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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 3015/2001

Tuesday, this the 6th day of November, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Vijay Kumar
Chief Parcel Clerk, Northern Railway
Karnal.

...Applicant

(Applicant in person)

Versus

1. General Manager, Northern Railway,
Head Quarter, Baroda House, New Delhi
2. Divisional Traffic Manager,
Northern Railway,
DRM Office State Enntry Road, New Delhi

...Respondents

O R D E R (ORAL)

Justice Ashok Agarwal:-

Disciplinary proceedings have been initiated against the applicant vide charge-sheet of 24.5.2001 at Annexure A-5. After aforesaid charge-sheet was served upon him, applicant submitted an application seeking supply of documents contained in the charge-sheet in Hindi. Aforesaid request has been rejected by an order passed on 26.6.2001 at Annexure A-1 by stating that applicant knows English. His application for documents to be furnished in Hindi was also made in English. Applicant had made a similar prayer for supply of documents in Hindi by his application addressed to Chief Official Language Officer, who in turn has issued an order of 30.7.2001 directing supply of copies in Hindi under Rule 7/3 of the Hindi Official Languages Rules, 1976 at Annexure A-6. Aforesaid order, it is apparent, has been issued after the order of 26.6.2001 at Annexure A-1.

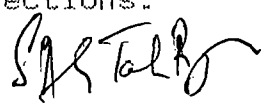
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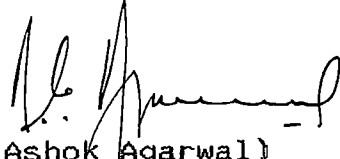
2. Applicant, in addition, by his application of 11.8.2001 at Annexure A-8, has prayed for appointment of a defence assistant. No order thereupon appears to have been passed and an Enquiry Officer and ~~the~~ Presenting Officer have already been appointed.

3. After the application of the applicant for furnishing of documents in Hindi was rejected on 26.6.2001, an Enquiry Officer has been appointed on the very next day, i.e., 27.6.2001 vide Annexure A-3. Applicant, in the circumstances, has not been afforded a reasonable opportunity of furnishing his defence before appointment of the Enquiry Officer.

4. Having regard to the aforestated facts, we find that it will be in the interest of justice to dispose of the present OA at the admission stage itself even without issuing notices with a direction to the respondents to pass a further speaking and a reasoned order on his request for furnishing documents in Hindi in the light of the directions contained in the order of the Chief Official Language Officer of 30.7.2001 at Annexure A-6, to pass suitable orders on applicant's application for appointing a defence assistant as contained in his application dated 11.8.2001 at Annexure A-8 and to afford the applicant to put in his defence and only thereafter to proceed with the disciplinary proceedings. We order accordingly.

5. Present OA is disposed of ~~with~~ the aforestated directions.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/