

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.

CIRCUIT COURT SITTING AT BILASPUR (CHHATTISGARH)

Original Application No. 59 of 2000

Bilaspur, this the 25th day of September, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Smt. Sharda Sidar, D/o. Shri Gopinath
Sidar, age about 29 years, Permtt.
Address : Vill. Kotra Post :
Bade Nawapara, Thana : Saria,
Tehsil : Sarangarh, Distt. Raigarh M.P. ... Applicant

(By Advocate - Shri S.T.H. Rizvi)

Versus

1. Union of India, Rep. through
Secretary, Ministry of Comms.
Govt. of India, Deptt. of Posts,
New Delhi.

2. The Member (Personnal), Postal
Services Board, Dak Bhavan, Sansad
Marg, New Delhi.

3. The Chief Postmaster General,
M.P. Circle, Bhopal.

4. The Director Postal Services
O/O P.M.G. Raipur Region, Raipur.

5. The Superintendent, RMS,
'RP' Division, Raipur. ... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

ORDER (Oral)

Justice V.S. Aggarwal -

The applicant Smt. Sharda Sidar had joined the service as Sorting Assistant on 19.10.1991. A charge sheet was served to the applicant on the ground that the higher secondary certificate produced by the applicant at the time she was appointed was a fake document. After the enquiry was held the report was adverse to the applicant. Thereupon the applicant has been removed from service. An appeal was filed which was allowed and the matter was remitted. In revision petition the appellate

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order was set-aside and the order of the disciplinary authority was restored.

2. The sole question raised for purpose of the present application was that there was no evidence produced during the enquiry by examining a proper witness that the certificate produced by the applicant was a fake document.

3. It was not being disputed during the course of submission that no witness has been called from Madhyamik Shiksha Mandal. The respondents acted upon the letter written by the Madhyamik Shiksha Mandal and accepting the same to be correct the impugned orders were passed.

4. Under Article 311 of the Constitution before a person is removed from service he has to be given a reasonable opportunity. This includes examining of witnesses and permitting the alleged delinquent to cross-examine the same. In the present case the letter of Madhyamik Shiksha Mandal was read into evidence without summoning any witness to prove the same or affording any opportunity to the applicant to cross-examine any such person. It appears that no attempt was made even to prove that letter. In such a situation the applicant is justified in contending that reasonable opportunity was declined to her during the departmental enquiry.

5. In view of the aforesaid we need not express ourselves on the other controversy because in our opinion expression would be embarrassing to either party.

6. Resultantly we quash the impugned orders and remit the case to the disciplinary authority who may after dealing appropriately pick up a loose threads and allow further

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evidence in this regard to examine the witnesses to prove the assertion.

7. We make it clear that the applicant would continue to be under suspension during the course of the enquiry. The proceedings if to be initiated should be completed preferably within four months of the receipt of copy of the order. OA is allowed.

Anand Kumar Bhatt

(Anand Kumar Bhatt)
Administrative Member

(S) Ag.

(V.S. Aggarwal)
Chairman

"SA"

पृष्ठांकन सं. ओ/व्या..... जवलपुर, दि.....
संविदेशीय अन्यों द्वारा :-

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(4) ~~.....~~ अन्यों द्वारा अन्यों द्वारा

Adm.

S. K. Rizvi *Replies*

S. A. Shamadhari *Agree*

Shastri
6/16/03

*Received
7/1/03*