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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2239/97

New Delhi, this the 16th day of August, 2000

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Mrs. Renu Rampal, W/O Sh. K.G.Rampal,
A/14, Raksha Kunj, Paschim Vihar, New
Delhi.

.....Applicant
(By Advocate: Sh. Rajeev Sharma)

Versus

1. Union of India, through its Secretary, Ministry of Defence, South Block, New Delhi.
2. Under Secretary to the Govt. of India, Ministry of Defence, South Block, New Delhi.
3. Union Public Service Commission through its Chairman, Shajahan Road, New Delhi.

.....Respondents

(By Advocate: Sh. S.M.Arif)

O R D E R

Hon'ble Mr. S.A.T. Rizvi, Member (A):

The present OA has been filed against the order dated 4.12.92 (Annexure A-I) whereby the applicant has been punished by withholding of one increment for a period of one year without cumulative effect. The order of punishment has been passed in the name of the President and has been signed by the respondent No.2.

2. The facts of the case are that the applicant, who had proceeded on longish leave, was sanctioned some leave, whereas the leave for the period from 15.4.90 to 31.8.90 was not sanctioned as the Competent Authority was not satisfied with the explanation given by the applicant. In consequence, the applicant was duly charge-sheeted and, following a proper enquiry, was

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ultimately punished as above. According to the applicant, the aforesaid punishment order is illegal as it has been passed after consulting the Union Public Service Commission who do not have any role in the matter. The applicant's claim is that she preferred a number of representations against the aforesaid order and that in response to her representation dated 10.9.96 (Annexure A-4), the respondents replied on 6.3.97 (page 22 of the paper book). The applicant has also claimed that she had decided not to challenge the punishment of censure which the Disciplinary Authority had initially proposed to inflict on her, but later, arising from her conviction that the UPSC has no role to play and the said Commission had indeed been consulted by the respondents before the punishment was inflicted on her, she has decided to challenge the said order of punishment. The applicant has admitted that the Competent Authority had duly considered the report of the Enquiry Officer including the Enquiry Officer's recommendation that she deserved a lenient and sympathetic consideration. A perusal of the UPSC's letter dated 2.11.92 (Annexure A-II) referred to by the applicant, shows that the Enquiry Officer had observed that the lapses on the part of the applicant deserved to be viewed leniently. In the OA, the applicant has, besides the impugned order dated 4.12.92, also found occasion to refer to a few other independent service grievances linked up, one way or the other, with the impugned order dated 4.12.92. Consequently, by way of relief, the applicant has sought the quashing of the impugned order dated 4.12.92 as well as the consequential orders referred to in the OA.

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3. The respondents have denied the allegations made by the applicant and have stated that the applicant had not preferred, as claimed by her, a number of representations against the order dated 4.12.92. According to the respondents, the applicant had preferred only two representations dated 10.9.96 & 28.4.97, respectively but these dealt with matters different from the penalty order dated 4.12.92. The respondents have also raised the issue of limitation. According to them, there has been a delay of more than four years on the part of the applicant in filing the present OA in September, 1997. The respondents have also given details of the various other representations made by the applicant and the replies given by the respondents from time to time. They have stressed that there is no illegality in consulting the UPSC as President of India happened to be the appointing authority as well as the authority competent to impose penalty in respect of Stenographer Grade 'C' post which the applicant occupied at the relevant time. From the details given in the counter, it is seen that the applicant has been abstaining herself from work for long periods of time for various reasons. By way of clarification, the respondents have stated that it would be wrong to say that the applicant was ever awarded the penalty of censure.

4. We have heard the learned counsel for the parties and have perused the records on file. We find that the representation dated 10.9.96 (Annexure A-IV) relied upon by the applicant in the OA, relates to

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matters concerning seniority and cannot be said to be a representation against the impugned order dated 4.12.92. Similarly, the reply dated 6.3.97 referred to by the applicant and received from the Ministry of Defence, also does not relate to the impugned order dated 4.12.92, and instead, it refers to the applicant's representation regarding fixation of pay. We are, therefore, not commenced about the representations actually made by the applicant against the punishment order dated 4.12.92 which is the only reason why the present OA has been filed.

5. We also find substance in the plea of the respondents that the OA is time barred. While the applicant has in her OA, talked about a number of representations filed by her against the impugned order in question, she has succeeded in placing on record only one representation dated 10.9.96 which too relates not to the impugned order but to matters different from it. Obviously, there has been a delay of over four years and no good reason whatsoever has been assigned for this abnormal delay. Apart from this, the applicant has not ~~even~~ filed a Misc. Application praying for condonation of delay.

6. The OA accordingly deserves to be and is rejected on merits as well as on the ground of limitation. No order as to costs.


(S.A.T. Rizvi)
Member (A)


(Mrs. Lakshmi Swaminathan)
Member (J)