

3 3
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 275 OF 1993

DATE OF DECISION: DECEMBER 6, 1993

Smt. Amruta Bhoi ... Applicant

Versus

Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? *NO*

H. Rajendra Prasad
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)
06 DEC 93

K. P. Acharya
(K. P. ACHARYA)
VICE CHAIRMAN

6/12/93

4

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH:CUTTACK

ORIGINAL APPLICATION NO:275 OF 1993

Date of decision:6th December,1993

Smt.Amruta Bhoi	...	Applicant
Versus		
Union of India & Others	...	Respondents
For the Applicant	...	M/s A.K.Jena,P.N.Patnaik S.Samantray,Advocates
For the Respondents	...	Mr.Aswini Kumar Misra, Senior Counsel(Central) & Mr.Uma Ballav Mohapatra, Standing Counsel(Central)

C O R A M:-

THE HONOURABLE MR. K.P.ACHARYA, VICE-CHAIRMAN
&
THE HON'BLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN.)

J U D G M E N T

K.P.ACHARYA,V.C. In this application under section 19 of the Administrative Tribunals Act,1985, the petitioner Smt.Amruta Bhoi prays to quash the order of termination passed by the concerned authority terminating her services contained in Annexure-4 dated 5th May,1993.

2. Shortly stated the case of the petitioner is that she was appointed as a Sweeper in the hospital attached to the office of the Ordnance Factory,Bolangir. Allegation against the petitioner was that she was ~~for~~ slept/sometime during the duty hour and the sister-in-charge who was on duty found her to be sleeping and

5-
S

hence remonstrated her. It is further alleged that the petitioner, in reply to the sister-in-charge used certain vulgar language. This fact was reported to the General Manager who in his turn terminated the services of the petitioner. Hence this application has been filed with the aforesaid prayer.

3. We have heard Mr. A. K. Jena learned counsel appearing for the petitioner, Mr. Aswini Kumar Misra, learned Senior Counsel (Central) and Mr. Uma Ballav Mohapatra learned Additional Standing Counsel (Central) and with their Assistance, we have perused the pleadings of the parties and other documents. This is a ~~similar~~ singular instance of any default on the part of the petitioner. She has cleanly confessed in her explanation that due to hard work, she had become ~~tired~~ ^{tired} and therefore, slept for sometime. She has expressed her regret in this in action. In her explanation she also states that due to hard work rendered by her during the day, she lost her patience and had used some ~~harsh~~ ^{harsh} language. However, taking into consideration that she had made a clean confession about her laches and keeping in view the extenuating circumstances existing in her favour and also keeping in view that she is a lady of backward class, we intend to take a lenient view in the matter.

6
Therefore, considering all the aspects mentioned above, we would quash the order of termination and direct her reinstatement into service within 15 days from the date of receipt of a copy of the judgment.

4. Thus, the application stands allowed leaving the parties to bear their own costs.

.....
Member (Administrative)

06 DEC 93

legally
6.12.93
.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty/
December 6, 1993.