

KOLKATA PORT TRUST

Administration Department

No. Admn/7806/DP/Monthly

Dated: the 13th Aug., 2007.

To
All Heads of Departments

{FA & CAO/LA & IRO/CMO/DMD/CHE/CME/CE/TM/CVO/
LM(I/C)/CMM(I/C)/LA(I/C)/Director (P & R)(I/C)}

Subject: Examination of relevancy of documents sought
by the Charged Employee during the
Departmental Proceedings.

It has been noticed that the Charged Employees seek large number of documents during the Departmental proceedings in addition to the Management Documents. Sometimes these documents may not be relevant to the proceedings and inspection of the same lead to delay in the completion of Departmental Proceedings within the time frame prescribed for the same. Accordingly, it is the necessary that the examination of relevancy of the documents sought by the Charged Employee is done during Departmental Proceedings. Since the notice for production of documents is given by the Charged Employee, the burden to establish the relevance of the documents for the Departmental Proceedings is on him. Accordingly, the Presenting Officer may be guided to raise objection wherever they find that the documents sought by the Charged Employee are not relevant to the proceedings.

In this regard, provision contained in Regulation 8(12) Proviso is extracted below

“Enquiring Authority may, for the reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.”

The Guidelines of CVC contained in the Hand Book for Enquiring Officer in this regard is extracted below:

“1.7:- If SPS fails to indicate and convince that I.O. about the issues to which the deposition of his witnesses and production of additional documents are relevant, I.O. may reject the request in writing for examination the witnesses or requisitioning the documents.”

Accordingly, the Presenting Officers may be advised to get the relevancy of the documents examined by the Enquiring Authority and raise objection wherever they find that the document sought by the Charged Employee are not relevant. However, whichever documents are allowed by the Enquiring Authority after hearing the Presenting Officer, the same may be allowed for inspection without any delay and copies given if asked for the charged employee.

(S. B. Das)
Secretary

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Copy to PS cum EA to Chairman, KoPT for kind information of Chairman.

Copy to P.S. to Dy. Chairman (K) for kind information of the Dy. Chairman (K).

Copy to P.S. to Dy. Chairman (H) for kind information of the Dy. Chairman (H).

Copy to Shri Nesar Waris, Enquiring Officer for information.

Copy to Shri S. Sengupta, Enquiring Officer for information.