

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 16/1998

New Delhi this the 2nd day of March, 1998.

Hon'ble Shri S.R. Adige, Vice Chairman(A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Dr. Brij Nath Mittal,
S/O Late Sh. B.R. Mittal,
R/O D-II/164, West Kidwai Nagar,
New Delhi.

..Applicant

(By Advocate Mrs. Meera Chhibber)

Vs

1. Union of India
through Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.
2. Central Vigilance Commission,
Through Additional Secretary,
Commissioner for Deptt. Enquiries and
Inquiring Authority, Block 8/10,
Jamnagar House, Akbar Road, New Delhi-11

..Respondents

(By Advocate Shri P.H. Ramchandani)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman(A))

Applicant impugns the respondents orders dated 15.12.97 and 14.12.97 and seeks a direction to the respondents to supply the relevant documents, as requested, to enable him to file an effective defence statement.

2. ^{1. Applicant's counsel} We have heard Mrs Chhibber and Shri P.H. Ramchandani, counsel for the respondents.

3. Shri Ramchandani has invited our attention to the respondents' reply, wherein it has been stated that the respondents are ready to provide copies of the relevant documents to enable the applicant to submit his defence statement. Accordingly, we direct the respondents to supply

Copies of the same within one week from today, to enable applicant to submit his defence statement which Mrs Chhibber states will be definitely submitted within two weeks from the date of receipt of copies of the relevant documents.

4. In this connection, Mrs Chhibber contends that even without waiting for applicants defence statement, respondents are going ahead with the disciplinary proceedings, which will gravely prejudice the applicant, who even ^{on the basis of} the defence statement may be able to satisfy the disciplinary authority ^{exists} that no cause for initiating departmental proceedings against him. Shri Ramchandani avers that these apprehensions are groundless, because in any case the purpose of the defence statement is only to admit or deny the Articles of charges.

5. Action on the charge Memo. dated 31.3.97 (Ann.P.X) should be taken by respondents only after receipt of applicants defence statement and its disposal in accordance with rules and instructions, for which purpose the time schedule prescribed in para 3 above should be rigidly adhered to ^{by} both sides.

6. OA stands disposed of in terms of paras 3 and 4 above. No costs.

(Smt. Lakshmi Swaminathan)
Member(J)

(S.R. Adige)
Vice Chairman(A)