

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.487/2017

This the 9th day of February, 2017

Hon'ble Shri Justice Permod Kohli, Chairman
Hon'ble Shri K N Shrivastava, Member(A)

Dr. Vikas Tandon
S/o Shri H.P.S. Tandon
R/o 46 UB, Jawahar Nagar
Delhi-110007.

Also at
House No.1940, Sector-4, Gurgaon
Presently posted at
ESIC Hospital Indore.

....Applicant

(Through Advocate: Shri Sachin Aggarwal for Shri K. Singhal)

Versus

1. Director General
ESI Corporation
Panchdeep Bhawan
CIG Marg(Kotla Road)
New Delhi-110002.

2. Dr. Ramsh Datt Ojha
Enquiry Officer
ESI Corporation
Panchdeep Bhawan
CIG Marg (Kotla Road)
New Delhi-110002.

...Respondents

Order (oral)

Justice Permod Kohli, Chairman:

This petition has been directed against the order dated 17.01.2017 passed by the Inquiring Authority in disciplinary proceedings initiated against the applicant pursuant to the charge

sheet issued to him. The grievance of the applicant is that the presenting officer is relying upon only the zerox copies of the listed documents. The applicant insisted for examination of the originals thereof. The Inquiring Authority has, however, declined his prayer. The prayer of the applicant for a certificate from the competent authority regarding non availability of the original documents has also been rejected.

2. The inquiry proceedings are going on. The applicant has already projected his view point on the admissibility of the documents. Suffice it to say that if the prosecution fails to prove the listed documents in accordance with law, the applicant can always plead before the inquiry officer regarding the inadmissibility of such documents and consequences in law would follow. We do not feel it appropriate to interfere in the inquiry proceedings at this stage. At this stage, learned counsel for the applicant seeks to withdraw this application reserving his right to challenge the admissibility of the documents, if so required, on the conclusion of the disciplinary proceedings. Prayer allowed.

3. This OA is dismissed as withdrawn with the aforesaid liberty. No costs.

(K N Shrivastava)
Member(A)

(Justice Permod Kohli)
Chairman

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