

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

No. Of Adjournment : 2

COURT NO. : 1
20.03.2020
O.A./260/139/2020

KUSHAL MAHALI
-V/S-
D/O POST

ITEM NO:4

FOR APPLICANTS(S) Adv. : MR.C.P.SAHANI

FOR RESPONDENTS(S) Adv.: MR.D.K.MALLICK

Notes of The Registry	Order of The Tribunal
	<p>Heard learned counsel for the applicant and Mr.D.K.Mallick, learned counsel for the respondents appearing on behalf of the respondents. Registry to reflect the name of Mr.D.K.Mallick appearing on behalf of the respondents on record.</p> <p>Learned counsel for the applicant submitted that the fresh order which has been passed by the Disciplinary Authority vide Annexure-A/8 dated 09.01.2020 of the O.A., is not in consonance with the orders of this Tribunal in O.A.No.438/2017. According to him, the Respondents have passed almost the same order which was set aside by this Tribunal in O.A.No.438/2017 and that the reason for which it was set aside has not been considered by the Disciplinary Authority. He, therefore, submitted that the order vide Annexure-A/8 is not sustainable.</p> <p>It is seen that no appeal has been filed by the applicant against the order of the Disciplinary Authority at Annexure-A/8. Since the statutory remedy of appeal is not exhausted, the OA is disposed of at this stage with liberty to the applicant to file an appeal before the Appellate Authority challenging the order at Annexure-A/8, by taking the grounds urged in the OA as well as the other grounds as per law, within a period of 15 days from the date of receipt of copy of this order and on receipt of such appeal, the Respondent No.3 shall consider and dispose of the same in accordance with law within a period of one month from the date of receipt of such appeal. The applicant may also make a request to the Appellate Authority for staying the recovery as per the order at Annexure-A/8 from his salary and if such a request is made, the Appellate Authority shall</p>

consider the same and pass an appropriate orders.

With the aforesaid direction, this O.A. is disposed of at the stage of admission itself. It is clarified that no opinion on merit of the OA has been expressed by this Tribunal while passing this order. No costs.No costs.

Free copy of this order be made over to learned counsels for both the sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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