(41)

no.5, the Inquiry officer issued notice on 04.06.2009 informing the petitioner about the hearing of the case on a particular date. The petitioner submitted a letter to the Inquiry officer informing him about the pendency of his representations before the respondent no.5. In August 2009, the said representations were disposed off by the Assistant Secretary (Personnel) refusing the prayer of the petitioner to stay the Departmental proceedings.

Xerox copy of the Notice dated 04.06.2009 issued by the Inquiry Officer, representation of the petitioner to the Inquiry officer dated 26.06.2009 and the order dated August 2009 are annexed herewith and marked as **ANNEXURE "P-9".**

13. That thereafter, the Inquiry started. It started from 26.06.2009 and ended on 15.12.2009. Altogether two witnesses on behalf of the prosecution and two witnesses on behalf of the defence were produced and examined. Bare reading of the depositions of the prosecution witness would clear the fact that nothing was deposed against the delinquent i.e. the petitioner. Though the prosecution cited four witnesses, two witnesses did not appear, only two witnesses appeared and they did not depose anything against the petitioner. The defence produced and examined two witnesses and nothing could be brought out by the prosecution in the cross examination of the said two witnesses.

Xerox copy of the daily order sheets and the statement of the witnesses are annexed herewith and marked as **ANNEXURE "P-10".**