

2

Central Administrative Tribunal
Cuttack Bench, Cuttack

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Original Application No.16 of 1993

Date of decision: January 22, 1993

Shrimati Rajballavi Mohapatra .. Applicant
Versus
Union of India and others .. Respondents.

For the Applicant : M/s Devanand Misra,
Deepak Misra,
R.N. Naik,
A. Deo,
B.S. Tripathy,
P. Panda,
D.N. Sahu,
Advocates.

For the Respondents : Mr. Ashok Misra,
Sr. St. Counsel (Central)

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CORAM:

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

AND

THE HONOURABLE MR. S.R. ADIGE, MEMBER (ADMINISTRATIVE)

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? No
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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6

J U D G M E N T

K.P. ACHARYA, V.C.

This case came up for admission today. The Petitioner Smt. Rajballavi Mohapatra has lodged a complaint before the competent authority alleging against Shri Radhamohan Panda, an employee in the All India Radio, Cuttack that Shri Panda outraged the modesty of the petitioner Smt. Rajballavi Mohapatra. Whether it is true or not it cannot be said at this stage. An enquiry under rule 14 is being conducted. Smt. Mohapatra alleges that the statement made by her before the enquiry officer has not been correctly and properly recorded. She further states that she does not possess adequate knowledge in English language and therefore, she has not been able to follow the technicalities of different words used in English language in the deposition. Therefore, she prays her deposition be again recorded in Oriya language and she may be allowed to read the deposition and sign the same and in Oriya Language giving a certificate 'read and found to be correct'. Mr. Deepak Misra learned counsel appeared for the petitioner. Though this case was listed for admission, we do not think it just and proper to keep the matter pending because unnecessarily the departmental proceeding would remain pending against Shri Radhamohan Panda which may be prejudicial to the interest of Shri Panda, as he is now under suspension. Therefore, with the consent given by Shri Deepak Misra learned counsel for the petitioner and Mr. Ashok Misra learned Senior Standing Counsel (Central) appearing for the Opposite Parties, we

have heard the case on merits to be disposed of finally.

2. The initial objection raised by Mr. Ashok Misra learned Senior Standing Counsel is that though orally Mr. Misra learned Counsel appearing for the petitioner prayed that the petitioner should be permitted to give her evidence in Oriya language and it should be recorded in oriya language, there is no such specific prayer in the petition. There is substantial force in the contention of Mr. Ashok Misra learned Senior St. Counsel. However, during the course of argument Mr. Misra submitted that the petitioner be permitted to give ~~depose~~ evidence in oriya language which should be recorded in oriya language and accordingly direction be given to the enquiry officer. So far as the prayer for removal of Opposite Party No. 3 is concerned, such prayer is not pressed. Even though it has not been specifically prayed to give a direction to the enquiry officer to record the deposition of the petitioner Smt. Rajballavi Mohapatra in oriya language but such a prayer is covered by prayer No. 'C'. We would direct the enquiry officer to cancel the deposition of the petitioner Smt. Rajballavi Mohapatra recorded in English language and treat the same as **non-existent**. The petitioner Smt. Mohapatra be examined afresh and both the presiding officer and the enquiry officer would put questions to Smt. Mohapatra in oriya language and she should also give replies in oriya language which should be recorded in oriya language especially when oriya is the prescribed court language

in the state of Orissa. After her deposition is recorded, ^{over} the same should be handed ~~to~~ Smt. Mohapatra giving her an opportunity to read the same and she should give a certificate in Oriya language ^{in the presence of the enquiry officer} that she has read the deposition and it is found to be correct. ~~In~~ case Smt. Mohapatra objects to any question and answer to have been recorded in a manner not answered by her then ^{by the enquiry officer} such statement to remain on record ~~to~~ be adjudged in future.

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

K. Mohanty 22/1/93

 MEMBER (ADMINISTRATIVE)

K. Mohanty
 22.1.93.
 VICE CHAIRMAN

Central Administrative Tribunal,
 Cuttack Bench, Cuttack/K. Mohanty/
 22.1.1993.

