

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR

Date of order : 2.2.1995.

O.A. NO. 48/1995.

MAHENDRA KISHORE SHARMA : APPLICANT
Mr. Davendra Kachhwaha : Counsel for applicant.

VS,

UNION OF INDIA AND OTHERS : RESPONDENTS

COURT :

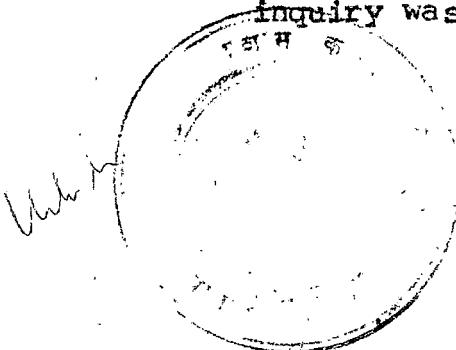
THE HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER

BY THE COURT :

Heard the learned counsel for the applicant.

The application has been filed seeking the relief of payment of salary to the applicant for the months of May to August 1992. The matter as to whether the applicant performed his duties for the period 10.2.1992 to 2.6.1992 and was entitled to salary for the same was earlier adjudicated upon by this Bench of the Central Administrative Tribunal in OA No. 103/1993 which was decided on 11.7.1994. By the decision given in this OA the respondents were directed to conduct an inquiry to look into the matter and pay the salary to the applicant if the same was due to him. The Commander Works Engineer (Army) Jodhpur vide his letter dated 14.9.1994 (Annex.A/1) has given a reply to the representation of the applicant on this issue. This letter shows that the inquiry has revealed that the applicant did not perform duty for the said period and his salary for the period had been adjusted accordingly.

The applicant has now complained that the inquiry was conducted *ex parte* and he has various objections regarding the evidence on the basis of which the conclusion in the inquiry was arrived at.



I find from the Order dated 11.7.1994 (Annex.A/2) in OA No.103/1993 that no specific direction was given that the applicant should be associated with the inquiry. However, since the applicant claims to have several objections regarding the evidence recorded during the inquiry and in the interest of justice and fairness, I deem it fit that the applicant may be given a personal hearing by the Inquiry Officer. The applicant may make a written representation of the objections he has against the findings in this inquiry as well as raise the points of objection during the personal hearing. His letters at Annexes. A-8 and A-9, Telegram at Annex.A-10 and the Acknowledgement at Annex.A-11 may also be considered during the personal hearing. This personal hearing would be in continuation of the previous inquiry. The Inquiry Officer should record his findings on every objection that might ~~may~~ be raised by the applicant and the Commander Works Engineer (Army) Jodhpur, should examine the findings of the Inquiry Officer and give an appropriate reply by a speaking order to the applicant covering the various points of his objection. This inquiry may be completed within a period of three months from the date of receipt of a copy of this order.

In case the applicant is found entitled to receive salary for the period May 1992 to August 1992 he should be paid the same within one month of the completion of the inquiry. The OA stands disposed of at admission stage with this direction to the respondents. Copy of the present OA may also be sent alongwith a copy of this order to the respondents.

There is no order as to costs.

Usha Sen
(USHA SEN)
Administrative Member



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