

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

ORDER SHEET

COURT NO. : 1

13/05/2020

O.A./260/169/2020

LAMBODAR JENA
-V/S-
D/O POST

ITEM NO:35

FOR APPLICANTS(S) Adv. : Mr. A. K. Mohanty
Mr. D. K. Mohanty

FOR RESPONDENTS(S) Adv.: Mr. B. R. Mohapatra

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. D. K. Mohanty, Learned counsel who appeared on behalf of the applicant and Mr. B. R. Mohapatra who entered appearance on behalf of respondents. Registry to show name of Mr. D. K. Mohanty in addition to Mr. A. K. Mohanty as applicant's counsel and Mr. B. R. Mohapatra as respondents' counsel in cause list.</p>
	<p>The applicant's counsel submitted that the applicant have been punished as a secondary offender for misappropriation committed by one Shri Kabiraj Harijan and in proceeding under Rule 16 of the CCS(CCA), 1965, recovery of Rs. 40,000/- has been ordered on the applicant to be deducted @ Rs. 10,000/- per month starting from April, 2020 and although the punishment order dated 29.04.2020 (Annexure A/8) has been issued on 29.04.2020, but it has been ordered that recovery will start from the pay of April, 2020. It is further submitted as stated in Para 5 of the OA in similar cases, this Tribunal has allowed the OA filed by concerned employee. The applicant has filed an appeal (Annexure A/9) before Respondent No. 2 which is pending.</p>
	<p>Learned counsel for the respondents submitted that mis-appropriation involved huge amount of Govt money and the applicant has been found one of the subsidiary offender for it. Considering the grounds mentioned in para 5 of the OA and taking into account the fact that the statutory appeal in the case is pending, the OA is disposed of at this stage with direction to the appellate authority (Respondent No. 2) to consider the appeal</p>

dated 08.05.2020 (Annexure A/9) filed by the applicant in accordance with the law and pass a reasoned, speaking order to be communicated to the applicant. The applicant will be at liberty to submit additional grounds for appeal along with citations in support of his case and may also request for personal hearing before the appellate authority within two weeks from today. If such a request is made then Respondent No. 2 will consider the same before disposing of the appeal at Annexure A/9 within two months from the receipt of additional grounds from the applicant as stated above or within two months from date of receipt of a copy of this order if no additional grounds are filed by the applicant. Till disposal of the appeal as above, further recovery from the salary of the applicant in pursuance to the order at Annexure A/8 will not be made by the respondents.

Urgent copy of the order to Learned counsel of both the sides.

Parties are to take action on this order which will be duly uploaded on the website in view of the continuing lock down.

The OA stands disposed of without expressing any opinion on merit of the case.

(GOKUL CHANDRA PATI
MEMBER (A)

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