

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/01039/2019

DATED THIS THE 15th DAY OF OCTOBER, 2020

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

B.Ashoka
S/o Late A.R.Basavaiah
Aged 56 years
Helper
Super Power Transmitter
All India Radio
Yelahanka New Town
Bangalore-64.

....Applicant

(By Advocate Shri K.Shivakumar - through video conference)

Vs.

1. Union of India
Rep. by Director General
All India Radio
Akashvani Bhavan
Sansad Marg
New Delhi-110001.

2. Deputy Director General (Engg)
Super Power Transmitters
All India Radio
Yelahanka New Town
Bangalore-64.

.....Respondents

(By Advocate Shri M.V.Rao – through video conference)

O R D E R (O R A L)**PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging therein the penalty order dated 26.08.2019(Annexure-A17) and a consequent order of recovery dated 26.08.2019(Annexure-A18).

2. At the very outset, Shri M.V.Rao, learned counsel representing the respondents submitted that an appeal against the orders impugned herein is still pending before the Appellate Authority and, therefore, the present Original Application is premature.

3. The fact with regard to pendency of appeal against the aforesaid orders has not been disputed by Shri K.Shivakumar, learned counsel for the applicant.

4. In view of the above, the present Original Application is disposed of with a direction to Appellate Authority to decide the applicant's pending appeal within a period of two(2) months from the date of receipt of a certified copy of this order. Till such time the applicant's appeal is decided by the Appellate Authority, recovery, if any, shall not be effected from him.

5. Ordered accordingly. However, there shall be no order as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

Annexures referred to by the applicant in OA No.1039/2019:

Annexure-A1: Charge memorandum dtd.16.4.2019
Annexure-A2: Representation dtd.1.5.2019
Annexure-A3: Reply of DA dtd.2.5.2019
Annexure-A4: Representation dtd.6.5.2019
Annexure-A5: Representation dtd.16.5.2019
Annexure-A6: Order nominating IO dtd.13.5.2019
Annexure-A7: Inquiry order sheet dtd.16.5.2019
Annexure-A8: Reminder letter dtd.29.5.2019
Annexure-A9: Explanation to charge memo dtd.10.6.2019
Annexure-A10: Letter of DA dtd.18.6.2019
Annexure-A11: Daily order sheet dtd.14.6.2019
Annexure-A12: Daily order sheet dtd.27.6.2019
Annexure-A13: IO's report dtd.15.7.2019 & DA's letter dtd.1.8.2019
Annexure-A14: Written brief dtd.5.8.2019
Annexure-A15: Memorandum dtd.19.8.2019
Annexure-A16: Reply of employees dtd.20/27.8.2019
Annexure-A17: Order of DA dtd.26.8.2019
Annexure-A18: Memorandum dtd.26.8.2019
Annexure-A19: Appeal dtd.4.9.2019
Annexure-A20: Letter to DA dtd.4.9.2019

Annexures with reply:

Annexure-R1: Letter dtd.10.5.2019
Annexure-R2: Email dtd.16.5.2019
Annexure-R3: Charge sheet dtd.16.4.2019
Annexure-R4: Office order dtd.13.5.2019
Annexure-R5: Letter dtd.7.6.2019
Annexure-R6: Letter dtd.14.6.2019
Annexure-R7: Letter dtd.10.10.2019
Annexure-R8: 3 reports by IO
Annexure-R9: Copy of OA.59/2019
Annexure-R10: Memorandum dtd.26.8.2019
Annexure-R11: Letter dtd.11.10.2019

Annexures with rejoinder:

Annexure-A21: Statements of staff
