

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.375/94

(2)

NEW DELHI THIS THE 24TH DAY OF FEBRUARY, 1994.

HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)  
HON'BLE MR.B.N.DHOUNDIYAL, MEMBER(A)

Lakshman Singh, Mazdoor,  
S/o Shri Ram Swarup  
R/o Village & P.O.Dhanoli,  
Agra(U.P.) .... Applicant  
BY ADVOCATE SHRI RASHID ALVI  
vs.

1. Union of India(Through its Secretary)  
Department of Science & Technology  
New Delhi.
2. Inquiry Authority  
for Disciplinary Committee  
Surinder Kumar,  
Asst.Met.  
Indian Meteorological Deptt.  
UAL,BID,Off. Dy.Director  
General of Metereology  
Upper Air Instruments,  
Lodhi Road,  
New Delhi-110003. .... Respondents

ORDER(ORAL)

JUSTICE S.K.DHAON:

Disciplinary proceedings are going on against the applicant under Rule 14 of the Central Civil Services(Classification, Control & Appeal) Rules,1965. The order dated 22.12.1993 passed by the inquiry officer declining to accept the request of the applicant to permit him to engage a legal practitioner/ professional lawyer to defend himself in the disciplinary proceedings is being impugned in the present OA.

2. In the impugned order, the inquiry officer, in our opinion, stated the correct position. He has pointed out that the applicant is not entitled to have a legal practitioner/ professional lawyer. The applicant has been advised to take the aid of a defence assistant.

3. The opinion expressed by the inquiry officer is in consonance with the provisions

S.M.

of Rule 14(8)(a) of the CCS(CCA) Rules, 1965.

This rule inter alia states:

(3)

"The Government servant may take the assistance of any other Government servant posted in any office either at his headquarters or at the place where the inquiry is held, to present the case on his behalf, but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits."

In our opinion, the application before the inquiry officer to give him permission to engage a legal practitioner/professional lawyer was a misconceived one. The proper authority which should have been approached was the disciplinary authority. We are not inclined to interfere with the order of the inquiry officer.

4. It is not the case of the applicant in this OA that the Presenting Officer is a legal practitioner/professional lawyer. However, it is contended on behalf of the applicant that the inquiry officer is a trained lawyer. The applicant should welcome this fact that his inquiry is being conducted by a trained lawyer. We find no substance in this original application, & the same is rejected summarily.

*B.N. Dhaon*  
(B.N. Dhaundiyal)  
Member(A)

*S.K. Dhaon*  
(S.K. Dhaon)  
Vice-Chairman(J)

SNS