

**TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL
NEW DELHI**

Dated 5th September, 2018

Cyber Appeal No. 6 of 2018

Smt.Praveen Prakash

... Appellant

Vs.

National Insurance Company Ltd. &Anr.

... Respondents

BEFORE:

**HON'BLE MR. JUSTICE SHIVA KIRTI SINGH, CHAIRPERSON
HON'BLE MR. A.K. BHARGAVA, MEMBER**

Appellant : Mr.Yashdeep Choudhary, AR with
Smt. Praveen Prakash

Respondents : None.

ORDER

By S.K. Singh, Chairperson – Heard the learned Authorised Representative of the appellant assisted by the appellant herself.

2. The prayer of the appellant is to admit the appeal and issue notice. This appeal is directed against the impugned order dated 04.06.2018 passed by the Adjudicating Officer who is the Principal Secretary, Department of Science & Technology, Government of Madhya Pradesh. A perusal of the impugned order discloses that after hearing the parties on admission, the application of the appellant was rejected at the admission stage itself. The Adjudicating Officer rightly held that the dispute relates to an Email sent from the petitioner's

account on 13.09.2014. According to appellant(petitioner) the said Email was sent not by her but by some other person by way of fraud so as to affect her service career adversely and cause illegal harm entitling her to compensation. Her allegation is that her defense of Email being fraudulent was not inquired into seriously and the FIR lodged much later in 2017, was not properly investigated by the Cyber Cell and that the investigation was wrongly closed on the ground that logs of the computer system for the relevant period were not available. The learned Adjudicating Officer found that the Email was related to administrative actions affecting the transfer and promotion of the petitioner against which she had preferred case upto High Court of Madhya Pradesh and lost. It was also held that there was no proof that the losses suffered by way of administrative actions were attributable to the alleged Email.

3. The Adjudicating Officer has noted that the appellant's dismissal order is dated 31.01.2017. The police case lodged by the appellant before the Cyber Cell is of a later date and on going through the materials on record, except the allegations made by the appellant, there is no material to show that the Email account of the appellant was hacked for one Email dated 13.09.2014. The recent orders of the Hon'ble Madhya Pradesh High Court also do not help the appellant's cause.

4. The various provisions in the Information Technology Act, 2000 and the relevant rules require the respondent No.1 to maintain the integrity of its

computer system and also to have a reasonable security procedure in effect. The logs of the past are not required by law to be kept beyond 90 days as per submission made by the Authorised Representative himself. In such circumstances, the legal provisions do not help the appellant nor is there any evidence which may require detailed hearing and appreciation. In our considered view, the learned Adjudicating Officer was right in holding that unless the loss suffered by the petitioner/appellant in service matters is held to be wrongful loss, no damage can be granted in the present matter. But those administrative decisions cannot be adjudicated in the present proceedings, moreso, when the appellant has lost in those matters upto the High Court.

5. In the facts of the case, we find no merit in this appeal. It is, therefore, dismissed.

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(S. K. Singh, J)
Chairperson

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(A.K. Bhargava)
Member