

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 1081/2000

New Delhi this the 7th day of July, 2000.

(2)

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

S. S. Kanbargimath
S/O Col. S. S. Kanbargimath,
R/O 2C/201, II Cross,
III Block, H.R.B.R. Layout,
Bangalore-560084.

... Applicant

(By Shri S. N. Bhat, Advocate)

-versus-

1. Sports Authority of India,
Jawaharlal Nehru Stadium,
Lodi Road Complex,
New Delhi-110003.
2. Union of India,
Ministry of Sports
through its Secretary
New Delhi.

... Respondents

O R D E R (ORAL)

Shri V.K. Majotra, AM :

This is an application against the order dated 5.9.1999 passed by the Director General, Sports Authority of India, respondent No.1 herein, removing the applicant from service. The applicant has also sought a direction to the respondents to reinstate him with full backwages and consequential benefits. The learned counsel for the applicant contended that the applicant was charge-sheeted for unauthorised absence, but the impugned order of removal has been passed on the basis of a fresh charge-sheet, though a fresh enquiry could not have been ordered by the Director General. He has also pointed out that copies of the documents produced by the applicant in defence in the first enquiry were not made available to the applicant which has prejudiced his case. The learned counsel

also mentioned that as per Annexure-Q the applicant has filed an appeal against the impugned order of removal of the applicant from service. On being asked as to how the present O.A. has been moved when the appeal filed by the applicant is still not disposed of, the learned counsel contended that nothing prevents the applicant from moving the O.A. even though an appeal is pending against the impugned order and the O.A. must be disposed of.

2. As regards the objection to initiation of the enquiry de novo, though the first enquiry had already been concluded and the enquiry report submitted, the objection has been dealt with in an order passed by the Tribunal on 19.3.1999 in O.A. No.1488/96 in which nothing objectionable was found in starting the enquiry de novo. The aforesaid O.A. was dismissed accordingly and the respondents were allowed to complete the proceedings as per law.

3. So far as non-availability of copies of the documents filed by the applicant in defence in the earlier enquiry is concerned, it may be stated that it is obligatory in disciplinary proceedings to provide copies of the documents which are proposed to be relied upon by the enquiry officer/disciplinary authority. The objection relating to non-availability of copies of the documents filed in defence in the earlier enquiry does not have any substance because these were the defence documents favouring the applicant and not relied upon by the prosecution against the applicant in the fresh enquiry. Here is a case in which it is alleged that on transfer from

Bangalore to Patiala the applicant had joined duties on 20.6.1988. However, after remaining on duty for a few days the applicant left Patiala on 8.7.1988 without permission and without obtaining leave and remained absent upto November, 1989.

4. The learned counsel has called upon us to dealwith the matter finally though the appeal against the impugned order has not yet been decided. We find, in the light of the above discussion and reasons that the O.A. is absolutely devoid of merit and is accordingly dismissed in limine.

V. K. Majotra

(V. K. Majotra)
Member (A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

/as/