri Harekrishna Khatua.

O/C





90

Yours when it may concern

This is to certify that Shri  
Harendra Nath Kalita 30 yrs/ Male whose  
signature is given below has been  
suffering from P.V.S. since 1/2/89 for  
which he is treated at Nagao Civil  
Hospital (D.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).

Sri Harendra Nath Kalita  
Signature of H.N. Kalita

18/2/89  
Medical Officer, -  
Nagao Civil Hospital  
Nagao : Assam.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

49

81

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Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2000

Guwahati Bench  
गुवाहाटी न्यायालय

To:

The Principal,  
Kendriya Vidyalaya  
nagaram

Vidyalaya

Sub:- For my Report.

Sir:

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

Therefore, I request you to kindly  
allow me to report to you to join my duty today and  
not for the days

20-2-89

Yours faithfully

Sri Biju Dasgupta  
Crusade IV.

got Engg. Medical Certificate  
in this regard  
I am  
fully  
recovered  
and  
fit  
for  
duty  
now

50

KENDRIYA VIDYALAYA : NAGAON :: ASSAM.

(ub) - 99

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 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.

*Prabha Upadhyay*

( Dr. M. P. Upadhyay )

PRINCIPAL.

*Principal,*

*Kendriya Vidyalaya*

*Nongong, Assam*

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

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

5 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

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28-100-

KENDRIYA VIDYALAYA : NOWGONG :: ASSAM.

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 chowkider) 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.

( T. ROY.)  
PRINCIPAL.

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

Principal,  
Kendriya Vidyalaya  
Nowgong (Assam)

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायालय

52  
-101  
GM

KENDRIYA VIDYALAYA.

(Central School)

Nowgong-782001: Assam.

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

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 nights 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.

*25-2-85*  
( T. ROY.)  
PRINCIPAL.

Kendriya Vidyalaya.

Nowgong (Vidyalaya)  
Nowgong (Assam)

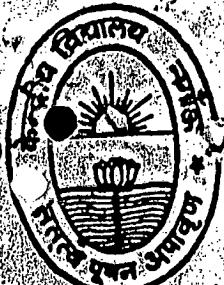
To

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

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

5 MAY 2000

Guwahati Bench  
गুৱাহাটী ন্যায়পৌঠ



# Kendriya Vidyalaya

(CENTRAL SCHOOL)

Nagaon- 782 001 \* Assam.

102

16

No. F. KVV/34-85/9368- 70.

Dated 15-12-84.

## O R D E R.

Whereas Sri Haren Chandra Kalita, Group-D employee of this Vidyalaya committed grossa and whereas an Enquiry Committee under Rule 14(b) of COS(CCA) Rules, 1965 was instituted vide this office Memo No.F. KVV/34-85/4177 Dt.15-10-84.

2. Whereas Sri Haren Chandra Kalita, Group-D employee has admitted the charges levelled 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 penalty 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, Gt., for information and necessary action.
2. The Chairman, KV. Nowgong, for information and necessary action.
3. Personal File.

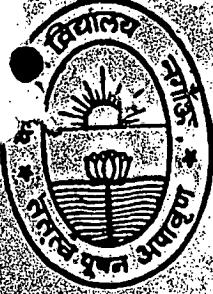
PRINCIPAL.

Principal,  
Kendriya Vidyalaya.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 1985

Guwahati Bench  
गुवाहाटी न्यायपीठ



# Kendriya Vidyalaya

(CENTRAL SCHOOL)

Nagaon- 782 001 \* Assam.

No. P. /KVN/84-85/ 4177

Dated 15-10-81.

## ORDER

Where as, an enquiry under Rule 14 of the Central Civil Services Rules 1963 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 charged 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(Engg.) - Convenor.
2. Sri A.K. Sikla, PGT(Maths.) - Member.
3. Sri M.G. Gupta, TGT(S. Studies) - Member.

*(T. Roy.) 15/10*  
PRINCIPAL.

*J. File*

### Copy to:-

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

*(T. Roy.) 15/10*  
PRINCIPAL.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2003

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  
Keningua Vidyalya (S. A.)  
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.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2019

Guwahati Bench  
गुवाहाटी न्यायालय

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.  
MR  
Grade IV empl.  
K.V. Newgong.

*T. Roy.*  
Principal.

*QF*

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ



# KENDRIYA VIDYALAYA

(CENTRAL SCHOOL)

Nowgong (Assam)

Phone

41  
-106-

No. E.No-9/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 ~~with~~ severely warned not to repeat the same in future.

10.3.23/83  
( T.Roy )  
Principal.

*Recd. 10.3.83*  
Sri Haren Kalita,  
Grade IV employee,  
Kendriya Vidyalaya.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

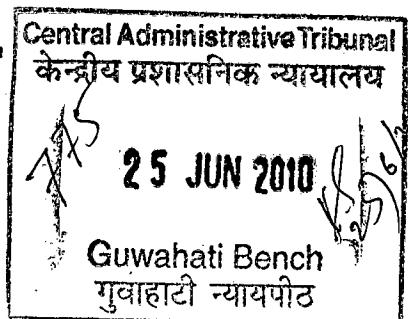
25 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायालय

**IN THE CENTRAL ADMINISTRATIVE TIBUNAL**

GUWAHATI BENCH AT GUWAHATI

**O.A. No. 113 of 2009**



Filed by the applicant  
through

Karmadev 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

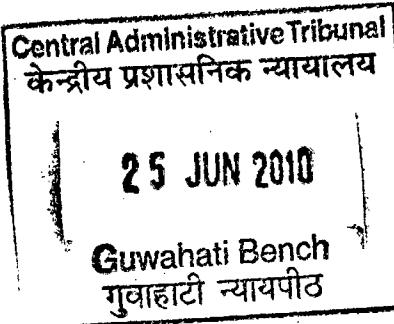
**AFFIDAVIT**

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 copy  
25/06/10  
M.K. Jyoti  
Jyoti

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 .

25/6  
And I sign this affidavit on this 17<sup>th</sup> day of June 2010, at Guwahati

Identified by me

*Chowdhury*  
(K. SINGHA)  
Advocate

*Abarendra Nath Malita.*

Deponent.

## Dr. Pradip Kr. Borah

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

Sr. Medical &amp; Health Officer

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

Name of the Patient Sr. Harendra Nath Kalita Age 50 yrs., Sex : Male / FemaleAddress BoragonDate : 14-3-08

## ডাঃ প্রদীপ কুমার বৰা

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

জ্যেষ্ঠ স্বাস্থ্য বিষয়া

- শিশু ও মাতৃ বোগৰ বিশেষজ্ঞ
- গুৱাহাটীত মেলেবিয়াৰ প্ৰশিক্ষণপ্ৰাপ্ত অভিজ্ঞ চিকিৎসক, কঠিয়াতলি পি.এইচ.চি.
- গৰ্ভপাত ও বন্ধ্যাকৰণৰ প্ৰশিক্ষণপ্ৰাপ্ত, গৰ্ভপাতৰ বাবে যান্ত্ৰিক ব্যৱহাৰ সুবিধা উপলব্ধ।
- যন্মৰাবোগৰ প্ৰশিক্ষণপ্ৰাপ্ত।

R

TO WHOM IT MAY CONCERN :

Certified that Sr. Harendra

Nath Kalita, aged 50 yrs of village  
 Boragon, P.S.-Sadar, Dist. Nagaon  
 (Assam) is examined on 14-3-08 and  
 found suffering from hepatic fever  
 jaundice, RT 7 days. Admitted res  
 for 3C (three) months w.e.f 12-3-08 to  
 12-6-08.

  
 14-3-08  
 DR. P.K.BORAH  
 Sr. M&HO  
 Kathiatoli P.H.C.

## Lab. Investigation

Wish You Happy Recovery. Next Visit After 5 Days.

25 JUN 2010

OFFICE SEAL OF  
HEALTH INST.Guwahati Bench  
गुवाहाटी न्यायपीठ

NATIONAL RURAL HEALTH MISSION

Name of the Patient: Harendra Nath Baral Age: 50 Sex: MFather's / Husband's Name: Biroj Gaur Address: OPD Regd. No. AN 108 Date: 11/3/08

Date	Findings of Examination	Advice
	BLS NO 1495 = PB BP 100/60 P 70/min R 18/min S 100/min Hb 10.5 g/dl Urine 1000 ml Stool 100 g CSF 100 ml	1. <u>BP</u> 2. <u>ABG</u> 3. <u>Urine</u> 4. <u>CSF</u> 5. <u>Record O to 30</u> 6. <u>Drop doses</u> 7. <u>Give liver sr</u> 8. <u>1-5% salt in lymphocentury</u> 9. <u>Emol 3</u> 10. <u>CSF 100 ml</u> <u>DT</u>

মেলেবিয়ার পৰা বক্ষা পাবলৈ আঠুৱা ব্যৱহাৰ কৰক।

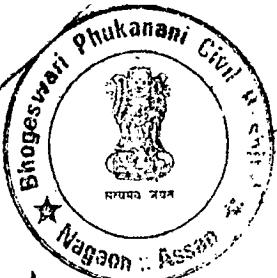
বিদ্রঃ অনুগ্ৰহ কৰি অহাৱাৰ আহোতে কাৰ্ডিন লগত লৈ আহিব।

OPD Regd. No. ....

Date :.....

## পরিকল্পিত পরিয়াল সুখী পরিয়াল।

वि द्रृः अनुग्रह करि अहावाब आहेते कार्डखन लगत लै आहिव।



-6-

Annexure - 10

-112-

Sowbhagya may be v/s

Certified under Shri

Agenda new letter to Mr.

Bikan Singh of ~~Government of Assam~~

has been suffered from

psychiatric disorder (Major depression)

He has been under treatment of

psychiatrist Dr. B. P. Chetia (M. B. B. S. M. D. M. Sc. M. Phil.)

at, Nafar, Assam

as advised

on 28/6/2008 to resume his

duties

Ex. Medical & Health Officer  
B.P. Civil Hospital, Nagaon  
(by counters)

B  
R  
M  
S  
H

High Court of Assam Tribunal  
देशभूमि असाम राष्ट्रालय

Guwahati Bench  
गुवाहाटी बैठक