

**Central Administrative Tribunal
Principal Bench**

OA No.2630/2019

New Delhi, this the 4th day of September, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Madhulika Samanta,
D/o Shri Alok Samanta,
Aged about 44 years,
Superintending Archaeologist,
Temple Survey Project (North India),
Archaeological Survey of India,
Ministry of Culture,
3rd Floor, Nirman Sadan, 52A Arera Hills,
Bhopal-4620011, Madhya Pradesh.

Currently residing at :
127/9A, Saketnagar,
Bhopal-462024.

...Applicant

(By Advocate : Shri Prateek Tushar Mohanty)

Versus

1. Union of India Through
The Secretary,
Ministry of Culture,
Room No.501, 'C' Wing, Shastri Bhawan,
New Delhi-110015.

2. Director General,
Archaeological Survey of India,
Ministry of Culture,
24, Tilak Marg,
New Delhi-110011.

...Respondents

(By Advocate : Shri Rajnish Prasad)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The applicant is working as Superintending Archaeologist in the Archaeological Survey of India, Ministry of Culture, Government of India. It is stated that she has undertaken certain excavations at site of Nagwa, District Singrauli, Madhya Pradesh, during the field season 2018-19. Taking note of a news item published in the Times of India dated 26.03.2019, the Director General issued a notice to the applicant, requiring her to explain certain aspects. In reply thereto the applicant addressed a letter dated 04.04.2019. Taking note of the same, the office of the Additional Director General addressed a letter dated 07.05.2019, administering warning to the applicant. She was also directed to submit a detailed account on the excavation carried out by her. The same is challenged in this OA.

2. The applicant contends that the warning, contained in the impugned letter dated 07.05.2019, amounts to imposition of punishment and the same could not have been done without initiating the proceedings, in accordance with law.

3. We heard Shri Prateek Tushar Mohanty, learned counsel for applicant and Shri Rajnish Prasad, learned counsel for respondents, at the stage of admission.

4. Excavation was undertaken by the applicant herein, at the site, referred to above. A detailed news item appeared in the press. The applicant is said to have addressed the reporters about the result of the excavations. The Directorate felt that its permission was not obtained before the excavation was undertaken and required the applicant to explain. In her reply dated 04.04.2019, the applicant sought to justify her steps, and in a way, challenged the very authority to question that. A serious note of this was taken and the impugned letter dated 07.05.2019, was issued administering warning, to her.

5. In the impugned letter, a detailed reference was made to the acts and omissions on the part of the applicant, which according to the respondents, do not befit the office held by the applicant. Nowhere, it was mentioned that the warning given to the applicant is a punishment. However, since the applicant is of the view

that it amounts to a punishment, it becomes necessary that the prescribed procedure is followed. The respondents need to issue a memo under Rule 14 or 16, as the case may be, of the CCS (CCA) Rules, 1965, depending on the nature of punishment, they propose to impose.

6. We, therefore, allow the OA and set aside the impugned letter dated 07.05.2019, leaving it open to the respondents to initiate steps, in accordance with the relevant provisions of law.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

'rk'