

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00010/2021

Date of Order: This, the 12th Day of January, 2021

**THE HON'BLE SMT. MANJULA DAS, MEMBER (J)
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**



Ravinder Daravath, aged about 34 years
 Son of Sri Hatchya Daravath,
 ACIO-I (Documents)
 Central Forensic Science Laboratory, Kamrup, Assam
 Presently Resident of C/o Manju Das
 Room No.-02, Third Floor
 Near Swahid Bhawan, Mirza
 Pincode – 781125, Kamrup (Rural) District
 Assam, Phone No – 8919154628.

... Applicant

- Versus -

1. Union of India
 Represented by the Additional Secretary
 Women Safety Division, Room No-114B,
 Ministry of Home Affairs, North Block, Central
 Secretariat, Government of India, New Delhi
 Pin – 110001, email-jsws-mha@gov.in.
2. Directorate of Forensic Science Services
 Ministry of Home Affairs, Block-09, 8th Floor,
 CGO Complex, Lodhi Road
 New Delhi - 110003.
3. The Director cum Chief Forensic Scientist &
 First Appellate Authority, Directorate of
 Forensic Science Services HQS, Block-09, 8th
 Floor, CGO Complex, Lodhi Road
 New Delhi – 110003.

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4. Central Forensic Science Laboratory, Directorate of Forensic Science Services, Ministry of Home Affairs, Village- Urput, Urput Kumeria Road, P.O.- Maniari Tiniali P.S. – Palashbari, Kamrup (Rural) District Pin code- 781125, Assam.

5. The Director & Scientist (E) & Disciplinary Authority, Central Forensic Science Laboratory, Directorate of Forensic Science Services, Ministry of Home Affairs, Village- Urput, Urput Kumeria Road, P.O. – Maniari Tiniali, P.S.- Palashbari, Kamrup (Rural) District, Pin Code- 781125, Assam.

6. The Inquiry Officer & Deputy Director, Central Forensic Science Laboratory, Directorate of Forensic Science Services, Ministry of Home Affairs, Village-Urput, Urput Kumeria Road, P.O.- Maniari Tiniali, P.S. – Palashbari, Kamrup (Rural) District Pin code – 781125, Assam.

...Respondents.

For the Applicant : Sri U.K. Nair, Sr. Advocate & Sri S. Khound

For the Respondents : Sri V.K. Bhatra, Sr. CGSC

O R D E R (ORAL)

MANJULA DAS, MEMBER (J):-

This matter has been taken up through video conferencing.

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2. Being aggrieved with the action of the respondent authorities, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:-

“8.1 Set aside and quash the impugned removal order dated 07.12.2020 issued by the Respondent No. 5;

8.2 That the Hon’ble Tribunal be pleased to direct the Respondents to reinstate the Applicant in service w.e.f. 07.12.2020 with all consequential service benefits;

8.3 Cost of the Application, and any other relief or reliefs which the applicant entitled to, as the Hon’ble Tribunal may deem fit and proper.

8.4 An appropriate direction or order should not be issued to the respondent authorities so as to provide adequate relief to the petitioners for the ends of justice.”



2. Sri U.K. Nair, Sr. Advocate assisted by Sri S. Khound, learned counsel for the applicant and Sri V.K. Bhatra, Sr. CGSC for the respondents are present in the court.

3. In this O.A., applicant is basically challenging against the impugned removal order dated 07.12.2020 passed by the Disciplinary Authority.

4. It was submitted by Sri U.K. Nair, Sr. Advocate assisted by Sri S. Khound, learned counsel appearing for

the applicant that there are altogether two Article of charges levelled against the applicant vide Memorandum dated 19.08.2019 where Article-II is not at all maintainable. According to the Sr. Advocate, against the impugned removal order dated 07.12.2020, applicant did make appeal before the Appellate Authority on 16.12.2020 which is not yet attended to.



5. We have perused the appeal submitted by the applicant on 16.12.2020 wherein the applicant fervently prayed for setting aside the impugned removal order dated 07.12.2020 and to reinstate him in service by giving an opportunity of being heard. Sri Nair, Sr. Advocate made a fair submission before the court and we accepted the same. Accordingly, in the interest of justice, we deem it fit and proper to issue a direction upon the respondent authorities that let the pending appeal dated 16.12.2020 be considered and disposed of by the Appellate Authority in detail by giving an opportunity of being heard to the applicant so as to enable him to establish his case by any materials. Accordingly, without going into the merit of the case,

we direct the Appellate Authority (respondent No. 3) to dispose of the pending appeal dated 16.12.2020 within a period of two months from the date of receipt of a copy of this order.

6. It is made clear that while the matter will be decided, the opportunity of being heard be provided to the applicant with due notice to him. Liberty is granted to the applicant to approach before this Tribunal if he is not satisfied with the decision of the Appellate Authority/Disciplinary Authority.

7. With the above directions, O.A. stands disposed of at the admission stage. No order as to costs.



(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

PB

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