



## Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.632/2020

Wednesday, this the 4<sup>th</sup> day of March 2020

**Hon'ble Sri Justice L. Narasimha Reddy, Chairman  
Hon'ble Sri A. K. Bishnoi, Member (A)**

Doli Kumari  
(Group B, Intelligence Bureau, Termination,  
Age 29 years)  
d/o Sh. Parmanand Singh  
r/o Village & Post – Dariyapur (Bich-Tola)  
PS Mufassil, Distt Munger  
Bihar, PIN 811201

..Applicant  
(Dr. Swati Jindal Garg, Advocate)

Versus

1. Union of India through Secretary to the  
Govt. of India  
Ministry of Home Affairs, New Delhi
2. Ministry of Home Affairs  
Through Secretary,  
North Block, Cabinet Secretariat  
Raisina Hills, New Delhi – 110 001
3. The Director  
Intelligence Bureau  
35, Sardar Patel Marg  
Bapu Dham, New Delhi – 110 021

...Respondents  
(Sri Satish Kumar, Advocate)

## **O R D E R (ORAL)**



### **Justice L. Narasimha Reddy:**

The applicant was selected and appointed as Assistant Section Officer (ASO) in the Intelligence Bureau of Ministry of Home Affairs and joined her duties on 13.10.2017. On 27.04.2018, she was issued a memo stating that after reporting to duty on 23.10.2017, she went on leave on 01.11.2017, but did not report duty till 09.02.2018. It is also stated that, on that day, she submitted a certificate from medical practitioner and remained absent from 13.02.2018. It was alleged that she left the headquarters without any information. It was also mentioned that from the date of joining till 27.04.2018, she worked only for six days.

2. The applicant submitted an explanation stating the reasons of ill-health. The applicant was issued second memo dated 25.05.2018, wherein the earlier memo was reiterated and her continued absence was referred to. She was issued third memo dated 07.12.2018, mentioning various spells of absence, and ultimately, it was observed that since the date of joining, she worked only for ten days. This was followed by an order of termination issued



on 08.08.2019 under Rule 5 of CCS (Temporary Service) Rules, 1965. Appeal preferred by the applicant against the termination order, was rejected by the President on 03.01.2020. This O.A. is filed challenging the order of termination and the order passed by the appellate authority.

3. Dr. Swati Jindal Garg, learned counsel for applicant submits that the absence of the applicant was on account of medical reasons and the respondents ought not to have terminated her services.

4. Mr. Satish Kumar, learned counsel took notice on behalf of the respondents, at the stage of admission. He contends that the very purpose of appointing the applicant was to avail her services on sensitive aspects and by the time the order of termination was issued, she worked hardly for 10 days.

5. The appointment of the applicant is to the post of ASO, in the Intelligence Bureau. It is an important post in the organization and the minimum expected of a person so appointed, is that he/she must be regular in attending the duties. A perusal of the record discloses that it is



easier to identify the days, on which the applicant attended the office, than to mention the occasions, on which she was absent. Memo dated 07.12.2018, which summed up the attendance of the applicant, reads as under:-

"Ms Doli Kumari, ASO (PIS No.170861), BD Branch continue to remain absent from the branch since July 28, 2018.

2. You have submitted a medical certificate for 14 days from July 30, which was extended further 15 days twice. You have sent a letter dated October 3 enclosed a copy of discharge summary of hospital informing about your admission on Sept 5 and discharged on Sept 10 for Dengue. You had also expressed your inability to join duty on medical grounds. Since, then, we are yet to receive any communication from you. A letter sent to your given Delhi address R/o Shri Ramesh Matiyala, House No.192 Gali No.4, Uttam Nagar, New Delhi, Mobile No.8929383669 & 8448713679, returned undelivered as the address is incomplete and moreover, both the phone numbers given by you remained switch off. It seems that you might have left station Hqrs without any information to the office. Hence, this intimation is being sent through SIB Patna to the only other address given by you i.e. home town address.

3. It may be mentioned you have attended office for only 10 days in the period from Nov. 1, 2017 till date, remaining absent for the remaining period on medical grounds. It clearly indicates that you are habitual absentee from office.

4. Hence you are requested to report for duty within one week from the date of receipt this letter failing which necessary action would be initiated against you."



6. Despite this notice, which revealed very startling facts, the applicant remained absent. No organization, much less an important department, like Intelligence Bureau, can afford to have, on its rolls, a person, who did not attend the duties for months and years together.

7. The applicant may be having her own problems, that warranted her being absent from duties. However, the organization of the applicant cannot run without the employees, appointed by them, being present.

8. We do not find any merit in this O.A. It is accordingly dismissed.

There shall be no order as to costs.

March 4, 2020  
/sunil/