

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI..5

ORG. APPL. NO. 25 OF 1994

MISC. PETN. NO. (IN O.A.)

CONT. PETN. No (IN O.A.)

REV. PETN. NO (IN O.A.)

versus

APPLICANTS

RESPONDENTS

Advocates for
Applicants

Advocate for
Respondents.

OFFICE NOTE	DATE	COURT'S ORDER
	3.2.94	<p>Heard learned counsel Mr B.K. Sharma on behalf of the applicant, Shri S.C. Das, Assistant Surveyer of Works (ASW) under the Commandar Works Engineer (CWE), Shillong. Perused the statement of grievances and reliefs sought for in this application. The memorandum No.C-13011/10/VIG/93 dated 18.10.1993 (Annexure-B) initiating disciplinary proceeding under Rule 16 of CCS(CCA) Rules, 1965 with charges has been assailed. It is submitted by Mr B. Sharma that the charges are vague, indefinite and relates to the period 1988-89 and that the charges are not in conformity with Rule 16 of the CCS(CCA) Rules 1965. Mr Sharma further submits that the DPC is expected to sit shortly for consideration of promotion to the rank of Surveyer of Works and the proceeding has been initiated at this stage only with a view to defeat/obstruct promotion of the applicant. Learned Addl. C.G.S.C. Mr G. Sarma submits that the application is not entertainable at this stage to refrain the authority to proceed with the disciplinary proceedings and the ground taken in this application can be</p>

3.2.94

advanced equally in his written statement of disciplinary proceeding.

Referring to the statements in paragraphs 4.15, 4.16 and 4.17, Mr B.K. Sharma submits that pendency of disciplinary proceedings will cause serious injury to the applicant when the DPC will sit for consideration to recommend fit candidates for promotion.

Upon hearing the counsel for the parties and considering facts and circumstances we find no reason at this stage to entertain this application. However, in view of overall facts and circumstances, we observe/direct that in the event of sitting of the DPC for consideration of recommendation for promotion to the rank of Surveyor of Works, the DPC will also consider the case of the applicant in parity with other incumbents for consideration as per rules.

Mr B.K. Sharma submits that the memorandum of charges dated 18.10.1993 (Annexure-B) had been served on the applicant on 23.12.1993 and the applicant has sought for documents to enable him to prepare effective written statement for defence, but the papers have not been furnished by the respondents and pray for a direction on the respondents to furnish the documents. These facts have been stated in the application. We order that the respondents will furnish at the earliest the relevant documents to the applicant enabling him to submit written statement.

This application is disposed of with the above order.

Inform all concerned immediately.

Sharma
Vice-Chairman

Member

nkm

Copy of the order may be furnished to the counsel for the parties.

By Order:

3/2/94

9.2.94

Copy of order dtd. 3.2.94 issued to all concerned by Regd. Post and their counsel also vide D/NO-599-604 dtd. 11.2.94.