

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.092/2001.

Friday, this the 23rd day of February, 2001.

Coram: Hon'ble Justice Shri Ashok Agarwal, Chairman,
Hon'ble Shri B.N.Bahadur, Member (A).

Manoj Kumar Sarangi,
Flat 304, 17-B,
Customs Colony, MAHADA
Complex, Adi Shankaracharya Marg,
Powai,
Mumbai - 400 076.Applicant.
(By Advocate Shri G.K.Masand)

Vs.

1. Union of India, through the
Secretary, Ministry of Finance,
Department of Revenue, North
Block,
New Delhi - 110 001.
2. The Commissioner of Customs
(General) New Customs House,
Ballard Estate,
Mumbai - 400 038.
3. C.B.I. (ACB), through the
Joint Director, Anti Corruption
Branch, Tanna House, Nathalal
Parekh Marg, Colaba,
Mumbai - 400 039.Respondents.

: O R D E R (ORAL) :

{Per Justice Shri Ashok Agarwal, Chairman}

The present OA is filed at an interlocutory stage. Disciplinary Proceedings have been initiated against the applicant. A charge sheet along with statement of imputations have also been served on the applicant. By the present OA, applicant seeks directions to the Respondents to furnish the applicant copies of two documents, the same are contained in the prayer clause (a) and (b) of the OA as follows:

...2.



"(a) That this Hon'ble Tribunal will be pleased to direct the Respondent No.2 to furnish to the Applicant certified true copies of detailed reasonings, as well as enlarged copies of the photographs of hand writing and signature furnished by the Government Examiner of Questioned Documents in support of his report dated 29.4.1998 which is sought to be relied upon for establishing the charges levelled against the Applicant.

(b) That Respondent No.2 and/or 3 be directed by this Hon'ble Tribunal to furnish to the Applicant the certified true copies of the Report of the CBI together with the evidence collected by the CBI in respect of FIR in RC No.36 (A)/98, which are referred to in Annexure III viz. List of Documents in support of the Charge Sheet, including the Report of the Handwriting Expert, alongwith his detailed reasonings and the enlarged copies of the relevant photographs."

2. As far as the report of the Handwriting Expert is concerned, the same has been furnished to the applicant. Applicant is seeking copies which may not have even been prepared by the Handwriting Expert. Similarly, he seeks a report of the CBI which is not relied upon in the enquiry against him. He cannot, therefore, as of right claim its copy. Moreover, we find that the present OA appears to be a step-in-aid to delay and defeat the disciplinary proceedings, this is clear from the prayer clause (c) which recites as under:

"That pending the hearing and final disposal of this Application, Respondent No.2 be restrained by an Order of injunction issued by this Hon'ble Tribunal from proceeding further with enquiry with regard to Memorandum of charges dt. 15.12.2000 (Exh 'D')."

3. Since the present petition is filed at interlocutory stage, we do not find that the same warrants interference under

...3.

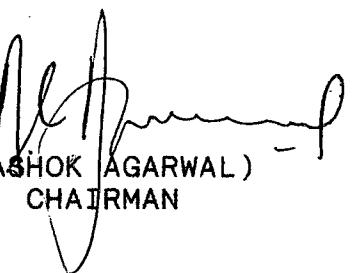


extraordinary and discretionary jurisdiction. The present OA, in the circumstances, is summarily rejected.

B.N.BAHADUR

(B.N.BAHADUR)
MEMBER(A)

B.


(ASHOK AGARWAL)
CHAIRMAN