

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL & HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1654/97

Date of Order : 15.12.97

BETWEEN:

G.Jupiter

.. Applicant.

AND

1. Composite Production Centre,
Rep. by its General Manager,
Vignana Kancha (RC),
Hyderabad.
2. The Government of India, rep. by
its Secretary, Ministry of Defence,
New Delhi.
3. Mr.K.A.Hussain.
4. Mr.N.S.Reddy.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.S.Rama Sarma

Counsel for the Respondents

.. Mr.K.Ramulu

- - -

CORAM:

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

- - -

O R D E R

{ As per Hon'ble Shri R.Rangarajan, Member (Admn.) }

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Mr.S.Rama Sarma, learned counsel for the applicant and
Ms.Shama for Mr.K.Ramulu, learned standing counsel for the
respondents.

2. The applicant while working as an Accountant under R-1
was issued with a charge sheet for certain allegations. It is
stated that he has been suspended in that connection. An enquiry
was ordered and R-4 was nominated as an Enquiry Officer. By the



order No. CPDC/EN/GJ/NSR, dated 27.11.97 (A-1) the applicant was asked to nominate a serving government servant as defence assistant or a retired government servant keeping the instructions on the subject in view. The applicant by his representation dated 3.12.97 requested for permission to engage a legal practitioner as defence assistant. But that was refused by the impugned order No. CPDC/EN/GJ/NSR, dated 5.12.97 (A-3) quoting the CCS (CCA) Rules 1998 Rule 14 clause 8 (a).

3. This OA is filed for setting aside the impugned letter dated 5.12.97 as void without jurisdiction and against the principle of natural justice.

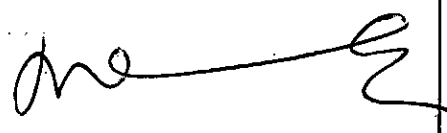
4. The learned counsel for the applicant now submits that the applicant could not get a reliable defence assistance either from the department or from a retired person of the department. Hence he requests time to search for a reliable defence assistant and in that connection he requests for a legal practitioner as a defence assistant.

5. In view of the rule position I do not think that such a relief can be given to the applicant in this OA. However as the applicant submits that he is not able to fix a defence assistant in accordance with the rules he should be given time to search for a reliable defence assistant and inform the government. Till such time such a defence assistant is informed the proceedings in this connection should pend. The applicant is also at liberty to approach the disciplinary authority ~~also~~ in regard to his prayer in this OA if so advised and that authority may take a suitable decision in accordance with the law.



6. The applicant should ~~be informed~~ ^{the nomination of} the enquiry officer regarding his defence assistant within a period of 25 days from the date of receipt of a copy of this order. If such a nomination is not made by the applicant within the stipulated period the enquiry officer is at liberty to proceed with the enquiry.

7. With the above directions the OA is disposed of at the admission stage itself. No costs.


(R. RANGARAJAN)
Member (Admn.)

Dated : 15th December, 1997

(Dictated in Open Court)

sd


A.D.R.

..4..

Copy to:

1. The General Manager, Vignana Kancha, (RD)
Composite Production Centre,
Hyderabad.
2. The Secretary, Min.of Defence, New Delhi.
3. One copy to Mr.S.Rama Sharma, Advpcate,CAT,Hyderabad.
4. One copy to Mr.K.Ramulu,Addl.CGSC,CAT,Hyderabad .
5. One copy to D.R(A),CAT,Hyderabad.
6. One duplicate copy.

YLKR

19/12/97
TYPED BY
COMPILED BY

6
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JAI PARAMESWAR :
M(J)

Dated: 15/12/97

ORDER / JUDGMENT

MA./R.A./C.A.No.

in
O.A.No. 1654/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as Withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

SRR

II Court

