

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 96/96

Date of Order: 25-1-96

Between:

V. Venkata Reddy

.. Applicant

and

1. Deputy Chief Mechanical Engineer,
Carriage Repair Shop, SC Rly,
Tirupathi-520.
2. Assistant Works Manager,
Carriage Repair Shop, SC Rly,
Tirupathi-506 A.P.
3. Sri P.V.B. Narayana Rao.
Enquiry Officer.

Respondents.

For the Applicant :- Mr. J.M. Naidu, Advocate

For the Respondents: Mr. N.R. Devraj,
Sr./Add. CGSC

CORAM:

THE HON'BLE MR. JUSTICE V. NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR. RANGARAJAN : MEMBER (ADMIN)

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O.A.NO.96/96.

JUDGMENT

Dt: 25.1.96

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri J.M.Naidu, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. Charge memo dated 20.10.94 was issued to the applicant. The applicant engaged Shri Syed Ahmed as his defence counsel. The case of the applicant is that he made request for changing the defence counsel and sought permission to engage Shri M.Khadervali, Retired Officer Superintendent as his defence counsel; but he was not permitted to change the defence counsel and no reasons were given for not giving permission to change his defence counsel.

3. Notice dated 9.1.96 was issued by R-2, the disciplinary authority, to the applicant by enclosing copy of the Inquiry Report requiring the applicant to submit his explanation for the same. This OA was filed praying for declaration that the proceedings No.R/P 227/VVR dt. 9.1.96 of R-2 are illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and for consequential direction to the respondents to conduct inquiry by duly permitting the applicant to engage a new defence counsel Shri M.Khadervali.

X

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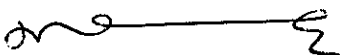
4. The proceedings dated 9.1.96 of R-2 disclose that it is an ex parte inquiry. The assistance of defence counsel is required only at the time of inquiry for cross-examination of witnesses for ~~prose-~~^{department} ~~cution~~ and for examining x witnesses, if any, for defence and for addressing arguments. As the ~~Exam~~ Inquiry Officer completed the proceedings, the question of having defence counsel does not arise at this stage. Hence it is not a case where a direction has to be given to the respondents to permit the applicant to engage a new defence counsel.

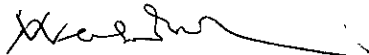
5. It is open to the applicant to refer to all the grounds that are raised in this OA and also any other grounds if so advised in the explanation to be submitted to the notice dated 9.1.96. It is needless to say that if such an explanation is going to be submitted to R-2, ^{he} (the disciplinary authority) has to consider the same in accordance with law. If ultimately the order to be passed by R-2 is adverse to the applicant, he is free to raise all those points in the appeal and if ^{he} it is going to ~~be~~ submit ^{it and also} the appeal, he can raise all these pleas in the application if it is going to be filed under Section 19 of the Administrative Tribunals Act, and hence we do not wish to express ~~ourselves~~ in regard to any of the points raised in this OA ^{with reference} ~~in regard~~ to the merits or in regard to the alleged procedural lapses in the ~~reply.~~ ^{enquiry.}

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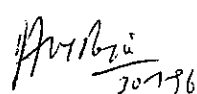
6. It is submitted that as the time of 15 days for submitting the explanation expired, the applicant may be ~~extended~~ granted some more time for submitting it. In the circumstances referred to, the time for submitting the explanation to the notice dated 9.1.96 issued by R-2 is extended upto 15.2.1996. Hence R-2 has to consider such an explanation if it is going to be sent by Registered Post with Acknowledgement Due by 15.2.1996.

7. The OA is disposed of accordingly at the admission stage. No costs.//


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 25th January, 1996.
Open court dictation.


Deputy Registrar (J)

To

vsn

1. The Deputy Chief Mechanical Engineer, Carriage Repair Shop, SC Rly, Tirupathi-520.
2. The Assistant Works Manager, Carriage Repair Shop, SC Rly, Tirupathi-506, A.P.
3. Sri P.V.B. Narayana Rao, Enquiry Officer, Shop Supdt. CBR/Carriage Repair, Tirupathi-506.
4. One copy to Mr. M.M. Naidu, Advocate, CAT.Hyd.
5. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT.Hyd.
6. One copy to Library CAT.Hyd.
7. One spare copy.

pvm.

21/2/96

I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

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

Dated: 25-1-1996

ORDER/JUDGMENT

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

in

O.A.No. 96/96

T.A.No.

(w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed. at the admission stage.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

along with OA copies

No spare copy

