

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

Original Application No.889 of 1996
Cuttack, this the 27th day of March, 1997

CORAM:

HONOURABLE SHRI N.SAHU, MEMBER (ADMINISTRATIVE)

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Bajrangi Prasad,
19/2, Harish Neogi Road,
P.O.Ultadanga Main Road,
Calcutta-700 67
West Bengal

....

Applicant

Advocates for applicant - M/s Rajen Mohapatra,
Rabin Naik, P.Kar

-versus-

1. Union of India, represented by its
Secretary, Ministry of External Affairs,
Patiala House, New Delhi
2. Superintendent, Passport Office,
Bhubaneswar, Orissa.
3. Superintendent, Passport Office,
Bhopal, Madhya Pradesh
4. Superintendent of Police,
C.B.I., Bhubaneswar, Orissa

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Respondents

Advocate for respondent - Mr. Sch. Samantray.

O R D E R

N.SAHU, MEMBER (ADMN.)

The reliefs sought by the applicant are as

under:

- "a) To issue a direction to the respondent directing them to furnish the applicant with documents as mentioned by the applicant in Annexure 4 and 5.
 - b) To direct the Opp. Parties to dispose of the Disciplinary Proceeding within a stipulated period.
 - c) To pass any other orders and allow the Original Application."
- [Signature]*

2. The brief facts leading to the aforesaid claim for reliefs are that the applicant was arrested on charges of faking and forging passports while he was working as Superintendent in the Passport Office, Bhubaneswar. He was suspended thereafter. He received an intimation on 18.6.1996 that respondent no.1 initiated disciplinary proceeding against him and appointed respondent nos.3 and 4 as Inquiry Officer and Presiding Officer. This notice contained charges and statement of imputations of misconduct along with a list of documents and witnesses. The applicant sent a letter dated 19.8.1996 followed by another letter dated 31.10.1996 requesting for copies of those very documents which were appended to the showcause notice to enable him to effectively defend himself. There was no response to these repeated requests and hence this Original Application.

3. The grounds taken by the applicant are that he would retire in December 1997 and he would like to clear the stigma attached to his name in view of his suspension and as every official on the verge of retirement expects, he would like to enjoy unhindered his pension and gratuity. It is stated that the applicant had requested the respondents for supply of those very documents which have been used against him and referred to in the showcause notice dated 18.6.1996. He next submits that he has been suspended since 1½ years and as he is about to retire in December 1997 the proceeding against him should be concluded as early as possible.

4. The respondents in their counter state that under the CCS(CCA)Rules the applicant is only entitled to be provided with copies of documents, etc., either along with the chargesheet or for the submission of written statement


of defence by the charged officer. The respondents concede that the applicant would be provided with full and reasonable opportunity to inspect the documents and take copies thereof during the course of disciplinary enquiry proceeding as per rules. They also state that the disciplinary proceeding will be concluded within a reasonable time frame.

5. With the above submissions of the respondents, there is absolutely no dispute between the parties. The following are the instructions of the Government of India contained in para (24) below Rule 14 of CCS (CCA) Rules, 1965 (Swamy's Compilation of CCS CCA Rules (20th Edn.), page 59:

"2. However, in order to cut down delays in the disposal of disciplinary cases, the Department of Personnel and A.R. has suggested adopting of various measures, inter alia, that copies of all the documents relied upon and the statements of witnesses cited on behalf of the disciplinary authority be supplied to the Government servant along with the chargesheet, wherever possible."

Asking the applicant to inspect the documents and take copies thereof and supplying copies thereof is a distinction without a difference. In such case where grave charges of misconduct are levelled against the applicant, it would be most reasonable to issue copies of all the documents relied upon and appended to the chargesheet both in the interest of natural justice and in the interest of speedy completion of the proceeding. I, therefore, direct the respondents, respondent no.4 in particular, to supply copies of all the documents within 4 (four) weeks from the date of receipt of copy of this order. Considering the fact that the applicant has already been under suspension since a long time and he is about to retire in December 1997, the disciplinary proceeding shall be completed within a period of six months from the date of receipt of copy of this order.

The Original Application is disposed of - allowed at the admission stage.


(N. SAHU) 17.3.97.
MEMBER (ADMINISTRATIVE)