

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

**CP No. 98 of 2019
(OA No. 468/2019)**

Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)
Hon'ble Mr. Swarup Kumar Mishra, Member (J)

Prasanna Kumar Barik, aged about 40 years, S/o Nityananda Barik, a permanent resident of Vill/PO/PS – Pandapara, Dist.- Keonjhar – 758087, presently working as OS Mails, Keonjhar West Sub Division, Dist.-Keonjhar – 758001.

.....Applicant

VERSUS

1. Ms. Meera Handa, Director General of Post, Ministry of Telecommunication, Dept. of Post, Dak Bhawan, Sansad Marg, New Delhi-1.
2. Dr.S.K.Kamila, Chief Post Master General, Odisha Circle, Bhubaneswar, Khurda-751001.
3. Mr.L.Pradhan, Postmaster General. Sambalpur Region, Sambalpur-768001.
4. Mr.R.K.Pattanayak, Superintendent of Post Offices, keonjhar Divsion, Keonjhar-758001.

.....Respondents

For the applicant : Mr.D.K.Mohanty, counsel

For the respondents: Mr.P.K.Mohanty, counsel

Heard & reserved on : 26.2.2020 Order on : 06.03.2020

ORDER

Per Mr. Gokul Chandra Pati, Member (A)

The applicant has filed this CP for violation of the order dated 19.7.2019 by which the OA No. 468/2019 filed by the applicant was disposed of at the admission stage with direction to the Appellate Authority to consider the appeal filed by the applicant against the punishment order of the disciplinary authority. It was also ordered that till disposal of the appeal by the Appellate Authority, the respondents were not to give effect to any recovery from the salary of the applicant as per the impugned order at Annexure A/7 of the OA. Copy of the order dated 19.7.2019 is enclosed at Annexure C/1 to the CP.

2. Heard learned counsel for the applicant, who submitted that inspite of the order dated 19.7.2019 being served on the respondents in time, recovery from the applicant for the month of July, 2019 was effected, in violation of the order dated 19.7.2019 of this Tribunal.

3. Learned counsel for the respondents was also heard. He submitted that as stated in the show cause reply filed by the respondents, applicant's appeal was disposed of by Appellate Authority on 14.8.2019, rejecting the same and the applicant has filed another OA No. 587/2019, in which the order dated 13.9.2019 has been passed by this Tribunal directing no further recovery from the applicant in pursuance to the punishment order. It is also stated that by the time the order dated 19.7.2019 was received by the respondents on 23.7.2019, salary bill of the applicant for the month of July, 2019 was already prepared and sent to the Directorate of Accounts for processing and online payment to the staff. Since the salary bill for July, 2019 was already sent, recovery from salary for July, 2019 could not be stopped. It is further stated that for the month of August, 2019 no recovery was taken up in compliance with the order dated 19.7.2019.

4. In view of the above factual circumstances, we are of the view that there is no willful default on the part of the respondents for the reasons as explained in the show cause notice filed by the respondents. The applicant has been suitably protected against the impugned order of recovery for August, 2019 and thereafter by virtue of the interim order passed in OA No. 587/2019.

5. In the circumstances this Contempt Petition is dropped and notices issued are discharged.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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