

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA No. 2445/2013

New Delhi this the 4<sup>th</sup> day of September, 2018

**Hon'ble Mr. K.N.Shrivastava, Member (A)**  
**Hon'ble Mr. S.N.Terdal, Member (J)**

Mrs. Malancha Dasgupta  
Librarian, SKV, Sector II,  
R.K.Puram, New Delhi-110022  
Resident of Flat No. BTB 024,  
Phase-II, DLF City – 122002.  
(Group B Employee)

... Applicant

(Present: None )

**VERSUS**

1. The Chief Secretary,  
Government of National Capital  
Territory of Delhi,  
Secretariat of Government of National  
Capital Territory of Delhi,  
5, Sham Nath Marg, Delhi-110054
2. The Director Education,  
Directorate of Education,  
Government of National Capital  
Territory of Delhi,  
Old Secretariat, Delhi-110054
3. The Dy. Director of Education,  
District North – West,  
C-4, Vasant Vihar, New Delhi-57

... Respondents

(By Advocate: Mr. Vijay Kumar Pandita )

**ORDER**

**Hon'ble Mr. S.N. Terdal, Member (J):**

Heard Shri Vijay Kumar Pandita counsel for respondents,  
perused the pleadings and all the documents produced by both the  
parties.

2. In the OA, the applicant has challenged the orders regarding issuing charge memo dated 21.03.2014 and the appointment of Inquiry Officer and Presenting Officer as per the following reliefs:

- “(a) Direct the respondents to give effect to the resignation letter dated 12.02.2011 (Annexure A/7) by issuing the release certificate to Applicant and releasing all her terminal dues such as P.F, Gratuity, unpaid salary, Pension etc. which has been illegally withheld by them.
- (b) Declare the Impugned Orders dated 21.03.2013 (Annexure A/1) and dated 06.05.13/04.06.13 (Annexure 2) as illegal, unconstitutional, unwarranted and deliberate misuse of power by Respondents.
- (c) Award exemplary Compensation and cost in favour of Applicant and against Respondents in failing to discharge their statutory duties honestly & diligently and to cause constant mental agony, harassment and loss of Career opportunities to the Applicant lasting over more than two decades and for acting with mala fide & vengeance against her. It should be recovered from the Respondents salaries/ terminal dues so that it acts as deterrent in future for all such Public Authorities.
- (d) Pass such other or further Order/Orders or such directions as this Hon’ble Tribunal may deem fit in the facts and circumstances of this case and to meet the ends of justice.”

3. The relevant facts of the case are that proposing to hold a departmental enquiry for being unauthorizedly absent for a long periods of time under Rule 14 of the Central Civil Services (CCA) Rules, 1965 a memorandum was issued to the applicant on 21.03.2013 for holding a departmental enquiry with respect to the following article of charge.

“Article-1

That Smt. Malancha Das Gupta Librarian, after a long absence from duties w.e.f 07.09.89, reported for duty on 12.02.92 (FN) in District South, Dte. Of Education, GNCTD. After her joining on 12.02.1992 the then DDE (South) posted her in GBSSS, Fatehpur Beri vide order No. 148 endorsed vide no.F.122/2(s)/DSA/91/5203-5205 Dt.19-02-92 which Smt.Malancha Das Gupta, Librarian, failed to

comply with and absented herself since then without approval/permission of the competent authority.

Smt. Malancha Das Gupta, Librarian, after unauthorized absence, as above, reported in the Distt. Office for duty again on 18-12-92 and was posted in GBSS, Sec.5, R.K.Puram, New Delhi vide order no. 951 endorsed vide no. F.122/2(S)/DSA/91/29209-214 Dt.30-12-92. But instead of joining she again remained absent from duty after giving joining on 18.12.1992.

Smt.Malancha Das Gupta, Librarian, again after a long period of unauthorized absence reported for duty on 04.12.2000 in Distt.Office and was posted in SKV, Sec. II, R.K.Puram, New Delhi vide order No. DE/54/ DDE/ Admn/SW/2K/14902-07 dated 11.12.2000. She attended the Distt. office from 04.12.2000 to 11.2.2000 and since then absenting herself from duty without approval/permission of the competent authority.

Thus by the above acts Smt. Malancha Das Gupta, Librarian, has shown lack of devotion to duty and total disregard to written directions issued by higher authorities and exhibited a conduct unbecoming of a Govt. servant thereby contravening the provisions of Rule 3 of CCS (Conduct) Rules 1964."

4. Along with memorandum dated 21.03.2013, statement of imputation of misconduct, list of documents and list of witnesses were furnished to the applicant. Vide order dated 06.05.2013 an Inquiry Officer and Presenting Officer was appointed for holding departmental enquiry. The applicant has challenged both the above said orders by filing this OA.

5. None was present for the applicant at the time of hearing. Both the parties have filed written arguments. From the perusal of the written arguments filed by the respondents it is clear that there was no interim order in this case and that in continuation of the impugned order dated 21.03.2013, a departmental enquiry was held and in the departmental enquiry, as the applicant did not participate, the Enquiry Officer held that the charge against the applicant is proved. A

termination order was passed by the disciplinary authority vide their letter No. DE.7/SWA/164/NGV/2008/5918 dated 04.09.2013. The relevant portion of the order is extracted below:-

“Now, therefore, having considered carefully the submission of the CO, the material available on record and other relevant aspects of the case including the orders of Hon’ble CAT, I Amit Singla, Director of Education being the Disciplinary Authority hereby impose the penalty of Removal from Service with immediate effect upon Smt. Malancha Das Gupta, Librarian which shall not be a disqualification for her future employment under the Government. Further, the entire period of unauthorized absence of the said Smt. Malancha Das Gupta, Librarian shall be treated as Dies-non for all purposes.”

6. In view of the departmental proceedings having been completed, no useful purpose would be served by deciding about the legality of the impugned orders. In the circumstances, OA has become infructuous.

7. Accordingly, OA is dismissed. No order as to costs.

**(S.N.Terdal)**  
**Member (J)**

**(K.N.Shrivastava)**  
**Member (A)**

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