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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 229 of 1988.

Date of decision: July 27, 1988.

Gandharb Kishore Jena,
Postal Assistant, Athgarh Head
Post Office, At/P.O. Athgarh,
District-Cuttack.

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Applicant.

Versus

1. Union of India represented by its Secretary, in the Department of Posts, Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle, At/P.O. Bhubaneswar, District-Puri.
3. Superintendent of Post Offices, Cuttack (South) Division, At/P.O./District-Cuttack.
4. Shri P.N. Sarangi, Superintendent of Post Offices, Aska Division, Aska, Dist-Ganjam. -Inquiry Officer.

Respondents.

For the applicant : M/s. Deepak Misra,
A. Deo, Advocates.

For the respondents : Mr. A.B. Mishra, Senior Standing Counsel
(Central).

C O R A M:

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P. ACHARYA, MEMBER (J) In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant prays to command the respondents to make available the documents sought to be relied upon by the applicant and perusal of which was allowed by the Enquiring Officer.

2. Shortly stated, the case of the applicant is that he is a Postal Assistant facing a departmental proceeding under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules. The applicant filed an application vide Annexure-2 for production of certain documents and afor perusal of the same by himself and the defence assistant. Following is the order passed by the Enquiring Officer :-

" Since all the additional documents from Serial No.1 to No.9 and No.14 of the list are available in offices under Cuttack South Division, the Supdt. of Post Offices, Cuttack (South) Division will please arrange perusal of all the additional documents shown above from Serial No.1 to No.9 and at Serial No.14 by the Charged Officer along with his defence assistant, in presence of a responsible officer on any date/time convenient for the purpose on or before 12.3.87 and intimate the completion of the perusal of additional documents to the undersigned alongwith a certificate from the charged officer that he perused the documents. "

The grievance of the applicant is that despite the order passed by the Enquiring Officer, the documents were not made available to him and the Enquiring Officer instead of insisting on perusal of such documents in compliance with his order, has closed the proceeding which is detrimental and prejudicial to the

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interest of the applicant.

3. After having heard Mr. Deepak Misra, learned counsel for the applicant and Mr. A. B. Mishra, learned Senior Standing Counsel (Central) we would direct the Superintendent of Post Offices, Cuttack (South) Division to cause production of those documents before the Enquiring Officer on August 17, 1988 at 11.00 a.m. so that the applicant and his defence assistant would peruse the documents and thereafter the enquiry would proceed from the stage it was closed and thereafter the enquiry should be disposed of according to law. The applicant's counsel takes notice of this order to be conveyed to the applicant who is also present in Court as submitted by Mr. Deepak Misra and in case the applicant does not appear before the Enquiring Officer on August 17, 1988 at 11.00 a.m. then he forfeits his right for inspection and it would remain open to the enquiring Officer to submit his findings to the Disciplinary authority.

4. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

Agreed
27.7.88
Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,

I agree.

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Vice-Chairman



Central Administrative Tribunal
Cuttack Bench, Cuttack.
July 27, 1988/S. Sarangi.