

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2293/92

DECIDED ON : 15.02.1993

Smt. Kamla Gupta

...

Applicant

Vs.

Union of India & Ors.

...

Respondents

CORAM : The Hon'ble Mr. S. P. Mukherji, Vice Chairman
The Hon'ble Mr. C. J. Roy, Member (J)

Shri G. D. Bhandari, Counsel for the Applicant

Shri M. L. Verma, Counsel for Respondents.

J U D G M E N T (ORAL)

Hon'ble Shri S. P. Mukherji, Vice Chairman :-

In this application the applicant who has been working as Assistant Warden, Lady Reading Health School, Bara Hindu Rao, Delhi has challenged the impugned order dated 20.8.1992 at Annexure-5 by which the period from 20.4.1992 onwards has been treated as dies non. She has also challenged the action taken by the respondents to recover house rent from her monthly salary. The relevant facts which are not disputed are as summarised as follows :-

The applicant had been appointed as Assistant Warden vide order dated 14.7.1969 at Annexure A-6 wherein it was indicated that she will be entitled to free furnished accommodation. She was provided with the accommodation and she continued to discharge the

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duties of Assistant Warden from 9.6.1978 to 20.4.1992. In the meantime, the premises occupied by her were admittedly declared to be unsafe as per the PWD's letter dated 9.10.1990 at Annexure-2. This has been admitted by the respondents in the counter affidavit also. The applicant nonetheless continued to occupy the premises for two years till 13.4.1992 when she left for rented accommodation in the city area. This resulted in her exposing herself to hazards for attending to her duties at the Hostel after sun set. It is admitted that between 1978 and 1992 when she was keeping the premises within the campus of the Institution she was attending to her duties from 7.00 a.m. to 9.00 a.m., 9.00 a.m. to 2.00 p.m. and 7.00 p.m. to 8.00 p.m. Because of her change of residence from 13.4.1992 it appears that from 20.4.1992, she was not attending to her duties hours in the evening from 7.00 p.m. to 8.00 p.m. but discharging her duties from 9.00 a.m. to 4.00 p.m. on her own. As a result the impugned order was passed without giving her any notice treating her period of service from 20.4.1992 onwards as dies non.

2. It was revealed during the arguments and as indicated by the respondents in their reply to the MP, that within the campus of the Institution there is a quarter meant for Superintendent and Assistant



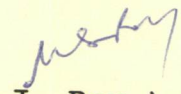
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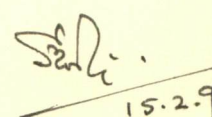
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(c) The premises so given to the applicant shall be vacated by her whenever the Superintendent reports for duty and the respondents shall provide her with suitable residential accommodation in accordance with her problems of attending ^{after sunset} and commensurate with her duty hours.

(d) The question of payment of arrears ^{of pay and allowances} during the period of 'dies non' will abide by the outcome of her representation and the applicant will be at liberty to approach the Tribunal in accordance with law, if so advised, if she feels aggrieved by the outcome of her representation.

No orders as to costs.


(C. J. Roy)
Member (J)


15.2.93
(S. P. Mukherji)
Vice Chairman (A)