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Central Administrative Tribunal, Principal Bench

Original Application No.310 of 2003

New Delhi, this the 7th day of August, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member (A)

Smt. Kawal,
W/o Sardar Sukhbir Singh
R/o 15/603, Gali Awvewali
Ajitgarh, Tarn Taran
District Amritsar,
Punjab

.... Applicant

(By Advocate: Shri A.K. Behera)

Versus

1. Govt. of NCT of Delhi
Through the Chief Secretary
Players Building, Near ITO
IP Extension, Delhi
2. The Secretary,
Department of Education
Govt. of NCT of Delhi
Old Secretariat,
Delhi-54
3. The Director of Education
Govt. of NCT of Delhi
Old Sectt., Alipur Road,
Delhi-54
4. Deputy Director of Education (East)
Rani Garden, Geeta Colony,
Delhi

.... Respondents

(By Advocate: Shri George Paracken)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant is a Trained Graduate Teacher (TGT) Punjabi. Disciplinary proceedings had been initiated against her. The enquiry officer had exonerated her recording that the charges are not fully proved. When the matter came up before the disciplinary authority, without issuing any show cause notice or recording a note of disagreement, it proceeded to serve a notice to the applicant proposing as to why major penalty should not be imposed upon her. It was followed by imposition of penalty

V.S. Aggarwal

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of removal from service. The appeal preferred by the applicant has since been dismissed. Hence the present application.

2. We are not dwelling into the other controversies of the merits of the matter. This is for the reason that it was urged that while the enquiry officer as already mentioned above has recorded that the charges are not fully proved, the disciplinary authority did not record the note of disagreement nor gave a show cause notice to the applicant.

3. The principle of law so stated are not disputed and are based on principles of equity and fair play. Once the disciplinary authority differs from the report of the enquiry officer, necessarily a tentative decision in this regard should be recorded and communicated to the delinquent calling for his explanation before taking any further steps. That has not been done.

4. Necessarily on this short ground, the impugned order will not stand scrutiny and is hereby quashed. We make it clear that the disciplinary authority may from the stage referred to above, if deemed appropriate, pass a fresh order. The applicant would be entitled to reinstatement in accordance with rules with consequential benefits. O.A. is disposed of.

S.K. Naik
(S.K. Naik)
Member (A)

V.S. Aggarwal
(V.S. Aggarwal)
Chairman