

O.A. No.65/2008

ORDER DATED 7<sup>th</sup> APRIL, 2008

Coram:

Hon'ble Shri Justice K. Thankappan, Member (Judl.)

Heard Mrs. U.R. Padhi, Ld. Counsel appearing for the Applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel appearing for the Union of India.

2. The apprehension of the Applicant on whom a charge memo has already issued on specific charges, is that though he had filed the 1<sup>st</sup> statement of defence on 28.12.2007 (Annexure-11) ~~and a~~ 2<sup>nd</sup> statement of defence had filed on 23.02.2008 (Annexure-11/A) and that 2<sup>nd</sup> statement may not be considered by the Inquiring Authorities.

3. The Ld. Counsel appearing for the Respondents had submitted to this tribunal that the apprehension of the Applicant is baseless as the Department has only issued a memo of charges and the Applicant approached this Tribunal prematurely.

4. On going through the rival contentions this tribunal finds that the Applicant was chargesheeted and he has to file his defence statement. The Applicant has already filed his 1<sup>st</sup> defence

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statement at Annexure-11 and 2<sup>nd</sup> at Annexure-11/A. The apprehension of the Applicant is baseless and this Tribunal is not expected to interfere in this matter at this stage.

5. In the above circumstances this Original Application stands dismissed with the observation that the Disciplinary Authorities shall consider both the statement of defence filed by the Applicant without prejudice to proceed with the inquiry level against the Applicant. Ordered accordingly.

Appn  
MEMBER (Judl.)