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(4020 pages)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

....

Registration O.A. No. 521 of 1990

Mahesh Shankar Srivastava Applicant

versus

Union of India and others Respondents

Hon' D.K. Agrawal, J.M.

Hon' Ms Usha Savara, A.M.

(By Hon' D.K. Agrawal, J.M.)

This application under section 19 of the Administrative Tribunals' Act, 1985, is directed against an order dated 23-10-88 contained in Annexure-1, rejecting the prayer of the delinquent employee to appoint Shri R.N. Lal as Defence Assistant, in the disciplinary proceedings pending against the applicant.

2. The facts, in brief, are that a charge sheet was served on delinquent employee on 1-12-1987 and the inquiry proceedings are pending for over two years now. The applicant in the first instance nominated Shri Brij Kumar Awasthi as his Defence Assistant. He was not permitted by the Inquiry Officer to act as Defence Assistant. Thereafter, Shri B.N. Bajpai was nominated, dis-satisfied with him, the applicant nominated one Shri R.N. Lal as his Defence Assistant. The Inquiry Officer rejected the assistance of Shri R.N. Lal, to which the applicant was informed by impugned order dated 23-10-88.

Therefore, the applicant is aggrieved. The sole ground on which the Inquiry Officer has rejected the prayer of the delinquent employee for providing him is that

D.K. Agrawal

Shri R.N. Lal belongs to a ^{distant} ~~distinct~~ place and the inquiry proceeding ^{have been} ~~already~~ pending for over 2 years may be further delayed. We, therefore, gave an option to the counsel for the applicant to state before us that either he may choose ~~to~~ Shri R.N. Lal as his Defence Assistant on his own risk or nominate any other person. Shri R.K. Tewari learned counsel for the applicant has stated before us that he would like to have Shri R.N.Lal as his Defence Assistant on his own risk. We are, therefore, quashing the impugned order and direct the Inquiry Officer to provide the delinquent employee the assistance of Shri R.N.Lal as his Defence Assistant at the own risk of the applicant and make it clear and in case Shri R.N.Lal does not attend the inquiry proceedings, the inquiry need not be adjourned. The delinquent employee shall appear before the Inquiry Officer on 31-12-1990. There will be no order as to costs.

b. fawar
MEMBER (A) 10/12/90

Dr. G. S. Singh
10.12.90
MEMBER (J)

(sns)

December 10, 1990

Allahabad.