

Central Administrative Tribunal
Principal Bench: New Delhi

OA 1009/92

New Delhi this the 12th day of March 1997.

Hon'ble Mr Justice K.M.Agarwal, Chairman
Hon'ble Mr N. Sahu, Member (A)

Mrs Naheed Siddiqui
W/o Shri A.A.Siddiqui
Asstt. Teacher
Oak Grove School
Jharipani
Mussoorie (U.P.)

...Applicant.

(By advocate: Shri P.L.Mimroth)

Versus

Union of India through

1. General Manager
Northern Railway
Baroda House
New Delhi.
2. Chief Personnel officer
Northern Railway
Baroda House
New Delhi.
3. Shri Sunil Mishra
Senior Divl. Personnel Officer
Northern Railway
Bikaner
(Rajasthan)
4. Miss Shashi Sharm
Asst. Teacher
Oak Grove Girls School
Jharipani
Mussoorie.

...Respondents.

(By advocate: Shri S.A. Mattoo)

ORDER (oral)

Hon'ble Mr Justice K.M.Agarwal, Chairman

This is an application under section 19 of the AT Act for quashing the minor penalty imposed on the applicant after holding a departmental enquiry against her. The applicant was a teacher in the school run by the respondents. It appears that she was subjected to face a departmental enquiry on the charge that she captured some letters from one of the girl students of the school but failed to hand over the letters to the Headmistress. There were other minor charges levelled against her

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but they were all connected with the said charge of omission to deliver the captured letters to the Headmistress. After the departmental enquiry, the charge was found proved and accordingly, the disciplinary authority inflicted on her a minor penalty of withholding 6 increments. It appears that the applicant made representations against the order of penalty but was unsuccessful in getting the punishment set aside. Being aggrieved, the applicant has filed this application for quashing the penalty.

2. After hearing the learned counsel for the parties, we are satisfied that the charge levelled and found proved against the applicant did not amount to any misconduct. We have not been shown any rule requiring any teacher to surrender letters captured or brought to her notice. Generally, if it is brought to the notice of a teacher that any improper letter is in possession of a girl student, the teacher makes an attempt to solve the problem immediately on the spot either chastising the girl concerned or by inspiring some fear in her mind. It also appears to be necessary so as to save such young girls from exposure to public criticism in such matters. We are, therefore, of the view that though on finding given, we cannot interfere because we are not a court of appeal, but so far as the conclusion of proved facts is concerned, we can interfere as the facts do not make a case of misconduct. Accordingly, we are of the view that for the said reasons, there is no justification in the punishment awarded to the applicant.

3. For the foregoing reasons, the application succeeds and it is hereby allowed. The impugned orders of punishment of the disciplinary authority or appellate or revisionary authority confirming the same are hereby quashed.

No costs.

K.M. Agarwal
(K.M. Agarwal)
Chairman

N. Sahu
(N. Sahu)
Member (A)