

Dated-----

To  
The Principal  
-----College  
The Registrar,  
-----University

Sir,

This has reference to your show Cause Notice dated -----enclosing thereto copy of Government [Memo No. 120-F(P2) dated 4.1.2019 issued by the additional Chief Secretary, Finance (Audit) department ] received by me on \_\_\_\_\_.

Sir being a member of the Teaching Staff of the College/University my appointment letter was issued by the Governing Body/University Authority and my Disciplinary Authority is also the Governing Body/University Authority of the College/University. However, it appears that the independent mind and decision making authority of my Disciplinary Authority has been absolutely influenced by the above said Government Order [ Memo No. 120-F(P2) dated 4.1.2019 issued by the additional Chief Secretary, Finance (Audit) department )] on application of the doctrine of dictation, and that too, by referring to an inapplicable circular mentioned above.

The Memorandum No. 120-F (P2) dated 4<sup>th</sup> January, 2019 issued by the Additional Chief Secretary, Finance (Audit) Department can not be applicable in respect of non-Government Employees. The college teachers are governed by independent, a separate and distinct statute and rules thereto, which include the disciplinary and conduct rules of the teaching and non-teaching staff of the college and universities. It is also made clear that the said memorandum dated 4<sup>th</sup> January, 2019 was not adopted by the Higher Education Department by issuing separate memorandum and /or circular.

Sir you will appreciate that as a teaching staff of the College my service conditions are governed by the College Teachers (Service Security) Act, 1975 and also by the provisions of [Calcutta University First Statutes, 1979.](#)

*Replace  
if  
necessary*

Introduction of any Rule of conduct or direction entailing an evil consequence, and/or imposition of a punishment which does not find place in the statutorily laid down conditions of service are therefore beyond authority and jurisdiction.

You will also appreciate that no notice was ever issued by the Governing Body of the College/ (Registrar,-----University) before hand spelling out the circumstances in which leave would not be granted on 8-1-2019 as well as 9-1-2019, and the consequence of remaining absent on those days. Therefore the Show Cause Notice has been issued by keeping me in complete dark as regards the manner in which absence on 8-1-2019 as well as 9-1-2019, would be treated.

I am entitled to avail leave in my credit for those two days i.e. 8<sup>th</sup> and 9<sup>th</sup> January, 2019. Accordingly I request you to sanction leave and not to act in terms of Memorandum dated 4<sup>th</sup> January, 2019, which is not applicable in our case.

In such circumstances I request your good self to immediately withdraw the Show Cause Notice under reply forthwith and sanction me leaves for two days i.e; 8-1-2019 and 9-1-2019 as Casual Leave /Earned Leave/ Medical Leave.

Thanking you,

Yours sincerely,

Department of .....  
.....College / University