

O.A. No. 683 of 2010

Aparti Mallik.....Applicant

Vs

Union of India & Ors.....Respondents

Order dated: 10.11.2010

CORAM:


Hon'ble Shri C.R.Mohapatra, Member (A)

Heard Sri R.K.Samantsinghar, Ld. Counsel for the applicant and Sri S.K.Ojha, Ld. Standing Counsel appearing on notice for the Railways and perused the materials placed on record.

2. Sri Samantsinghar, Ld. Counsel for the applicant though has filed this O.A. with the main prayer "to direct the Respondents not to proceed with the disciplinary proceeding as initiated against the applicant in absence of substantive evidence and further to stay the enquiry proceeding until change the place of enquiry from Talcher to Khurda Road and if necessary the Hon'ble Court may kindly quash the proceeding and grant atleast two months' time to the applicant to face the proceeding as his defence counsel is ill" and the interim prayer "for stay operation of disciplinary proceeding till change of place of Inquiry to Head Quarter, Khurda Road, during the course of hearing, today in the

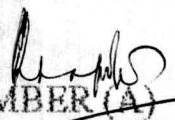
Court, he sought permission to restrict his prayer only to the postponement of the inquiry proceeding scheduled to commence by the Inquiry Officer (date not known) for a period of two months on the ground that his defence assistant~~te~~ is not physically able to move to the place of inquiry, i.e. Talcher. He further submits that he will be satisfied if a direction is issued to the Inquiry Officer, i.e. Respondent No.5, to consider the representation if made by the applicant along with the documents supporting the illness of the defence assistant~~te~~ within a period of 7 days to postpone the date of inquiry for a period of two months from the date of receipt of the representation.

3. Accordingly, without going into the merits of the case and as agreed to by the Ld. Counsel for the parties, the applicant is allowed to file a representation within 7 days along with the document supporting the illness of his defence assistant~~te~~ and Respondent No.5 is hereby directed to consider the representation/application of the charged official, i.e. applicant, for postponement of the date of inquiry on the ground of illness of the defence assistant~~te~~ and pass a reasoned order within 7 days from the date of receipt of the representation.



4. With the above observation and direction, the O.A. is disposed of.

5. Send copy of this order along with copies of the O.A. to Respondent No.5 at the cost of the applicant, for which Ld. Counsel for the applicant undertakes to deposit the postal requisite by tomorrow.


MEMBER (A)

R.K.