

3
07 902/05

Order dated 5.7.2006

In this O.A the applicant has prayed for quashing of the inquiry order dated 10.3.2004. On perusal of the records, we do not notice any such inquiry order dated 10.3.2004 to have been filed. This is the second round of litigation which the applicant has pursued. In the first round, the applicant had sought for a direction from the Tribunal to the Respondents not to proceed with the inquiry. But, however, the Tribunal was of the view that it was premature to issue such a direction. Being aggrieved by the order of the Tribunal, the applicant approached the Hon'ble High Court of Orissa by filing Writ Petition © No. 10265 of 2005 and the Hon'ble Court by their order dated 19.9.2005, while disposing of the writ petition, observed that if the applicant was not allowed to inspect the documents or provided with copies of the documents relied upon in support of the charge sheet, it would always be open to him to take the plea that reasonable opportunity was not granted to him, in case the result of the inquiry goes against him. It appears that the written statement of defence has been filed by the applicant. After the written statement of defence has been filed, it has become more or less academic to insist upon supply of copies of the documents. Moreover, it seems that the inquiry has been completed during pendency of this O.A. and

2

4 O.A 902/05

the final order in the disciplinary proceeding is yet to be passed. If copies of the documents have not been supplied to the applicant, it is always open to him to take such a stand before the higher forum, if the disciplinary proceeding culminates against him. Since the inquiry has been completed, at this state, it would be a futile exercise to direct the Respondents to supply copies of the documents asked for by the applicant. Accordingly, we do not notice any merits in this O.A. which is accordingly rejected. It is, however, open to the applicant to approach this Tribunal in the event the disciplinary proceeding culminates against him and the appellate authority upholds the same, if there is any appeal..

With the above observation, the O.A. is dismissed. No costs.


(B.B.MISHRA)
MEMBER(A)


(B.PANIGRAHI)
CHAIRMAN