

**SIXTY-SIXTH REPORT
COMMITTEE ON PETITIONS
(SIXTEENTH LOK SABHA)**

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPARTMENT OF SCHOOL EDUCATION & LITERACY)**

(Presented to Lok Sabha on _____)



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**COMPOSITION OF THE COMMITTEE ON PETITIONS
(2018-2019)**

Shri Bhagat Singh Koshyari -*Chairperson*

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3. Shri Om Birla
4. Shri Jitendra Chaudhury
5. Shri Ram Tahal Choudhary
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13. Shri Rajan Vichare
14. Shri Dharmendra Yadav
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SIXTY-SIXTH REPORT OF THE COMMITTEE ON PETITIONS

(SIXTEENTH LOK SABHA)

INTRODUCTION

I, the Chairperson, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Sixty-Sixth Report (Sixteenth Lok Sabha) of the Committee to the House on the Representation of Shri Satish Kumar Singh requesting for his reinstatement in the Central School for Tibetan (CST) functioning under the Central Tibetan Schools Administration (CTSA).

2. The Committee considered and adopted the draft Sixty-Sixth Report at their sitting held on 7 February, 2019.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

7 February 2019

18 Magha, 1940 (Saka)

BHAGAT SINGH KOSHYARI,
Chairperson,
Committee on Petitions.

REPORT

REPRESENTATION OF SHRI SATISH KUMAR SINGH REQUESTING FOR HIS REINSTATEMENT IN THE CENTRAL SCHOOL FOR TIBETAN (CST) FUNCTIONING UNDER THE CENTRAL TIBETAN SCHOOLS ADMINISTRATION (CTSA).

Shri Satish Kumar Singh had forwarded a Representation dated 10 January, 2018 requesting for his reinstatement in the Central School for Tibetan (CST) functioning under the Central Tibetan Schools Administration (CTSA).

2. The Representationist, Shri Singh in his Representation *inter alia* submitted a brief history of his case to the Committee as follows:-

- (i) He joined the Central Tibetan School Administration (CTSA) as PGT (Geography) on 1.8.1994 at Central School for Tibetan (CST) Shimla, Himachal Pradesh and later on transferred to CST Herbertpur, Dehradun, Uttarakhand.
- (ii) He produced 100% result in the Subjects taught by him throughout his service in CTSA from the year 1994 to 2003. Not only this but one of his students, Shri Lhakpa Tshering became the topper in CBSE Class-XII (Geography) examination at All India level from CST Herbertpur, Uttarakhand.
- (iii) He filed a Writ Petition at the High Court of Delhi for the permanency of Indian Staff members working in CTSA, as result of the same they got permanency.
- (iv) He filed another Writ Petition No. CWP 1215/2003 at the High Court of Delhi for the purpose of recognition of Association, where he was working as General Secretary.
- (v) Further, he filed another Court Case at the High Court of Delhi, in the year 2001, having Case No. W.P. (C) 807/2001, wherein the appointment of foreigners on regular basis in violation of the Government policy was challenged. Though this writ petition was disposed off by the High Court on 6.2.2001 with a liberty to file it again but he succeeded in stopping the appointment of foreigners on the Government posts.
- (vi) In the year 2003, four petitioners including him as Petitioner No. 1, filed a Writ Petition bearing CWP No. 1006/2003 challenging the appointment of foreigners on regular basis in violation of the Government policy and to weed

out and terminate the appointment of foreigners from Government posts. However, he was pressurized to withdraw the case offering him out of turn promotion, which he refused and continued with the case. The Court's decision came in 2006 and Tibetans being foreigners were debarred from appointment on Government posts.

(vii) In the year 2000-01, he made a complaint to the then Secretary, CTSA, Shri Anil Kapoor against the corruption going on in the purchase of items from Plan and non-Plan Budget at CST Herbertpur, Dehradun by the then Principal and other staff. Consequently, a three-member Committee was sent from CTSA Delhi by the then Secretary, CTSA to investigate the charges which found all the charges as tenable in their Preliminary Investigation Report submitted in 2001. However, on the arrival of Shri M.S. Verma as new Secretary of CTSA, the matter was put under the carpet and he, in connivance with the then Principal, CST Herbertpur, Dehradun and other staff charge sheeted him and ultimately, *ex-parte* decision was taken to dismiss from the job.

3. The Representationist, Shri Singh, in his Representation, also listed charges as per the Charge Sheet and his replies given thereto to the Central Tibetan Schools Administration (CTSA) and *inter alia* submitted that he was charge sheeted by CTSA on flimsy grounds and the entire case of dismissing him from job was stage managed by flouting Rules/Laws of Central Civil Services (Classification, Control and Appeal) Rules. The Representationist, Shri Singh has labelled various allegations against the CTSA as given under:-

- (i) CTSA officials never responded or entertained any of his written requests even though he was suffering from various ailments.
- (ii) Inquiry Officer wilfully suppressed the Inquiry Report conducted on 25 and 26 August, 2001 against the Principal, CST Herbertpur, Uttarakhand on the issue of corruption.
- (iii) Shri I.M. Mehta, the then Consultant, CTSA and Shri M.S. Negi, Ex Principal, Kendriya Vidyalaya Sangathan were later deputed by the then Secretary, CTSA to inquire the matter of corruption brought out by him *vide* letter no. F.22-8/2001-CTSA dated 02.04.2007 and in turn, they not only suppressed the previous Report but conjoin with the accused Shri V.K. Singh, the then Principal, CST, Herbertpur and to establish the existence of shops, submitting computer generated photos of shops, which is a criminal offence.
- (iv) Inquiry Officer changed the list of witnesses without intimation.

- (v) An appeal made by him to change of Inquiry Officer as per CCS(CCA) Rules was not considered.
- (vi) The day on which he attended the Inquiry, he was neither suspended nor terminated from the job but he was not allowed to join his duty.
- (vii) He was neither given his dues on account of his salary nor was granted any TA/DA to attend the Inquiry.

4. The Representationist, Shri Singh, in his Representation, has further alleged that the quantum of punishment meted out to him is unjust and filled with malafide intentions and ulterior motives of the Central Tibetan Schools Administration (CTSA). Therefore, he requested the Committee on Petitions, Lok Sabha to enquire into the entire matter and deliver him justice by setting aside the order of dismissal from service of CTSA and reinstating in service with all the benefits from retrospective effect.

5. The Committee on Petitions took up the Representation for examination under Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the Representation received from Shri Satish Kumar Singh was referred to the Ministry of Human Resource Development (Department of School Education & Literacy) on 16 February, 2018 for eliciting their comments on the issues/points raised therein.

6. In response thereto, the Ministry of Human Resource Development (Department of School Education & Literacy) vide their Office Memorandum dated 5 March, 2018 had forwarded their *para-wise* comments of CTSA in the matter which is given as under :-

"Shri Satish Kumar Singh joined Central Tibetan School Administration (CTSA) as PGT (Geography) on 1.8.1994 at Central School for Tibetan (CST) Shimla, Himachal Pradesh and later on transferred to CST Herbertpur, Dehradun, Uttarkhand.

However the fact that he produced 100% result of the Subjects taught by him throughout his service in CTSA from the year 1994 to 2003, is true up to some extent.

He filed a Writ Petition in the High Court of Delhi for the permanency of Indian staff members working in CTSA. But it is denied that on account of this, the Indian staff got permanency in CTSA due to this Court case.

He filed CWP No. 1215/2003 at the High Court of Delhi. But the CTSA did not give any recognition to the Association where Shri Satish Kumar Singh was working as General Secretary.

He filed a WP(C)807/2001 in the High Court of Delhi, wherein appointment of foreigners on regular basis in violation of the Government policy was challenged but the statement of Shri Satish Kumar Singh is denied herewith that he succeeded in stopping the appointment of foreigners on Government Posts, as his petition was dismissed.

Shri S.K Singh has also filed a Writ Petition bearing CWP No. 1006/2003 in the High Court of Delhi challenging the appointment of foreigners. However, he is trying to mislead the Committee by alleging that the Tibetans were debarred from appointment. The extract of Delhi High Court's judgment in the case are given as under:

"11. In view of the above circumstances and also in view of the Statement made by the Respondent that a one-time exception would be made to regularise the 236 Tibetan Nationals, who are refugees, working under the CTSA with as also the policy Decision that no Tibetan refugees would be appointed on regular posts contrary to existing Guidelines, I am of the view that no useful purpose would be served in retaining the proceedings on the file.

12. The Writ Petition is accordingly dismissed with no cost."

Furthermore, the Court Cases mentioned in the Representation filed by Shri Satish Kumar Singh, has no relevance to this case. As seen by the statements mentioned therein proved that Shri Satish Kumar Singh is habitual of filing irrelevant Court cases against the Union of India and CTSA. Shri Satish Kumar Singh forgot to mention some Court cases in which a heavy cost of fine imposed on him by the Hon'ble Courts. The details are given as under:-

- (i) *Writ Petition No. 59(PIL) of 2014, Satish Kumar Singh Versus State of Uttarakhand and Others, has been filed by Shri Satish Kumar Singh in the High Court of Nainital (Uttarakhand), wherein, he challenged the process of transferring schools run by CTSA to Tibet Central Tibetan Administration (CTA), a Tibetan Organisation in India. The High Court on completion of pleadings, imposed a penalty of Rs. 10,000/- on Shri Satish Kumar Singh vide order dated 22.06.2016 with the remark - 'In the circumstances, we would think the Writ Petition ought to be dismissed also with cost. We, accordingly, dismiss the Writ Petition with cost quantified at Rs. 10,000/- to be paid to the Advocates' Welfare Fund.'*

(ii) *Writ Petition (C) 405/2014, Satish Kumar Singh Versus Union of India and Others, has been filed by Shri Satish Kumar Singh in the High Court of Himachal Pradesh at Shimla, wherein, he challenged the transfer of schools of CTSA to Sambhota Tibetan Schools Society (STSS) under Department of Education (DOE), CTA, Dharamshala. The High Court on completion of pleadings, imposed a penalty of Rs. 10,0000/- on Shri Satish Kumar Singh vide order dated 06.10.2015 with the remark - 'Since the Petitioner abused the process of this Court to satisfy his personal grudge thereby polluting the stream of justice, he has made himself liable for imposition of heavy costs. Accordingly, this Petition is dismissed with costs of 1,00,000/- to be paid by the Petitioner to the Himachal Pradesh State Legal Services Authority. Pending application(s), if any, also stand disposed off. The Registry is directed to send a copy of this judgment to the Petitioner and the Member Secretary, Himachal Pradesh State Legal Services Authority'.*

All these facts show that Shri Satish Kumar Singh has always been engaged in filing the Court cases for his personal greed but he always fails in his malafide intentions. The issues raised in Court cases having no locus and the Court has dismissed his Petition.

Shri Satish Kumar Singh has very cleverly hidden the facts. He tried to mislead the authority to gain sympathetic weightage in his case and tried to mislead the Committee also from actual facts. Further, the CTSA had conducted a separate Enquiry of Shri V.K Singh, the then Principal at CST Herbertpur, on the basis of complaint received from Shri S.K Singh, (Ex-PGT) Geography of CST Herbertpur. Action has been taken by the Competent Authority on the basis of Enquiry Report and a Memorandum vide letter 22-8/2001-CTSA(Part.) dated 11.10.2007 was issued to warn Shri V.K Singh (Ex-Principal), to be cautioned and not to repeat such activities in future.

Shri S.K Singh was charge-sheeted for Different kinds of Charges vide Memorandum dated 4-49/2001-CTSA (Part) dated 11.07.2002. The Details of Charges are given hereunder:-

(i) *Not attending his allotted periods during the session 2001-2003, even on the days he was present in the school, resulting in the loss of students for class IX, X, XI & XII.*

- (ii) On Transfer from CST, Herbertpur to CST, Dalhousie, he was directed by the Principal, CST, Herbertpur to handover the charge of Computer Lab to Shri Dawa Tashi, PGT (Tibetan) and Geography Lab to Shri Asit Katyan, PGT(History) but he did not comply with the order of the Principal to hand over the charge of both the Labs on one pretext or other.
- (iii) Marked the attendance in the Attendance Register despite of the fact that he was absent in the school on 7.9.2001.
- (iv) Tampering with records and over-writing in the office records.
- (v) Irresponsible attitude and giving wrong information to the Authority of the School.

Shri Satish Kumar Singh, Ex-PGT (Geography) was given an opportunity to submit his statement of defense vide Office Memorandum No. 4-49/94-CTSA-E.1 dated 11.7.2002 which was sent to his Hometown/ Last known address and the same was received back undelivered with the Postal Authority remarks thereon - 'left, returned to sender dated 22.07.2002'. Thereafter, information/matter was published in the Newspaper, Hindustan (Hindi), Hindustan Times (English) on 12.8.2002 and the Dainik Jagran(Hindi) on 14.08.2002. In response to the Notice published in the said Newspapers, Shri Satish Kumar Singh sent a fax message on 20.8.2002 from Chitranjan without disclosing his address, informing that he was not feeling well and was under treatment. Again, Shri Satish Kumar Singh was instructed through Press Notice in the Newspaper, Hindustan Times (English) and Hindustan (Hindi) on 2.9.2002 to appear before the Medical Board which was to be constituted by the CTSA further directing him to inform the Secretary, CTSA within 14 days from the date of publication of the Notice, the date on which he would present himself before the Medical Board at CTSA (Headquarters) and failure to comply, the said instructions would compel the Administration to initiate appropriate action against him. In response to the above said published Notice, he sent the reply to Memorandum dated 11.07.2002 through a fax message dated 13.9.2002 wherein he denied the charges levelled against him, which was duly considered by the Disciplinary Authority and Shri A.K Varshney, Retired Assistant Commissioner of Kendriya Vidyalaya Sangathan was appointed as Inquiry Officer and Shri Nanak Chand, Under Secretary, CTSA as Presenting Officer vide order No. F 4-49/94-CTSA-E-I Part dated 11/18-11-2002 for finding the truth of the case. After inquiring the matter, all charges mentioned in the Charge Sheet have been sustained by the Inquiry Officer. The Inquiry Report was submitted vide his letter No.

CTSA/6/2002/SKS dated 21.4.2003 and a copy of the Inquiry Report was sent to Shri Satish Kumar Singh, the Charged Officer, vide this Administration letter of even No. dated 30.4.2003 for making representation within 15 days to the Disciplinary Authority in terms of the Government of India's instructions under Rule 15 of CCS(CCA) Rules, 1965.

Shri Satish Kumar Singh vide his letter dated 21.5.2003 raised irrelevant issues instead of making any valid points in his defense which was also considered by the Disciplinary Authority. The major penalty of dismissal under Rule 11 (ix) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 from the service of Central Tibetan Schools Administration which shall ordinarily be a disqualification for future employment in the Government was imposed on Shri Satish Kumar Singh, PGT (Geography), Central Tibetan Schools Administration, Delhi(Disciplinary Authority) vide order No. F 4-4/49-CTSA-E-I(Part) dated 21.6.2003.

Shri Satish Kumar Singh filed an Appeal dated 18/22.8.2003 to the Appellate Authority/ Chairman, CTSA, against the order of the Disciplinary Authority imposing upon him the aforesaid penalty, wherein Shri S.K Singh has mentioned that:-

- (i) *He has been dismissed from the services of CTSA due to his active participation in the All India CTSA Literary Employees as its General Secretary.*
- (ii) *He had to be on leave due to neck injury as he was under medical treatment.*
- (iii) *That the disciplinary action has been taken against him because he highlighted the financial irregularity committed by the Principal, CST, Herbertpur.*
- (iv) *That he has not been provided opportunities to defend himself as per natural justice.*

The Appellate Authority after taking into consideration of all points raised in his appeal by Shri Satish Kumar Singh, ordered that the Appellate Authority is of the opinion that no new facts or points have been brought by the appellant which would warrant setting aside or modifying the orders issued by the Disciplinary Authority. It is established that a proper inquiry under the rules was conducted into the charges levelled against him. Hence, the Appellate Authority and Chairman CTSA, by virtue

of Rule 4 of the Memorandum of Association/ Rule of CTSA, rejects the appeal of Shri Satish Kumar Singh, PGT (Geography), CTSA and approve of the major penalty of 'Dismissal from the Services of CTSA', which shall ordinarily be a disqualification for future Government Employment.'

Aggrieved by the order of rejection by the Appellate Authority dated 9.1.2004, Shri Satish Kumar Singh approached to the Tribunal and filed the O.A No. 1854/2004 in CAT Delhi. The CAT, on completion of the pleadings quash the order dated 9.1.2004 with the direction to reconsider applicant's appeal in terms of rule 27 *ibid* and pass detailed and Speaking Order within a period of 45 days. The extracts of the Tribunal's judgment dated 23.9.2005 are as under:-

'11. It has particularly been pointed out by the learned counsel of applicant that the appellate authority has not the aspect whether the penalty is adequate, inadequate or severe. The appellate authority ought to have considered this and then passed orders of confirm in, enhancing, reducing or setting aside the penalty or remitting the case to the Authority which imposed the penalty. We have perused the impugned appellate orders dated 9.1.2004. It is clear therefrom that the aspect of proportionality of the punishment vis-à-vis the charge established against applicant was not considered by the Appellate Authority at all. In this view of matter, we quash and set aside Order dated 9.1.2004 and remand the case to the Appellate Authority to reconsider applicant's appeal in terms of Rule 27 *ibid* and pass detailed and Speaking Orders, within a period of forty five days of the receipt of these orders.

12. The OA is partly allowed in the above terms.'

Consequent up on the above judgment of the Tribunal dated 23.9.2005, the Appellate Authority of CTSA passed a reasoned and speaking order dated 25.11.2005, wherein penalty of dismissal along with disqualification for future Government Employment maintained same as the earlier order dated 9.1.2004.

Aggrieved by the reconfirmation of the penalty in the Appellate Authority vide order dated 25.11.2005, Shri Satish Kumar Singh again approached to the Tribunal and filed O.A No. 417/2006 in CAT, Delhi. The Tribunal, on completion of the pleadings, found no merits in the case and the O.A No. 417/2006 of Shri Satish Kumar Singh, was dismissed by the Court. The extract of the Tribunal judgment dated 16.7.2007 are given as under:-

'10. The only issue which is left and needs consideration is whether applicant was entitled to any personal hearing as well as its impact on the validity of appellate order dated 25.11.2005. The learned counsel for applicant emphasized that applicant has sought personal hearing, which was denied to him without any justification. We have given our thoughtful consideration to this aspect and are of the view that no rule or law was brought to our notice to suggest that it was incumbent upon the appellate authority to provide him a personal hearing in the matter, particularly in the given circumstances. No request for personal hearing was made by the applicant after the order of this Tribunal dated 23.5.2005, even though he sent a legal notice dated 8.10.2005 in this regard. The judgment of Shridhar (*supra*) on which reliance was placed is not relatable to disciplinary action and, therefore, it has no application in the facts and circumstances of present case. We find justification in the stand taken by respondents that the only direction issued by the Tribunal had been to reconsider his appeal. No direction was issued by this Tribunal to provide him personal hearing. As far as issue regarding validity of appellate order is concerned, we observe that perusal of appellate authority's order establish that it passed reasoned, speaking and detailed order on 25.11.2005, which is also evident from the extracts noticed hereinabove. It has, specific, considered the mandate of Rule 27(2)(c) of CCS (CCA) Rules and said authority had been of the view that the proved charges mandated and warranted the punishment was commensurate with the charges proved, Courts/Tribunal cannot interfere with it unless it shocks its conscience. In the given facts and circumstances of present case, we do not find any reason to interfere with said punishment imposed upon applicant.

11. As far as allegations of character assassination are concerned, we do not find any justification to interfere since the observation made in the appellate order is not mitigating factor warranting interference in the said action. Judgment relied up on has no application in the facts and circumstances of present case, as the same related to the order of remand in criminal trial and wherein Hon'ble High Court's order awarding compensation had been set aside by the Hon'ble Supreme Court. Finding no merits, OA is dismissed. There shall be no order as to costs.'

It is the evident from the past records of Shri Satish Kumar Singh ,Ex-PGT(Geography) that he is totally a man of destructive mind. Shri Satish Kumar Singh deviated himself from the noble profession of teaching and indulged himself to create anarchy in the School campus which caused a lot of damage in the study of the innocent students and polluted the environment of the School and Organisation.

He turned back from the interest of the students and never took the Board Classes from the Academic Session 2001-2003. He always created obstacles in smooth functioning of the school whenever he was posted and the Central Tibetan Schools Administration. He filed a lot of Court cases by raising the irrelevant issues to set his goals of greed and to create a lot of pressure on CTSA and Union of India. He was in habit of approaching the authorities and dominated the authorities and faculty of the school for his personal greed. Despite of several warnings by the Authorities, he did not teach the students and the students suffered a lot. It was grave misconduct on the part of Shri Satish Kumar Singh, Ex-PGT. On failing in these foul deeds and greedy mission to all his deeds, he had committed grave misconduct as proved by the Inquiring Committee and accordingly as per the procedure he had been dismissed from the services of CTSA. The Appellate Authority of CTSA and the Court have also endorsed the decision of Disciplinary Authority. Now, he wants get his reinstatement in service misleading the facts through his Representation before the Committee on Petitions.

All the remedies available to a Government Employee are exhausted by Shri Satish Kumar Singh, as per rules. No relief has been granted to Shri Satish Kumar Singh by the Tribunal vide judgment dated 16.7.2007.

Hence on the basis of above facts there is no merit in the Representation of Shri Satish Kumar Singh and the Representation is liable to be turned down."

7. Up on examination of the comments received from the Ministry of Human Resource Development (Department of School Education & Literacy), the Committee on Petitions decided to take up the instant Representation for a comprehensive examination.

8. For the purpose, the Committee, in their sitting held on 9 October, 2018 heard the views of the Representationist, Shri Satish Kumar Singh, on the issues/points raised in his Representation and also held a brief discussion with the representatives of the Ministry of Human Resource Development (Department of School Education & Literacy) in the matter.

9. Shri Satish Kumar Singh *inter alia* put forth some of the important aspects of his case, before the Committee as given under:-

- (i) *He worked in Central Tibetan School under the Ministry of Human Resource Development from 1994 to 2003.*
- (ii) *His services were terminated in 2003 on the basis of penalty imposed on the findings of Inquiry Committee constituted for enquiring four charges labeled*

against him, as per the charge-sheet.

- (iii) *The first charge was that he did not attend his allotted periods in classes IX to XII during the session 2001-02 even though he was present in the school resulting into the damage of the studies in Geography subject. Objecting to this, he inter alia submitted that since 1994 to 2003, working as PGT (Geography), he produced 100% results each year and he got Letters of Appreciation from the Ministry of Human Resource Development. In addition to this, his articles got published in the Magazine and various academic works were assigned to him by the then Secretary, CTSA.*
- (iv) *The second charge was that he did not hand over the charge of Geography and Computer Labs on his transfer as directed by the principal, so he disobeyed the orders of his immediate superior. Counter-arguing this, he inter alia submitted that he was the in charge of the Geography and Computer Labs at CST, Herbertpur. However, up on his transfer to CST, Dalhousie, he never refused to give charge of the said labs to other teachers and he only contended that only after receiving the whole purchased items for the labs, he would hand over the charge.*
- (v) *The third charge was that he tempered with school records by signing in the attendance register on 24.7.2001 though he was absent on that day and Principal had put mark in red ink as a token of his absence and thus he was charged of misconduct and dishonest motives. In defense of this, he inter alia submitted that on 24.7.2001, he was present in the school and also taught his students, however, he did not marked his attendance. On the same day, the Principal issued him a Memorandum, which he acknowledged up on its receipt. Later on, when he was called on by the then Secretary, CTSA at Delhi and was asked to apply for the leave for the said day i.e., 24.7.2001 to end the dispute. Subsequently, he applied for the same and was granted leave by then Under Secretary.*
- (vi) *The fourth charge was that he gave wrong information to the Principal regarding the construction of staff quarters, where the CO was detailed on duty to contact CPWD authorities. In this regard, the Representationist, Shri Singh inter alia submitted that on the directions of Principal, CST, up on consulting with the Executive and Assistant Engineers, CPWD, Dehradun he submitted a Report on 23.4.2001 in the matter. However, the Principal again sent other staff to the office of CPWD, Dehradun with his letter, which was returned with a remarks of Assistant Engineer on 27.4.2001 in regard to some modifications in the Report. Again, another remarks of Assistant Engineer*

dated 15.6.2001 was put on the same letter, allegedly to make a strong case against him.

- (vii) *He further stated that the witnesses in question, before the Inquiry Committee in support of these charges were Tibetan students and some of them were added at later stage.*
- (viii) *The Representationist expressed his concern over his termination from the services of CST with disqualifying him for future Government employment.*

10. The representatives of the Ministry of Human Resource Development (Department of School Education & Literacy) and the CTSA, thereafter, deposed before the Committee as under:-

- (i) *The case is very old of year 2003 and all the issues related to matter have already been enquired. In this case the charge sheet was first time issued in 2002 and disciplinary proceedings were held after report of enquiry committee is submitted. The Representationist was given opportunities to give representation which was also consider by the Disciplinary Authority and the orders were issued. The appeal filed by him was also dismissed and status quo was maintained in term of his punishment. Thereafter, he went to CAT. The Tribunal asked to review the matter and issue detailed and speaking orders on quantum of punishment which was examined in details by the then Chairman and the orders issued by him were uphold by the CAT. The Representationist did not represent in High Court which was also one more remedy available to him and the orders of 2007 got finality.*
- (ii) *As per Inquiry Committee reports and charge sheet, during 2001-02 session, students themselves protested that their Geography classes were not taken by the Representationist and due to which school had to shelfed half yearly exam paper of Geography in that session for want of question paper of Geography.*
- (iii) *The Representationist was average in giving results of his subjects. He had received letters of appreciation only up to year 1999 and not during 1998 to 2002, as claimed by him.*
- (iv) *As per records, it seems that a detailed enquiry on some complaints of the Representationist was also conducted in the year 2007 by a retired Principal of Kendriya Vidyalaya. Some instructions were also issued to the retired Principal and he was transferred.*

11. The Committee, thereafter, desired to know the opinion of the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA on the performance of Shri Satish Kumar Singh as 'Teacher', considering the fact that he produced 100% results of the students in respect of the subject taught by him during his service in CTSA from 1994 to 2003. In reply thereto, the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"Shri Satish Kumar Singh was appointed as PGT (Geography) w.e.f. 1 August, 1994 with probation period up to the year 1998. His result was good by that time. His result was good in the year 1999 also. However, he did not teach students from 2001 to 2003 which resulted into great loss to the students. After imposing charges against him, the Disciplinary Authority terminated his services after necessary enquiry."

12. On being asked by the Committee as to why he was given the charge of so many things such as Geography and Computer Labs, etc., for several years, which is self-proving the fact that Shri Satish Kumar Singh was a good teacher, the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"In Central Tibetan Schools, the teachers are given Lab charges for the concerned subjects also. That is why, he was given the charge of Geography Lab."

13. On the aspect of giving Shri Satish Kumar Singh, the 'Letter of Appreciation' being excellent in his profession of teaching, the Committee asked about the opinion of the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA in this regard. The Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"Central Tibetan Schools Administration has a practice of issuing 'Appreciation Letter, to encourage a teacher, when he produces good result. In pursuance to this, he was given a 'Letter of Appreciation' in 1997-98."

14. Considering the fact that 'a teacher's job is to teach' which is the basic thing and the rest of other things are secondary, the Committee asked as to why such strict action was taken against Shri Satish Kumar Singh in the instant case. In response thereto, The Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"A teacher should be a good in teaching as well as a good human also. But Shri Satish Kumar Singh did not obey his seniors and used to criticize on each and every points."

15. About the role of the then Principal, CST, Herbertpur, Uttarakhand in regard to construction work of staff quarters undertaken by the CPWD, the Committee desired to know as to why he time and again dispatched different official/staffs to report on the construction work. The Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"Shri Satish Kumar Singh submitted a wrong report on estimates on construction of staff quarters which shows clearly from the letter dated 24 June,2001 from CPWD. Hence, the statement is wrong that another person was also sent."

16. On being asked by the Committee about the contention of the Representationist, Satish Kumar Singh that he was asked to hand over the charge of Labs under him, despite the fact that he did not receive the items pertaining to Labs, the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"Any Lab has different items available in the Lab which were purchased in different years. Few items were purchased in the year 2000-01. Few items were received by the Petitioner and few were not received by him. The Petitioner could have handover the charge of received items according to the order of his Principal and he could write a note for not received items. Above all, how could he made entry in receipt register for the items which were not received by him."

17. Thereupon, the Committee directed the Ministry to inquire into the role of the then Principal, CST, Herbertpur, Uttarakhand in regard to purchasing of books and other items, the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"As the Hon'ble Committee wish to enquire into the matter again, the facts will be reported after conducting an inquiry."

18. The Committee further desired to know the considered opinion of the Ministry/CTSA on the averments made by the Representationist, Shri Satish Kumar Singh that how he could handover the charge, since he had not received the purchased books and other items. The Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"Shri Satish Kumar Singh used to misguide the things in his own way. He was never asked to handover the charge of the things which he did not receive. A teacher has several charges in the school which is to be handover to some other teacher on his transfer so that the studies of students may not suffer at any cost."

19. On the issue of marking attendance by the Representationist, Shri Satish Kumar Singh without being present in the school, the Committee desired to know about the fact of the matter, considering his submission that he was present in the school, however, he did not mark his attendance in the register. The Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"It is clear from the enquiry that Shri Satish Kumar Singh forwarded his leave application directly to Central Tibetan Schools Administration without informing his Principal. As per rule, the Principal is the executive head of the school and all applications should be forwarded to headquarter through proper channel. The leave application of Shri Satish Kumar Singh, dated 6th and 7th September, 2011 was resent to CTSA Headquarters on 20th November, 2001 and these applications were without date. It shows that Shri Satish Kumar Singh sent his leave application after 2nd January, 2001 i.e., two and half months to CTSA, Delhi."

20. When asked by the Committee, as to whether the Representationist, Shri Satish Kumar Singh was punished by the Department for the fault that he knocked the door of the Court to seek justice for himself and other Indian employees of CTSA, which not only shows the policy of supersession of the Department, but also the injustice towards him by terminating his services from the CTSA, the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"It is not true that Shri Satish Kumar Singh was punished due to Court case. Whatever the punishment has been awarded to him, it was based on the charges proved against him. Once an Enquiry Committee is constituted, the interference of a Department becomes zero. The Enquiry Committee reached to a conclusion after completing its enquiry. Shri Satish Kumar Singh was given an opportunity to represent himself after completion of the enquiry. It is also submitted in the matter that his termination order was maintained by two different Appellate Authorities and the same decision was maintained by Central Administration Tribunal also."

21. Considering the proposition that an employee should be punished, only if he is found guilty of misconduct in service, that too in a proportionate manner, keeping in view its essentiality for the smooth functioning of an Organization/ Department, the Committee

desired an explanation and justification by the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA in the instant case, wherein the Representationist, Shri Satish Kumar Singh, a poor employee has been terminated from the services of CTSA on the charges being not so serious in nature, thereby leaving him and his family for starvation, thereby defying the principles of natural justice. The Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"It is the submission that Hon'ble Central Administrative Tribunal has also not changed the quantum of punishment vide their order dated 16th August, 2007. It is an absolute proof that the termination of his services is absolutely justified."

22. On the particular aspect of changing the witnesses during the process of inquiry by the Inquiry Committee, which may not have favored the Charged Officer, i.e., Shri Satish Kumar Singh, as earlier, all the witnesses were Tibetan students while later on, most of them were removed from the list of witnesses and some new names were added, the Committee desired to know from the Ministry of Human Resource Development (Department of School Education & Literacy) the about the exact reasons therefor and also the latest position as obtaining in the matter. The Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, in a written reply, submitted:-

"Since maximum number of students taught in the CSTs are Tibetans and the entire information of witness students was given to Shri Satish Kumar Singh from time to time. At that time, Shri Satish Kumar Singh did not submit any request to change their witness or to add his own witnesses."

OBSERVATIONS / RECOMMENDATIONS

Reconsidering the decision of dismissal of Shri Satish Kumar Singh, Ex-PGT from the services of the Central Tibetan Schools Administration (CTSA).

23. The Committee note that the Representationist, Shri Satish Kumar Singh had joined the Central Tibetan School Administration (CTSA) as PGT (Geography) on 1.8.1994 at Central School for Tibetan (CST) Shimla (Himachal Pradesh) and later on, he was transferred to CST Herbertpur, Dehradun, (Uttarakhand) and thereafter, to CST, Dalhousie (Himachal Pradesh). The Committee further note that while in service under CTSA, Shri Satish Kumar Singh produced good results of the students in respect of the subjects taught by him till the year 1998 and he was also awarded 'Letter of Appreciation' in 1997-98. Nonetheless, from the submissions made by the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA, the Committee also note that he was Charge-Sheeted *vide* CTSA Memorandum dated 11.7.2002 for different kinds of charges listed as under:-

- (i) *Not attending his allotted periods during the session 2001-2002, even on the days he was present in the school, resulting in the loss of students for class IX, X, XI & XII.*
- (ii) *Consequent up on transfer from CST, Herbertpur to CST, Dalhousie, he was directed by the Principal, CST, Herbertpur to handover the charges of Computer Lab to Shri Dawa Tashi, PGT (Tibetan) and Geography Lab to Shri Asit Katyan, PGT(History) but he did not comply with the orders of the Principal to hand over the charges of both the Labs on one pretext or the other.*
- (iii) *Marked his attendance in the Attendance Register despite the fact that he was absent in the school on 7.9.2001 thereby amounting to Tampering with records. Further, on 24.7.2001, he received an Office Memorandum despite the fact that he was absent in the school on the said day. However, he received the same on some other day,*

tampering/overwriting the date on office records proving that he was present on 24.7.2001.

(v) *Irresponsible attitude and giving wrong information in connection with the construction of staff quarters to the Authority of the School.*

24. In the above stated context, the Committee further take note of the fact that the Charged Officer, i.e., the Representationist, Shri Satish Kumar Singh was given an opportunity to submit his statement of defense *vide* CTSA Office Memorandum dated 11.7.2002 and also through Notices published in various Newspapers. In response thereto, he forwarded a reply to CTSA through fax message dated 13.9.2002, wherein he denied the charges levelled against him, which was considered by the Disciplinary Authority of CTSA and subsequently, Shri A.K Varshney, Retired Assistant Commissioner of Kendriya Vidyalaya Sangathan was appointed as the Inquiry Officer and Shri Nanak Chand, Under Secretary, CTSA as the Presenting Officer *vide* order dated 11/18-11-2002 for finding the truth of the case. After inquiring into the matter, all charges mentioned in the Charge Sheet had been sustained by the Inquiry Officer and subsequently, the Inquiry Report was submitted *vide* the Inquiry Officer's letter dated 21.4.2003 and a copy of the Inquiry Report was also forwarded to Shri Satish Kumar Singh, the Charged Officer, *vide* CTSA letter dated 30.4.2003 for making representation or submission for his defense within 15 days to the Disciplinary Authority in terms of the Government of India's instructions under Rule 15 of CCS(CCA) Rules, 1965. Thereafter, Shri Satish Kumar Singh *vide* his letter dated 21.5.2003 forwarded a reply which was also considered by the Disciplinary Authority of CTSA. However, the Major Penalty of Dismissal under Rule 11 (ix) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 from the service of Central Tibetan Schools Administration which shall ordinarily be a disqualification for future employment in the Government was imposed on Shri Satish Kumar Singh,

PGT (Geography), Central Tibetan Schools Administration, Delhi (Disciplinary Authority) *vide* order dated 21.6.2003.

25. The Committee, also take note of the fact that Shri Satish Kumar Singh filed an appeal dated 18/22.8.2003 to the Appellate Authority, i.e., the Chairman, CTSA, against the said Dismissal Order of the Disciplinary Authority imposing upon him the aforesaid penalty. However, the Appellate Authority rejected his appeal and approved the major penalty of 'Dismissal from the Service of CTSA', which shall ordinarily be a disqualification for future Government Employment.'

26. Aggrieved by the order of rejection by the Appellate Authority dated 9.1.2004, Shri Satish Kumar Singh approached the Tribunal and filed the O.A No. 1854/2004 in CAT Delhi. The CAT quashed the said order dated 9.1.2004 with the direction to reconsider the appeal of Shri Satish Kumar Singh and to pass detailed and speaking order within a period of 45 days. Consequently, the Appellate Authority of CTSA passed a speaking order dated 25.11.2005, wherein the penalty of dismissal along with disqualification for future Government Employment maintained same, as in the earlier order dated 9.1.2004.

27. Subsequently, Shri Satish Kumar Singh again approached the Tribunal and filed O.A No. 417/2006 in CAT, Delhi. The CAT, however, found no merits in the case and dismissed the said O.A of Shri Satish Kumar Singh *vide* their judgment dated 16.7.2007.

28. While recapitulating the entire sequence of events as submitted by the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA in imposing the harshest punishment of dismissal of Shri Satish Kumar Singh from

the service of CTSA, the Committee observe that the Representationist, Shri Satish Kumar Singh has exhausted all the remedies normally available to a Government Employee.

29. The Committee examined the instant Representation at length in the light of the pleas of Shri Satish Kumar Singh and the written submissions made by the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA as well as the deposition made by their representatives as also by the Representationist, Shri Satish Kumar Singh during the course of brief discussion held on 9 October, 2018. The Committee while considering the facts gathered therein, are constrained to observe that it was not proper on the part of the CTSA, to initiate Disciplinary Proceedings against the Representationist, not only in such a hasty manner but also on various rudimentary grounds/charges. Keeping in view the excellent performance of the Representationist in the capacity of a Teacher, the Committee feel that the reasonable course of action would have been to 'warn' or 'censure' him before initiating disciplinary proceedings against Shri Satish Kumar Singh, if any unreasonable conduct by him had been observed by the CTSA Authorities. The Committee are further constrained to observe that the entire episode of initiating disciplinary proceedings and imposing the harshest punishment of dismissal from service was pre-meditated, primarily, on the grounds that the Representationist was habitual of filing cases against the CTSA. It also appears to the Committee that the CTSA Authorities had first reached to the conclusion that the Representationist would be dismissed from service and thereafter the entire case of misconduct, framing of charge-sheet, initiation of disciplinary proceedings, etc., were made out. The Committee are also of the considered opinion that the quantum of punishment imposed upon Shri Singh, i.e., dismissal from the services of CTSA which shall ordinarily be a disqualification for future employment in the Government,

smacks of prejudicial attitude of the CTSA Authorities and infringes the tenets of 'Proportionality of Punishment'. In the considered view of the Committee, imposition of Major Penalty, that too, in the form of 'dismissal from service' is justified and unquestionable only when an employee is found to be indulged in cases connected with misappropriation of Government funds, financial irregularities, moral turpitude or some criminal conduct and/or intimidation. Considering the present employment scenario, wherein a person had to fight tooth and nail to get a Government job, the Committee feel that any case of dismissal from service, which would deprive an employee of the financial benefits as well as his family responsibilities needs a very careful and sympathetic consideration. The Committee, therefore, strongly recommend the Ministry of Human Resource Development (Department of School Education & Literacy) to re-visit the decision taken by the Disciplinary Authorities of the CTSA and to reconsider the case of Shri Satish Kumar Singh for an amicable resolution, nothing less, in the form of his reinstatement in the CTSA. The various other contours of his minor misconduct connected with day-to-day functioning of the School, earlier findings of the Inquiry Committee, aspect of payment of arrears of pay and allowances, etc., should be sorted out, in a time bound manner, by way of constitution of an independent Inquiry Committee, preferably headed by a retired High Court Judge/ renowned Scholar/Academician. The Committee would like to be apprised of the final conclusive action taken by the Authorities concerned in this regard within three months from the date of presentation of this Report to the House.

Initiation of an Inquiry against the then Principal, Central School for Tibetan (CST), Herbertpur for alleged financial and other administrative irregularities.

30. The Representationist, Shri Satish Kumar Singh, in his Representation has submitted that, in the year 2000-01, he had made a complaint to the then Secretary, CTSA against the corruption that took place in the purchase of school items from the

Plan and Non-Plan Budget of CST Herbertpur, Dehradun by the then Principal and other members of the staff. Subsequently, a three-member Committee was appointed by the then Secretary, CTSA to investigate the matter. The said Committee found that the majority of Charges levelled by Shri Satish Kumar Singh were found to be maintainable and accordingly the Committee submitted their Preliminary Investigation Report in 2001. However, the Committee find it intriguing that upon arrival of a new Secretary of CTSA, again a Fact Finding Inquiry Committee comprising of the then Consultant, CTSA and an Ex-Principal, Kendriya Vidyalaya Sangathan were deputed to inquire into the alleged aspect of corruption in CST Herbertpur. The said Committee suppressed the previous Preliminary Investigation Report submitted in 2001, and nullified the charges of corruption in the CST Herbertpur by way of establishing the existence of 'Shop(s)' from where the school items were purchased and accordingly submitted their Report in the year 2007.

31. In this regard, the Committee note from the submissions made by the representatives of the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA during their brief discussion with the Committee on Petitions held on 9 October, 2018 that a detailed Inquiry on the charges of corruption by the then Principal, CST, Herbertpur was conducted in the year 2007 by a retired Principal of Kendriya Vidyalaya and subsequently, some instructions were issued to the then Principal, CST, Herbertpur. However, the Committee are dismayed to note that there was no mention of the Preliminary Investigation Report submitted by a three-member Enquiry Committee in 2001, which had established the charges of financial irregularities in CST, Herbertpur. On this aspect, the Committee feel inclined to point out the questionable conduct of the then Principal, CST, Herbertpur in the procurement of various School Items. However, the Committee also note that pursuant to the observations made by the Committee during the brief discussion with

the representatives of the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA held on 9 October, 2018, the Ministry/CTSA had assured the Committee that the entire matter would be inquired once again and the facts would be reported thereafter. As the matter involves the application of financial prudence and sobriety in matters involving Public Exchequer, the Committee recommend to the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA that the entire matter of budget and expenditure in respect of procurement of School Items *vis-a-vis* the role of the then Principal, CST, Herbertpur be thoroughly investigated by an Independent Authority. The Committee would like to be apprised of the concrete action taken in this regard within three months from the date of presentation of this Report to the House.

Mandatory procurement of Goods and Services from the registered vendors/firms/suppliers on Government e-Marketing (GeM) Portal of Directorate General of Supplies & Disposal (DGS&D)

32. During the examination of the instant Representation, the Committee observe that had the procurement of the school items been made from the Government Registered Vendors/Firms/Suppliers, the alleged financial irregularities would not have occurred. The Committee, therefore, recommend the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA to ensure that, in future, all the procurement of School and Non-School items, Services, etc., should be made from the Registered Vendors/Firms/Suppliers on Government e-Marketing (GeM) Portal of Directorate General of Supplies & Disposal (DGS&D) and at DGS&D approved rates to obviate the recurrence of any financial irregularities. The Committee would like to be apprised of the necessary action taken in this regard within three months from the date of presentation of this Report to the House.

Details of complaints of the financial irregularities in the Central Schools for Tibetans under CTSA vis-a-vis action taken thereon

33. The Committee would desire the Ministry of Human Resource Development (Department of School Education & Literacy)/CTSA to furnish a detailed Report on the various complaints received by them during the last ten years, in respect of the financial irregularities reported in any of the Central Schools for Tibetans under CTSA *vis-a-vis* action taken thereon, within three months from the date of presentation of this Report to the House.

NEW DELHI;
7 February, 2019
18 Magha, 1940 (Saka)

BHAGAT SINGH KOSHYARI,
Chairperson,
Committee on Petitions.

**MINUTES OF THE FIFTY-FIRST SITTING OF THE COMMITTEE ON PETITIONS
(SIXTEENTH LOK SABHA)**

The Committee met on Tuesday, 9 October, 2018 from 1130 hrs. to 1330 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhagat Singh Koshyari - Chairperson

MEMBERS

2. Shri Jitendra Chaudhury
3. Shri Ram Tahal Choudhary
4. Dr. K. Gopal
5. Shri Chhedi Paswan

SECRETARIAT

1. Shri Raju Srivastava - Director
2. Shri G. C. Dobhal - Deputy Secretary

WITNESSES

REPRESENTATIONIST

1. Shri Satish Kumar Singh

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPARTMENT OF SCHOOL EDUCATION) /
CENTRAL SCHOOL FOR TIBETAN (CST) &
CENTRAL TIBETAN SCHOOL ADMINISTRATION (CTSA)**

1. Shri Maneesh Garg - Joint Secretary
2. Shri T.S. Rautela - Deputy Secretary
3. Shri A.S. Rawat - Joint Director, CST
4. Shri T. Pritam Singh - Joint Director, CTSA

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

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| 4. | XXXX | XXXX | XXXX |
| 5. | XXXX | XXXX | XXXX |

[Shri Satish Kumar Singh, Representationist was ushered in]

6. After welcoming the Representationist, the Hon'ble Chairperson read out the Direction 55(1) of the Directions by the Speaker Lok Sabha regarding confidentiality of the proceedings. Thereafter, the Committee heard the views of the Representationist on his Representation regarding his reinstatement in Central School for Tibetan (CST) under Central Tibetan School Administration (CTSA). The Representationist submitted before the Committee that he worked in the Central Tibetan School under the Ministry of Human Resource Development from 1994 to 2003. His services were terminated in 2003 on the basis of penalty imposed on the findings of the Inquiry Committee constituted for the purpose. The Representationist expressed his concern over his termination from the services of CST and also disqualifying him for any future employment.

[The Representationist, then, withdrew]

[The representatives of the Ministry of Human Resource Development (Department of School Education)/CST & CTSA were ushered in]

7. After welcoming the representatives of the Ministry of Human Resource Development (Department of School Education)/CST & CTSA, the Hon'ble Chairperson read out the Direction 55(1) of the Directions by the Speaker Lok Sabha regarding confidentiality of the proceedings. The Committee heard the representatives of the Ministry of Human Resource Development (Department of School Education)/CST & CTSA on the Representation received from Shri Satish Kumar Singh regarding his reinstatement in Central School for Tibetan (CST) under Central Tibetan School Administration (CTSA). Thereafter, the representatives of the Ministry of Ministry of Human Resource Development (Department of School Education) briefed the Committee, as under:-

- (i) The case is very old, i.e., pertaining to the year 2003 and all the issues related thereto have already been inquired into. In this case, the Charge Sheet was issued in the year 2002 and the Disciplinary Proceedings were concluded after the Report of the Inquiry Committee was submitted. The Representationist was given ample opportunities to give Representation(s) which were also considered by the Disciplinary Authority and appropriate orders were issued. The Appeal filed by him which was also dismissed. Thereafter, he went to the Central

Administrative Tribunal (CAT). Thereon, the Tribunal asked to Authorities concerned to review the matter and issue detailed and Speaking Orders on the quantum of punishment which was examined, in detail, by the then Chairman and the orders issued by him were subsequently upheld by the CAT. However, the Representationist did not approach the High Court.

- (ii) As per Inquiry Committee Report and the Charge Sheet, during 2001-02 session, students themselves protested that their Geography Classes were not taken up by the Representationist due to which the School had to shelve the Half Yearly Exam paper of Geography in that session.
- (iii) The performance of the Representationist was 'average' in giving results of his subjects. He had received letters of appreciation only upto year 1999 and not during 1998 to 2002, as claimed by him.
- (iv) As per records, it seems that a detailed Inquiry on some complaints of the Representationist was also conducted in the year 2007 by a retired Principal of Kendriya Vidyalaya. Some instructions were also issued to the retired Principal and, thereafter, he was transferred.

8. After hearing the views of the representatives of the Ministry of Human Resource Development (Department of School Education), the Committee expressed their satisfaction and appreciated the views/suggestions put forward by them. The Committee expressed their views as under:-

- (i) As agreed to by the Ministry, the Representationist was given a number of Letters of Appreciation before the relevant case which is a proof in itself that the Representationist performed his duties/assigned work with the desired level of dedication.
- (ii) He seemed to be good teacher, as otherwise, he would not have been assigned with so many additional responsibilities, viz., Lab, Computers, Stationary, Construction of Quarters, etc.
- (iii) As regards handing over the charge, as claimed by the Representationist, since the items/articles, in question, were not received by him, therefore, the question to their handing over to other official does not appear to arise. Therefore, if need be, another Inquiry could be conducted to ascertained the facts and the role of the then Principal of the School.
- (iv) Notwithstanding the fact that majority of students, say 90%, in the School of the Representationist were Tibetans, in the interest of fair trial, the witnesses

deposing in his case should have also been from Indian students. The majority of the witnesses in the case of the Representationist were non-Indian students and out of total ten witnesses, seven were replaced at the later stage of the Inquiry, also raise some suspicion.

[The representatives of the Ministry of Human Resource Development (Department of School Education), then, withdrew]

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| 13. | XXXX | XXXX | XXXX |

14. A copy of the verbatim record of the proceedings of the sitting of the Committee has been kept.

The Committee, then, adjourned.

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**MINUTES OF THE FIFTY-FIFTH SITTING OF THE COMMITTEE ON PETITIONS
(SIXTEENTH LOK SABHA)**

The Committee met on Thursday, 7 February, 2019 from 1530 hrs. to 1630 hrs. in Committee Room No.2, Block-A, Parliament House Annexe Extension Building, New Delhi.

PRESENT

Shri Bhagat Singh Koshyari - Chairperson

MEMBERS

2. Shri Suresh C. Angadi
3. Shri Om Birla
4. Shri Jitendra Chaudhury
5. Shri Ram Tahal Choudhary
6. Shri Chhedi Paswan
7. Shri Dinesh Trivedi
8. Shri Rajan Vichare

SECRETARIAT

1. Shri Shiv Kumar - Joint Secretary
2. Shri Raju Srivastava - Director
3. Shri G. C. Dobhal - Additional Director

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

3. The Committee, thereafter, took up for consideration the following Draft Reports :-

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| (i) | XXXX | XXXX | XXXX |
| (ii) | XXXX | XXXX | XXXX |

(iii) Report on the Representation of Shri Satish Kumar Singh requesting for his reinstatement in the Central School for Tibetan (CST) functioning under the Central Tibetan Schools Administration (CTSA); and

(iv) XXXX XXXX XXXX

4. After discussing the above mentioned Draft Reports in detail, the Committee adopted all the four Reports without any modification(s). The Committee also authorised the Chairperson to finalize the Draft Reports and present the same to the House in the current Budget Session.

The Committee, then, adjourned.
