

25

Central Administrative Tribunal
Principal Bench
New Delhi

O.A. No. 541/93

Decided on 28.4.99

Ms. S.K. Srivastava Applicant

(By Advocate: Shri B.B. Srivastava)

Versus

Union of India Respondent

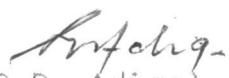
(By Advocate: None appeared)

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or Not? YES
2. Whether to be circulated to other outlying benches of the Tribunal or not ? No.


(S.R. Adige)
Vice Chairman (A)

Central Administrative Tribunal
Principal Bench

O.A. No. 541 of 1993

New Delhi, dated this the 28-APRIL April, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Ms. S.K. Srivastava,
Ex-Junior Law Officer,
Indian Council of Agricultural Research,
Krishi Bhawan,
New Delhi. ... Applicant

(By Advocate: Shri B.B. Srivastava)

Versus

Union of India through
Director General,
Indian Council of Agricultural Research,
Krishi Bhawan,
New Delhi. ... Respondent

(None appeared)

ORDER

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns respondents' order dated 28.8.91 (Ann. A-1) treating her absence from duty from 4.7.91 to 19.7.91 as unauthorised resulting in break in service under FR 17(1).

2. We have heard applicant's counsel Shri Srivastava. None appeared for respondents when the case came up for hearing. As this is a 1993 case and was listed at Sl. No.2 of the regular hearing list under the caption that cases of the year 1993 would not be adjourned, we are disposing it of after hearing Shri Srivastava and perusing the materials on record.

2

28

3. Applicant's counsel has cited a number of judgments which are referred to in his written submissions which are taken on record that an order with regard to break in service which results in forfeiture of past service cannot be made without observing the principle of natural justice, that is without giving a show cause notice and considering the representation if any against the same. In this connection one such ruling is A. Durairaj Vs. Dy. Chief Signal Telecom. Engineer & Ors. 1986 (1) SLJ (CAT) 99.

4. In the present case no show cause notice was issued to applicant before respondents decided to treat the aforesaid period as unauthorised resulting in break in service under FR 17(1). The impugned order dated 28.8.91 therefore cannot be sustained in law.

5. The O.A. therefore succeeds and is allowed to the extent that the impugned order dated 28.8.91 is quashed and set aside. It will be open to respondents to treat the aforesaid period in accordance with law. No costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)

Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

/GK/