

CENTRAL ADMINISTRATIVE
ALLAHABAD BENCH : A

ORIGINAL APPLICATION NO.349 O.

ALLAHABAD THIS THE 3RD DAY OF JUNE

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J
HON'BLE MR. K. S. MENON, MEMBER-A
Smt. Richa Gupta,
C/o Shri Yogesh Chandra Gupta,
Resident of House No.115/13,
Raje Babu Road, Bulandshahar (U.P.)
Posted as Billing Lady (Computer Operator),
Station (C.S.D.) Canteen, Bulandshahar,
Uttar Pradesh.

..... .Applicant

By Advocate : Shri R. P. Singh

Versus

1. Union of India, through its Secretary (Ministry of Defence) Government of India, New Delhi-II.
2. The Commander, Head Quarter Meerut, Sub Area Meerut Cantt (U.P.)
3. Manager, Station C.S.D. Canteen, Bulandshahar (U.P.).

..... .Respondents

By Advocate : Shri Saumitra Singh

O R D E R

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J

Smt. Richa Gupta/applicant was appointed as Billing Clerk in Station (C.S.D.) Canteen Bulandshahar (U.P.). According to her, there was a misunderstanding/personal reasons. In consideration for Lt. Col. (P) preferred the applicant to do so. The applicant aggrieved O.A. No.1211 of 1988.

Central Administrative

Tribunal vide order dated

OA and directed the

applicant to join her duties and not to obstruct in discharging the same. The respondents further directed to pay 50% back wages for the period she has worked. The respondents did not allowed the applicant to join the duty and then she filed a civil misc. writ petition no.17453 of 2003 in the High Court, Allahabad. The said writ petition was dismissed vide judgment and order dated 23.04.2003. The respondents still did not permit her to join the duty and being constrained petitioner filed a contempt petition no.137 of 2003 before this Tribunal, wherein respondents were directed to allow the petitioner to join the duties. The respondents, left with no option and threatened by the contempt petition the respondents allowed the applicant to join the duties and as such she joined here duties w.e.f. 01.03.2004.

2. According to the applicant (Para 4.10 of the OA) the respondents started harassing the applicant as they take it as insult upon them. She was subjected to harassment in many ways for which she has filed complaint and also FIR with regard to theft of his mobile from his table. Serious allegations have been made against Colonel Ranjit Singh Baswan and Ee. Dfr. Ravi Karan Singh (Para 4.11. of the OA) but no serious efforts have been made to dismiss the persons vide para 10 of the counter reply.

3. The applicant contends that she deposited her Sale proceeds of Articles with officiating Cashier on

11.05.2004. The Manager and the cashier further on 13.05.2004 exhausted her wrinkling was within Rs.36,500/- while the key of the chest box was kept with those persons. The respondents did not paid back wages as directed by the Court.

4. The Applicant further submits that she availed leave for a period during 15.05.2004 to 02.06. 2004 and that she had also submitted leave application at the earliest opportunity. In para 4.16 it is being claimed that she could not applied for leave immediately due to daughter sickness but she had obtained oral permission from the concerned competent person (Col. R.S. Basban).

5. It may be stated that applicant was charge sheeted for remaining absent from duty without sanctioned leave. From the documents annexed with OA that applicant has submitted detailed reply and that her averments with regard to filing of complaints was also borne out from the copy of the FIR dated 14.05.2004. The applicant has also filed copy of the statement as well as that of witness Ex. Hav Jitendra Kumar particularly page 41 to 43 of the OA. From these documents it is clear that evidences was taken of record for purpose of adjudicating hearing of disciplinary enquiry.

6. The impugned order dated 19.01.2005 (Annexure-8 of the OA) contains no reasons. There is complete non

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application of mind to the aforesaid evidence particularly the statement of Ex. Hav Jitendra Kumar which submitted the case of the applicant in toto, i.e. oral permission was accorded by the competent authority. The concerned competent authority, accordingly is the case of the applicant, sanctioned leave orally and that application was later on filed. There is no whisper in the impugned order that acceptance of malice consideration has taken particularly with the applicant had succeeded from right from this Tribunal to High Court, Allahabad. No reason has been disclosed as to why the grounds of the applicant has not been accepted or otherwise rejected. In view of the above we find that the impugned order is in nullity, as it contains no reasons. Normally we would have remanded the case back for fresh decision but in this case undisputed and un remanded facts and circumstances are mentioned. We are of the opinion that action taken against the applicant was prompted due to ulterior motive and impugned action is vindictive in nature. Since the applicant is not at fault and also coupled with the circumstances that she has not been paid back wages (as directed by this Tribunal in the earlier OA), we quash the impugned order and direct the applicant to be reinstated forthwith with further direction that respondents shall not interfere with the working of the applicant and she shall be paid her arrears of salary/wages as may be due till date along with 9% Per annum simple



interest within 30 days of receipt of certified copy of this order.

7. The OA stands allowed subject to payment of cost quantifying RS. 5000/-, which is also to be paid within aforesaid period.

No Costs.

J. Meenon

Member-A

A. K. J.

Member-J

/ns/