

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: December 01, 2017

+ W.P.(C) 10648/2017

SMT. SEEMA KATYAL Petitioner
Through: Dr.L.S.Chaudhary, Mr.Ajay Chaudhary,
Ms.Rakhi Tomar, Mr.Anurag Singh
Tomar, Mr.Vishesh Kumar,
Mr.Parambeer Singh and Mr.Viresh
Chaudhary, Advocates

Versus

UNION OF INDIA AND ANR. Respondents
Through: Mr.Ripu Daman Bhardwaj, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

1. Petitioner's appeal of 21st February, 2006 (*Annexure P-11*) is said to be pending before the Chairman of second respondent. It is petitioner's case that despite reminders (*Annexures P-12 to P-14*), the fate of petitioner's appeal is not known. It is pointed out that as per RTI information (*Annexure P-16*) received on 22nd December, 2010, no record/file of petitioner is available and petitioner had preferred an appeal under RTI Act on 30th October, 2013 which was responded to vide order of 9th December, 2013 (*Annexure P-24*) wherein it was disclosed that petitioner's appeal of 21st February, 2006 is not available in the

Establishment Section of second respondent.

2. It is also the case of petitioner that he approached Central Information Commission (hereinafter referred to as 'CIC') on 21st August, 2014 through an application (*Annexure P-33*). Vide order of 27th November, 2015 under Right to Information Act, 2005, a direction was issued to Central Public Information Officer to recheck the records of second respondent and the office of the Chairman of second respondent and to file an affidavit regarding the outcome of such rechecking. The Central Public Information Officer had intimated CIC that on rechecking, no information is available about petitioner's appeal. Learned counsel for petitioner submits that vide application of 10th August, 2016 petitioner had sought personal hearing from Chairman of second respondent but to no avail and this led petitioner to file an Original Application before the Central Administrative Tribunal which as per order of 18th September, 2017 (*Annexure P-40*) has not been entertained by observing that the Tribunal has no jurisdiction to entertain petitioner's application.

3. Despite service of advance notice, none appears on behalf of second respondent.

4. Upon hearing, I find that the factum of petitioner's filing appeal in February, 2006 is borne out from respondent's Dak Register of the year 2006 (*Annexure P-22 colly*).

5. Since it is the case of petitioner that her communication of 10th August, 2016 (*Annexure P-38*) to Chairman of second respondent has not been responded to, therefore it is deemed appropriate to dispose of this petition with direction to second respondent to treat petitioner's communication of 10th August, 2016 (*Annexure P-38*) as an

appeal/representation, within a period of 6 weeks and personal hearing as sought by petitioner be provided and thereafter a speaking order be passed by second respondent in relation to petitioner's grievance against order of 10th January, 2006 vide which penalty of removal from service was inflicted upon petitioner. The outcome of the communication (*Annexure P-38*) be made known to petitioner within 2 weeks thereafter, so that petitioner may avail of the remedy as available in law, if need be.

6. Second respondent be apprised with this order forthwith to ensure compliance of this order.

7. This petition is disposed of in aforesaid terms.

DECEMBER 01, 2017

mamta

**(SUNIL GAUR)
JUDGE**