

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Dated this Wednesday the 17th day of April, 2002

O.A-524 of 1998

Prakash Keshav Patil,
R/o Gaianan Co-operative Housing Society
Limited, Plot No.15, Room No.16,
Yashodhan Nagar,
Thane.
(By Advocate Shri P.A.Prabhakaran) - Applicant.

Versus

1. Union of India
through the Deputy Director
General (West Zone).
All India Radio.
New Broadcasting House.
3rd Floor, Opp.Mantralaya.
Mumbai 400 021.
2. The Station Director.
Vividh Bharati Services.
All India Radio, Old C.G.O..
101 M.K.Road, Mumbai - 400 020.
(By Advocate Shri S.S.Karkera on behalf of
Shri P.M.Pradhan) - Respondents

ORAL ORDER

By Hon'ble Mr.S.L.Jain. Member (J) -

This is an application under Section 19 of the Administrative Tribunals Act, 1985 immaning the order dated 15.7.1999.

2. The applicant was served with a charge sheet dated 18.11.1996. On perusal of Annexure - A- 3 (page 26) relied on document was Panchanama/Inspection Report dated 3.4.1996. Amongst other grievances one of the grievance of the applicant is that the said Panchanama/Inspection Report dated 3.4.1996 was not given to him. The said fact is not disputed by the respondents and during the course of arguments the learned counsel for respondents stated that it is a confidential document. It is

S.L.J. -

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worth mentioning that a document which is relied upon by the respondents in the charge sheet was not provided to the applicant and a defence is taken that it is a confidential document. Such document which formed the basis for holding the applicant guilty cannot be claimed as confidential document.

3. The learned counsel for the applicant relying on OA page 57 argued there is no enquiry and the applicant is held guilty for the said charge. On 18.2.1997 Shri P.K.Patil, Shri S.K.Rathi, Shri S.B.Patile, Shri V.B.Kale and Shri S.B.Kale submitted their statements and submitted that Panchanama is true. The fact discloses that in the said statement all the ^{Statements of} witnesses were recorded together and not one by one. As such he submitted that such a procedure is not warranted by any provisions of law.

4. The facts established are that Panchnama/Inspection Report dated 3.4.1996 was not supplied to the applicant and the enquiry was held by a procedure not known to law.

5. As such OA is allowed, the order of the appellate authority dated 15.7.1999 (Ex 'AA' -OA page 93) and disciplinary authority dated 23.4.1997 deserves to be quashed and set aside and are quashed and set aside. The matter shall go to the Enquiry Officer who shall supply copy of the Panchanama/Inspection Report dated 3.4.1996 to the applicant and

J.V. Patil

....3/-

OA 524.98

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thereafter the matter be dealt with in accordance with the rules and instructions thereon and to conclude ^{the} enquiry within a period of three months from the date of receipt of the copy of the order. No order as to costs.

S.L. Jain
(S.L. Jain)
Member (J)

R.N. Bahadur
(R.N. Bahadur)
Member (A)

mb/ns

17/4/92
dispatched
to dependent (s)
20/4/92

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