

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 20th October, 2008

ORIGINAL APPLICATION NO. 415/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Mukesh Tilwani son of Shri Pesu Mai Tilwani aged about 45 years, resident of 1-JH, Vaishali Nagar, Ajmer and presently working as Postal Assistant, Madanganj Post Office, Ajmer Division, Ajmer.

....APPLICANT

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communications and Information Technology, Dak Bhawan, New Delhi.
2. The Director Postal Services, Southern Region, Ajmer.
3. The Sr. Superintendent of Post Offices, Ajmer Postal Division, Ajmer.
4. Shri R.K. Arya, Inquiry Officer and Deputy Superintendent of Post Offices, Ajmer Postal Division, Ajmer.

.....RESPONDENTS

(By Advocate:-----)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

"(I)

That entire record relating to the case be called for and after perusing the same, respondents be directed to make available copy of additional documents allowed by

Inquiry officer by quashing letter dated 25.08.2008 (Annexure A/1) with all consequential benefits.

- (ii) That the charge memo dated 06.12.2007 (Annexure A/2) be quashed and set aside with the Inquiry proceedings, as the same are not justified as per facts and circumstances with all consequential benefits.
- (iii) That the respondent No. 4 be directed not to further proceed in Inquiry Proceedings and to conduct the same after availability of Additional documents by quashing proceedings take place in absence of the applicant.
- (iv) Any other order/ directions or relief may be granted in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case.
- (v) That the costs of this application may be awarded."

2. The grievance of the applicant in this case is that he has submitted a list of additional documents dated 06.06.2008 to the Inquiry Officer (Annexure A/5). The Department has supplied only a few documents. It is further case of the applicant that he has also submitted an additional list of listed documents and list of witnesses (Annexure A/8). The Inquiry Officer instead of deciding the question of relevancy of additional documents as well as list of witnesses is proceeding the inquiry ex-parte. The applicant has further stated that he has also made a representation dated 03.10.2008 (Annexure A/13) to the Appellate Authority i.e. Respondent no. 2 but no such action has been taken on his appeal/representation.

2. We have given due consideration to the submission made by the learned counsel for the applicant. We are of the view that instead of entering into merit of the case whether the additional documents/further documents along with list of witnesses, as asked for by the applicant, are relevant for the purpose of inquiry, the said question is required to be decided by the ^{Inquiry Officer} Appellate Authority. Since the appeal of the applicant is still pending before Respondent no. 2, it will be in the interest of justice if the inquiry proceedings pending against the applicant are stayed till such time the appeal of the

applicant qua above is not decided by Respondent no. 2. Accordingly, Inquiry Officer is restrained to proceed further in the matter pursuant to charge sheet dated 06.12.2007 (Annexure A/2) till the appeal of the applicant regarding relevancy of documents/ witnesses is not decided by the Appellate Authority. It will be open for the Inquiry Officer to proceed further in the matter pursuant to the decision to be taken by the Appellate Authority on the representation/appeal of the applicant (Annexure A/13). The Respondents no. 2 is directed to decide the appeal of the applicant expeditiously, in any case not latter than two months from the date of receipt of the copy of this order.

3. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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