

CENTRAL ADMINISTRATIVE TRIBUNAL. PRINCIPAL BENCH

OA No.2305/1998

New Delhi, this 6th day of December, 2000

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri M.P. Singh, Member(A)Mrs. Manoranjan Handa
230, Pocket E-15
Sector 8, Rohini, Delhi .. Applicant
(By Shri A.K. Behera, Advocate)

versus

Govt. of NCT of Delhi, through

1. Chief Secretary
5, Sham Nath Marg, Delhi
2. Secretary (Medical)
5, Sham Nath Marg, Delhi
3. Commissioner-cum-Secretary (Transport)
5/9, Uner Hill Road, Delhi
4. Director of Health Services
E-6, Saraswati Bhavan
Connaught Place, New Delhi .. Respondents

(By Shri Vijay Pandita, Advocate)

ORDER(oral)

By Shri Kuldip Singh

Applicant in this OA has challenged the orders dated 10.8.92, 24.7.95 and 22.5.96, passed by the disciplinary, appellate and revisional authorities.

2. The facts in brief are that the applicant joined service as Statistical Investigator on 24.6.74 and was subsequently promoted as Statistical Assistant from 10.8.83. She proceeded on leave from 12.3.84 and resumed duty on 30.12.88. A charge-sheet was served on her on 24.1.89 for unauthorised absence. An enquiry was held and after the enquiry, vide order dated 30.6.89 penalty of reduction to the lower grade of Statistical Investigator from 1.7.89 was imposed on her. She preferred an appeal against this penalty and the appellate authority ordered that de-novo enquiry should be conducted against the applicant. Thereafter, a fresh

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enquiry was conducted. On 3.4.95 the applicant was supplied with a copy of the fresh enquiry report asking her to make representation within 10 days. Applicant submitted her representation on 10.4.95. However the disciplinary authority imposed her penalty of reduction to the lower post of Statistical Investigator with effect from 24.7.95. Her appeal against the penalty order was rejected by the appellate and revisional authorities.

3. Shri Vijay Pandita, appearing for the respondents has disputed the receipt of representation preferred by the applicant against the enquiry report but there is no such denial in the counter filed by the respondents.

4. We find that the authorities have not applied their mind before passing the impugned orders and therefore the case may be remitted back to the authorities for passing fresh orders considering the submissions made by the applicant in her representation. In view of this the orders passed by the appellate and revisional authorities are quashed and set aside.

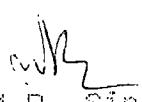
5. Applicant further submits that though consequence of the order passed by the earlier appellate authority dated 10.8.92 and 30.6.89 were held void ab initio and the applicant shall be deemed to have continued on the post of Statistical Assistant w.e.f. 1.7.89 and is entitled to all the benefits that would have accrued to her as though the order dated 1.7.88 had not been passed so far in this regard. Since we have quashed and set aside the impugned orders of the appellate and revisional authorities, respondents are directed to

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abide by their own order dated 18.9.96 wherein they have certified that the applicant would have continued to officiate as Statistical Assistant but for her proceeding on leave. This shall be done within a period of one month from the date of receipt of a copy of this order. We direct the respondents to pass a suitable order in this regard within a period of one month from the date of receipt of a copy of this order.

6. The case remitted back to the appellate authority. Respondents shall pass an appropriate order after considering the submissions made by the applicant in her representation within a period of two months from today. Thereafter the applicant is at liberty to approach the Tribunal again, if she is aggrieved by the order to be passed and if so advised.

7. The OA is disposed of as above. Respondents are directed to pay costs of Rs.2000/- to the applicant.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(JO)

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