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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.424 OF 2007

Cuttack, this the 31st Day of October, 2007

Shri Dillip Kumar Ray @ Dey Applicant

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

~~(M.R. MOHANTY)
VICE-CHAIRMAN~~

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.424 OF 2007

Cuttack, this the 31st Day of October, 2007

CORAM:

HON'BLE SHRI M.R. MOHANTY, VICE-CHARMAN

.....
IN THE CASE OF:

Shri Dillip Kumar Ray @ Dey, aged about 41 years, Son of Late Bishnu Behari Dey, resident of Plot No.2953, C/o. Smt. Sarojini Tripathy, Nageswar Tangi, P.O/Ps. Old Town, Bhubaneswar, Dist. Khurda working as Senior Chowkidar under Section Engineer (Works), Office of the IOW East Coast Railway, Mancheswar, Bhubaneswar, Dist. Khurda/Orissa.

..... Applicant
By the Advocate(s) M/s. S.B. Jena,
S. Behera,
S.S.Mohapatra

Vs.

1. Union of India represented thorough the General Manager, E.C. Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. The Chief Personnel Officer, E.Co. Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist.Khurda.
3. The Divisional Railway Manager, E. Co. Railways, Khurda Road, Jatani, Khurda.
4. The Senior Divisional Personnel Officer, Eco. Railways, Khurda Road, Jatani, Khurda.
5. The Assistant Divisional Engineer (W/S), E.Co. Railways, Workshop, Mancheswar, Bhubaneswar, Dist. Khurda.
6. Section Engineer (Works), IOW Office, East Coast Railways, P.O. Mancheswar Railway Colony, Mancheswar, Dist. Khurda.
7. Shri H.K. Dutta, Deputy Chief Vigilance Officer (T), B-51, Rail Vihar, Chandrasekharpur, Bhubaneswar, Khurda, Pin- 751 023.

..... Respondent(s)

By the Advocate(s)

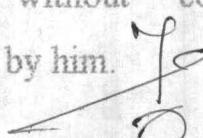
Mr S K Oliha

O R D E R

SHRI M.R. MOHANTY, VICE-CHAIRMAN

Heard Mr. S.B. Jena, Ld. Counsel appearing for the Applicant and Mr. S.K. Ojha, Ld. Standing Counsel for the Railways on whom a copy of this O.A has already been served.

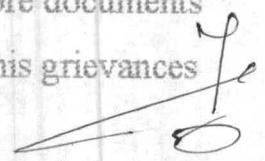
2. The Applicant was charge-sheeted in a major penalty proceedings that was initiated with issuance of Memorandum of Charges dated 10.08.07. He was given 10 days time to inspect the records or take copies or to apply copies of such materials for submission of his defense. He was also given 10 days further time, after consideration of his prayer for documents, to put up his written statement of defense. It was also mentioned in the charge-sheet that inquiry would be taken up only on the Article of Charge(s) that has not been admitted by the Applicant. He was also called upon to state as to whether he wishes ^{for} personal hearing. Instead of submitting his written statement of defense, the Applicant rushed to this Tribunal in O.A. No.198/07; that was disposed of on 31.08.07. This Tribunal directed the Respondents to supply the materials/documents to the Applicant to put up an effective reply to the charges. It appears vide communication dated 22.09.07, the Applicant was furnished with certain materials; which, it is alleged, was received by the Applicant on 29.09.07; and that on receipt of the same the Applicant has submitted his written explanation/statement on 05.10.07. It is the case of the Applicant that by communication dated 29.09.07/01.10.07 the Inquiry Officer was appointed without considering the explanation/written statement submitted by him.



3. On perusal of explanation/written statement dated 05.10.07 (Annexure A/6) of the Applicant it is seen that he has not admitted the Article of Charges leveled against him. That being the position, since the Applicant has not admitted the allegations raised against him in the Article of Charges, the matter is bound to be enquired into and, therefore, the point that the Inquiry Officer was appointed prior to submission/receipt of the written statement of defense is not sustainable.

4. It is the case of the Applicant, (as disclosed by Mr. S.B. Jena, Ld. Counsel appearing for the Applicant), that because of the paucity of time (after receipt of the documents under Annexure A/4 dated 22.09.07) the Applicant had to remain under hest to put up his written statement of defense under Annexure A/6 and the Applicant undertakes to put up a better written statement of defense in consultation with his Defense Assistant and he would require some more time to engage a proper Defense Assistant and put up an effective written statement of defense.

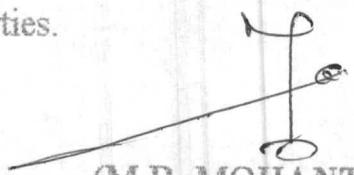
5. In the aforesaid premises this O.A. is disposed of, at this admission stage, by granting liberty to the Applicant to approach the Disciplinary Authority and the Inquiry Authority to grant him some more time (say till end of November, 2007) to put up his additional written statement of defense and to engage his Defense Assistant in the matter. The Applicant, (as stated by Mr. S.B. Jena, Ld. Counsel appearing for the Applicant), may also require some more documents from the Respondents; for which he should also raise his grievances



before the Disciplinary Authority/Inquiry Authority, and I am sure the Respondents would do well in extending all opportunities to the Applicant to put up his defense in the disciplinary/inquiry/ proceedings. I am also equally sure that the Applicant should co-operate in the matter in his own interest.

6. With the aforesaid observation and direction, this Original Application stands disposed of.

7. Send copies of this order to the Respondents, along with the copies of this O.A, and free copies of this order be handed over to the Ld. Counsels appearing for both the parties.



(M.R. MOHANTY)
VICE-CHAIRMAN

Kalpeswar