

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 544 of 2000

New Delhi, dated this the 5th October 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Ramesh Sai,
Upper Division Clerk,
National Institute of Science Communication,
Dr. K.S. Krishnan Marg,
New Delhi - 110012.
Applicant

(By Advocate: Shri Suman Doval)

Versus

1. Council for Scientific & Industrial Research,
Anusandhan Bhawan,
Safi Marg, New Delhi 110001.
2. National Institute of Science Communication,
Through its Director,
Dr. K.S. Krishnan Marg,
New Delhi 110012.
3. Dr. Rajesh Kocchar,
Director - in - charge,
National Institute of Science Communication,
Dr. K.S. Krishnan Marg,
New Delhi 110012.
4. Dr. P.S. Khuntia,
Inquiring Authority,
Central Vigilance Commission,
Satarkta Bhawan, A - Block,
GPO Complex, INA,
New Delhi 110023.

.... Respondents

(By Advocate: Shri Manoj Chatterjee)

ORDER

Mr. S.R. Adige,

Applicant impugns respondents' order dated 29.3.2000
(Page 20 of O.A.) and 31.3.2000 (Page 23 of O.A.). He seeks to allow
him to

- i) engage the service of any Government of India officer as Defence Assistant and more particularly one Shri M.D. Sharma already nominated by him to assist him in his defence in the D.E. instituted against him.
- ii) inspect all the documents and take photo copies thereof listed at Ann. A-12.

17

2. Heard.

3. In regard to relief (i) above, the reasons why respondents have declined applicant's request are contained in the body of impugned order dated 29.3.2000. It has been pointed out that under CSIR Bye Law No. 12, while the CCS (CCA) Rules have been made applicable to CSIR employees reference to 'Government' and 'Government servant' shall be construed as a reference to the "Society" and "officer and establishment in the service of the "Society" respectively, and under the circumstances the Council servants can take assistance of a Council employee alone whether serving or retired, to act as a defence assistant. However, respondents themselves in their reply to para 4.26 of the O.A. have stated the circumstances in which Delhi High Court allowed the petition in CWP No. 3774/99 Shri J.S. Pillai to engage a retired GOI officer of his choice as his defence assistant. In case applicant considers his case to be on all fours with that of J.S. Pillai, it ^{shall} ~~must~~ be open to him to make ^a self contained representation to ^{competent authority} ~~respondents~~ within four weeks from today in this regard, which ^{competent authority} ~~respondents~~ should dispose of in accordance with rules, instructions and judicial pronouncements by a detailed, reasoned and speaking order under intimation to applicant within four weeks of its receipt.

4. As regards relief (ii) above, the reply of respondents to paras 1-3 of the O.A. are not very clear. It is stated therein that out of 41 additional documents asked for by applicant, the E.O. has allowed 37 but then it is added that out of these 37 documents two cannot be provided to applicant as they are of classified nature. Applicant either

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18

can or cannot be allowed access to the official records. In this connection GOI instructions No. 23 to 25 below Rule 14 CCS (CCA) Rules contain detailed guidelines regarding supply of copies of documents and affording of access to official records to delinquent officials. The competent authority is directed to dispose of applicant's claim to inspect the documents listed at Annexure-A 12 and to take photocopies of the same in the light of the above guidelines. If the competent authority seek to deny applicant access to any of the documents listed at Ann. A-12 he shall record cogent reasons for the same.

5. The OA is disposed of as above. Interim orders are vacated. No costs.

A. Vedarani
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

karthik.