

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 1089/AF 1990

New Delhi the 29<sup>th</sup> the day of November 1994.

Hon'ble Mr. J.P. Sharma, Member(J)

Hon'ble Mr. S.R. Adige, Member(A)

Madan Vir Singh  
S/o Shri Kartar Singh  
Aged about 40 years  
R/o 137, Village Saidulajab  
P.O. Mehrauli, New Delhi.  
Employed as Assistant  
in the Bureau of Police Research  
& Development  
Ministry of Home Affairs  
Lodhi Road Complex, New Delhi.  
(By advocate: Shri B.B. Raval)

....Applicant

Versus

1. Union of India  
Through the Secretary  
Ministry of Home Affairs  
North Block  
New Delhi.
2. The Director General  
Bureau of Police Research  
& Development  
C.G.B. Complex, Lodhi Road  
New Delhi-110 003.

...Respondents

(By advocate: NONG. ....)

JUDGEMENT (Oral)

Hon'ble Mr. J.P. Sharma, Member(J)

1. The applicant at the relevant point of time was serving in the Bureau of Police Research & Development (BPRD) and was aggrieved by the order dated 17th May 1990 rejecting the representation of the applicant dated 20th April 1989 for appointing a Legal Practitioner as Defence Assistant. In his representation of 20th April 1989, the applicant requested for permission to appoint a legal practitioner as his Defence Assistant.

2. The applicant filed this OA on 28th May 1990 and prayed for grant of relief that the memo dated 17.5.1990 (Annexure A-7) be quashed and the respondents be directed to initiate proceedings as directed by the Tribunal in its judgement dated 22nd Aug. 1988 in OA No. 1122 of 1987.

3. A notice was issued to the respondents ~~who~~ opposed this application by filing a reply enclosing the memo dated 11.1.1989 and memo dated 16.2.1989 as Annexures R-I & R-II of the counter. Both these annexures were also sent to the applicant while he was working as Assistant in BPR&D. The respondents have also taken the plea that the applicant has filed this application against interlocutory order which is not permissible under Rule 22 (ii) CCS(CCA) Rules, 1965 and the delinquent may take assistance of any other Govt. servant posted at the place where the enquiry is held but he is not allowed to engage a legal practitioner for the purpose without the sanction of the Presiding Officer as of right. The respondents, in the counter, also referred to authority in the case of V.P.Sidhan Vs. U.O.I. 1988(7) ATC(Mad.) 402; Bhartha Punnian Vs. U.O.I. (Mad) 1987 (1) ATR 311; C.S. Ushakumari Vs. Supt. of P.O. 1987 (3) SLR (Mad) 425. It is further averred in the reply that the proceedings in the departmental enquiry, proper procedure as envisaged under CCS (CCA) Rules 1965 is being followed. Thus the applicant has no cause. The applicant has also supplemented averment in the OA by reiterating the same in the rejoinder.

4. The case came up for hearing on 11.10.1994 when the counsel for the applicant prayed for time and the case was adjourned to 20.10.1994. The case was on board and on 24.10.94, Shri B.B.Raval, counsel for the applicant gave a statement that he could not contact the applicant and prayed for 2 weeks time. He also stated that if he could not contact the applicant during this period, the case could be decided on the basis of pleadings on record. The case has been listed today when Shri B.B.Raval appeared.

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in pre-lunch session and mentioned that his arguments be taken as the  
same as stated in the pleadings and will not add anything further by  
supplementing pleadings by oral arguments. In view of this, we have  
taken this case for disposal on merits. None is present on behalf of  
the respondents, also.

5. The applicant has certain grievance of transfer and reversion for  
which he filed certain application before the Tribunal. That OA No.  
1122 of 1987 was disposed of by the Division Bench, giving liberty to the  
respondents to proceed with the departmental proceedings 'already insti-  
tuted' against the applicant. These departmental proceedings were, therefore,  
again commenced as per the direction of the order and notice of charge-  
sheet dated 5 Oct. 1988 was issued to the applicant. The respondents have  
issued the charge-sheet in compliance of the judgement of 22nd Aug. 1988.  
Thus the applicant is facing a departmental disciplinary enquiry and his  
only grievance is that he was not allowed to engage the services of a  
Legal Practitioner. His representation has been rejected by the impugned order.  
On merits, we find that the applicant has no right for engagement of a  
legal practitioner nor does it warrant engagement of the same.

6. Since neither the counsel for the applicant nor of the respondents  
has given a picture as existing today regarding the departmental enquiry,  
we are not touching other points raised regarding validity of the charge-  
sheet etc., nor is it required, in view of the relief claimed by the  
applicant which restricted only to the grant of direction to the respon-  
dents to allow engagement of services of a legal practitioner in the  
departmental proceedings. Memo of charge-sheet issued to the applicant  
doesn't change the nature of accusations levelled against the applicant  
earlier and certain amendments have been made in pursuance of the judgement  
of this Tribunal in OA No. 1122/87 which was decided by the CAT on 22nd Aug.  
1988.

7. We find no merits in this application and is, therefore, dismissed,  
leaving the parties to bear their own costs.

*Anjolige*  
(S.R.ADIGE)  
MEMBER(A)

*Jain*  
(J.P.SHARMA)  
MEMBER(J)