

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00466/2020

DATED THIS THE 22ND DAY OF DECEMBER, 2020

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

Ashok G. Patil,
Aged about 55 years
S/o Gopal G. Patil,
GDS BPM (on POD),
Kangrali KH BO,
A/w Nehrunagar SO, under Belagavi HO,
Belagavi-590 001.Applicant

(By Advocate Shri B. Venkateshan)

Vs.

1. Union of India,
Represented by the Secretary,
Department of Posts,
New Delhi-110 001.

2.The Post Master General,
North Karnataka Region,
Dharwad-580 001.

3.The Sr. Superintendent of Post Offices,
Dharwad Division,
Dharwad-580 001.

4.Shri M.K. Kottal,
IO & Asst. Supdt. Of Post Offices (HQ),
Office of the Supdt. of Post Offices,
Belagavi Division,
Belagavi-590 001. ...Respondents

(By Shri Vishnu Bhat for Respondents)

ORDER (ORAL)**PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking a direction to the Enquiry Officer, Respondent No.4 to allow him to produce some documents in his defence and also to permit him to examine Shri Sanjaya B. Kangralimath and Shri S.B. Ashtagi as defence witnesses in the enquiry proceedings.

2. A perusal of the record reveals that the Enquiry Officer has declined applicant's request by making an observation that there is no nexus of the document sought to be produced and even the witnesses namely Shri Sanjaya B. Kangralimath and Shri S.B. Ashtagi cannot be allowed to appear as applicant's defence witnesses.

3. In our opinion, such a view taken by the Enquiry Officer is contrary to principles of natural justice and, therefore, the order dated 30.07.2020 cannot be sustained. Since the basic order passed by the Inquiry Officer cannot be sustained in the eye of law, therefore, the order dated 11.09.2020 passed by the Appellate Authority also cannot stand scrutiny of law. Accordingly, both the orders dated 30.07.2020 (Annexure A-16) and 11.09.2020 (Annexure A-17) deserve to be quashed.

4. The Original Application is, thus, allowed and the orders dated 30.07.2020 (Annexure A-16) and 11.09.2020 (Annexure A-17) are hereby quashed and set aside.

5. A direction is also issued to the applicant to examine Shri Sanjaya B. Kangralimath and Shri S.B. Ashtag as his defence witnesses and produce the requisite document before the Enquiry Officer on 05.01.2021. It is made clear that no further opportunity will be granted to applicant for the said purpose.

6. In any case, in the facts and circumstances of the case, the Enquiry Officer shall conclude the enquiry proceedings within a period of 2 months from today.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

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