

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No.2087/2016

New Delhi this the 24th day of June, 2016

Hon'ble Mr. V.N. Gaur Member (A)

S.V.Raman
(Retired S.P., CBI, BS & FC)
Plot No.89, MIG, CBI Colony,
Vanasthalipuram
Hyderabad-500070.

-Applicant.

(By Advocate: Shri Waize Ali Noor with Shri Mrinal Kumar Sharma)

Versus

1. Central Bureau of Investigation,
Through Director
5-B, CGO Complex, CBI Building,
New Delhi-110003.
2. Union of India
Through Secretary
Department of Personnel & Training
North Block, New Delhi-110001.
3. Central Vigilance Commission (CVC)
Satarkata Bhavan, A-Block
GPO Complex, INA,
New Delhi-110 023.
4. Shri Ashok Kumar,
Inquiring Authority,
Commissioner for Departmental Inquiries
Central Vigilance Commission
Satarkata Bhavan, A-Block
GPO Complex, INA,
CGO Complex, New Delhi.

...Respondents.

(By Advocate: Shri Hanu Bhaskar)

ORDER (Oral)

Heard the learned counsel.

2. The short issue in this case is that in the disciplinary proceedings against the applicant, the IO had vide letter dated 20.05.2016 fixed the next date for hearing on 30.05.2016, which,

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according to the applicant who is residing at Hyderabad, was received by him on 27.05.2016. Learned counsel for the applicant submits that he immediately got in touch with the IO and informed about the difficulty in attending the hearing on 30.05.2016 since the notice was short. He also wrote a letter on the same date to the IO bringing out the aforesaid fact and also pointing out that he had been requesting for the copies of the deposition of all the witnesses and the order passed by the earlier IO so that he is able to effectively cross examine the witnesses. However, the IO without considering the request of the applicant passed the order dated 30.05.2016 observing that the applicant had remained absent during regular hearing on other dates/occasions besides 30.05.2016. The IO concluded the regular hearing without giving opportunity to the applicant to present his case and also cross-examine the witnesses. The applicant has also been directed to submit his written brief latest by 30.06.2016. According to the learned counsel, the Enquiry Officer has concluded the proceedings *ex parte* in an unfair manner without giving opportunity to the applicant of hearing and even without acceding to his prayer for cross-examining all the witnesses. Accordingly, he seeks a direction from this Tribunal to stay the departmental enquiry till the disposal of the OA.

(3)

3. Learned counsel for the respondents submits that at present the applicant does not have any cause of action as the Enquiry Officer has not submitted his report to the Disciplinary Authority. He has only passed an order dated 30.05.2016 declaring the hearing to be complete and has given opportunity to the PO as well as CO to submit a written brief. It is, therefore, premature on part of the applicant to seek any direction from this Tribunal when the Enquiry Officer himself has not concluded the proceedings. He also submits that in the circumstances, it will be more appropriate for the applicant to submit a representation to the Enquiry Officer, who may take a decision in accordance with the rules. Learned counsel for the applicant is agreeable to this suggestion provided the enquiry officer deals with all the grievances which he has raised in the past with regard to non-supply of statements of witnesses and the documents, which are essential for his defence in the proceedings.

4. In the light of the aforesaid discussion, I am of the view that the proceeding cannot be treated as complete when the IO has asked PO as well as CO to submit written briefs and he is yet to finalize his report. The applicant still can approach the IO with his grievance and the IO can if considered justified, recall his

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order dated 30.05.2016 and pass further order as may be appropriate.

5. The OA is, therefore, disposed of with a direction that the applicant shall make a representation to the IO bringing out his objections with regard to non-supply of documents as well as statements of the witnesses which, according to him, has prejudiced his defence in the disciplinary proceedings, within a period of three weeks. The IO shall pass a reasoned and speaking order on receipt of such representation within a period of four weeks thereafter before proceeding further with the proceedings. No costs.

(V.N.Gaur)
Member (A)

/kdr/