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**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Open Court

Original Application No. 1218 of 2007

Wednesday, this the 19th day of December, 2007

Hon'ble Mr. G. George Paracken, Member (J)
Hon'ble Mr. K.S. Menon, Member (A)

Hemraj Yadav, aged about 50 years, Son of Late Shri Sukhai Yadav, Resident of 45 A/1-C, Defence Enclave, Ponghat Pul, Bamrauli, Allahabad.

Applicant

By Advocate Sri Rakesh Verma

Versus

1. Union of India, through Secretary, Ministry of Defence, South Block, New Delhi.
2. The Senior Officer-in-Charge Administration, Headquarter Central Air Command, Indian Air Force, Bamrauli, Allahabad.

Respondents

By Advocate Sri Saumitra Singh

ORDER

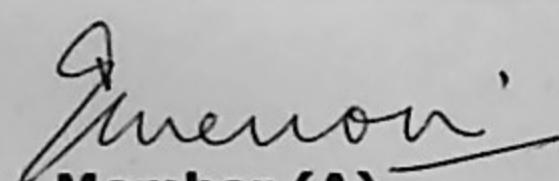
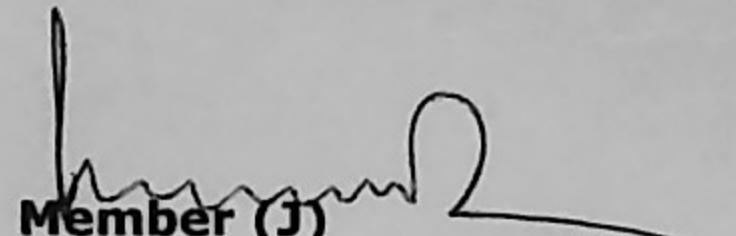
By G. George Paracken, J.M.

The applicant has filed the present O.A. aggrieved by the letter dated 28.09.2007 from the Disciplinary Authority declaring the exparte Board of Inquiry held against him on memorandum of charges dated 30.03.2006 as null and void and initiated denovo proceeding against him. He is also aggrieved by the memorandum of fresh charges dated 13.11.2007 by which fresh article of charges and statement of imputation alongwith list of documents and list of witnesses were furnished to him. The applicant has submitted that as desired by the Disciplinary Authority, he has already made a representation on 19.11.2007 (annexure-10). In his representation, he stated that the substance of the charges sought to be brought against him denovo is covered by annexures to memorandum No. CAC/3007/600/PC dated 13.11.2007 which is subjudiced in the District Court, Allahabad (currently in the Court of Hon'ble Judicial Magistrate Court No. 6) and it would not be physically possible for him to participate in the proposed Air Force Inquiry Proceeding while the aforesaid Criminal Case is pending against him. Learned counsel for the applicant has also

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submitted before us that denovo proceeding against him is not legally sustainable, however, no such submissions have been made in his aforesaid representation.

2. In view of the above facts and circumstances and in the interest of justice, the applicant is given liberty to make a fresh representation against the impugned letter dated 28.09.2007 and also the memorandum dated 13.11.2007 by which denovo proceeding has been initiated against him, within 15 days from the date of receipt of a copy of this Order. The Disciplinary Authority shall consider the representation in accordance with the Rules and inform the applicant in writing of his decision within one month thereafter. Till the decision of representation, the impugned annexure A-1 and annexure A-2 (memorandum of charges) shall not be proceeded further. The O.A. is accordingly disposed of. Liberty is granted to the applicant to approach this Tribunal again in case he is aggrieved by the Order to be passed by the Disciplinary Authority in this matter.


Member (A)
Member (J)

/M.M/