

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

8.12.2009

OA 537/2009

Mr.Vinod Goyal, counsel for applicant.

Heard learned counsel for the applicant. The OA stands disposed of, at admission stage itself, by a separate order.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

vk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 8th day of December, 2009

ORIGINAL APPLICATION No.537/2009

CORAM :

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

Pradeep Kumar Goyal,
Sr.Accountant (under suspension),
O/o Principal Accountant General (A&E),
Rajasthan,
Jaipur,
R/o III-168, A.G.Colony, Bajaj Nagar,
Jaipur:

... Applicant

(By Advocate : Shri Vinod Goyal)

Versus

1. Union of India through
The Comptroller & Auditor General of India,
10, Bahadur Shah Zafar Marg,
New Delhi.
2. Principal Accountant General (A&E),
Rajasthan,
Near Statue Circle,
Jaipur.
3. Sr.Deputy/Deputy Accountant General (Adm.)
& Disciplinary Authority,
O/o Accountant General (A&E),
Rajasthan,
Near Statue Circle,
Jaipur.
4. The Welfare Officer,
O/o Principal Accountant General (A&E),
Rajasthan,
Near Statue Circle,
Jaipur.

5. A.K.Khan,
Sr.Accounts Officer/Ex Inquiry Officer,
O/o Principal Accountant General (A&E),
Rajasthan,
Near Statue Circle,
Jaipur.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

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

- "i) By an appropriate order or direction, the respondent No.2 be directed to initiate appropriate action against Shri A.K.Khan, unlawful appointee Inquiry Officer for his unwarranted acts done by him and holding the inquiry negligently with his own flawed appointment order and omitted the essentials conditions for holding the inquiry by violating the rules and provisions laid down under the Rules of 1965.
- ii) By an appropriate order or direction, the respondent No.4 be directed to decide the representation dated 28.5.2008 (Ann.A/1) of the applicant as early as possible. As such the impugned action of the Welfare Officer in not deciding the representation so far be declared as null and void.
- iii) By an appropriate order or direction, the Respondent No.3 be directed to made available the D.O.S. of 9.5.2008 to applicant to know the contents of that day and the illegal/unauthorized hearings held by the Inquiry Officer on 9.5.2008, 14.5.2008, 29.5.2008, 2.6.2008, 3.6.2008 and 2.7.2008 during the pendency of bias application against the Inquiry Officer may be treated as null and void. The applicant be compensated suitably by the department for the act of the Inquiry Officer deliberately and willfully.
- iv) Any other order which appears to be just and correct in the interest of justice may also be passed."

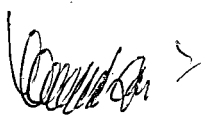
2. We have heard the learned counsel for the applicant at length. From perusal of the material placed on record and more particularly Ann.A/8, it is evident that one Shri

B.L.Chhipa, Sr.Accounts Officer, has been appointed as Inquiry Officer in place of Shri A.K.Khan. As such, grievance of the applicant regarding complaint made by him against the conduct of Shri A.K.Khan, the then Inquiry Officer, has been substantially redressed.

3. So far as further grievance of the applicant that the proceedings dated 9.5.2008, 14.5.2008, 29.5.2008, 2.6.2008, 3.6.2008 and 2.7.2008, conducted by Shri A.K.Khan, are illegal, such grievance cannot be entertained at this stage. It will, however, be open for the applicant to raise such a grievance when the applicant is held guilty of the charges by the appropriate authority.

4. In view of what has been stated above, we are of the view that there is no substance in the present OA. Accordingly, the OA stands dismissed at admission stage. No order as to costs.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

vk