

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

ORDER SHEET

COURT NO. : 1

14/10/2020

O.A./260/436/2020

SUJIT KUMAR SAHU
-V/S-
D/O POST

ITEM NO:5

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

FOR RESPONDENTS(S) Adv.: Mr. A. C. Deo

Notes of The Registry	Order of The Tribunal
	<p>Learned counsel for the applicant and respondents are present and heard through VC. Applicant's counsel submitted that penalty of recovery under Rule 16 proceedings has been imposed on the applicant vide order dated 19.06.2020 (Annexure A/3). The applicant had preferred appeal dated 19.08.2020 (Annexure A/4) along with the prayer not to recover amount from him vide impugned recovery order, but the same is yet to be disposed of. Learned counsel for the respondents submitted that the OA is not maintainable since the appeal is pending.</p>
	<p>Applicant's counsel submitted that recovery has started from the applicant and amount of Rs. 40,000/- out of total Rs. 3,00,000/- to be recovered as per the impugned order has already been recovered for past four months. In view of this he prays for interim relief for staying the impugned order of recovery.</p>
	<p>In view of the above submission and taking into consideration the fact that statutory appeal is pending, the OA is disposed of at this stage without expressing any opinion on the merit of the case with a direction to respondent No. 3 (Appellate Authority) to consider and dispose of the applicant's prayer to stay the recovery and till such prayer is considered by the appellate authority, there shall be no further recovery from the applicant in pursuance to the order of punishment. The Appellate Authority will dispose of the appeal within a period of three months from the date of receipt of copy of this order and communicate the same to the applicant.</p>
	<p>The applicant will be at liberty to send copy of this order and paper book of the appeal to the appellate authority i.e. Respondent No. 3 within one week from receipt of copy of this order.</p>
	<p>The OA is accordingly disposed of. Free copy of this order to learned counsel for both the sides. Parties may also take action on</p>

the basis of the order which will be uploaded on the website of this Tribunal.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

sadish