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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00004/2014

Cuttack, this the 9th day of January, 2014

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (Judl.)

HON'BLE MR. R.C. MISRA, MEMBER (Admn.)

.....

Naba Kishore Dash,

aged about 54 years,

Son of Late Biswanath Sitha,

A permanent resident of

House No. 226, Kanan Vihar,

PO- KIIT, Bhubaneswar

Presently serving as Security Officer,

Central Rice Research Institute,

Cuttack – 753006.

.....Applicant

Advocate(s)... M/s. A.K.Mishra, J.Sengupta, D.K.Panda, G.Sinha, A. Mishra,
P.P.Behera.

VERSUS

Union of India represented through

1. Secretary to Government,
Ministry of Agriculture,
Krishi Bahawan,
New Delh- 110001.
2. Director,
Central Rice Research Institute,
Cuttack - 753006.
3. Senior Administrative Officer,
Central Rice Research Institute,
Cuttack – 753006.
4. Dr. Khira Sagar Behera,
Principal Scientist-cum-Inquiry Officer,
Central Rice Research Institute,
Cuttack – 753006.

..... Respondents

Advocate(s)..... Mr. S.B.Jena

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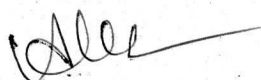
Alor

ORDER (ORAL)

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

Heard Mr. A.K.Mishra, Ld. Sr. Counsel, assisted with Mr. J.Sengupta, Ld. Counsel for the applicant, and Mr. S.B.Jena, Ld. Counsel appearing for the Respondent Nos. 1, 2 and 3, who accepts notice on behalf of all the Respondents. Registry is directed to serve notice, in terms of Sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the action of the Respondents, more particularly of Respondent No.2 in appointing Respondent No. 4 as Inquiry Officer notwithstanding the fact that successive representations are still pending consideration in which he has prayed for supply of certain documents to make an effective written note of defence to the charge memo issued to him vide memo dated 07.05.2013. Mr. Mishra, Ld. Sr. Counsel by drawing our attention to the letter dated 31.12.2013 submitted that, in the meantime, the Inquiry Officer has issued a letter to the applicant to be present on 06.01.2014 at 3.00 P.M. to attend the inquiry though no communication has been received on the representations made by him praying for supply of documents. On being confronted with the question whether the applicant has approached this Tribunal after exhausting the departmental remedies by way of making an appeal or representation for non-supply of documents/against the notice dated 31.12.2013, Mr. Mishra craves leave of this Tribunal to make appeal/representation to Disciplinary Authority within two weeks and in that event direction be issued to the Disciplinary Authority, i.e. Respondent No.2, to consider the same within a



specific time frame.

3. Mr. S.B.Jena, Ld. Addl. Central Govt. Standing Counsel and Counsel appearing for Respondent Nos. 1, 2 and 3 submitted that Inquiry Officer has already been appointed and as the applicant has not filed his written statement of defence against the charge memo within 10 days' time as allowed to him, there is no illegality in issuing notice by the Inquiry Officer vide letter dated 31.12.2013.

4. However, taking into account the arguments advanced by Ld. Counsel for both the sides and prayer made by Mr. Mishra, Ld. Sr. Counsel appearing for the applicant, without entering into the merit of the matter, we dispose of this O.A. at the stage of admission, giving liberty to the applicant to make appeal/representation to Respondent No.2 (Disciplinary Authority), i.e. Director, CRRI, Cuttack within a period of two weeks hence and if such an appeal/representation is preferred within two weeks, Respondent No.2 is directed to consider the same as per Rules and communicate the result thereof to the applicant in a reasoned order within a period of four weeks. Till such consideration/communication, the Inquiry Officer should not proceed with the enquiry. No costs.

MEMBER (Admn.)



RK

MEMBER(Judl.)

