

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A NO.338 OF 2013
Cuttack, the 5th OF JUNE, 2013

**CORAM
HON'BLE MR. R.C. MISRA, MEMBER (A)**

3
Sri Garjan Gagaria,
aged about 44 years,
S/o-Baragi Gagaria,
Vill/P.O-Shantipara,
Dist-Bolangir,
Odisha

Now at present working as Post Graduate Teacher (Economics)
Kendriya Vidyalaya,
Paradip Port Trust,
P.O/P.S-Paradip,
Dist-Jagatsinghpur,
Odisha.

(Advocate(s) for the Applicant Mr. S. Mohanty)

...Applicant

VERSUS

Union of India/Kendriya Vidyalaya Sangathan

1. Represented through
Commissioner,
18, Institutional Area,
Saheed Jeetsingh Marg,
New Delhi-110016.
2. Deputy Commissioner & Disciplinary Authority,
Kendriya Vidyalaya Sangathan,
Regional Office,
Pragati Vihar,
Mancheswar,
Bhubaneswar-751017,
Dist-Khurda,
Odisha.
3. The Inquiry Officer & Principal,
K.V. No.3,
Pragati Vihar Colony,
Mancheswar,
Bhubaneswar-751017,
Dist-Khurda,
Odisha.

... Respondents
(Advocate-)

R. Misra

ORDER(oral)

MR. R.C. MISRA, MEMBER (A):

Heard Mr. S. Mohanty, Ld. Counsel for the applicant. No one is present on behalf of the Respondents. The case submitted by Mr. Mohanty is that the applicant who is a Post Graduate Teacher in Economics in Kendriya Vidyalaya at Paradip has been proceeded against and an inquiry has been pending against him. His submission is that although he has made several representations i.e., on 27.03.2012 and 05.11.2012 for getting some documents, but he has not been supplied with the same. In the meantime, the Inquiry Officer was appointed and further the date of hearing as decided by the Inquiry Officer is fixed to 10.06.2013. The latest representation that he has made to the Respondent No.2 who is the Disciplinary Authority in this case viz. the Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Bhubaneswar is on 05.11.2012. In this letter, it is found that again he has requested to supply the documents sought for him in his letter dated 27.03.2012 and give further ten days more time from the date of receipt of those documents to submit his statement of defence in detail to the charges. It has been further brought to my notice that before this representation is disposed of by the Disciplinary Authority, vide order dated 21.11.2012 the Inquiry Officer was appointed to enquire into the charges. The Ld. Counsel for the applicant pleads that he will be very much prejudiced if the required documents are not supplied to him to put up his defence and the Inquiry is completed by the Inquiry Officer.

2. I have heard the issues raised by the Ld. Counsel for the applicant. In the absence of the Ld. Counsel for the Respondents the present position with regard inquiry is not known. However, considering the fact that the representation dated 05.11.2012 requesting for supply of certain documents made to the Respondents No.2 who is Disciplinary Authority was not disposed of and the concern of the applicant is that before supply of documents the enquiry may be completed, I direct Respondent No.2 to consider the pending representation and give a reasoned and speaking order on the representation made by the applicant and also to supply the necessary documents which are required in defence of the applicant. Till the representation is disposed of, the Inquiry Officer shall not proceed



5
further with the inquiry. However, the date for the inquiry can be fixed after the representation is disposed of and the decision thereon communicated to the applicant.

3. With these observations and directions the present O.A. is disposed of.

4. Copy of this order may be transmitted to Respondent Nos.2 & 3 by **speed post** for which Mr. S. Mohanty, Ld. Counsel for the applicant has undertaken to give the postal requisites by tomorrow.


(R.C. MISRA)
MEMBER(A)

K.B.