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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00572/14

Cuttack this the 19th day of August, 2014

CORAM

HON'BLE SHRI R.C.MISRA, MEMBER(A)

Sri Gagan Bihari Mantri
Aged about 53 years
S/o.late Chaitanya Charan Mantrri
Senior Accountant, Fund 3 Section
In the office of the Principal Accountant
General(Accounts and Entitlement)
Odisha,Bhubaneswar-751 001, PS.Capital
District-Khurda

...Applicant

By the Advocate(s)-Mr.A.Swain

-VERSUS-

Union of India represented through

1. The Principal Secretary
Government of India
Department of Personnel & Training
North Block
New Delhi-110 001
2. The Principal Accountant General(A&E)
Odisha
At/PO/PS-Bhubaneswar-751 001
District-Khurda, Odisha
3. The Deputy Accountant General(Admn.)
Office of the Principal Accountant General(A&E)
Odisha, At/PO-Bhubaneswar-751 001
Dist-Khurda
4. The Deputy Accountant General(Funds)
Office of the Principal Accountant General A & E
At/PO-Bhubaneswar-751 001
Dist-Khurda
5. The Comptroller and Auditor General of India
9, Deen Dayal Upadhaya Marg
PO-Indra Prastha
New Delhi-110 124

...Respondents

By the Advocate(s)-Mr.S.B.Jena



ORDER(Oral)**R.C.MISRA, MEMBER(A):**

Heard Shri A.Swain, learned counsel for the applicant and Shri S.B.Jena, learned ACGSC for the Respondents on the question of admission. Respondents in pursuance of the direction of this Tribunal have also filed a short reply.

2. Applicant in the present O.A. has challenged the order of suspension as well as appointment of Inquiry Officer in the disciplinary proceedings which have been initiated against him.

3. Shri Swain learned counsel for the applicant has contended that the order of suspension is illegal. He also pleaded that the I.O. appointed by the Disciplinary Authority to enquire into the charges is a person who has been compulsorily retired from service and therefore, he is not competent to hold the inquiry. In support of his contention, Shri Swain has relied on Rule-14 of CCS(CCA) Rules, 1965 and pleaded that since he has challenged the appointment of I.O., the process of inquiry should be stayed.

4. On the other hand, Shri Jena submitted that ^{the fact that} the person who has been appointed as I.O. was compulsorily retired does not make any material difference to this case and the applicant has moved this Tribunal in order to delay the proceedings.

5. I have considered the rival submissions. I find that ventilating his grievance applicant has made a representation dated 04.08.2014 to the Deputy Accountant General/Disciplinary Authority (Res.No.3) raising an objection to the appointment of the I.O. Prima facie, I am of the opinion that a duty is cast on the Respondent No.3 in the capacity of Disciplinary

Authority to dispose of the representation of the charged official before the inquiry is conducted by the I.O.

6. Having regard to what has been observed above and without expressing any opinion on the merit of the matter, I direct the Deputy Accountant General/Disciplinary Authority (Respondent No.3) to consider and dispose of the representation as aforesaid, as per extant rules and instructions and communicate the decision thereon to the applicant within a period of fort-night from the date of receipt of this order. Till the decision is communicated, Respondent No.3 shall postpone the process of inquiry in order to ensure that the disciplinary proceeding is conducted fairly and is above board.

7. With the above observation and direction, this O.A. is disposed of the stage of admission. No costs.

8. As agreed to by learned counsel for both the sides, copy of this order along with copy of paper book be sent to Respondent No.3 at the cost of the applicant, for which Shri Swain undertakes to deposit the postal requisites. Free copy of this order be made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)