

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/21/496/2020

HYDERABAD, this the 4th day of September, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



G. Sandhya Rani, Gr.C,
D/o. Late G. Ramchander,
Aged about 37 years,
Occ: Junior Medical Record Technician,
ESIC Medical College Hospital,
Sanathnagar, Hyderabad – 500 038,
R/o. 9-21/3/7/20/1, Road No.6,
Ashok Nagar Colony, Boduppall, Hyderabad - 92.

... Applicant

(By Advocate: Dr. A. Raghu Kumar)

Vs.

1. Union of India rep. by
The Principal Secretary,
Ministry of Employment and Training,
Shramshakthi Bhavan, New Delhi.
2. The Director General,
Headquarters Office, ESI Corporation,
Panchdeep Bhawan,
2 CIG Marg, New Delhi.
3. The Insurance Commissioner & Appellate Authority,
Headquarters Office,
Panchdeep Bhawan,
2 CIG Marg, New Delhi.
4. The Regional Director & Disciplinary Authority,
ESI Corporation, Regional Office,
5-9-23, Hill Fort Road, Adarshnagar,
Hyderabad – 500 063.
5. The Medical Superintendent,
ESIC Medical College Hospital,
Sanathnagar, Hyderabad – 500 038.

... Respondents

(By Advocate: Mr. N. Srinivasa Rao, Addl. CGSC)

ORDER (ORAL)**Hon'ble Mr. B.V. Sudhakar, Admn. Member**

Through Video Conferencing :

This O.A. is filed, challenging the penalty of removal from service imposed on the applicant.

2. The brief facts of the case are that the applicant, after working for 4 years in the respondent's organization, was issued a show cause notice, alleging tampering of date of birth in her SSC certificate. Based on the same, disciplinary proceedings were initiated, which culminated in the imposition of penalty of removal on 17.08.2020.

3. The applicant claims that the penalty of removal is against law as the basic principles of evidence were blatantly violated. Aggrieved over the same, the present O.A. has been filed.

4. The contentions of the applicant are that the Inquiry Officer has not given her the opportunity to defend her case. The prosecution relied upon a Xerox copy of the SSC certificate, which is said to be tampered in respect of date of birth. However, the applicant sought correction of date of birth, after following due process of law. The collection of evidence was behind the back of the applicant. There was no examination of the authors of the documents. The respondents, on an earlier occasion also, imposed the same penalty on 18.12.2017. The same was challenged before the Appellate Authority and it was set aside on certain grounds. Even now, the

respondents have passed the same order, without any relevance to the charges. The applicant filed an Appeal on 03.09.2020 against the order of removal dated 17.08.2020, making a plea to stay the proceedings of the Disciplinary Authority. The Disciplinary Authority is now implementing the order dated 17.08.2020, without waiting for the appeal to be disposed of.



5. Heard Dr. A. Raghu Kumar, learned counsel for the applicant and Sri N. Srinivasa Rao, learned counsel for the respondents and perused the pleadings on record.

6. As has been stated by the applicant herself, she has been removed from service on 17.08.2020. The applicant did file an appeal to the Appellate Authority on 25.08.2020. The case revolves around submission of a fake SSC certificate for securing employment. The applicant has to exhaust the available remedy of appeal in pursuance of Section 20 of the AT Act 1985. Hence, it would be proper and appropriate to direct the respondents to dispose of the appeal made by the applicant on 25.08.2020, within a period of 10 weeks from the date of receipt of this order.

7. With the above direction, the O.A. is disposed of at the admission stage, without going into the merits of the case. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(ASHISH KALIA)
MEMBER(JUDL.)

/pv/