

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

ORDER SHEET

COURT NO. : 1

23/01/2020

R.A./260/2/2020

O.A./260/479/2016

M.A./260/10/2020

ITEM NO:4

D/O POST

-V/S-

N R PATNAIK

FOR APPLICANTS(S) Adv. :

Mr. P. K. Mohanty for Review Applicant

FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
	<p>Heard Learned counsel for the review applicants. He inter alia submits that although this Tribunal in earlier order dated 17.09.2019 passed in OA No. 862/2015 had given direction to the department to identify the officials who were responsible for inaction, no such direction has been given in present case while disposing of the OA. He further submits if the order passed in OA is implemented then many other employees who are committing such types of misconduct and offences will be encouraged and the department will suffer financial loss. He further submits that there has not been proper appreciation of evidence and therefore the conclusion arrived by this Tribunal is wrong.</p> <p>In this circumstances, we are not satisfied that there is any scope for review of order passed in the OA as these are factual aspects which has been gone into at the time of final disposal of the OA and the respondents may, if so advised, challenge the same before higher forum. As the matter under review does not come within the scope of review by this Tribunal, therefore the review application is dismissed at this stage.</p> <p>In the above circumstances this tribunal is not required to pass any observation that something is rotten in State of Denmark, since many things are better left unsaid. The respondents are at liberty to proceed against defaulting employees for their misconduct in accordance with law and there may not be any legal bar, therefore no specific direction in the OA was required to be given to make the department raise from slumber.</p>

Copy of the order to Learned counsel for review applicant.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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