

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.2498/2000

New Delhi this the 13th day of December, 2000

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Jagat Singh,  
Physical Education Teacher (PET),  
Kendriya Vidyalaya No.1,  
Delhi Cantt.,  
New Delhi-110038.

... Applicant

( By Shri Anil Srivastava, Advocate )

-versus-

1. Asstt. Commissioner, Delhi Region,  
Kendriya Vidyalaya Sangathan,  
JNU Campus, New Mehrauli Road,  
New Delhi-110067.

2. Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaeed Jeet Singh Marg,  
New Delhi.

... Respondents

( By Shri N.B.Joshy with Shri S.Rajappa, Adv. )

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

By an ad interim order passed on 29.11.2000 this  
is what has been observed :

"This is the third occasion when the applicant has approached this Tribunal in respect of the disciplinary proceedings being conducted against him. As far as the present OA is concerned, it is pointed out that after the evidence has been recorded by the enquiry officer, applicant as also the presenting officer has been called upon to submit their respective written briefs. Presenting officer has submitted his brief and a copy thereof has been furnished to the applicant. Since two pages of the same were illegible, applicant submitted a representation seeking legible copies of the same. No orders have been passed on the aforesaid representation and the enquiry officer has submitted his report by

(X)

contending that he would not consider the written brief either of the presenting officer or of the applicant. It is contended on behalf of the applicant that it was not open to the enquiry officer to deprive the applicant of submitting his written brief in the matter.

In view of the aforesaid grievance made, we direct notices to issue, returnable on 13.12.2000.

There will be an ad interim order of injunction restraining the disciplinary authority from passing final orders based on the enquiry report of the enquiry officer dated 15.11.2000."

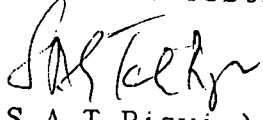
2. We have heard the learned counsel for the applicant as also the <sup>learned Counsel</sup> ~~advocate~~ appearing on behalf of the respondents. Whereas it has been contended on behalf of the applicant that he has not been given two pages of legible copies which are annexed by the applicant at annexure A-6 of the OA, <sup>hence</sup> <sub>1</sub> he has been deprived of submitting his written brief before the enquiry officer. Enquiry officer, in the circumstances, has proceeded to submit his report without having the benefit of the written brief of the applicant, which he was entitled to submit.

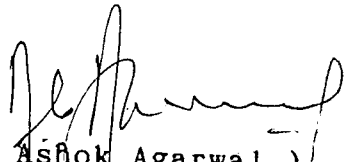
3. Proceedings of the enquiry officer indicate that the enquiry officer has not taken note of the <sup>written</sup> brief of the presenting officer either. He has submitted his report based on the evidence on record. In the circumstances, we find that ends of justice would be met by disposing of the present OA by issuing a direction to the disciplinary authority to first serve legible copies of the pages appearing at annexure A-6. Applicant should thereafter be given

12.12.00

adequate opportunity to make his submissions in regard to the report of the enquiry officer. Disciplinary authority will thereafter proceed to pass appropriate orders in accordance with law.

4. Present OA is disposed in the aforestated terms. No costs.

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

  
( Ashok Agarwal )  
Chairman

/as/