

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1405 of 2002
(M.A.No.4718/02 in Diary No.4798/02)

Allahabad this the 28th day of November, 2002

Hon'ble Mr.Justice R.R.K. Trivedi, V.C.
Hon'ble Maj Gen K.K. Srivastava, Member(A)

1. Vimlesh Sonkar, Son of Sri Bachcha Lal Sonkar, resident of 77/37 Circular Road, Nevada, Allahabad.
2. Sri Dhar Mishra, Son of Sri Ved Mani Mishra, resident of 6/5-A, Alopibagh, Allahabad.
3. Yashwant Kumar, Son of Sri Sant Lal, resident of Village and Post Hatapatti, District Allahabad.
4. Ramesh Chandra Prajapati, Son of Sri Ram Swaroop Prajapati, resident of village Mohiuddinpur, Post Shergarh, District Allahabad.
5. Ravi Kant Tripathi, Son of Sri Jai Ram Tripathi, resident of Village Prithvipur, Post Handiya, District Allahabad.
6. Sanjiv Kumar Jaiswal, Son of Sri Satish Kumar Jaiswal, resident of 388-B, Rajabara Ka Hata, Mutthigunj, Allahabad.
7. Ashok Kumar Maurya, Son of Sri Sukhdeo Prasad Maurya, resident of Village Madhesa, Post Office Atram Pur, District Allahabad.

Applicants

By Advocate Shri Amit Saxena

Versus

1. Union of India through Comptroller and



and Auditor General off India, 10-Bahadur Shah Jafar Marg, New Delhi.

2. Principal Accountant General(Audit)-I, U.P., Allahabad.
3. Deputy Accountant General(Administration), Office of the Principal Accountant General (Audit), I, U.P., Allahabad.
4. Staff Selection Commission(Central Region), 8A-B Baili Road, Allahabad through its Regional Director.

Respondents

By Advocate Shri Satish Chaturvedi

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. under Section 19 of the Administrative Tribunals Act, 1985, ~~the~~ applicants have challenged the inquiry report dated 15.11.2002 and show-cause notice of respondent no.3 dated 15.11.2002(annexure no.1)

2. The facts of the case, as stated, are that the applicants were served memo of charge dated 02/03-09-2002(annexure-6). On the basis of memo of charge, the Inquiry Officer was appointed and proceedings were initiated against the applicants. The Inquiry Officer has submitted the report dated 15.11.2002, On the basis of which, the applicants have been served with a show-cause notice dated 15.11.2002 to submit their reply by 29.11.2002. Shri P.N. Saxena, Senior Counsel for the appli-cant[^] has submitted that the inquiry report is exparte against the applicants as they have been

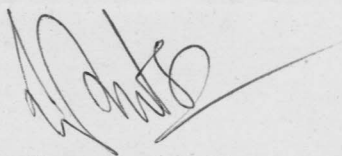
...pg.3/-

denied opportunity to defend themselves. It is submitted that an application was made by the applicants to engage a defence assistant, which was rejected on 31.10.02 on the ground that it is a preliminary inquiry and defence assistant cannot be allowed to ^{be} engaged ^{at} at this stage. Second submission of learned counsel for the applicants is that the applicants demanded certain documents which were necessary for their defence in the proceedings, which were not given and application was rejected. The names of witnesses were also mentioned who were to be examined in defence, but they have also not been summoned. On 06.11.2002 certain questions were put to the applicants by Presenting Officer, ^{on} Thereafter inquiry was closed and inquiry report ^{had} been submitted. In short, submission of the applicants is that no action can be taken ~~on~~ such a report as applicants have not been given opportunity to defend themselves, though they extended full cooperation in concluding the inquiry. ~~Learned counsel~~ for the respondents on the other hand submitted that this O.A. against the show-cause notice is not legally maintainable as the applicants have opportunity to appear before the disciplinary authority and convince him that report cannot be acted upon. It is also submitted that ⁱⁿ ~~even~~ ^{Case} the disciplinary authority accepted such a report, the applicant may approach the appellate authority. In our opinion, it is not proper for this Tribunal to interfere at this stage as the

applicants have remedy to approach the disciplinary authority as well as the appellate authority if they have any grievance against the conduct of the Inquiry Officer and report submitted by him.

Shri P.N. Saxena at this stage submitted that show-cause notice dated 15.11.2002 was served on the applicants on 18.11.2002 and the time given is upto 29.11.2002, which is expiring tomorrow. It is submitted that the applicants may be permitted a reasonable time to obtain copy of the order passed by this Tribunal and to file reply before the disciplinary authority. Considering the facts and

3. Considering the facts and circumstances this O.A. stands disposed of finally at the admission stage with the liberty to the applicants to submit reply of the show-cause notice dated 15.11.2002 within ^{a week or from today} a week. Copy of the order shall be given to the counsel for the parties within 24 hours. No order as to costs.



Member (A)

/M.M./



Vice Chairman