

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.34310 of 2022

Sarbeswar Das

.....

Petitioner

Mr. N.K. Sahu, Advocate

Vs.

Union of India & Ors.

.....

Opposite Parties

*Mr. P.K. Parhi, DSGI
along with Mr. S.S. Kashyap, CGC*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

14.12.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. N.K. Sahu, learned counsel appearing for the petitioner and Mr. S.S. Kashyap, learned Central Government Counsel appearing for the opposite parties.

3. The petitioner has filed this writ petition seeking to set aside the order dated 06.12.2022 under Annexure-2 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.223 of 2022 and further to issue direction to opposite parties no.4 & 5 to supply the documents as per Annexure-3 series within a stipulated time.

4. Mr. N.K. Sahu, learned counsel appearing for the petitioner contended that at the time of serving of the charge-sheet, the authenticated copies of the listed documents were not supplied to the petitioner. Therefore, he filed a representation for the said purpose and the opposite parties supplied the listed

documents. After going through the same, the petitioner came to know that opposite party no.4 has not relied on the documents nor supplied the same. Accordingly, he made a representation to supply additional documents for proper and effective adjudication of the charges levelled against him. Due to non-supply of the additional documents, he approached the Central Administrative Tribunal, Cuttack Bench, Cuttack by filing O.A. No.223 of 2022 and the Tribunal, vide order dated 06.12.2022, disposed of the said O.A. holding that since relied upon documents in the charge memo have already been provided, additional documents, if any, to be relied on during course of inquiry, the petitioner may seek for the same before the IO/DA at an appropriate stage. Thereby, dismissed the claim of the petitioner.

5. Mr. S.S. Kashyap, learned Central Government Counsel appearing for the opposite parties contended that there is no error apparent on the face of the record and therefore, the impugned order may not be interfered with by this Court.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that the petitioner has been subjected to disciplinary proceeding. When memorandum of charges was supplied, the petitioner was provided with all the documents. If the petitioner wants any additional documents, he may ask for the same during course of inquiry or may seek before I.O./Disciplinary Authority at an appropriate stage. Therefore, at this stage, the claim of the petitioner cannot be acceded to.

7. Accordingly, this Court does not find any error in the order dated 06.12.2022 under Annexure-2 passed by the Central

Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.223 of 2022. Therefore, writ petition merits no consideration and the same is dismissed.

(DR. B.R. SARANGI)
JUDGE

Alok

(B. P. SATAPATHY)
JUDGE

