

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A. No. / 484/92  
T.A. No.

DATE OF DECISION 19.1.1994

Mrs. Pravinaben D. Parekh

Petitioner

Mr. G. M. Joshi

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Mr. Akil Kureshi

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. B. Patel

: Vice Chairman

The Hon'ble Mr. V. Radhakrishnan

: Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

D/o

: 2 :

Smt. Pravinaben Dineshbhai Parekh,  
Bojavakuva, Sath Bazar, Nadiad,  
(Advocate: Mr.G.M.Joshi)

: Applicant

Versus

1. Union of India  
Notice to be served to  
The Sub-Record Officer,  
Railway Mail Service,  
'W' Division,  
Nadiad-387 001.

: Respondents

(Advocate: Mr.Akil Kureshi)

ORAL ORDER

IN

O.A./484/92

Date: 19/1/1994

Per: Hon'ble Mr.N.B.Patel

: Vice Chairman

The applicant, who was working as a Part-Time Water Woman in the office of the Sub-Record Officer, R.M.S. 'W' Division, Nadiad since 1986 ~~and she~~ has come to be removed from her service w.e.f. 6/7/1992 by the order bearing even date issued by the Sub-Record Officer, RMS 'W' division, Nadiad. The applicant challenges this removal order on the ground that it is ab initio void inasmuch as, though it stigmatized her, no enquiry whatsoever was held and no opportunity was given to her <sup>herself</sup> to defend herself against the allegations made in the removal order.

2. The impugned removal order reads as follows:

"As there are several complaints of staff and number of reports against you of the H.S.A.'s Nadiad RMS, regarding your unsatisfactory working, late attendance, frequent absenteeism and mis-behaviour during your service period.

Looking to your such irregularities you are hereby REMOVED from the service w.e.f. 6/7/1992".

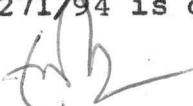
3. It does not require any elaborate discussion to point out that the order by which the applicant is removed from service is clearly stigmatizing and the applicant could not have been removed from service without holding an enquiry into the allegations against her and without affording her a reasonable opportunity to defend herself.

4. The respondents have filed reply against the application, wherein it is stated that enquiry was made into the allegations against applicant through staff-members. It is not even remotely suggested that any regular enquiry was held as per the relevant rules and any opportunity was given to the applicant to participate in such enquiry and to defend herself. The conclusion therefore, that the order of removal is illegal and void cannot be escaped. The applicant is, therefore, entitled to have the order quashed and also to a direction requiring the respondents to reinstate her in service as before with all consequential benefits including back wages, etc.

5. ~~With~~ the result the application is allowed. The impugned order Annexure-A, dated 6.7.1992 is declared as null and void and is hereby quashed and set aside. The respondents are directed to reinstate <sup>and</sup> the applicant in service ~~forthwith~~ with continuity with all consequential benefits including full back wages till the date of reinstatement. The respondents are directed to pay back-wages to the applicant within 21 days after her reinstatement in service. No order as to costs.

  
(V. Radhakrishnan)  
Member (A)

  
(N.B. Patel)  
Vice Chairman

| Date      | Office Report | Order   |
|-----------|---------------|---|
| 16-3-1994 |               | Adjourned to 18-3-1994, Mr. Kureshi undertakes to inform Mr. G.M. Joshi that the matter will be taken up on 18-3-1994.  |
|           |               | <br>(K. Ramamoorthy)<br>Member (A)   |
|           |               | <br>(N.B. Patel)<br>Vice Chairman  |
|           |               | *AS.  |
| 18-3-94   |               | <u>M.A. 136/94 IN O.A. 484/92</u>   |
|           |               | M.A. allowed. It is stated that direction to reinstate the applicant is already complied with. Extension of time is required to comply with directions for payment of back-wages. Time to comply with the said directions, extended till 30-4-1994. M.A. disposed of accordingly. |
|           |               | <br>(K. Ramamoorthy)<br>Member (A)   |
|           |               | <br>(N.B. Patel)<br>Vice Chairman  |
|           |               | AS*   |
| 6-5-94    |               | <u>M.A. 271/94 in O.A. 484/92</u>   |
|           |               | None for the applicant. M.A. 271/94 filed by the respondents for extension of time to comply with the order of this Tribunal. Time granted upto 6th June, 1994. No further time will be given. M.A. 271/94 is disposed of.  |
|           |               | <br>(Dr. R.K. Saxena)<br>Member (J)  |
|           |               | <br>(V. Radhakrishnan)<br>Member (A)   |
|           |               | vtc.  |

| Date | Office Report | Order |
|------|---------------|-------|
|------|---------------|-------|

16-3-1994

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(K. Ramamoorthy)  
Member (A)

(N.B. Patel)  
Vice Chairman

\*AS.

18-3-94

M.A. 136/94 IN O.A. 484/92

M.A. allowed. It is stated that direction to reinstate the applicant is already complied with. Extension of time is required to comply with directions for payment of back-wages. Time to comply with the said directions, extended till 30-4-1994. M.A. disposed of accordingly.

(K. Ramamoorthy)  
Member (A)

(N.B. Patel)  
Vice Chairman

AS\*

6-5-94

M.A. 271/94 in O.A. 484/92

None for the applicant. M.A. 271/94 filed by the respondents for extension of time to comply with the order of this Tribunal. Time granted upto 6th June, 1994. No further time will be given. M.A. 271/94 is disposed of.

(Dr. R.K. Saxena)  
Member (J)

(V. Radhakrishnan)  
Member (A)

v/c.