

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 59 of 1991.

Date of Decision: September 24, 1993

Muralidhar Parida

Applicant(s)

Versus

Union of India & Others.

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *NO*
2. Whether it be circulated to all the Benches
of the Central Administrative Tribunals or not ? *NO*

H. Rajendra Prasad
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

24 SEP 93

Ken 24.9.93
(K. P. ACHARYA)
VICE-CHAIRMAN

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

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VERSUS

Union of India & Others, Respondent(s)

For the applicant M/s.C.M.K.Murty, S.K.Rath, Advocates.

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

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE - CHAIRMAN

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

K. P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays that the order contained in Annexure 3 be quashed and further direction be given to the enquiry officer not to re-examine Shri K.K.Mehapatra. This prayer has been allowed to be amended vide order dated 26th March, 1992 in which it is prayed that if the Enquiring Officer

re-examines the said witness, direction be given to strike down his evidence and the enquiring officer be directed not to consider the evidence of Shri Mohapatra ~~or~~ his reexamination.

2. Shortly stated the case of the petitioner is that he is a Senior Scientist in Heavy Water Project. A disciplinary proceeding was initiated against him. Evidence of witnesses were recorded and one Shri K.K. Mohapatra who had already been examined ~~from the~~ ^{as a} ~~in this~~ ^{by} prosecution ~~was~~ ^{was} ~~not~~ ^{not} summoned to be re-examined. At this stage this application has been filed with the aforesaid prayer. Subsequently the prayer has been amended which stood allowed vide order dated 26th March, 1992 as stated above.

3. In their counter, the Opposite Parties maintain that the prosecution has a right to reexamine any witnesses at any stage before closure of the case and hence the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. S.K. Rath learned counsel for the petitioner and Mr. Ashok Misra learned Senior Standing Counsel (Central). It was told to us that the entire case has been closed and the case is now pending for delivery of final orders by the disciplinary authority which has been stayed by this Bench. After hearing learned counsel for both sides, we are of opinion that the legality, ~~illegality, propriety and impropriety of~~ ^{for} the reexamination

of the witnesses will be taken up at the appropriate stage and therefore, we express no opinion on this issue. We would direct that the disciplinary authority may pass final orders within three weeks from the date of receipt of a copy of the judgment.

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

MEMBER (ADMINISTRATIVE) 24 SEP 93

Central Administrative Tribunal
Cuttack Bench, Cuttack/K. Mohanty
24th September, 1993.

