

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

Hon'ble Shri Govindan S. Tampi, Member (Admnv.)  
Hon'ble Shri Shanker Raju, Member (Judicial)

O.A.No.1771/2000

(V)

New Delhi, this the 11th day of December, 2001

Smt. Prem Lata  
Ex-Group 'D' Peon  
O/o the Comptroller & Auditor  
General of India  
New Delhi. .. Applicant

(By Advocate: Shri U. Srivastava)

Vs.

1. The Comptroller and Auditor  
General of India,  
New Delhi - 2.
2. The Dy. Director (P)  
O/o The Comptroller & Auditor  
General of India  
New Delhi - 2.
3. The Administrative Officer (E)  
Office of the Comptroller and  
Auditor General of India  
New Delhi - 110 002. ... Respondents

(Advocate: Shri Madhav Panikar)

O R D E R(Oral)

By Shanker Raju, Member (J):

Heard the learned counsel for both the  
parties.

2. The applicant, who was appointed on  
compassionate ground as Group 'D' employee, has  
assailed an order passed on 6.11.1998 whereby a major  
penalty proceedings have been instituted under Rule 14  
of the CCA (CCA) Rules, 1965, the applicant has been  
removed from service w.e.f. 9.11.1998. On appeal  
filed against the order passed by the disciplinary  
authority, the appellate authority took a  
compassionate view solely because she was appointed on  
compassionate grounds due to death of her husband and

she has to support her family, the major penalty of removal has been modified to that of compulsory retirement vide order dated 8.12.1998. By an order dated 22.6.1999 the reviewing authority has upheld the orders passed by the appellate authority. The learned counsel for the applicant states that the penalty imposed is without following the due process of law and procedure as the applicant has not been provided with complete enquiry report despite making request and also that extraneous matter had been taken into consideration by the authorities to arrive at the major penalty which was ultimately reduced. It is also stated that as the earlier incidents have been taken into consideration where the applicant had already been awarded punishments would amount to double jeopardy.

(3)

4. On the other hand, the respondents in their reply have strongly rebutted the contentions of the learned counsel for the applicant and stated that the allegations against the applicant as of serious in nature which she had admitted in pursuance of the receipt of the charged memorandum. It is further stated that complete enquiry report has been served upon the applicant and despite opportunity she could not prefer to file reply to the same. It is lastly stated that taking a compassionate view of the matter, the penalty has been reduced to compulsory retirement which would not affect the retiral benefits of the applicant.

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5. We have carefully considered the rival contentions of both the parties and after perusal of the entire disciplinary proceedings the appellate and review authority had recommended for compulsory retirement, we find no legal infirmity in the proceedings conducted by the respondents. The ground taken by the applicant that the complete enquiry report has not been served upon her, as claimed by the applicant, is not correct. Further, the applicant has also admitted <sup>in</sup> <sup>in</sup> <sup>in</sup> ~~ther~~ ~~change~~ ~~of~~ guilty. In this view of the matter the application lacks merit and is accordingly dismissed. No costs.

S. Raju  
(SHANKER RAJU)  
MEMBER (J)

(GOVINDAN) S. TAMPI  
MEMBER (A)

/RAO/