



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 1289/2020

This the 29th day of June, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Smt. Ritu Ravi Prakash,
W/o Shri Ravi Prakash Srivastava,
R/o 24, NPL Apartment, Block H-3,
Vikaspuri, New Delhi – 110018,
Presently posted as,

Assistant Section Officer,
SCD-V (NOS Cell),
Ministry of Social Justice and Empowerment,
Department of Social Justice and Empowerment,
Shastri Bhawan, New Delhi – 110001.

... Applicant

(By Advocate : Mr. Rajesh Katyal)

Versus

Union of India,
Through the Secretary,
Ministry of Social Justice and Empowerment,
Department of Social Justice and Empowerment,
Shastri Bhawan,
New Delhi – 110001.

... Respondent

(By Advocate : Ms. Sumedha Sharma)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant was working as Assistant Section Officer in the Central Secretariat Services, in the year 2013. A charge memo dated 11.12.2015 was issued to her, stating that she remained absent from duty for hundreds of days without any sanctioned leave and even when she attended the office, she used to come late, refuse to attend to the work entrusted to her and is said to have kept herself busy, on the office landline phone and used to play cards, on the office computer. The applicant submitted her explanation to the charge memo. Not satisfied with that, the Disciplinary Authority (DA) appointed an Inquiry Officer (IO).

2. In his report dated 10.08.2018, the IO held the charges as not proved. The DA issued a disagreement note dated 06.12.2018. On receipt of the same, the applicant submitted her explanation on 21.12.2018. On consideration of the same, the DA passed an order dated 23.09.2019, imposing the penalty of reduction in pay by two stages in the time scale of pay, for a period of three years, with cumulative effect. The appeal preferred against the order of punishment was rejected vide order dated 20.02.2020. This OA is filed challenging the



order of punishment dated 23.09.2019, as confirmed by the Appellate Authority.

3. The applicant contends that the relevant rules provide for sanction of 730 days of Child Care Leave (CCL) and she availed it for about 300 days and there was absolutely no basis for initiation of disciplinary proceedings. It is also stated that other allegations made against her were also held as not proved by the IO. The applicant contends that disagreement note was issued by the DA without any basis and severe punishment was imposed against her, in an arbitrary manner.

4. Respondents filed a detailed counter affidavit. It is stated that the applicant remained absent almost for one year without leave and the reasons mentioned for remaining absent were not in accordance with relevant rules. They contend that the applicant was issued a charge memo and provided with adequate opportunities at all stages, and though the Inquiry Officer held the charges as not proved, the DA issued a detailed disagreement note, with cogent reasons.

5. The respondents submit that the DA has taken into account, the explanation submitted by the applicant and thereafter passed the impugned order. Various contentions urged by the applicant are denied. They submit that the



Appellate Authority has also examined the matter in detail and declined to interfere with the order of punishment.

6. Today, we heard Shri Rajesh Katyal, learned counsel for the applicant and Ms. Sumedha Sharma, learned counsel for the respondents.

7. Though only one charge is framed against the applicant, it contains several facets. The charge reads as under :-

**STATEMENT OF ARTICLE OF CHARGE
FRAMED AGAINST SMT. RITU RAVI
PRAKASH, ASSISTANT, DEPARTMENT OF
SOCIAL JUSTICE AND EMPOWERMENT,
MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT**

ARTICLE OF CHARGE

The said Smt. Ritu Ravi Prakash, Assistant belonging to Central Secretariat Service in Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment during 2013-2015 exhibited gross negligence by absenting herself from duty wilfully and without approval of the competent authority. She joined Ministry of Social Justice and Empowerment on 01.02.2013 and was posted in the Main Ministry. Subsequently, she was transferred to National Commission for Backward Classes (NCBC) vide D/o SJ&E's Office Order No. A-22020/01/2008-Estt.I dated 31.12.2013. NCBC vide their O.M. dated 08.08.2014 relieved Smt. Prakash from her duties w.e.f. 08.08.2014 (AN) stating that she was not attending the office w.e.f. 11.03.2014 without any sanction of leave. Then, she was posted in SCD-VI Section vide D/o SJ&E's Office Order dated 29.08.2014. SCD-VI Section vide their



note dated 23.09.2014 reported that she had been coming to the office often late and not maintaining the decorum of the office and hence recommended disciplinary action against her. It was also brought to the notice of Admn. Section by SCD-VI Section that she refused to attend several pending important receipts marked to her. She also kept busy herself with office landline phone and playing cards on the office computer.

She vide her letter dated 19.11.2014 applied for 331 days CCL for the period from 29.12.2014 to 24.11.2015. The same was not recommended by the sanctioning authority. She was informed that CCL cannot be granted for such a long period and to apply a fresh for convenient dates only during the final examination of her daughter vide SCD-VI's O.M. dated 07.01.2015.

She vide her letter dated 07.01.2015 again applied for CCL for a period from 12.01.2015 to 08.12.2015. She was informed again that CCL cannot be granted for such a long period since the divisions is not having the sufficient staff and she was requested to apply only during the final examination of her daughter vide SCD-VI's O.M dated 12.01.2015.

She vide her letter dated 16.01.2015 addressed to Secretary, SJ&E again applied for CCL for a period from 19.01.2015 to 15.12.2015. The same was forwarded to US (SCD-VI) for his recommendation on 30.01.2015. Meanwhile Smt. Prakash vide her letter dated 19.01.2015 addressed to Joint Secretary (SCD) again requested for grant of CCL for a period from 19.01.2015 to 15.12.2015. US (SCD-VI) vide their O.M. dated 28.01.2015 informed Smt. Prakash that due to dearth of sufficient staff in SCD-VI Division it is not possible to sanction leave to her for a period beyond 15 days and hence did not recommend 331 days CCL to her for a period from 19.01.2015 to 15.12.2015.



As such, Smt. Prakash has been absenting himself from duty willfully and without getting approval of the competent authority with effect from 09.02.2015.

By the aforesaid acts, the said Smt. Ritu Ravi Prakash has exhibited lack of devotion to duty and exhibited her conduct in a manner which is unbecoming of a Government servant thereby contravening the Rule 3(1) (ii) and Rule 3(1)(iii) of the Central Civil Services (Conduct) Rules, 1964.”

8. If one analyses the charge, the facets thereof can be found to be as under :-

- (a) Remaining absent, without approval of competent authority for a long time.
- (b) Not joining the office to which she was transferred and remaining absent in that office also;
- (c) Coming to the office late on several occasions;
- (d) Not maintaining the decorum of the office.
- (e) Refusing to attend to pending important works entrusted to her.
- (f) Keeping herself busy on the landline phone of the office and playing cards on the office computer.

9. By undertaking general discussion, the IO held the charge as not proved. This is not a case in which, the issue



pertains to remaining absent and availing CCL. It is a bit interesting to note that the basis for remaining absent is said to be on account of the fact that the daughter of the applicant would attain the age of majority by the year 2016 and she intends to exhaust the entire CCL before that. Such an approach on the part of the officer of the Secretariat, does not befit her position.

10. While issuing the disagreement note, the DA has furnished the reasons, based on record. The allegations were not confined to unauthorized absence alone. For an employee, to remain absent, almost for one year on the pretext of taking care of the study of her children cannot be countenanced. The rules stipulate that the leave can be granted in three spells in a year. The applicant could have availed the leave for longer spells also, if the situation warranted. Remaining absent for hundreds of days just by stating that the applicant may not be able to avail that leave once her daughter attains the age of 18 years, is difficult to countenance.

11. The other allegations made against the applicant are about method of her functioning, whenever, she has attended the office. Coming late to office or not attending to the work, keeping herself busy on landline phone and on other occasions, playing cards on the computer, constitute a gross



misconduct. The DA furnished the reasons in support of his conclusion. The importance of an establishment like the Central Secretariat, hardly need any emphasis. The Tribunal cannot act as an appellate authority. No procedural irregularity or mala fide exercise of power, are pleaded.

12. The appellate authority has also considered the matter objectively. We do not find any basis to interfere with the order of punishment. The OA is accordingly dismissed.

There shall be no orders as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

rk/mbt/ankit/