

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/020/184/2014

Dated: 21/11/2019

Between



Smt. X. Sunitha Latha,
D/o. Late Sri G. Sanjeev Rao,
Aged about 50 years,
Working as Assistant-A (undercompulsory retirement),
E.C. No.1119, National Remote Sensing Centre,
Hyderabad
R/o. 12-10-405/2, Namalgundu Seethapalmandi,
Secunderabad.

... Applicant

AND

1. National Remote Sensing Centre,
Dept. of Space, Govt. of India,
Personnel & General Administration,
Hyderabad rep. by its
Head P & GA.
2. National Remote Sensing Centre,
Department of Space,
Indian Space Research Organization,
Govt. of India, Balanagar,
Hyderabad rep. by its
Controller & Appellate Authority,
Hyderabad.

... Respondents

Counsel for the Applicant : Dr. K. Lakshmi Narasimha
Counsel for the Respondents : Mr. V. Vinod Kumar, Sr. CGSC.

CORAM :

Hon'ble Mr. S.N. Terdal, Member (Judl.)
Hon'ble Mrs. Naini Jayaseelan, Member (Admn.)

ORAL ORDER

{ Per Honøble Mr. S.N. Terdal, Member (Judl.) }

Heard Dr. K. Lakshmi Narasimha, learned counsel for the applicant and Sri V. Vinod Kumar, learned counsel for the respondents on delay and condoned the delay in the interest of justice.



2. The reliefs prayed for in the O.A. are as follows:

ö(a) call for records pertaining to the impugned order No.P&GA.PLVDS.dp (1119)/1550 dated 19 Feb 09 issued by the 1st respondent imposing the major penalty of compulsory retirement from service and set aside the same as being violative of Articles 14, 16 & 21 of Constitution of India and violative of Rules and consequently

(b) set aside the Appellate Authority order issued by the 2nd respondent vide Order No.NRSC:P&GA:SEC-1) 111909 dated 16 Sept 2009 as violative of principles of natural justice and violative of Right to life and violative of Articles 14, 16 & 21 of Constitution of India and

(c) and consequently direct the respondents to reinstate the applicant into service with all consequential benefits like arrears of salary and other allowances etc., and pass such order or orders as deem fit and proper in the interest of justice.ö

3. The relevant facts of the case are that in the inquiry proceedings, the Inquiring Officer has recorded with respect to almost all the articles of charges to the effect that the applicant, as a Charged Officer, has admitted to the charge. The counsel for the applicant vehemently and strenuously submitted that as per the statutory provisions of conducting departmental enquiry, the procedure to be followed by the Inquiring Officer is that the Inquiring Officer shall have to read out the charge specifically to the delinquent employee and ask specifically whether the delinquent employee plead guilty with respect to that charge and he has to record the specific plea made by the delinquent employee and he has to sign and he has to take the signature of the delinquent employee. The Inquiry Officer has to follow the

above procedure with respect to each of the charges. The said Rule 14 (9) of CCS (CCA) Rules is extracted below:

14(9) If the Government servant who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the Inquiring Authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the Government servant thereon.

(Emphasis supplied)

4. The counsel for the respondents gave a photocopy of the relevant portion of the proceedings of the inquiry recorded as on 01.02.2008 and submitted that the Inquiring Officer has not violated the procedure as stated under Rule 14 (9). The proceedings submitted by the respondents are extracted below:

Proceedings of the inquiry and deposition of Smt. X. Sunitha Latha, Sr. Asst.-A, E.C. No.1119 as a witness recorded on 01.02.2008 at 1400 hours in the chamber of I.A at NRSA, Balanagar, Hyderabad.

Article of Charge-1

Examination-in-Chief

It is a fact that I borrowed an amount of Rs.25000/- from Indian Bank, Barkatpura, Hyderabad on the recommendations of my friend Mrs. Padmavathy, Nallakunta, Hyderabad. I deny that I produced a letter carrying the signatures of Shri Joseph Arokiadas, Group Head, NRSA Data Centre and his official rubber stamp. I failed to repay the loan taken from the Bank resulting as a defaulter. At present there is no amount outstanding against me as I have repaid total amount due to the Bank.

Cross-Examination

PO: Manager, Indian Bank, Barkatpura Branch, wrote a letter to the Group Head, NRSA Data Centre to the effect that as per letter dated 25.06.2004 of Group Head, NRSA Data Centre he was requested to recover an amount of Rs.1740/- pm from Smt. X. Sunitha Latha and send the same to them. Is it a fact that you have produced a letter dated 25.6.2004 purported to be signed by Shri Joseph Arokiadas, Group Head, NRSA Data Centre?

CO: I have not produced any such letter to the bank authorities to get the loan of Rs.25000/- from Indian Bank, Barkatpura Branch, Hyderabad. The statement of Indian Bank in their letter dated 10.01.2006 to the effect that I have borrowed an amount of Rs.25,000/- and defaulted in repaying is correct.

Re-Examination

CO stated that there is no need for re-examination.



Article of Charge-II

Examination-in-Chief

I admit the Article of Charge-II to be true in all respects.

Cross-Examination

PO stated that there is no need for cross examination.

Re-Examination

CO stated that there is no need for re-examination.

Article of Charge-III

Examination-in-Chief

I admit the Article of Charge-III to be true in all respects.

Cross-Examination

PO stated that there is no need for cross examination.

Re-Examination

CO stated that there is no need for re-examination.

Article of Charge-IV

Examination-in-Chief

It is a fact that I stood as surety to Shri A. Anand Sagar for repayment of chit amount after the bid. Since he did not pay the amount to M/s. Shriram Chit Funds Pvt. Ltd., Hyderabad, a Court attachment order was sent to NRSA. I admit Article of Charge-IV to be true in all respects.

Cross-Examination

PO stated that there is no need for cross examination.

Re-Examination

CO stated that there is no need for re-examination.

Article of Charge-V

Examination-in-Chief

I admit the Article of Charge-V to be true in all respects.

Cross-Examination

PO stated that there is no need for cross examination.

Re-Examination

CO stated that there is no need for re-examination.

Article of Charge-VI

Examination-in-Chief

I admit the Article of Charge-VI to be true in all respects. However, the amount was subsequently repaid by me in full.

Cross-Examination

PO stated that there is no need for cross examination.

Re-Examination

CO stated that there is no need for re-examination.

Article of Charge-VII

Examination-in-Chief

I admit the Article of Charge-VII to be true in all respects.



Cross-Examination

PO stated that there is no need for cross examination.

Re-Examination

CO stated that there is no need for re-examination.

The deposition of Smt. X. Sunitha Latha, is completed and closed.

With the above deposition the case of the CO is closed.

IO: The PO is required to submit his written brief on or before 10.2.2008 with a copy being endorsed to the CO. Immediately on receipt of written brief from the PO, the CO is required to submit her written brief within ten days from the date of receipt of the written brief from the PO.



[X. SUNITHA LATHA]
CHARGED OFFICIAL

[K. CHIRANJEEVI RAO]
PRESENTING OFFICER

[S.V. KRISHNA RAO]
INQUIRY OFFICER

5. The above extraction clearly shows that the Inquiring Officer has not read out each of the 7 charges to the delinquent employee and asked her whether she pleads guilty.
6. In view of the above facts and circumstances, as rightly submitted by the counsel for the applicant, it is very clear that there is violation of the above stated Sub Rule 9 of Rule 14 of the CCS (CCA) Rules in conducting Inquiry Proceedings. Hence, as it goes to the very root of the case, we set aside the inquiry proceedings and the subsequent punishment order dated 10.02.2009 passed by the Disciplinary Authority and the order dated 16.09.2009 passed by the Appellate authority and direct the respondents to reinstate the applicant into service with all consequential benefits. The respondents are at liberty to hold enquiry in accordance with the relevant provisions.
7. The O.A. is accordingly allowed. No order as to costs.

(NAINI JAYASEELAN)
MEMBER (ADMN.)

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(S.N. TERDAL)
MEMBER (JUDL.)