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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.457/97

Date of Order: 28.4.97

BETWEEN:

K.Seetharamudu

.. Applicant.

AND

1. The Director of Postal Services,
Vijayawada Region, Vijayawada.
2. The Senior Supdt. of Post Offices,
Vijayawada division, Vijayawada.
3. The Enquiry Officer cum the Asst.Supt.
of Post Offices, Mangalagiri, Guntur dt. .. Respondents.

Counsel for the Applicant

.. Mr.Krishna Devan

Counsel for the Respondents

.. Mr.V.Vinod Kumar

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

Heard Mr.Krishna Devan, learned counsel for the applicant and Mr.V.Vinod Kumar, learned standing counsel for the respondents.

2. The applicant was issued with a charge sheet for major penalty under Rule 14 of CCS (CCA) Rules. An enquiry officer namely Shri Lokanatham, Assistant Superintendent of Post Offices, Mangalagiri, Guntur Dist. was appointed ~~as~~ ~~Enquiry Officer~~. The applicant nominated one Sri K.Nana Rao Retired BCR official Vijayawada to assist his case in the enquiry. The applicant submits that the date of enquiry was not known to the Assistant Government Servant and he

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did not attend the enquiry. He further pleads that the notice is not served on the Assisting Government servant and thereby he failed to attend the enquiry. We are of the opinion that it is not incumbent on the part of the enquiry officer to ensure that the Assisting Government Servant is served with the notice for the enquiry. It is for the applicant to ensure the presence of Sri K.Nana Rao.

3. R-1 has informed the applicant on the basis of his representation that the principle of natural justice ^{had been} ~~is being~~ followed and there is no bias attributable to enquiry officer.

4. This OA is filed for setting aside the impugned order No. ST.IV/31/120, dt. 1.4.97 (A-8) passed by R-1 and consequential direction to direct the enquiry officer to commence the enquiry from the stage of explaining the charges or perusal of documents listed with the presence of the AGS who was nominated by the charged official.


5. As we ^{have} observed earlier that it is the responsibility of the applicant to ensure the presence of Assisting Government Servant, ^{at} ~~it~~ is not necessary ~~at~~ this stage to de novo start the enquiry afresh. But from the next sitting of the enquiry, the applicant should make available his ASG for assisting ^{him during} the enquiry. To facilitate ^{write} ~~that~~ the copy of the enquiry indicating the date of next enquiry should be handed over to the applicant for serving it on Sri K.Nana Rao, who is the Assisting Government Servant and on that basis ^{of otherwise} if Sri K.Nana Rao appears before the enquiry he should allow ^{applicant in} to assist the enquiry. In case Sri K. Nana Rao is not present at the time of the next sitting of the enquiry the proceedings of the enquiry, ^{enquiry} should be continued as per law.

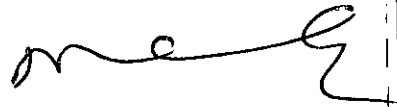
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6. With the above direction the OA is disposed of at the admission stage itself. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)



(R. RANGARAJAN)
Member (Admn.)

28/4/97

Dated: 28th April, 1997

(Dictated in Open Court)

sd


Dy. Reg. Secy (S)