

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No. 357 of 2012
Asita Kumar NayakApplicant
-Versus-
Union of India & Ors. Respondents

ORDER DATED - 4th May, 2012 (Oral)

CORAM
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER, (ADMN.)
And
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

The prayer of the Applicant in this OA is to quash the letter No. S&T/CM/CS/AKN/Ch.OS/425 dated 12.04.2012 under Annexure-9 and to direct the Disciplinary Authority to afford him sufficient opportunity before taking any coercive action against him. As it appears from the record, on the request of the applicant, in Annexure-9 the Disciplinary Authority while allowing fifteen days time up to 12.4.2012 to submit his representation, allowed the applicant to check up the relevant documents. In the said letter it was also informed to the Applicant that no further request for time will be entertained.

2. According to the Applicant's Counsel the time granted by the Disciplinary Authority for submission of his representation after perusing the documents is not adequate and, therefore, the letter specifying that no further request for time will be entertained is in violation of principle of natural justice & hence the letter under Annexure-9 is liable to be set aside. This submission of the

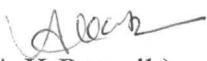
L

4
 Applicant's Counsel was strongly opposed by Mr. S.K.Ojha, Learned Standing Counsel appearing for the Respondents.

3. Having heard Learned Counsel for both sides, perused the materials placed on record. We find that the grievance of the applicant is against the refusal to grant some more time to submit his reply. According to us no employee should feel that he/she was handicapped in submitting reply to the report of the IO etc. due to lack of adequate opportunity. Since the prayer of the applicant for extension of time to submit his reply/representation which has been restricted by the DA upto 12.4.2012, we feel that directing notice to file counter by the Respondents will unnecessarily drag on the proceeding for conclusion.

4. In view of the above, this OA is disposed of by extending the time specified in the order under Annexure-9 till 5th June, 2012 for the Applicant to submit his reply/representation, if any, after checking/perusing the relevant documents allowed by the DA in the letter under Annexure-9.

5. Since this OA is disposed of at the admission stage, Registry is directed to send copy of the OA along with copy of the order to the Respondent No.4 for record/compliance.


 (A.K.Patnaik)
 Member (J)


 (C.R.Mohapatra)
 Member (A)