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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA No.1279/90

Date of decision:11.10.93.

Smt. Prabha Kumari Chutani ... Petitioner

vs.

Union of India through
Secretary,
Ministry of Telecommunications,
Govt. of India
& ors. ... Respondents

For the Petitioner .. None

For the Respondents .. None

CORAM:

THE HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
THE HON'BLE MR.B.N.DHOUNDIYAL, MEMBER(A)

JUDGEMENT(ORAL)
(BY HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN)

Disciplinary proceedings were initiated against the petitioner, a charge memorandum was given to her, an Inquiry Officer was appointed and he submitted his report to the Punishing Authority. On 4.8.1989, the Punishing Authority passed an order removing the petitioner from service. She preferred an appeal. However, before the same could be decided, the present OA was preferred.

2. The prayer is that the order passed by the Punishing Authority removing the petitioner from service may be quashed. The prayer is also that the Inquiry Officer's report may be quashed.

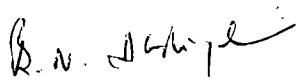
3. We have perused the report of the Inquiry Officer which is fairly detailed one. We have also perused the order of the Punishing Authority and find that the petitioner did not submit leave application for the period of her absence from 17.12.1987 till the date of the

Smt

issue of the chargesheet. She merely submitted the applications for extention of leave without mentioning the nature of the leave. She mentioned the reason of leave after receipt of the charge-sheet which appears to be an after-thought. In spite of several letters sent to her, she failed to resume her duty. Notices regarding inquiry were sent set to her but she failed to defend her case in person or through any defence assistant. Therefore, the inquiry proceedings were held ex-parte.

4. The only averment which is worthy of notice is that the petitioner was not furnished with the report of the Inquiry Officer by the Punishing Authority before passing the order of punishment. This controversy stands now concluded by the recent decision of the Supreme Court in the case of S.P.VISWANATHAN (1) Vs. UNION OF INDIA & ORS. reported in 1991 Supp. (2) SCC 269 wherein it was held that the judgement given on 29.11.90 in MOHD.RAMZAN KHAN's / case would have only prospective operation whereas the impugned order removing the petitioner from service was passed on 4.8.1989. The petitioner, therefore, is not entitled to the benefit of the judgement of the Supreme Court in RAMZAN KHAN's case.

5. This application fails and is dismissed but without any order as to costs.


(B.N.DHOUNDIYAL)
MEMBER(A)


(S.K.DHAON)
VICE-CHAIRMAN