

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Review Application No.20/93 Dated: 26 MAY 1993

in
APPLICATION NO(s). 124 of 1993.

Applicant(s) G.Narasimhaiah

Respondent(s) Secretary, Ministry
of Defence, N.Delhi & Others.

To

- | | |
|--|---|
| 1. Sri.G.Narasimhaiah,
S/o.Guruppa,
No.36/A,Krishnappa Block,
5th Main, 8th Cross,
Ganganagar,
Bangalore-560 032. | 4. Garrison Engineer(ER),
Air Force,
Head Quarters Training
Command, IAF Campus,
Hebbal, Bangalore-6. |
| 2. Sri.B.L.Nandakumar &
B.Sudhakaran, Advocates,
No.42, 2nd Main Road,
Ganganagar, Bangalore-32. | 5. Captain S.Bhan,
Inquiry Officer,
AGR, B/R(Air Force),
Hebbal, Bangalore-6. |
| 3. The Secretary,
Ministry of Defence,
South Block,
DHQ Post,
New Delhi-110 011. | 6. Sri.M.Vasudeva Rao,
Addl. Central Govt.
Standing Counsel,
High Court Building,
Bangalore-1. |

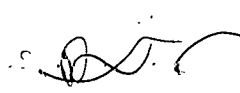

SUBJECT:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore Bench
Bangalore.

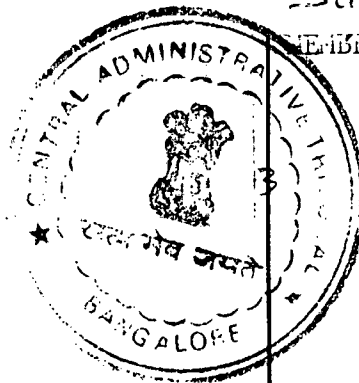
Please find enclosed herewith a copy of the ORDER/
STAY/INTERIM ORDER passed by this Tribunal in the above said
application(s) on 25-05-1993.

olc


For DEPUTY REGISTRAR
JUDICIAL BRANCHES.

- 2 - RANo 20/93 in OANo 124/93

Date	Office Notes	Orders of Tribunal
		<p>(PKS)VC/(VR)M(A)</p> <p>MAY 25, 1993.</p> <p>Heard the applicant.</p> <p>No good grounds are made out to review the order. Hence dismissed.</p> <p>Sd- MEMBER(A)</p> <p>Sd- VICE-CHAIRMAN.</p> <p>TRUE COPY</p> <p> SECTION OFFICER CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</p> <p> 26/5/93</p>



CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 2 MAR 1993

APPLICATION NO (S) No 124/93

W.P. NO (S) _____

Applicant (s)

G Narasimhaiah

To

1) Sri G. Narasimhaiah.
S/o. 36/A, Krishnaappa Block.
5th Main, 8th Cross, Ganganager,
Bangalore-560032

2) Sri. B.L. Nandakumar &
B. Sudhakaram, Advocates,
No 42, 2nd Main Road,
Ganganagar, Bangalore-560032

Respondent (s) Secretary,
Mo Defence, New Delhi & Others

3) Secretary to Govt. Secy,
Ministry of Defence
South Block, D.H.Q. P.O.
New Delhi-110011


4) Garrison Engineer (K.K.)
Airforce/HQTC IAF Camp no,
Hebbal, Bangalore-560006

5) Captain S. Bhan,
Inquiry Officer,
AGK, B/R (Airforce)
Hebbal, Bangalore-560006

6) Sr. AC Vandana Rao
Addl. Central Govt Standing Counsel,
High Court Bldg. Bangalore

Subject : FORWARDING COPIES OF THE ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of the ORDER ~~STAY~~
~~INTERIM ORDER~~ passed by this Tribunal in the above said
application (s) on 02-03-93.


DEPUTY REGISTRAR
(JUDICIAL)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

DATED THIS SECOND DAY OF MARCH, 1993

Present: Hon'ble Mr. Justice P.K. Shyamsundar, Vice Chairman
Hon'ble Mr. V. Ramakrishnan, Member (A).

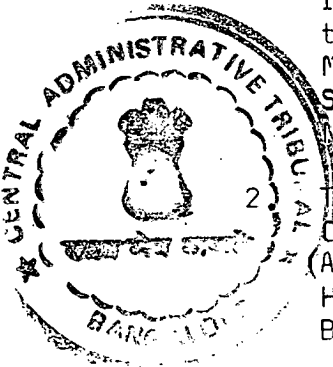
APPLICATION NO. 124/1993

Shri G. Narasimhaiah
S/o Gurappa,
Major
working as F.H.O
AGE E/M,
Office of the Garrison Engineer
(Air Force) HQTC IAF Campus
Hebbal
Bangalore 560 006

(S/Shri B.L. Nandakumar and B. Sudhakaran - Advocates)

... Applicant

Versus

- 
1. The Union of India
represented by its Secretary
to Govt. of India,
Ministry of Defence
South Block D.H.Q.F.O.
New Delhi 110 011.
 2. The Garrison Engineer (E.E.)
Office of the Garrison Engineer
(Air Force) HQTC, IAF Campus
Hebbal,
Bangalore 560 006.
 3. Capt S. Bhan
Inquiry Officer
AGE, B/R (Air Force)
Hebbal
Bangalore 560 006.

(Shri M.Vasudeva Rao - Advocate) Respondents

This application filed under section 19
of the Administrative Tribunals Act, 1985 having come up
for orders before this bench today: Hon'ble P.K. Shyamsundar

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Vice Chairman made the following:

C R D E R

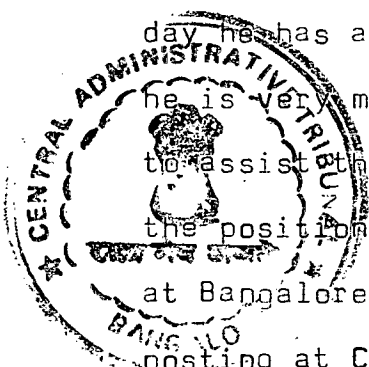
After this matter was heard for quite some time and threatened to snow ball into a serious confrontation between the Union Government and the applicant whose grievance is that a defence assistant of his choice has been deliberately denied at an ongoing enquiry being held to some misconduct alleged to have been committed by him. We find from the records the Inquiring Authority has not discarded outright choice of the defence assistant made by the applicant; all that the Inquiring Authority has said is that the said defence assistant should obtain permission from the Controlling Officer so that he can without any hindrance appear at the inquiry and assist the applicant wholeheartedly. Notwithstanding the serious arguments advanced against the stand taken by the Inquiring Authority as aforesaid, the arguments going to the length of suggesting that the department was only interested in putting forth some hurdles in the way of the applicant to his detriment.

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2. We, however, feel the order passed by the Inquiring Authority is quite proper and is consistent with the relevant Rules. In this connection attention may be invited to the provisions under Rule 14(15) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 which reads:

14(8)(a) The Government servant may take the assistance of any other Government servant posted in any office either at his headquarters or at the place where the inquiry is held, to present the case on his behalf, but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits;

Provided that the Government servant may take the assistance of any other Government servant at any other station, if the inquiry authority having regard to the circumstances of the case, and for reasons to be recorded in writing so permits."

The case on hand appears to have a very interesting flash back. The applicant wanted the assistance of another employee by name Shri R. Ramanujam who was recently in the establishment at Bangalore where the applicant also works. But, even while this inquiry was in the offing the said Ramanujam was transferred to Calcutta. The said official instead of joining at Calcutta declined the posting at Calcutta pursuant to which the authority at Calcutta initiated disciplinary action against him. At that stage the said Ramanujam having approached the Calcutta Bench of this Tribunal obtained an order transferring the inquiry initiated by the Calcutta authorities to Bangalore with a direction that the inquiry be proceeded at the Bangalore office. We are now told that the said Ramanujam is here in Bangalore in connection with his own inquiry and to-day he has also filed before us an affidavit to the effect that he is very much in Bangalore and is conveniently positioned to assist the applicant at the inquiry. Be that as it may, the position is Ramanujam is not a Government servant working at Bangalore and that would be the position as a sequel to his posting at Calcutta regarding which he is run into heavy weather and consequently he himself faces an inquiry now ordered to be held at Bangalore pursuant to an order of the Calcutta Bench of this Tribunal. All that notwithstanding, the position is that he is not a Government servant working at Bangalore, albeit not accepting the transfer to Calcutta and not reporting there, the official having given a posting at Calcutta is now under the control of the Calcutta Office. Consequently



he ~~becomes~~^{is} a Government servant posted at other Station and in such cases the proviso to Rule 14(8)(a) provides that such a Government servant can undoubtedly appear at an inquiry at a different locale subject however to the discretion of the Inquiring Authority who has got to make some order in that behalf in writing. The Inquiring Authority has now made an order stating that he will have no objection to the applicant taking the assistance of the said Ramanujam, provided ^{he can} obtain the permission of his Controlling Authority. It also becomes clear, the aforesaid order passed by the Inquiring Authority is in confirmity with Instruction No.15 framed under Rule 14 of the Rules referred to supra. In the circumstances, we see no flaw in the order impugned and consequently do not find any good reason to interfere with the same, for which reason this application fails and is rejected.

3. But, at this stage counsel for the applicant tells us that Ramanujam will seek the permission of the Controlling Authority at Calcutta so that he may be validly in a position to appear at the inquiry initiated against the applicant. That ofcourse will solve the problem and we do hope he will get the necessary permission from the Controlling Authority at Calcutta in which event neither the applicant nor Ramanujam will have any problems at the inquiry. We however, hasten to add that in these matters the department should not take a hard boiled stand. All said and done in the matter of career prospects of a Government servant in jeopardy following the inquiry initiated against him, he should certainly be entitled to get the assistance of one in whom he has confidence. His position would become very difficult if he is denied the

services of some one in whome he has faith. We, therefore, hope that the authorities at Calcutta will see their way in granting necessary permission to Ramanujam whenever he is required to appear at the inquiry against the applicant at Bangalore. We direct that if Ramanujam applies to his Controlling Officer for permission to appear at the inquiry in question, the Controlling Authority or Officer will pass appropriate orders within 2 weeks from the date of making such an application. No costs.

Sd-

Sd-

VICE CHAIRMAN.



TRUE COPY
[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIB. B.
ADDITIONAL BENCH
BANGALORE