

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 659 of 2001.

this the 9th day of July 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

D.P. Jauhari, S/o late Sri M.L. Jauhari, Senior
Clerk in the office of Assistant Electrical Engineer,
Traction Rolling Distribution, Northern Railway,
Mirzapur.

Applicant.

By Advocate : Sri R.K. Shukla.

Versus.

1. Union of India through its Divisional Railway Manager, Northern Railway, Allahabad.
2. Divisional Electrical Engineer, Traction Rolling Distribution, Northern Railway, Allahabad.

Respondents.

By Advocate : Sri Amit Sthalekar.

O R D E R (ORAL)

S. DAYAL, MEMBER (A)

This application has been filed for directions to the respondents to change the present Enquiry Officer (E.O. in short) appointed by order dated 9.8.2000 and appoint another E.O. from the another division. A direction is also sought to the respondents to provide full opportunity to take defence and to give all the relevant documents required by the applicant.

2. The learned counsel for the applicant has drawn attention to the averments made in para 4.12

of the application wherein it has been stated that on 10.4.2000 the applicant was insulted as well as assaulted by the E.O. and that the E.O. showed his bias~~ss~~ against the applicant, the applicant moved an application dated 24.4.2001 to the respondent no.2 regarding ¹ misdemeanour on the part of the E.O., but we do not find that he had made any prayer for changing the E.O.

3. The learned counsel for the respondents has mentioned that the documents have been supplied by the respondents to the applicant although he alleges that they were not ~~done~~ ^{Supplied.} He also states that no allegation regarding assault has been made in the letter dated 24.4.2001 of the applicant addressed to Divisional Electrical Engineer (TRD), Northern Railway, Allahabad.

4. We find that the applicant through this application is seeking reliefs which are within the competence of administrative authorities to give and he has yet to approach them for the relief asked for in this O.A.

5. The applicant may move a representation addressed to the competent authority through E.O. for change of the E.O. and the said representation shall be decided by the competent authority within a period of three months from the date it is filed before him, which may be filed by the applicant within 15 days from the date of communication of this order. The departmental enquiry shall pend till the competent authority decides the representation of the applicant.

6. The O.A. stands disposed of as above. The parties shall bear their own costs.

Parvezdin
MEMBER (J)

Shane
MEMBER (A)

GIRISH/-