

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Hon'ble Mr. P.M. Joshi, .. Judicial Member

21/04/1988

Heard learned advocates Mr. B.H. Brahmabhatt and Mr. J.D. Ajmera for the applicant and respondents respectively. In this case, we had ordered on 1st December, 1987 in C.A./59/87 that the respondent should complete the inquiry within a period of 6 months i.e., the end of May, 1988. The petitioner's plea that notwithstanding this time limit this petition be admitted is without exhausting of remedy and invocation of the powers under sub clause 1 of section 20 of the Administrative Tribunals Act for admitting the application. In such circumstances, there ought to be some special reason or justification. The petitioner had pleaded that against the back ground of long delay in supplying inquiry report he now finds that the inquiry is being proceeded with in a manner which causes apprehension to him that he will be prejudicially affected to secure justice in the proceedings. His apprehension is based on several circumstances which he pleads in support thereof. Firstly, he has been denied assistance of advocate. Secondly, he is being denied copies of document on which the disciplinary authority relies. Thirdly, he has asked for assistance of an expert because the Govt. respondent authority is relying upon expert on handwriting Mr. J.J. Patel and the applicant has already filed an appeal against such denial before the appellate authority namely Central Provident Fund Commissioner, New Delhi.

After hearing the learned advocates, we consider that it is proper that the respondent is allowed an opportunity to complete the inquiry within the period ordered in our decision on 1st December, 1987. The

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circumstances urged by the petitioner are encountered in the course of the inquiry and the petitioner can be heard after inquiry is completed and order of punishment if any follows, if he has any cause regarding such orders being invalid on the ground of flaw in the procedure during the inquiry or for any other reason. There has been no justification for our interference at this stage or for the petitioner to short circuit the normal procedure for admission of this application at pre-mature stage.

With this observation, we dismiss the petition summararily.

Phirir
(P H Trivedi)
Vice Chairman

JM
(P M Joshi)
Judicial Member

*Mogera