

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

O.A. No. 208/1993.

Date of decision 15.12.94.

Pradeep Kumar

.....Applicant.

Vs.

Union of India & others

.....Respondents.

CORAM: HON'BLE MP. JUSTICE D.L. MEHTA, VICE CHAIRMAN.
HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER.

For the applicant - Mr. K. Kamal Singh, advocate.

For the respondents - Mr. Manish Bhandari, advocate.

O R D E R (ORAL)

(Hon'ble Mr. Justice D.L. MEHTA, Vice
Chairman)

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Heard the learned counsel for the parties.

2. Applicant has taken the plea in Ground No. (x) of O.A. that he made a request to allow him to produce defence witnesses, but his request was rejected.

3. We have gone through the reply filed by the respondents and there is no specific averment on this point. The real position should be that the Enquiry Officer should ask the delinquent official to produce the defence evidence and in case he/producer does not the defence evidence or does not supply the list, the Enquiry Officer shall have to pass the orders according to law. Whether such directions were given by the Enquiry Officer and what was the order passed is not available with us.

4. In the circumstances, we set aside the order of the appellate authority Annexure A/2 and direct the appellate authority to record the statement of the defence witnesses and the applicant may give

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the list of defence witnesses to the appellate authority within a period of one week after the receipt of a copy of the order. The appellate authority should summon the witnesses ^{and} / the applicant should also take necessary steps for the production of the witnesses. The appellate authority should record the statements of the witnesses and should give a fresh finding after considering the points made in the appeal as well as in the Application. If the applicant prays for personal hearing, the personal hearing may be given to him. However, we are not setting aside the order of the disciplinary authority as we are only setting aside the order of the appellate authority and remit the case accordingly. O.A. is disposed of accordingly.

No order as to costs.

Usha Sen
(USHA SEN)
ADMINISTRATIVE MEMBER

D.L. Mehta
(D.L. MEHTA)
VICE CHAIRMAN

'MS'