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Ref. No. NAK/...../2011/.....

Dated the 1st of February, 2011

To

The Executive Secretary
Andaman Adim Janjati Vikas Samiti
Secretariat
A&N Administration
Port Blair.

Sub:- Order dated 14.01.2011 in WP 1151 of 2010, Shri Govind Ram
-Vs- The Union of India & Ors.

Sir,

Please find herewith a Xerox certificate copy of the order dated 14.01.2011 in the above mentioned matter by which the Hon'ble Court pleased to hold that Additional Secretary to the Govt. of India is not the Disciplinary Authority in respect of the petitioner Govind Ram as during the period when charges leveled against him he was on deputation and thus Rule 20 of the CCS (CCA), 1965 is applicable to him. Ultimately, it was hold that the order dated 16.06.2010 issued by Smti. B. Bhamati is had no authority and ultimately same is quashed.

In the order Hon'ble Court observed that Chief Secretary who issued the Charge Sheet is the Disciplinary authority in respect of the petitioner and process initiated by him upto the stage of appointment of enquiry Officer and submission of report was right but on receipt of the report by the disciplinary authority submitted by the Enquiry Officer the Rule 15 of CCS (CCA), 1965 ought to have been followed by the disciplinary authority.

In my opinion the report submitted by the Enquiry Officer to the Chief Secretary of A&N Administration who is also the Vice-Chairman of AAJVS, A&N Administration may proceed in terms of the Rule 15 CCS (CCA), 1965.

This is for your information and necessary action.

Yours faithfully,

Enclosed as above.

N.A. Khan
(N.A. Khan)
Govt. Panel Advocate

Copy to :-

1. The Secretary (Tribal Welfare), A&N Administration, Port Blair for information.
2. The Secretary (Judicial), A&N Administration, Port Blair for information.

N.A. Khan
(N.A. Khan)
Govt. Panel Advocate