

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, CAMP AT AURANGABAD.
Original Application No. 835/2001.
Tuesday, this the 4th day of December, 2001.

Hon'ble Shri S.R. Adige, Vice-Chairman (A),
Hon'ble Shri S.L. Jain, Member (J).

B.G. Gawai,
Sub-Post Master,
Shahganj Post Office,
Aurangabad.
(By Advocate Shri M.K. Deshpande).

... Applicant.

v.

1. The Union of India, through
Senior Superintendent of
Post Offices, Aurangabad,
Division,
Aurangabad - 431 001.
2. Post Master General,
Aurangabad Region, Cantt.,
Aurangabad - 431 002.
3. Director of Postal Services,
Aurangabad Region, Cantt.,
Aurangabad - 431 002.
4. Chief Post Master General,
Maharashtra Circle, G.P.O.,
Mumbai.
5. Inquiry Officer & A.S.P.O.,
(Inv.), C/o. Office of Post
Master General, Cantt.,
Aurangabad - 431 002.
(By Advocate Ms. H.P. Shah)

... Respondents.

O R D E R (ORAL)

By S.R. Adige, Vice-Chairman(A).

Heard both sides.

2. Applicant alleges bias on the part of the Enquiry Officer, because he did not adjourn the Disciplinary Proceedings on 2.11.2001, 3.11.2001 and 7.11.2001, despite applicant's request for adjournment, on the ground that he was unwell.

3. Respondents' counsel Ms. H.P. Shah has invited our attention to letter dt. 20.11.2001 (Exh. A-16) from

...2.

the Senior Superintendent of Post Offices addressed to the applicant, wherein it has been pointed out that in case applicant apprehended bias on the part of the Enquiry Officer, it was open to him to have represented at the time of the Enquiry Officer's appointment itself. Ms. H.P. Shah has also stated that the applicant was present in office on 1.11.2001.

4. Without entering into the controversy at this stage, we note that the Enquiry Officer is yet to submit his report. We call upon him to submit his findings as expeditiously as possible and preferably within three months from the date of receipt of a copy of this order. A copy of the Enquiry Officer's findings will have to be submitted to the applicant for representation, if any, as required by law, and it will be open to applicant to take such defence in regard to the Enquiry Officer's findings as are available to him, including the allegation of bias.

5. If any such allegation is made in the representation filed by the applicant, we call upon the Disciplinary Authority to apply his mind to the same and record a specific finding thereon.

6. If, after disposal of the Disciplinary Proceedings by the Disciplinary Authority, any grievance still survives, it will be open to the applicant after exhausting such statutory remedies as are available to him, to agitate the same through appropriate original proceedings in accordance with law, if so advised.

7. The O.A. disposed of accordingly. No costs.

S.L. Jain
(S.L.JAIN)
MEMBER (J)

S.R. Adige
(S.R.ADIGE)
VICE - CHAIRMAN(A)

B.