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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Review Application No.19/94(in. O.A.71/94)

Date of Order: This the 14th Day of February, 1995.

Justice M.G.Chaudhari, Vice-Chairman

Shri G.L.Sanglyine, Member(Administrative)

State of Assam Applicants.

By Advocate Dr Y.K.Phukan, Sr.G.A., Assam with Mrs M.Das

-Versus-

Mr. Abdul Malik, IAS
Kalyanpur Lane
Japorigog
Guwahati-6.

.... Respondent.

By Advocate Mr.B.Das, Mr.H.K.Sharma.

O R D E R.

CHAUDHARI J(V.C.)

Dr.Y.K.Phukan Sr. Government Advocate, Assam
for the applicants(original respondents).

Mr.B.Das for the respondent (Original applicant).

1. By this application the State of Assam seek review of the order in O.A.71/94 dated 11-5-94. After hearing the learned counsel of both the sides we find that the Review Application can be disposed of by making certain clarifications as will be indicated below and therefore it is not necessary to record detailed reasons.

2. Mr.B.Das for the respondent fairly states that the respondent will not insist upon copies being supplied as directed in para (1) and para (4) of the order provided inspection is given and the respondent is permitted to make his notes if so desired. Mr.Das further very fairly states that the respondent will not insist at this stage for providing/supplying of the copies of the complaint and reports of the officials of ACB provided these will be supplied by

him at any stage when the applicants would seek to rely on them as part of their evidence at the enquiry and further provided that the respondent is allowed to file further written statement at ^{the} this stage if so necessary dealing with the complaint and/or the reports of the officials of ACB when produced. In view of this fair attitude adopted by the respondent following clearifications in respect of the order dated 11-5-94 are given and these shall be treated as part of the original order:

- (1) The applicants shall give inspection to the respondent of the documents, files, notes and orders as directed by clauses 1,2.& 3 of the original order dated 11-5-94 are to the extent these/mentioned in the articles of charge and statement of allegations. The applicant does not insist on supply of copies thereof and therefore that direction is dispensed with. However, it is directed that the applicants shall give complete inspection. The applicants shall permit the respondent to take the help of an assistant for taking the inspection.
- (2) The Officer concerned of the applicants who will offer the inspection shall make a note of the documents and files offered for inspection and obtain written endorsement of the respondent on each of them in token of having taken inspection and the officer shall countersign the said endorsement with date.
- (3) Without prejudice to the right of the respondent to be supplied the copies of the complaint and report of the officials of ACB

when sought to be relied upon by the prosecuting agency at any stage of the enquiry the respondent does not insist at this stage for being supplied those copies. Hence that direction stands modified accordingly.

3. The respondent shall file his written statement without prejudice to his right to file a supplementary written statement in the event of the complaint and report of the officials of ACB being produced or relied upon by the prosecuting agency. The applicants shall not be permitted to rely upon the same unless copies thereof shall have been supplied, in advance, to the respondent.

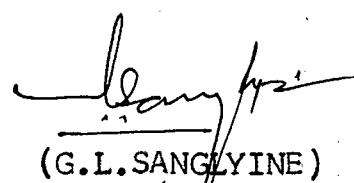
4. The applicants to take immediate steps for fixing the date/dates for inspection after giving intimation to the respondent and looking to his convenience to the extent practicable.

5. The inspection shall be completed on or before 31st March, 1995.

6. The respondent to file his written statement on or before 30th April 1995.

Subject to the aforesaid clearifications the order dated 11-5-94 is maintained and shall operate. The Review Application is accordingly disposed of.

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


(G.L. SANGLYINE)
MEMBER (ADMINISTRATIVE)

LM


(M.G. CHAUDHARI)
VICE-CHAIRMAN