

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

OA.43/93

Date of Decision : 26-2-1993

Between

Prabhash Chandra Mridha

Applicant

and

Union of India, rep. by
The Secretary
Min. of Defence Productions
Govt. of India,
South Block,
New Delhi.

2. The General Manager
Ordnance Factory
Yeddumailaram
Medak

3. The Enquiry Officer
(Sri S.S.R. Krishnamurthy)
Addl. General Manager
Ordnance Factory
Yeddumailaram
Medak

: Respondents

Counsel for the Applicant

: K. Sudhakara Reddy,
Advocate

Counsel for the Respondents

: N.R. Devaraj, Standing
Counsel for Central Govt.

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

Judgement

(Orders as per Hon. Mr. Justice V. Neeladri Rao, VC)

The applicant is working as Assistant Foreman in Ordnance Factory at Medak, of which R-2 is the General Manager. Disciplinary enquiry in pursuance of the charge-

sheet dated 8-1-1992, is being conducted as against the applicant. He submitted representation dated 17-2-1992 praying for the change of Enquiry Officer and presented it to the Enquiry Officer for being forwarded to the concerned authority. He also made a request for stoppage of enquiry till his representation in regard to request for change of Enquiry Officer is disposed of by the concerned authority. But the Enquiry Officer while addressing a letter dated 28-12-1992 to the General Manager, Ordnance Factory, (R-2), in forwarding the representation dated 17-2-1992 of the applicant ^{stated} ~~observed~~ that the defence had not participated in the enquiry proceedings which had taken place on 24-12-1992 and he had forwarded the copy of the proceedings giving reasons for continuing with the enquiry.

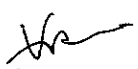
2. G.I., G.S. (Dept. of Per.), O.M. No.39/40/70-Ests(A) dated 9-11-1972 stipulates that whenever a Government servant, against whom disciplinary proceedings are initiated under CCS(CCA) Rules, submits an application praying for change of Inquiry Officer on grounds of bias, the proceedings should be stayed and the application referred alongwith the relevant material had to be forwarded to the appropriate reviewing authority for passing appropriate orders on such application. By letter No.7/28/72-Disc.I, dated the 19th March, 1973, of DG P&t, it was clarified that for the above purpose the reviewing authority would normally be the appellate authority.

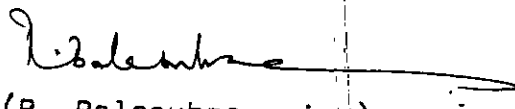
3. It is submitted for Respondents that the General Manager considered and rejected the application of the applicant for the request of change of Inquiry Officer. But it is evident from the records that the chargesheet was issued by order and in the name of the General Manager on behalf of the Deputy

(92)


General Manager, Ordnance Factory. It is thus evident that General Manager is not competent to dispose of the application of the applicant herein requesting for change of Inquiry Officer on the grounds of bias. As such it is for the concerned appellate authority to dispose of the same, and pending disposal of the said application, the inquiry as against the applicant has to be stayed as per the OM, dated 9-11-1972 (vide supra).

4. The OA is accordingly ordered. No costs.


(V. Neelagiri Rao)
Vice Chairman


(R. Balasubramanian)
Member (Admn)

Dated : February 26, 93
Dictated in the Open Court


Deputy Registrar (J)

sk
To

1. The Secretary, Union of India,
Ministry of Defence Productions, Govt. of India,
South Block, New Delhi.
2. The General Manager, Ordnance Factory, Yeddumailaram, Medak.
3. The Enquiry Officer (Sri S.S.R. Krishnamurthy),
Addl. General Manager, Ordnance Factory,
Yeddumailaram, Medak.
4. One copy to Mr. K. Sudhakar Reddy, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
6. One spare copy.

pvm

Handwritten notes at bottom left:
10/3/93
10/3/93

TYPED BY

COMPALED BY

CHECKED BY

(5)

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.V.NEELADRI RAO :V.C.

AND

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.CHANDRA SEKHAR REDDY
:MEMBER(J)

AND

THE HON'BLE MR.

DATED: 26 - 2-1993

~~ORDER~~/JUDGMENT:

R.P./C.P/M.A. No.

in

S.A.No.

43/93.

T.A.No.

(W.P.No.

)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs

pvm

