

PETITIONER:
J.L. JAIN.

Vs.

RESPONDENT:
UNION OF INDIA & ORS.

DATE OF JUDGMENT: 15/02/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
G.B. PATTANAIK (J)

CITATION:
1996 SCALE (2)SP74

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

We have heard the counsel on both sides.

The notice issued in this case itself indicates why the inquiry should not be reopened; the inquiry officer should not give another opportunity to the appellant to participate in the inquiry. It was also stated that if the respondent is agreeable to reopen the matter, it would be confined to only one time opportunity to appellant and unless the appellant participates in the inquiry and conducts his case, he would forfeit his defence. In view of the notice and in view of the statement of the respondents in the counter-affidavit that they are agreeable to give an opportunity, the impugned order is set aside and opportunity is directed to be given to the appellant to participate in the inquiry. The inquiry officer is directed to issue notice to the appellant by registered post with acknowledgment due giving 30 days' time fixing a date on which date the appellant should appear and participate in the inquiry. The inquiry officer is directed to make available all the witnesses sought to be examined in proof of the charge on that date and it would be open to the appellant to cross-examine those witnesses. If the appellant intends to adduce any defence evidences inquiry officer is directed to give another date to the appellant to adduce the same on the adjourned day; the inquiry would be completed after examining those witnesses. Thereafter, the inquiry officer would free to proceed according to rules and take appropriate action.

The appeal is accordingly allowed. No costs.