

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1296/1988.
~~TA No.~~

199

DATE OF DECISION 1.8.1991.

Smt. Krishna Wati	Petitioner Applicant
Shri R.L. Sethi	Advocate for the Petitioner(s)
Versus	
Union of India & Ors.	Respondent s
Mrs. Raj Kumari Chopra	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. JUSTICE U.C.SRIVASTAVA, VICE CHAIRMAN

The Hon'ble Mr. I.P. GUPTA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

J U D G E M E N T

(Delivered by Hon'ble Mr. J.U.C.
Srivastava, Vice Chairman)

The applicant, a widow, was appointed on compassionate grounds as Labour B Ticket No.3471/140/Y&E on 11.10.1979. It appears that on 30.1.1986, while on duty some clerk assaulted and beat her resulting in her fainting and unconsciousness and she was removed in the Ambulance for treatment. No action was taken against the culprit Tap Raj Singh, instead, the applicant was placed under suspension on 31.1.1986 and the false and flimsy charges were framed against her and five charges in this behalf were levelled against her. The applicant

did not file any defence statement but she did appear in the enquiry and she was an illiterate lady and proceedings were conducted in language which was beyond her comprehension and that defence statement was not recorded and copies of statement by which charges were framed were not provided to her. The Inquiry Officer thereafter recorded a finding and held that some of the charges against the applicant were proved and as a result disciplinary authority removed her from service. The applicant filed an appeal before the appellate authority and requested that she may be given a personal hearing and her appeal was dismissed which, according to her, was a non-speaking order. It appears that copy of Inquiry Report was not given to her before punishment but it was given to her along-with the punishment order.

2. The order rejecting the appeal is a non-speaking order. The applicant made certain complaints against the enquiry proceedings and Inquiry Officer's report was not given to her. In the fitness of things, the appellate authority should have given her a personal hearing as she was widow and was appointed on compassionate grounds and she was not able to file her defence statement. The appellate authority should have considered the plea of the applicant, obviously.

3. In the circumstances, the impugned orders dated 9.3.87 and 2.7.87 deserve to be quashed and we direct that the applicant be given a personal hearing and if any punishment is to be awarded, the procedure according to rules should be followed with due opportunity to the applicant to present her case.

4. Respondents to comply with the above directions within a period of three months taking into consideration

the facts of the case and the observation made in this direction.

There will be no order as to costs.

I.P. Gupta

(I.P.GUPTA)
MEMBER(A)
1.8.91.

U.C. Srivastava

(U.C.SRIVASTAVA)
VICE CHAIRMAN
1.8.91.

/PKK/