

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 330/2012

Order dated: 20/04/2015

Coram:

**Hon'ble Mr. Justice Harun Ul Rashid, Judicial Member
Hon'ble Mr. R. Ramanujam, Administrative Member**

Pokhar Singh S/o Shri Gulab Singh, aged about 32 years R/o Surpura, Post Vikharniya Kalan, District Nagaur-341031 presently posted as T.G.T. (Social Science) at Jawahar Navodaya Vidyalaya, Sitapura, Bundi.

.....Applicant
Mr. G.S. Gill, counsel for the applicant.

VERSUS

1. Navodaya Vidyalaya Samiti through its Chairman, A-28, Kailash Colony, New Delhi-110048.
2. The Commissioner, Navodaya Vidyalaya Samiti, A-28, Kailash Colony, New Delhi-110048.
3. The Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, 18 Sangram Colony, Mahaveer Marg, C-Scheme, Jaipur-302001.

.....Respondents

Mr. Hawa Singh, counsel for the respondents.

ORDER (ORAL)

Per : Hon'ble Mr. R. Ramanujam, Administrative Member.

The applicant is a T.G.T. (Social Science) at Jawahar Navodaya Vidyalaya, Sitapura, Bundi. While working as T.G.T., Jawahar Navodaya Vidyalaya, Kalandari, Distt- Sirohi (Raj.), he was assigned the duty of House Master. A student by name Rajnith Nair committed suicide during this time. Based on a F.I.R. lodged regarding the said incident, a departmental enquiry was initiated against the applicant and he was placed under suspension. After the enquiry, the applicant was awarded a punishment of withholding one increment for three years. Pay and allowances during the period of suspension were restricted to subsistence allowance already granted.

2. The criminal case against the applicant was subsequently closed by Judicial Magistrate (First Class), Sirohi vide order dated 04/07/2011. On the basis of the final report, the applicant sought revocation of the penalty imposed on him in the departmental proceedings. However, the respondents refused to revoke the order of punishment. Hence this Original Application.

3. The respondents have contended that while issuing order dated 04/07/2011, Hon'ble Judicial Magistrate (First Class), Sirohi had not interfered with the departmental proceedings initiated against the applicant. The

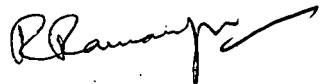
departmental proceedings had nothing to do with the outcome of the criminal proceedings. The applicant had failed to avail the opportunity for appeal against the order dated 05/10/2010 within the time limits prescribed. Thus the O.A. cannot be sustained as the statutory remedies available to the applicant had not been utilized.

4. The respondents have also pointed out that while the charge of murder of Shri Rajnith Nair by the applicant was not proved in the criminal case, the charge in the departmental proceedings was different. In the departmental proceedings, the applicant was alleged to have misused the services of Master Rajnith Nair for his personal work. He also was alleged to have insulted/humiliated Master Ranjnith Nair for allegedly stealing Rs. 200/- from the residence of the applicant. The punishment awarded to the applicant was on a different ground and therefore his acquittal in the case of murder does not help him in seeking revocation of punishment imposed after departmental proceedings.

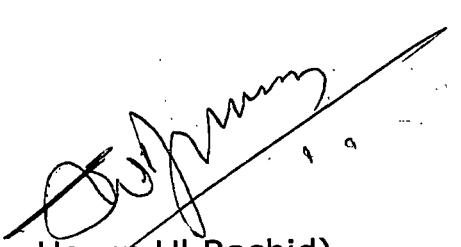
5. We have heard the learned counsels for the applicant and respondents and perused the records. Counsel for the applicant pleaded that utilizing the services of a student for a small personal work such as fetching milk for

applicant's residence cannot be regarded as misconduct. It is a part of the Indian culture in the Guru Shishya tradition where a student should be considered privileged to be asked to do such work for the teacher. On the other hand, the respondents are clearly of the view that the department adequately compensates the teachers for their work by way of salary and other allowances and they are not expected to deploy students to do their personal work.

6. After hearing the counsel for both the parties, we have no hesitation in holding that the applicant is guilty of misusing the services of a student for personal work. Even the applicant does not dispute the fact of such action on his part. He has been awarded a fair and just punishment for conduct unbecoming of a teacher. We are unable to link this issue with the acquittal of the applicant in the criminal case. We accordingly dismiss the Original Application as misconceived and devoid of merits. No order as to costs.



(R. Ramanujam)
Member (A)



(Justice Harun Ul Rashid)
Member (J)

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