

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

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

OA NO. 634/2019

MA No. 427/2020

J. Barik..... (Applicant)

Vs

M/o Defence.....(Respondent)

For Applicant: Mr. D. K. Mohapatra, Advocate

For Respondents: Mr. S. Behera, (Advocate)

1. This matter was listed before the DB on 13.10.2020 for consideration of MA No. 427/2020 filed by the applicant seeking to bring within the ambit of the OA the order dated 26.06.2020 as Annexure A/9 in which the suspension order has further been reviewed and extended and accordingly to incorporate in the pleadings as per the schedule.

2. Heard counsels for both the parties through VC and perused the records. In course of the hearing Mr. S. Behera, learned Sr. Panel Counsel for the respondents has brought to our notice the relevant annexures to plead that since the matter is under consideration in the WP filed by the applicant before the Hon'ble High Court of Orissa, this Tribunal may not proceed with the matter till the pending writ petition is decided by the Hon'ble High Court.

3. For the sake of convenience and clarity we may record that pending investigation of the inquiry on the allegation of securing employment under the respondents by furnishing false certificate that he belongs to Scheduled Castes, the applicant was placed under suspension which was subject matter of consideration before this Bench in OA No. 462/2008. It was disposed of on 29.04.2011. Again the applicant was placed under deemed suspension which he had challenged in OA No. 615/2013 which was disposed of on 11.09.2013. The respondent department reviewed and extended the order of suspension vide order dated 28.12.2019. The respondent department filed WP (C) NO. 24573/2014 before the Hon'ble High Court of Odisha seeking judicial review of order dated 11.09.2013 passed in OA No. 615/2013. On the other hand the applicant filed WP (C) No. 13783 of 2008 challenging the order of cancellation of his caste certificate by Tahsildar, Titlagarh which was disposed of on 13.04.2009.

4. In the meantime the caste certificate of the applicant was referred to the State Level Scrutiny Committee for verification as to whether the applicant belongs to SC community. The applicant by filing WP (C) No 2663 of 2013 before the High Court of Orissa has prayed to quash the scrutiny committee report dated 26.11.2013.

5. Since, the order dated 11.09.2013 in OA No 615/2013 is under consideration before the Hon'ble High Court of Orissa in WP (C) No 24537/2014 and the applicant in this OA is challenging the review of the order of suspension the decision of Hon'ble High Court of Orissa will ultimately be the decisive factor of the OA. Hence MA No. 427/2020 will be taken up along with OA after the disposal of WP (C) No. 24537/2014. Call on 05.01.2021 for further orders.

6. Copy of the order be supplied to learned counsels for both the sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)