

13 MAY 2016

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK

Original Application No. 260/00321 /2016

Jagannath Majhi, aged about 46 years, S/O- Panu Majhi,
At/Po- Balandia, Via- Kalunga, Dist- Sundargarh.

.....**Applicant**

VERSUS

1. Union of India, represented through its Secretary, Ministry of Mines, New Delhi, 110001.
2. Chairman, Steel Authority of India Ltd.
At/PO- Rourkela, Dist- Sundergarh.
3. General Manager, At/PO- Rourkela, Dist- Sundergarh
*Steel Authority of India Ltd.
Rourkela Steel Plant.*
4. Chief Personnel Manager, Steel Authority of India Ltd,
Rourkela Steel Plant, Rourkela, Dist- Sundergarh, 769011
5. Deputy General Manager (PL) G.P & Enquiry,
Rourkela Steel Plant, Rourkela, Dist- Sundergarh, 769011.
6. Assistant General Manager, CPP-I, Rourkela Steel Plant,
Rourkela, Disrt- Sundergarh, 769011.
7. Junior Manager, CPP-I, Rourkela Steel Plant, Rourkela,
Dist- Sundergarh, 769011.

.....**Respondents**

Wd

Jagannath Majhi

O R D E R (ORAL)
Dated 17.05.2016

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. D.P.Dhalsamant, Ld. Counsel for the Applicant, and

perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

“8.1 That the order dated 28.07.2014 (A/3) passed by the respondent No.7 be quashed.

8.2 That the enquiry report dated 09.04.2016 be quashed.

8.3 And further be pleased to pass any order.....”

3. The case of the applicant is that he has been charge sheeted by an incompetent authority on the allegation that a false information was given by him intentionally at the time of his appointment. However, there is no specific allegation regarding the false information. The Enquiry Committee was constituted with Ms. Shaswati Tripathy as I.O. by the higher authority than the authority who had issued the charge sheet but not by the Disciplinary Authority. So called IO has been appointed by his subordinate officer to conduct the enquiry against the applicant. The inquiry report along with copies of the proceeding has been supplied to the applicant but without asking him to submit his representation against the inquiry report. Now the applicant apprehends that at any point of time any punishment order can be issued against him. However, Mr. Dhalsamant fairly submitted that the applicant has not ventilated his grievance though it is a tell tale story that departmental proceeding has not been followed properly.

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4. We have gone through the record.
5. In view of the submission made by Mr. Dhalsamant, without going into the merit of the matter, we dispose of this O.A. giving liberty to the applicant to make a representation before Respondent No.3 within a period of 7 days from today and, if such a representation is preferred by the applicant within 7 days, then Respondent No.3 is directed to consider and dispose of the same and pass a reasoned and speaking order within a period of two months and communicate the result thereof to the applicant. It is made clear that the applicant will be allowed to continue in his present place of posting and no further action in pursuance of the Charge sheet dated 28.07.2014 shall be taken against the applicant for a further period of two weeks from the date of such communication of the order after consideration.
6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.
7. As prayed by Mr. Dhalsamant, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be transmitted to Respondent Nos. 3, 4, 5, 6 and 7 by Dasti and to Respondent Nos. 1 and 2 by Speed Post for which he undertakes to file the cost/postal requisites during the course of the day.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER (J)