

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/175/2020

Hyderabad, this the 26th day of February, 2020



Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

Avula Reddy Prasad, Station Master (Group C),
Madanapalli, RS South Central Railway,
S/o. late A. Rajanna, aged about 42 years,
H. No. 8-36, Kumarnagar, Beside Railway Quarters,
Vayalpadu, PIN – 517 299.

... Applicant

(By Advocate: Mr. G. Trinadha Rao)

Vs.

1. Union of India, Rep. by
The General Manager,
South Central Railway, Rail Nilayam,
3rd Floor, Secunderabad – 500 025.
2. Divisional Railway Manager,
Guntakal Division, South Central Railway,
Guntakal.
3. Additional Divisional Railway Manager,
Guntakal Division, South Central Railway,
Guntakal.
4. Senior Divisional Operations Manager,
Guntakal Division, South Central Railway,
Guntakal.
5. Assistant Vigilance Officer,
Vigilance Branch, 3rd Floor,
Rail Nilayam, South Central Railway,
Secunderabad.
6. Inquiry Officer,
Enquiry Inspector, SRGM's Office, 3rd Floor,
Rail Nilayam, South Central Railway, Secunderabad.

... Respondents

(By Advocate: Mr. S.M. Patnaik, SC for Railways)

ORDER (ORAL)
{As per B.V. Sudhakar, Member (Admn.)}

2. The OA is filed challenging the impugned order dated 11.7.2019 in regard to disciplinary inquiry.



3. Brief facts are that the applicant, while working as Traffic Inspector, was issued a major penalty charge memo dated 11.7.2019 and during the regular hearing of the inquiry on 20.9.2019, applicant sought original of the relied upon documents (for short “RUD”) and accordingly, Inquiry Officer informed on 12.12.2019 that in regard to the original documents and the original complaint sought, a reference has been made to the Disciplinary Authority. 5th respondent belonging to the Vigilance Department vide Ir. dated 7.1.2020 refused to provide the documents. Inquiry Officer accordingly ruled refusal to supply the original documents and the complaint copy. Hence, the OA.

4. The contentions of the applicant are that without furnishing RUD, the inquiry would be vitiated. Absence of crucial documents would cripple the defence. Any finding based on the documents, which were not supplied would be perverse. Photo copied documents without being attested lack authenticity. Principles of Natural Justice are infringed by not supplying documents based on which the applicant is proceeded against.

5. Heard both the counsel and perused the pleadings on record.



6. I) The learned counsel for the applicant submitted across the bar, a photo copy of Pass /Voucher Related Information (Report No.66), one of the RUD, which he has pointed out was not attested. His banal arguments are that the respondents are refusing to supply or permit perusal of original documents relied upon which would undoubtedly adversely affect his defence. In response the Ld. counsel for the respondents has repeatedly submitted that the Tribunal should not interfere in matters of disciplinary inquiry. When questioned as to whether the original documents were furnished, Ld. Counsel for the respondents averred that they were. Immediately Ld. Applicant's counsel retorted that the photo copied documents supplied by the respondents submitted across the bar would, in no uncertain terms, demonstrate the disappearance of truth in the submission of the Ld. Counsel for the respondents. Ld. Counsel continued by submitting that it is well settled law that RUD are to be furnished to enable the charged employee to mount an effective defence. He further vehemently averred that the Principles of Natural Justice are to be invariably complied in a disciplinary inquiry and prayed that the respondents be directed to proceed with the inquiry after providing the original /attested documents. Besides, refuting the submission of the Ld. Counsel for the respondents that the Tribunal should not interfere in issues of disciplinary inquiry, the Ld. applicant counsel has thundered claiming that the Tribunal cannot be a silent spectator when gross injustice done by flouting law, is brought to its august notice.

II) After hearing both the sides at length as at above, the Tribunal is of the view that the respondents need to be directed to proceed with the

inquiry as per rules, Principles of Natural Justice and law laid down in regard to providing documents relied upon. In the same vein, it is also to be observed that the applicant need to cooperate with the respondents in the conduct of the inquiry and if any inadequacies, which jeopardise his defence are noticed, they be raised during the inquiry and continue at further levels of processing of the disciplinary case, in accordance with law.



Accordingly respondents and the applicant are directed. It is only the beginning and at this stage, Tribunal to opine on the issue is not called for, except as is provided under law to the extent stated supra.

III) With the above direction, the OA is disposed of, at the admission stage, without going into the merits. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

/evr/