

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 798/98

Date of Decision: 3.5.1999

Shri S.B. Talreja.

Applicant.

Shri K.B. Talreja.

Advocate for
Applicant.

Versus

Union of India and others.

Respondent(s)

Shri V.S. Masurkar

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S. Baweja, Member (A)

(1) To be referred to the Reporter or not? *no*

(2) Whether it needs to be circulated to
other Benches of the Tribunal? *no*

R.G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Original Application No. 798/98

Monday the 3rd day of May 1999.

CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman

Hon'ble Shri D.S. Baweja, Member (A)

S.B. Talreja
ERS/CSTM
Under Executive control
of Divisional Railway
Manager, Central Railway
Mumbai, CSTM, Mumbai.

... Applicant.

By Advocate Shri K.B. Talreja
V/s.

The Union of India through
The General Manager,
Central Railway,
Mumbai CSTM, Mumbai.

The Divisional Railway Manager
Central Railway,
Mumbai CSTM, Mumbai.

... Respondents.

By Advocate Shri V.S. Masurkar.

ORDER (ORAL)

(Per Shri Justice R.G. Vaidyanatha, Vice Chairman)

This is an application filed by the applicant for a direction to the respondents to allow the applicant to engage an advocate to defend himself in disciplinary enquiry. The respondents have filed the reply opposing the application. We have heard the learned counsel for both sides.

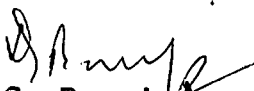
2. The applicant is facing a disciplinary enquiry of alleged demanding and accepting illegal gratification. The applicant made a request to the competent authority to permit his brother Shri K.B. Talreja, who is an advocate and retired Railway servant, to defend him in the enquiry case. The respondents have rejected that request. Being aggrieved by that order the applicant has approached this Tribunal.

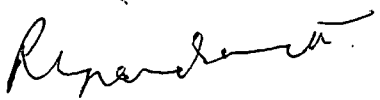
...2...

3. After hearing both sides, we do not find that any case is made out to interfere with the impugned order of the competent authority. According to the Disciplinary authority, the delinquent has no legal right for engaging an advocate to defend himself in the disciplinary enquiry. He is entitled to the services of another Railway officer to defend him in the enquiry case.

This is not case of complicated question of law or facts that the applicant will be prejudiced if he is not permitted to engage an advocate to defend him. In the facts and circumstances of the case we do not find that the applicant has made out a case for engaging an advocate to defend himself. The applicant's request for engaging an advocate to defend himself has been rightly rejected by the administration. Hence no ground to admit the O.A.

4. In the result the O.A. is rejected at the admission stage. No costs.


(D.S. Baweja)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

NS