

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXXXXXXXXXXXX~~ NEW DELHI
~~XXXXXXXXXXXXXXXXXXXX~~

O.A. No. ~~XXXXXX~~ 672/86

1988

DATE OF DECISION 30.11.1988

Smt. Ila Chowdhary Petitioner (Applicant)

Shri G.D. Gupta Advocate for the Petitioner(s)
(Applicant)

Versus

Union of India rep. by M/e Respondent(s)
Labour & Others

KC Mittal for R.1 & R.2 Advocate for the Respondent(s)
Mr. D.D. Chaufla for R.3.

CORAM :

The Hon'ble Mr. S.P. Mukerji - Vice Chairman

~~The Hon'ble Mr.~~

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *Yes*

S.P. Mukerji
30/11/88

16

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

Dated the **thirtieth day of November**
One thousand, nine hundred and eighty eight.

Present

Hon'ble Shri S P Mukerji, Vice Chairman

ORIGINAL APPLICATION NO 672/86

Smt Ila Chowdhary : Applicant

-Vs-

- 1 Union of India, M/o Labour
(Deptt. of Director General,
Employment & Training)
New Delhi
- 2 Director General
Employment & Training
Ministry of Labour
Government of India
New Delhi
- 3 Shri TN Upadhyay, S.S.O.I,
Deptt. of Director General
Employment & Training
Ministry of Labour,
Govt. of India, New Delhi
- 4 The Deputy Secretary to
the Government of India
Ministry of Labour, Deptt. of
Director General
Employment & Training
New Delhi

Respondents

Mr GD Gupta	: Counsel of Applicant
Mr KC Mittal	: Counsel of Respondent No. 1 & 2
Mr DD Chaufla	: Counsel of Respondent No.3

ORDER

Hon'ble Shri SP Mukerji, Vice Chairman

The applicant who has been working as Commercial
Artist under the Directorate General of Employment &
Training of the Ministry of Labour has moved this

application dated 27th August, 1986 praying that the order dated 28.1.1986 transferring her to the Central Institute for Research & Training in employment service should be set aside or in the alternative she should be given deputation allowance.

She has also prayed that the adverse remarks communicated to her vide Memo dated 11th February, 1986 which were toned down by a further Memo dated 5th August, 1986, should also be set aside as violative of Articles 14 and 16 of the Constitution of India and the other adverse remarks still retained should be expunged. Finally, she had prayed that the Respondents No.1 & 2 should be directed to take action or initiate departmental proceedings against Respondent No.3, Shri T N Upadhyay on the basis of her complaint. During the pendency of the application, the learned counsel for the Respondent No.1 & 2 Shri Mittal stated on 29.4.88 that the impugned order of transfer dated 28.1.86 had been cancelled and the relief claimed in respect of that order did not survive. The learned counsel for the applicant also did not press for this relief any more. Accordingly, this judgement is related to the other remaining reliefs regarding adverse remarks and action against Respondent No.3. The brief facts of the

case are as follows.

2 The applicant was directly recruited as Technical Assistant(Graphic) under the Ministry of Labour on 21st January, 1972 and was transferred in 1973 as Commercial Artist to the Vocational Guidance Aptitude, Testing Unit (VGAT), located ^{at Rajendra Place,} several kilometres away from the Shram Shakti Bhavan where the Ministry and the DG, E&T office are housed. According to the applicant, Respondent No.3, Shri Upadhyay had the habit of teasing women working under him. He had once teased Mrs. Lakra who was working under him as Junior Investigator. He had also teased Mrs Prem Lata Bharadwaj who was working as Senior Scientific Assistant. She had complained about it to Dr Basu, Joint Director. Since Shri Upadhyay had tried to tease the applicant, she along with Mrs. Bhardwaj went to Shri Ramesh Singh and complained against Shri Upadhyay. They were told that since Shri Upadhyay was ^{an} influential person it would be better if they avoided him and took care that they did not go to Shri Upadhyay alone. The instant application is in relation to the alleged happenings on 21st November, 1983. According to the applicant, she wanted to leave office on 19th November, 1983 early at 4.00 PM and gave the leave application to Shri Upadhyay seeking permission to leave office one hour earlier. She had asked for half a day casual leave. On the next working

day i.e. on 21.11.83 according to the applicant she signed the attendance register and started working at her desk. After sometime, Shri Upadhyay called her in his Cabin and asked the applicant to sign the attendance register for 19.11.83 in the column of departure time. The applicant went on to narrate the subsequent happenings as follows.

"When she was coming out of the cabin of Shri Upadhyay, he called her back and told to take the seat since he wants to discuss certain matters with her. Since the petitioner/applicant was hesitating to sit alone in his cabin, he asked the applicant why she was hesitating in sitting in his room and further said " KYA MAIN BADMASH HOON. DOOSERE OFFICERS KE SATH GULCHHARRE UDATE HO OR HAMARE TIME PER SATI BANTE HO". The applicant in reply told Shri Upadhyay that he should be ashamed and he should not talk with her lady colleagues in the said language. The language used by him is filthy. He should learn to behave with the women colleagues. After saying this the applicant immediately left the seat, but before she could open the door of the Cabin, Sh. Upadhyay caught hold the arms of the applicant and tried to molest her. She immediately pushed him and came out of the room crying and shouting. Shri Upadhyay followed the applicant and asked her that with whose permission she had come out from his Cabin. She could not come out of his Cabin without taking his permission and started speaking filthy and vulgar language. The applicant became so much frightened that she fainted before the staff members. Mrs. Asha Rani, Junior Computer and Miss Chitra Aggarwal Psychologist. Miss Chitra Agarwal took her in her Cabin and tried to bring the applicant in consciousness. Miss Aggarwal had also called the other staff members and had asked the help to bring the applicant in consciousness. The staff members took the applicant in the other room and when the applicant reached home, she was feeling very sick and frightened."

The applicant's husband took her to the Chief Medical Officer and on the basis of the medical certificate the applicant sent her leave application for 3 days (22nd to 24th). On the 22nd November, 83 the applicant's husband

met the Director General and narrated the whole incident and requested him to investigate into the matter. Since no action was taken, the applicant represented to the Director General vide her representation dated 13.12.1983 at Annexure-C. The Director General thereupon appointed the Additional Director Shri Umakant Rao to investigate into the matter. Shri Rao met the applicant and told her that Shri Upadhyay had filed a counter complaint that the applicant had tampered with the attendance register concerning her half day casual leave on the 19th November, 83. The applicant was surprised to see that the attendance register had been tampered with and she made a detailed representation stating that the tampering was done with ulterior motive by Shri Upadhyay and requested that an hand-writing expert should be called in for determining who had done the tampering. On the 29th December, 1983 the applicant gave complete details of the alleged incident of 21.11.1983 to Shri Rao. A copy of the detailed letter is at Annexure-D. According to the applicant, Shri Rao met her and tried to pressurise her for withdrawing the complaint, but the applicant refused to withdraw the complaint. She was determined that Shri Upadhyay should be taught a lesson, otherwise, no woman colleague will be saved in the Unit of V.G.A.P.T. of D.G.E & T. The applicant requested

the Director on 30.12.1983 to change her reporting officer Shri Upadhyay for Confidential Reports to avoid further complications. On 31.1.1984, she sent a reminder to the Director General requesting him to take the matter seriously, but unfortunately no action was taken by him. Thereupon, the applicant represented to the Secretary, Ministry of Labour on 2.3.1984 narrating the whole episode. No reply to this representation too was received by the applicant, on the other hand on 7.3.84 she was communicated adverse remarks made in her Confidential Reports by Respondent No.3 Shri Upadhyay for the year 1983. One of the adverse remarks was regarding the tampering of the attendance register. The applicant gave a detailed representation on 2.4.84 requesting inter-alia for getting the opinion of the hand-writing expert in respect of the tampering. The adverse remarks regarding tampering was expunged by the Department vide their Memorandum dated 20th July, 1984. On the other remarks which were not expunged, she gave further representation on 9.8.84 pointing out that the adverse remarks regarding tampering of attendance register was expunged even without consulting a hand-writing expert as requested by her as it was feared that the hand-writing expert might confirm her allegation that the tampering was not done by her, but the Respondent 3 himself. The other adverse remarks of 1983 were also expunged by the Department vide their order

dated 18th September, 1984. It may be mentioned at this stage that throughout her representations against the adverse remarks she had repeatedly mentioned the incident of 21st November, 1983 that the reporting officer, Respondent No.3 misbehaved with her.

3 Parallel to her representations against the adverse remarks of 1983 recorded by Respondent No.3 which were expunged, the applicant has been pursuing the question of conducting an inquiry into the incident of 21st November, 1983, with the Director General and Secretary of the Ministry. She reminded the Secretary on 11th May, 1984 indicating that being an influential person, nobody was prepared to take action against Shri Upadhyay. She moved the Director General on 14th May, 1984 enclosing a copy of her representation to the Secretary dated 11th May, 1984 for conducting a full-fledged and proper inquiry by an independent and impartial senior officer of the Ministry ^{into} the incident of 21.11.1983, but in vain. The applicant's husband in desperation wrote to the Prime Minister of India on 22.2.1985 requesting him to intervene the matter for giving justice to the women staff. He sent reminders on 6.4.1985, 22.4.1985 and 7.1.1986.

On 17.1.1986 the Prime Minister's Office informed

him that the matter was being forwarded to the Ministry of Labour. The husband of the applicant met the Labour Minister thrice between January and February, 1984. Instead of giving any redressal the impugned order dated 28.1.1986 was passed transferring her to the Central Institute for Research and Training. She did not get the order as she was on medical leave. According to her, the transfer order was passed to get rid of her so that inquiry into the alleged misconduct of Shri Upadhyay was not proceeded with.

4 On 11.2. 1986, the applicant was communicated another dose of adverse remarks for the year 1985, but this time the Reporting Officer was one Shri RD Shrivastava. According to the applicant Shri Shrivastava gave her adverse remarks at the instance of Respondent No.3.

It may be noted that her confidential report for the year 1984 was without any adverse remarks when the Reporting Officer was one Shri SC Lal and Shri Shrivastava was only a Reviewing Officer. In 1986 also there was no adverse remark when Dr. Rumel Singh was the Reporting Officer and Shri Shrivastava was the Reviewing Officer. The applicant further urges that during 1985 no work was assigned by Shri Shrivastava to the applicant and therefore, Shri Shrivastava was not entitled to give any adverse remarks in that year. On the other hand, she did work mostly of Dr. Rumel Singh.

Shri BK Papneja and Shri SC Lal and none of them had given adverse remarks to her at any stage.

On her representation a part of the adverse remarks of 1985 was expunged. She alleges that the adverse remarks of 1985 were like the adverse remarks of 1984 the result of malafides.

5 Respondents 1 & 2 as also Respondent No.3 have denied the allegations of malafides so far as the adverse remarks are concerned. In respect of the inquiry, Respondents No.1 & 2 have stated that an inquiry was conducted by the Additional Director of Employment Exchanges and it was found that the allegations of the applicant against Shri Upadhyay were baseless. They have, however, stated that she went on leave from 22 to 24.11.1983 and that "with a view to create an healthy admosphere and conducive efficient functioning of the Unit, it was decided to shift Shri Upadhyay from Rajendra Place to Shrem Shakti Bhavan". They further stated that Shri RD Shrivastava was authorised to write Confidential Report of 1985. In the rejoinder the applicant has re-emphasised that the adverse remarks of 1985 were written by Shri Shrivastava under the influence of Respondent No.3, Shri Upadhyay. She has challenged the contention of the respondents that the adverse remarks of Shri Upadhyay were expunged on compassionate ground and not on merit.

20

She has further argued that the inquiry conducted by Shri Rao was only a eye wash as Miss Chitra Aggarwal who was an eye witness to the incident of 21.11.1983 was admittedly not examined. The applicant reiterated that Shri RD Shrivastava had not assigned a single item of work to her during 1985 during which year he remained on ex-India leave for a period of 3 to 4 months. He has brought out the similarity of the expunged adverse remarks for 1983 given to her by Respondent No.3 and the adverse remarks given by Shri Shrivastava for 1985 under the influence of Respondent No.3. She has also brought out photo-copies of the Press Report which had come out regarding the incident of 21.11.1983 in the Blitz and the Statesman. She has also appended a representation dated 10.4.1987 filed by Miss Chitra Aggarwal (Annexure A2) to her rejoinder dated 21.5.1987 in which Miss Aggarwal has indicated that she was an eye witness to the incident and referred to other incidents of mis-behaviour of male officers of the VGAPT located at Rajendra Place with the female officials working there. The applicant has also appended with the same rejoinder another appeal of Miss Chitra Aggarwal dated 5.5.1987 (Annexure-A3) referring to the indecent getures of Shri RD Shrivastava to her. The Respondents 1 & 2

21

in the supplementary reply concerned that Miss Chitra Aggarwal could not be examined by the Inquiry Officer regarding the mis-behaviour of Shri Upadhyay because she was on medical leave at Kanpur during the period when the inquiry was conducted. It has also been stated that in May, 1987 a Joint Director of Employment Exchanges was appointed to look into the charges of Miss Chitra Aggarwal about the mis-behaviour of male members including Shri RD Shrivastava towards her.

6 I have heard the arguments of the learned counsel of all the parties and gone through the documents carefully. The learned counsel for the Respondent No 3 raised a preliminary objection that the Tribunal has no jurisdiction to grant the relief claimed by the applicant so far as taking action or disciplinary proceedings against Respondent No.3 Shri Upadhyay is concerned. According to the learned counsel initiating disciplinary proceedings against Respondent No.3 for alleged mis-conduct with the applicant has nothing to do with the service conditions of the applicant and the relief sought cannot be said to have any characteristics of the redressal of grievance of the applicant. In this regard my attention has been drawn to the ruling of the Principal Bench in OA 414/1987 in which judgement was pronounced on

14.7.1987. The relevant extracts from that judgement are as follows.

"The applicant prays that disciplinary action should be initiated against the respondent No.7 and he may be called as a prosecution witness. An identical relief was claimed in OA 840/86 and we rejected that application. No public servant has a right to compel the respondents to take proceedings against another public servant and to call him as a prosecution witness in those proceedings."

The learned counsel for the applicant contended that the circumstances of that case are entirely different from those of the extant case. In that case the applicant was not personally aggrieved by Respondent No.7 whereas in the instant case Respondent No.3 has been alleged to have mis-behaved with the applicant and outraged her modesty.

7 After giving most anxious thoughts to the rival contentions of the parties I have come to the conclusion that the ruling in the above case cannot be applied in the instant case before us. In the instant case, the applicant and her husband had been repeatedly representing to the Director General, Secretary of the Ministry, the Minister of Labour and even to the Prime Minister that the inquiry should be conducted into the alleged mis-behaviour of Respondent No.3 and action taken against him so that the women staff in the V.G. Unit which was located about 8 Kms. away from the main office at Shram Bhakti Bhavan could work with a sense of security, self respect and without fear of their modesty being outraged. It is not very long ago

that the women of this country through enlightened education and economic necessity have come out and started working side by side with the menfolk in Government and other offices in the urban areas. The need of ensuring the minimum level of decency and modesty in the working condition for them is as important if not more, as is the need that the staff should be provided with at least the minimum of decent and civilised working conditions of reasonable physical comfort and healthy atmosphere. Providing a certain level of healthy and comfortable working atmosphere has to be a condition of service to which every employer more so the Government as a model employer is committed. Violation of ^{the} a minimum level of working condition, to my mind is a grievance relatable to a condition of service which falls within the definition of service matters as given in Sub-clause (q) of Clause 3 of the Administrative Tribunals Act of 1985.

8. The next question is whether the application seeking action against Respondent No.3 on the alleged mis-behaviour can be brought within the contemplation of Section 19 of the Administrative Tribunals Act. According to this section "a person aggrieved by any order pertaining to any matter within the jurisdiction

of the Tribunal may make an application to the Tribunal for the redressal of his grievance". There can be no doubt in any body's mind that the applicant, a female employee can be held to have been direly aggrieved if her superior officer during working hours calls her to his Cabin, uses vulgar language and touches her person with ulterior overtones. The Government is obliged to ensure safety of the modesty of its women employees which they ^{later} can claim as of right and take action against anyone who crosses the limits of decency in his official relationship with ~~the~~ a female employee in the office premises and thus violates that right. The applicant is aggrieved by the assault of her right to have working conditions when her modesty will remain inviolate by her superiors.

9. The further point to be decided is whether there is any order or decision of the Government by which the applicant can be held to have been aggrieved. In the instant case the applicant had represented to the respondents that action against Respondent No.3 who had allegedly outraged her modesty and mis-behaved with her should be taken. Accepting her representation the respondents had appointed an Inquiry Officer. The Inquiry Officer admittedly did not examine the eye

15

witness Miss Chitra Aggarwal and dismissed the allegation as baseless. The respondents accepted the inquiry report and on the basis of the report no action was initiated against Respondent No.3. The decision to accept the inquiry report which was prepared without examining the eye witness to the alleged mis-behaviour with a female member of the staff in the Cabin of Respondent No.3, can reasonably be held to be a decision of respondents by which the applicant can feel justifiably aggrieved.

10. The last point to be decided on the preliminary objection is whether initiating disciplinary proceedings or taking action against Respondent No.3 can be held to be a redressal of the applicant's grievance. I have no hesitation in answering this issue in the affirmative. Redressal can be in various forms. It can be in monetary terms where the aggrieved can be compensated monetarily, it can be in the form of status where the aggrieved can be reinstated or promoted. The redressal can also be retributive and preventive so that violation of female modesty in office premises in the course of duty is visited with punishment and future violation is deterred. In the instant case, to my mind it is in the form of retribution and prevention where the female person who has

been aggrieved by the misbehaviour of another person feels satisfied and gets her honour redeemed if the violator of her modesty is punished and future violators are deterred by such punishment. By not taking any action against respondent No.3 on the basis of an incomplete inquiry report, the respondents unwittingly become an accomplice to the violation and have deprived the applicant the opportunity of atleast partially redeeming her status as a self respecting woman staff whose modesty cannot be violated except with dire consequences to the violator. Further, once an inquiry into the allegations made by the applicant is initiated by the respondents, it had to be brought to its logical and quasi-judicial conclusion and becomes liable to judicial review. Any conclusion without following the minimum standards of quasi-judicial proceedings and putting the applicant in a false light would be arbitrary and violative of Articles 14 and 16 of the Constitution of India. The Inquiry Officer by not examining the eye witness, Miss Chitra Aggarwal on the plea that she was on medical leave at Kanpur has fallen far short of his judicial obligations. The respondents by accepting the finding of the Inquiry Officer based on imperfect procedure and incomplete evidence and coming to the conclusion that the applicant's allegations against Shri Upadhyay were baseless and false and

by not taking action against him, can be said to have gone against the provisions of the Constitution and given sufficient cause to the applicant, feel justifiably aggrieved. Any other conclusion on technical niceties will make the ^{position of} female employees in the contemporary state of socio-economic milieu ~~will make position of the female employees~~ extremely vulnerable and expose them to the unscrupulous elements in and out of office premises.

11. I, therefore, reject the preliminary objections and find that in the peculiar circumstances of the case the reliefs claimed by the applicant are maintainable under the provisions of the Administrative Tribunals Act of 1985.

12. So far as the relief of expunction of the remaining adverse remarks of 1985 is concerned it will be useful to read together the adverse remarks of 1933 given by Respondent No.3 which were expunged and the adverse remarks of 1935 given by Shri R.D. Shrivastava which ^{are} ~~is~~ under challenge. The adverse remarks of 1933 given by Respondent 3 all of which were expunged are as follows.

"(1) "Does the work satisfactorily under constant supervision and guidance."

- 23
- (2) "She is prone to be indisciplined when the things are not in accordance with her wishes."
 - (3) "Her relations with fellow employees is satisfactory but she is prone to challenge superiors."
 - (4) "She was orally reprimanded for tampering with the attendance register".

The adverse remarks of 1985 are as follows.

- "(1) "Not very keen on learning".
- (2) "Requires prompting and supervision. Assumes responsibility only when it comes."
- (3) "Not very amenable to discipline".
- (4) "Sees the superior with suspicion."

The adverse remarks of 1985 at item No.2 above were expunged. The adverse remarks at items 3 and 4 of 1985 ^{being} ^{the} are similar to adverse remarks at item 2 and 3 of 1983 which were expunged on 18.9.84 cannot be sustained for the year 1985 when the applicant did not earn any such adverse remarks for the year 1984. The underlying similarity in the tone and texture of the adverse remarks of 1983 and 1985 gives one the feeling that the shadow of the author of 1983 adverse remarks (Sh. Upadhyay Respondent No.3) ^{could have been} ~~was~~ on the author of the adverse remarks of 1985 (Shri R.D. Shrivastava). Therefore, one cannot dismiss the applicant's argument very easily that Respondent No.3 exercised his influence on Shri Shrivastava in getting the adverse remarks recorded.

22

Considering that the applicant, Shri Upadhyay and Shri RD Shrivastava were working in the unit office with a number of female staff at a distance from the main Office at Shram Shakti Bhavan. It may be worth noting that Miss Chitra Aggarwal subsequently complained against Shri RD Shrivastava also about similar misbehaviour as has been alleged by the applicant against Shri Upadhyay and the Department has mounted an inquiry against Shri Shrivastava also.

12. Otherwise also, we do not see much credibility in Shri Shrivastava's impugned assessment on the applicant's performance and nature. The 1983 adverse remarks stand wholly expunged. In 1984 Shri SC Lal was the Reporting Officer and Shri Srivastava was the Reviewing Officer. Shri Lal had given a clean chit to the applicant and Shri Shrivastava had endorsed that assessment. If Shri Srivastava honestly felt that the applicant suffered from the shortcomings which he recorded and which were similar to those recorded in 1983 for the year 1985, he should not have agreed with the Reporting Officer Shri SC Lal in 1984. Again, in 1986 when her Reporting Officer was Shri Ramesh Singh who did not give any adverse remarks to her,

Shri RD Srivastava as Reviewing Officer agreed with Shri Rumel Singh. It appears strange that Shri Srivastava as Reviewing Officer in 1984 and 1986 would have agreed with the Reporting Officers and endorsed the clean chits given by them to the applicant whereas in between in 1985 he should have given adverse remarks about her basic traits which cannot be held to be changing from year to year. The credibility of the adverse remarks is, therefore, vitiated.

13. In the facts and circumstances I allow the application so far as the adverse remarks of 1985 are concerned and direct the respondents that all the remarks of 1985 communicated to the applicant vide Memorandum dated 11.2.86 (Annexure-N) be set aside and expunged.

14. So far as the other relief regarding taking action against Respondent No.3 is concerned I find that for the following reasons the decision not to take any action against Respondent No.3 is bad in law.

- (i) As pointed out above, the Inquiry Officer's report as accepted by the Government was written without examining one of the main witnesses Miss. Chitra Aggarwal on the tenuous ground that at the time of inquiry she was on medical leave at Kanpur.

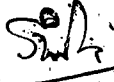
- (ii) The respondents themselves have conceded in para 16 of their counter affidavit dated 25th November, 1986 that "with a view to creating an healthy atmosphere and conducive to efficient functioning of the Unit. It was decided to shift Shri Upadhyay from Rajendra Place to Shram Shakti Bhavan." This shows that Shri Upadhyay was generating an unhealthy atmosphere in the out-lying office at Rajendra place.
- (iii) No self respecting lady in the traditions of our country will level a false charge of molestation of her person merely to implicate her superior officer. The applicant's proceeding on medical leave immediately after the date of the alleged incident and the conduct of her husband in pursuing the matter with the highest level persistently shows that there could be some substance and truth in the allegations of the applicant.
- (iv) Expunction of the adverse remarks about tampering of attendance register as recorded by Shri Upadhyay, summarily without the assistance of a hand writing expert as requested for by the applicant shows that Shri Upadhyay was totally on the defensive and his complaint that the tampering of attendance register was done by the applicant herself was baseless and the applicant's plea that the tampering could have been done by or with the connivance of respondent 4 cannot be dismissed.
- (v) The expunction of all the adverse remarks recorded by Shri Upadhyay on the applicant's repeated assertion that these remarks were motivated because she had been pursuing her complaint of her being molested by Shri Upadhyay shows that her allegations cannot entirely be held to be baseless.

15. For the above reasons I hold that the inquiry conducted by the Additional Director Shri Umakant Rao suffers from serious infirmity and direct that a fresh inquiry should be conducted into the incidents of 21.11.1983 alleged by the applicant by another senior officer, preferably by an officer of the Ministry or

by the same Joint Director of Employment Exchanges who according to the respondents has been appointed to look into the charges levelled by Miss Chitra Aggarwal. All witnesses including Miss Chitra Aggarwal should be examined and the respondents should take appropriate action based on the inquiry report.

16. In fine, the application is allowed to the extent of expunction of the impugned adverse remarks of 1985 and directions to the respondents to initiate a de-novo inquiry into the allegations of the applicant about the incident of 21.11.1983 on the lines indicated above. The inquiry ^{should be} conducted and the decision of the respondents thereon should be taken as far as possible within a period of 4 months from the date of communication of this order.

17. There will be no order as to costs.


30. XI. 85
(S.P. Mukerji)
Vice Chairman