

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5218 of 2017

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Rajbally Singh, S/o Late Bichari Singh, resident of village + P.O.
Udbant Nagar, District - Bhojpur

.... Petitioner

Versus

1. The Union of India through the Chairman, Kendriya Vidyalaya Sansthan, Ministry of Human Resources Development, Shastri Bhawan, New Delhi
2. The Commissioner, Kendriya Vidyalaya Sansthan, 18 Institutional Area, Shaheel Jeet Singh Marg, New Delhi - 16
3. The Joint Commissioner (Admn), Kendriya Vidyalaya Sansthan, 18 Institutional Area, Shaheel Jeet Singh Marg, New Delhi - 16
4. The Deputy Commissioner (Personnel), Kendriya Vidyalaya Sansthan, 18 Institutional Area, Shaheel Jeet Singh Marg, New Delhi - 16
5. The Assistant Commissioner, Kendriya Vidyalaya Sansthan, 18 Institutional Area, Shaheel Jeet Singh Marg, New Delhi - 16
6. The Education Officer Cum Enquiry Officer, Kendriya Vidyalaya Sansthan RO, Kolkata

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kumar Singh
Mr. Parmeshwar Vishwakarma, Advocate
For the K.V.S. : Mr. Gopal Krishna Agrawal, Advocate
Mr. Kumar Ravish, Advocate
Mr. Kashyap Kaushal, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 25-07-2017

We gave a very detailed and patient hearing
to the counsel representing the petitioner.

The Original Application was filed
challenging the order of punishment dated 29.07.2009
passed by the Joint Commissioner, Administration,
Kendriya Vidyalaya Sangathan, New Delhi, as well as



the order of the Appellate Authority dated 04.05.2010 passed by the Commissioner as a Revisional Authority who refused to interfere with the penalty of reduction to lower stage of pay from Rs. 22,370 + 5400 (Grade Pay) to Rs. 21,530 + 5400 (Grade Pay) for a period of one year with cumulative effect. This order of punishment came after due inquiry and finding of guilt, even accepted by the petitioner before the authorities.

The Tribunal in totality has rejected the O.A. application. The plea of innocence which was taken by the petitioner was not established from evidence, that guidelines issued by the authorities for grant of admission in the Kendriya Vidyalaya Sangathan which was especially meant for the children of the institution which is the sponsoring institution was not misused by the present petitioner and the Vice Chancellor of the institution.

The Tribunal in the given evidence and materials refused to interfere either with the punishment order or going into the issues relating to the manner in which the disciplinary proceeding was conducted by the authorities.

However, taking into consideration that the



petitioner did accept his guilt and showed grace by doing so coupled with the fact that since the order of punishment was issued on 01.08.2009 and the date of superannuation of the petitioner was 31.07.2010, the reduction of one stage of the pay for a period of one year would hit the pocket of the petitioner life long since the last pay drawn would become the basis for fixation of his pension. Even though the respondent authorities wanted to make the punishment look as a minor punishment in actual working of the punishment it becomes a major punishment and the petitioner will have to suffer life long due to reduced pension.

In the above circumstances, we do feel that the effect of punishment would be disproportionate and harsh upon the petitioner, therefore, we are inclined to reduce the order of punishment which was supposed to prevail for one year to a period of six months only.

The writ application is allowed. The consequences of this order will flow.

(Ajay Kumar Tripathi, J.)

Rajeev/-

(Rajeev Ranjan Prasad, J.)

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