

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

DA No. 1971/96

HON'BLE JUSTICE CHETTUR SANKARAN NAIR (J), CHAIRMAN
HON'BLE SHRI R.K. AHUJA, MEMBER (A)

New Delhi, this 26th day of September, 1996.

Siyaram Sharma
S/o Sh. Bhure Lal Sharma
R/o V&PO, Gayawali, Teh. Atrauli
Distt. Aligarh.

Applicant

(Advocate: Shri S.C. Luthra)

vs

1. Govt. of India: through
The Secretary (Home)
5 Sharnath Marg,
NCT Delhi.

2. The Inspector General of
Prisons, Central Jail,
Tihar,
New Delhi.-64.

Respondents.

ORDER

R.K. AHUJA, MEMBER(A)

The applicant, an Ex-Warder of Central Jail, Tihar seeks a direction to respondents to supply him immediately copies of documents asked for by him, detailed in Annexure A-1, to enable him to file a proper application against the order of his dismissal following a departmental enquiry.

2. We have heard the learned counsel for the applicant. The plea of the applicant is that he has lost the relevant papers and when he approached respondents to supply him the copies thereof, he did not get a positive response. Shri Luthra, learned counsel for applicant

argued that he has no other means of obtaining the requisite documents from respondents except through this Tribunal. We are, however, unable to agree with this contention. The documents in question are copies of chargesheet, enquiry report, show cause notice and the enquiry proceedings which were either issued to applicant or were made available to him by the disciplinary authority. The failure of respondents to supply copies thereof cannot be termed a cause for a service grievances within the meaning of section 3(q) of the Administrative Tribunal Act, 1985, as the loss of the documents, in the possession of applicant, is not attributable to the respondents. We also decline to accept the argument that the application be entertained in terms of section 3(q)(v) which, the learned counsel submits, gives scope for exercise of powers in such cases to meet the ends of justice. We would consider it a misuse of the the judicial process of this Tribunal if such power were to be exercised to obviate the consequences of slackness and carelessness on the part of applicant.

3. The application is accordingly dismissed under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated, the 26th September, 1996.

R. K. Ahooja
(R.K. AHOOJA)
MEMBER (A)

Chettur Sankaran Nair
(CHETTUR SANKARAN NAIR (J))
CHAIRMAN