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Open Court

Central Administrative Tribunal
Allahabad Bench
Allahabad.

ORIGINAL APPLICATION NO. 1166 OF 2007.

ALLAHABAD THIS THE 28TH DAY OF NOVEMBER 2007.

Hon'ble Mr. Justice Khem Karan, V.C.

Hon'ble Mr. K.S. Menon, A.M

Om Ashok Yadav, s/o late Heera Lal Yadav, aged about 50 years, R/o Military Farm, Kanpur.

....Applicant

(By Advocate: Shri K.P. Singh)

Versus.

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Deputy Director General, Military Farms QMG's Branch, Integrated Head Quarter of Ministry of Defence (Army), West Block-III, R.K. Puram, New Delhi.
3. Director, Military Farm, Head Quarter Central Command, Lucknow-900450.
4. Col. K.L. Jadhav, Director Military Farm Headquarter, Central Command, Lucknow-900450.
5. Officer in Charge, Military Farm, Kanpur.
6. Lt. Col. N.R. Kulkarni, ADMF, Headquarter, Central Command, Lucknow as Inquiry Officer.

....Respondents

(By Advocate: Shri S. Singh)

ORDER

Justice Khem Karan, V.C.

Heard Shri K.P. Singh, learned counsel for the applicant and Shri S. Singh, learned counsel for the respondents on admission of this O.A. and also on the request for interim relief.

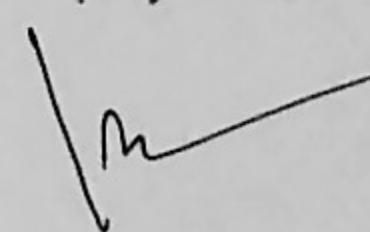
2. The applicant is challenging chargesheet dated 14.9.2006 (Annexure II) and Telegram dated 07.11.2007 (Annexure I), issued by Director, Headquarter Central Command, Lucknow.

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3. In brief, his case is that these disciplinary proceedings have been initiated just with a view to get him punished and in holding the enquiry, Rules contained under CCS (CCA) Rules 1965, are not being followed. It is said that inspite of request of the applicant, material has not been supplied to him, on the basis of which such proceedings have been initiated and instead of Director, Headquarter Central Command, Lucknow is intermeddling with the enquiry by way of issuing direction dated 7.11.2007, asking the applicant to appear at Lucknow for enquiry, where the witness are to be examined and cross-examined.

4. Shri K.P. Singh, learned counsel for the applicant has stated that under Rule 14 of Rules 1965, venue of enquiry has to be the place where witnesses and documents are available and this venue and dates of enquiry should be decided by the Inquiry Officer himself and not by any other Authority. Shri K.P. Singh further says that applicant has apprehension that Lucknow has been fixed for holding of enquiry just with a view to influence the witnesses to be examined. He says that this Tribunal should intervene and issue necessary direction to the Inquiry Officer or Director, Head Quarter, Central Command, Lucknow to act according to the law and Rules. During the course of his submissions, Shri K.P. Singh has stated that he is not pressing relief for quashing of chargesheet but what he wants the Director, Head Quarter, Central Command should not interfere or intermeddle with on going disciplinary proceeding and venue of enquiry should be at Kanpur and that should be decided by Inquiry Officer.

5. Shri S. Singh, learned counsel for the respondents has tried to explain that the telegram dated 7.11.2007, is clearly provides that dates and place of enquiry, have been decided or fixed by the Inquiry officer itself and not by any



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other Authority. He says that only the information has been sent to MIL, Farm Kanpur, so as to inform the applicant accordingly.

6. Shri K.P. Singh, learned counsel for the applicant says that if the Inquiry Officer has fixed the dates and place, then he should have informed the applicant and not any other Authority.

7. We have considered the respective submissions and we are of the view that there are no good ground for interference of the Tribunal during the course of on going Disciplinary proceedings. It will not be proper for the Tribunal, to entertain such petitions ^{on} as each and every occasion, when there is any alleged infraction of any statutory Rules, as the same is likely to prolong the life of pending Disciplinary proceedings, which will not be in the interest of either delinquent officer or the administration. In case, applicant has any grievance as regards the place of enquiry, he may very well represent to the Enquiry Officer and it will be for him to consider the request and fix the place or dates accordingly.

8. With these observations, the O.A. is finally disposed of but with no order as to costs.

Guerr
28.11.07

Member-A

1. *Guerr*
28.11.07

Vice-Chairman.

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