

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 530 of 2003

Jabalpur, this the 8th day of August, 2003

Hon'ble Shri J.K. Kaushik, Judicial Member.
Hon'ble Shri Anand Kumar Bhatt, Administrative Member.

Jagdish Prasad, Aged about
50 years, working as Senior
Auditor, (PAO(ORS) Corps of
Signals Jabalpur

APPLICANT

(By Advocate - Shri Vinod Ahlawat)

VERSUS

1. Union of India,
Through Controller General
of Defence Accounts,
New Delhi.
2. Controller of Defence Accounts
Ridge Road, Jabalpur
3. D.C.D.A. Incharge and Cash
Officer PAO (ORS)
Corps of Signals, Jabalpur
4. JCDA,
Office of the CDA
Ridge Road,
Jabalpur M.P.

RESPONDENTS

O R D E R (Oral)

By J.K. Kaushik, Judicial Member -

Shri Jagdish Prasad has filed this Original Application praying therein for a direction to the Enquiry Officer to call for certain witnesses whose names appear in the communication dated 25.07.2003 and to allow the applicant to cross-examine them.

2. The brief facts of the case are that the applicant is working on the post of Senior Auditor, PAO(ORs), Corps of Signals, Jabalpur. He has been issued with a charge sheet vide memo dated 04.03.2003 (Annexure A/2) alleging violation of Rule 3 and its sub rules of CCS Conduct Rules, 1964.


The charge sheet has been issued under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. An enquiry has been ordered in the matter. The enquiry is going on and one of the witness^{es} had already been examined. The applicant requested for calling certain witnesses as defence witness in the matter but it is complained that the enquiry officer is not accepting the request of the applicant for calling the defence witnesses. The Original Application has been filed on number of grounds mentioned therein.


3. The case was listed for admission and we have heard the learned counsel for the applicant on admission.

4. The learned counsel for the applicant has tried to persuade us that the applicant has been dragged and is being made as a scape-goat for none of his faults in as much as there was another Cashier who is infact responsible for the matter and he repeated the same. From the records of this case we find that the prayer of the applicant^{is} that certain witnesses be called as defence witnesses in the enquiry and probably the enquiry officer is not calling them. The matter as to whether the defence witnesses are to be allowed or to be disallowed is to be dealt with by the enquiry officer and not for the court to interfere at this stage. The scope of the judicial review in the matter of disciplinary proceeding is very limited. An enquiry under Rule 14 is done on behalf of the disciplinary authority and the disciplinary authority is a quasi-judicial authority. The applicant will get complete opportunity to put-forward his defence and it is

for the disciplinary authority to apply the mind and pass an appropriate order in the matter. There is also provision of appeal, wherein statutory remedy has been provided to an employee. It is only in ab-normal circumstances that this Tribunal entertains the applications and until the alternative remedies are availed the Original Application cannot be entertained due to the embargo envisaged in Sec. 20 of the Administrative Tribunals Act.

5. In the premises we are of the considered opinion that this Original Application is pre-mature and the same deserves to be dismissed as such. We do so accordingly and dismiss the Original Application in limine at admission stage being pre-matured.


(Anand Kumar Bhatt)
Administrative Member


(J.K. Kaushik)
Judicial Member

"SA"

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प्रतिनिधि अर्पित--

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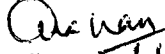
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V. Ahawat Ace


14/8/03

Issued
On 14-8-03
BS