

**Central Administrative Tribunal
Principal Bench**

OA No.2997/2018

New Delhi, this the 8th day of August, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Praveen Mahajan, Member (A)**

Shriniwas Meena
Aged 42 years,
S/o Shri Jai Narayan Meena
Deputy Director (NI)
Office of the Engineer-in-Chief
12th Floor, MSO Building, IP Marg,
New Delhi 110 002.
R/o U-8, Type-IV Special,
HUDCO Place Extension,
New Delhi 110 049. Applicant.

(By Advocate : Shri Prateek Tushar Mohanty)

Versus

Union of India through
The Secretary
Ministry of Housing and Urban Affairs,
Nirman Bhawan, Maulana Azad Road,
New Delhi 110 108. Respondents.

(By Advocate : Dr. Ch. Shamsuddin Khan)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant is facing disciplinary enquiry. During the course of enquiry, the department intended to rely upon some documents. At that stage, the applicant raised an objection stating that the documents must be filed through witnesses. Stating that the objection was not entertained by the Inquiry Officer, he came before this

Tribunal on earlier occasion by filing OA No.2224/2018. The said OA was dismissed by observing that if the Inquiry Officer has conducted illegality the applicant can raise his objection and get it recorded in the proceedings of the inquiry or alternatively, he can represent to the disciplinary authority.

2. Obviously, in view of this observation, the applicant filed a representation dated 11.06.2018 to the Disciplinary Authority, which runs into 19 closely typed pages. Not only certain provisions of law but also many judgments were cited. On considering of the same, the Disciplinary Authority passed an order dated 26.07.2018 rejecting the objection raised by the applicant. The same is challenged in this OA.

3. We heard Shri Prateek Tushar Mohanty, learned counsel for the applicant and Dr Ch. Shansuddin Khan, learned counsel for the respondents.

4. This is the second OA filed by the applicant in relation to the documents that have been made part of the disciplinary proceedings. Whenever documents are filed by the department in the disciplinary proceedings, the delinquent employee can certainly cross examine the Presenting Officer or other witnesses, if any, in relation to

them. If for any reasons, lacunae persist in the process of presenting the documents, or on other aspects, the employee can take advantage of that at the end of the proceedings, duly pointing out the defects in the entire inquiry itself.

5. Learned counsel for the applicant strenuously argued that the Disciplinary Authority was under an obligation to pass a reasoned order. It needs to be observed that the Disciplinary Authority was not dealing with any determination of rights finally, and it will always be open to the Inquiry Officer to conduct and regulate the proceedings. If the applicant had any objection to that, he can raise it and the matter ends with the recording of the same by the Inquiry Officer.

6. We do not find any basis to interfere with the order impugned in the OA. The OA is accordingly dismissed. There shall be no order as to costs.

(Praveen Mahajan)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/

