

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 11th day of March 2003.

QUORUM : HON. MAJ. GEN. K.K. SRIVASTAVA, A.M.  
HON. MR. A. K. BHATNAGAR, J.M.

O. A. No. 207 of 2003

Sunil Kumar Gautami S/O Late Narain Das Gautami R/O 497/2,  
Khusipura, Police Station Nawabad, District Jhansi at present  
Head Clerk DRM(P), Jhansi.....  
..... Applicant.

Counsel for applicant : Sri S.U. Khan.

Versus

1. Union of India through General Manager, Central Railway,  
CST, Mumbai.
2. Senior D.P.O., Jhansi (Disciplinary Authority).
3. Assistant Enquiry Officer (Headquarter)
4. D. R.M. (P), Central Railway, Jhansi.

.....        .....        ..... Respondents.

Counsel for respondents : Sri K.P. Singh.

ORDER (ORAL)

BY HON. MAJ. GEN. K.K. SRIVASTAVA, A.M.

This case has been filed under section 19 of the A.T. Act, 1985 with the prayer to quash the impugned order dated 11.2.03 directing the applicant to report at Jhansi for participating in enquiry and also direction to respondents to send the entire record of the applicant regarding the enquiry before this Tribunal.

2. The grievance of the applicant is that he has not been supplied the relevant documents in order to take the enquiry which has been ordered to enquire into the charges framed in charge sheet dated 6.8.2001. The applicant filed O.A. No.394/02 which was decided by order dated 17.4.02 directing the respondent No.3 to decide the representation of the applicant within a period of two months from the date of filing a copy of <sup>the</sup> order dated 17.4.02.

3. The respondents decided the representation of the applicant by speaking order dated 4.6.02 filed as Annexure-3.

4. Learned counsel for the applicant submitted that the documents asked for by the applicant, which are relevant to the case, are not being given to the applicant and, therefore, the applicant is not in a position to defend himself effectively. Opposing the claim of the applicant, Sri K. P. Singh, learned counsel for respondents submitted that the applicant should place a demand for the documents which he requires and the Enquiry Officer will examine if the documents asked for are relevant or not. The Enquiry Officer will pass the order as per rules. Besides respondents are ready to supply the required documents to the applicant for early finalisation of enquiry. In fact, the applicant is adopting <sup>"dilatory"</sup> ~~dialectic~~ tactics and trying to delay the conclusion of the enquiry on ~~one~~ or the other pretext.

5. Having perused the records and considered submission of counsel for parties, we dispose of this O.A. ... the admission stage itself with direction to the applicant to place his demand for the documents before the Enquiry Officer who shall consider the request of the applicant and pass appropriate orders whether those documents are relevant or not and are required to be supplied or not. In case Enquiry Officer finds that the documents asked for by the applicant are relevant to the charges and the respondents are not able to provide the same, <sup>in the Enquiry Officer</sup> he may draw an adverse inference against the respondents. We also direct the applicant to cooperate in the enquiry. The respondents are also directed to ensure that the disciplinary proceedings are concluded within a period of six months from the date of communication of this order.

No order as to costs.

J.M.

A.M.

Asthana/