

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 1474/94,

Dt. of Decision : 06-08-97.

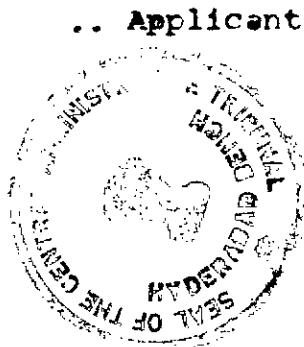
Kum. K.R.R.S. Devi

.. Applicant.

vs

1. The Dy. Commissioner of Income Tax,
Vijayawada Range, Vijayawada.
2. The Commissioner of Income Tax,
Visakhapatnam.

.. Respondents.



Counsel for the respondents

: Mr. N.V. Raghava Reddy, Addl. CGSC.

CONCURRED
THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

..2

5. The main contention as made out at the time of hearing are as follows:-

1) The enquiry was conducted without giving her an opportunity to examine the witness and also submit her version at the time of enquiry. Hence, the applicant could not defend her case at all.

2) The Deputy Commissioner who issued the dismissal order acted as complainant and ~~and also~~ who finally disposed of her case. Hence the principle of natural justice has been violated grossly.

Those contentions are also included in her appeal dated 15-4-94.

The learned counsel for the applicant submits that in view of the violation of natural justice and for other reasons the impugned order should be set aside and the applicant should be reinstated with consequential benefits.

7. After hearing this case for some time we have suggested to the applicant whether it ^{would} be in the fitness of things to allow the appellate authority to dispose of her appeal dated 15-4-94. As the OA was admitted the appellate authority was restrained from passing any order on her appeal in view of the Section 19(4) of the ~~CA~~, Act, 1905. ~~we also~~

^{would} the departmental authorities ~~will~~ be more beneficial to her as they may now ~~sympathetic~~.

8. The learned counsel for the applicant fairly submitted that he has no objections for the appeal being disposed of by the appellate authority. But requested to fix time to be taken by him for disposal which should be short so that the applicant may be able to get reinstated ^{to} service within a short period.

Article No.V. That on 10-11-1993 while functioning in the aforesaid office, the said Miss K.R.R.S.Devi refused to receive the Memorandum in No.Con.661/93, dated 8-11-1993, issued to her by the Deputy Commissioner of Income-tax (Hqrs) (Adm) and (Vig), Office of the Chief Commissioner of Income-Tax, Hyderabad, thus violating the provisions of rule 3 (1)(iii) of CCS (Conduct) Rules, 1964.

An enquiry was conducted and the applicant did not participate in the enquiry. It is stated that she/him ~~not~~ received notice for appearing before the enquiry officer in regard to her charge sheet. An ex parte decision was taken. The enquiry report, holding that all the 5 charges against the applicant as proved, is enclosed from Page No. 26 to 42 to the OA. It is also stated that a copy of the enquiry officer's report was given to her along with the order of dismissal dated 5-4-94. The disciplinary authority by the impugned order No. C.O. 11/74-75 dated 5-4-94 (page 1) to the OA dismissed the applicant w.e.f. Forenoon of 7th April, 1994.

of Income Tax, A.P. Her appeal is at page-16 to 58 to the OA. It
her appeal within six months. Hence she filed this OA on 28-11-94
challenging the order No.Con.6(1)/94-95 dt. 5-4-94 of R-1 to
set aside the same and also praying for consequential direction to
the respondents to reinstate her in service as Stenographer Grade-III

3. The OA was admitted on 7-12-94 and it came up for hearing to-day.

4. The learned counsel for the applicant submits that even at the time of admission he had requested the Bench to post this case immediately as the applicant was removed from service and is ^{was} application for hearing this case expeditiously. In any case the OA submitted that the applicant is suffering badly for want of assistance and ^{monetary} hence the OA may be disposed of quickly.

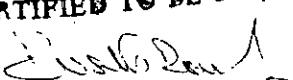
9. The learned counsel for the respondents submitted that he has no objection if the appellate authority is asked to dispose of the appeal in accordance with law. But the time to be given to him for the disposal should be atleast two months from to-day.

10. Having heard both the sides, the following direction is given:-

The appellate authority should dispose of her appeal dated 15-4-94 ~~within~~ on or before 30-09-97 taking due note of the observations made in this judgement as well as the short gist indicated ^{other} of the contentions in the judgement and also her contentions raised in the appeal. In case the applicant applies for a personal hearing before the disposal of the appeal she should be allowed ^{to appear before} to meet the appellate authority for a personal hearing.

11. The OA is ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY



न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
हैदराबाद न्यायालय
HEDERAHAD NAYAALAY
N.Y.A.L.Y. BENCH