

Registrar

17-11-2000

D.B is not available.

List again on 27-11-2000

Registrar

27.11.2000

Hon. Mr. V.K. Madotra, A.M.

Hon. Mr. S.K.P. Nagri, J.M.

Shri N.L. Srivastava for the applicant. This O.A. has been filed against the impugned orders dated 08.8.00 and 18.10.00 passed by respondent no.3, selecting the application of the applicant for change of Inquiry Officer in the departmental proceedings against him. Learned counsel for the applicant has been heard. He stated that ~~it is alleged that~~ the Inquiry Officer namely Shri N.L. Datta is biased and prejudiced against the applicant. He drew our attention to application dated 21.8.00 annexure A-5, in which the applicant had written to A.D.R.M. that earlier in ~~at~~ a disciplinary proceedings against him in the year 1996, when the same Inquiry Officer was appointed as Inquiry Officer, he had refused to provide the necessary documents and also did not allow the applicant to cross-examine the witnesses. It was also alleged in the complaint that the Inquiry Officer had threatened the applicant for dire consequences and ultimately in the inquiry report, major punishment had been recommended against the applicant. It is further stated that since then Shri N.L. Datta has ~~been~~ inimical towards the applicant. Non-provision of necessary documents and refusal to cross-examine the witnesses by an Inquiry Officer, could have been agitated in the appeal or any other proceedings against the outcome of the inquiry, and is not a ground enough to consider that the Inquiry Officer has been on inimical terms with the applicant. The facts stated in annexure A-5 are insufficient to establish a prima-facie case on the Inquiry Officer being biased and prejudiced against the applicant.

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Having regard to the above discussion, we do not find any good ground for proceeding further in the O.A., which is dismissed in limine.

*W. J. M.*

*V. K. Mapur*

A.M.

(M)