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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 208 OF 1991

Date of decision: April 5, 1994.

Peken Kumar Naik	...	...	Applicant
	-Versus-		
Union of India & Others	...	...	Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? *NO*

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

05 APR 94

*5.4.94*  
(K. P. ACHARYA)  
VICE-CHAIRMAN

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CUTTACK BENCH: CUTTACK

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Peven Kumar Naik

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Applicant

-Versus-

Union of India & Others

...

Respondents

For the Applicant

... M/s. Devanand Misra, Deepak Misra,  
A. Deo, B.S. Tripathy, P. Panda,  
Advocates.

For the Respondents

... Mr. Aswini Kumar Misra, Senior  
Standing Counsel (Panel).

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CORAM:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN  
AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

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JUDGMENT

K. P. ACHARYA, V. C.

Petitioner has been removed from service rendered to the Postal Department as E.D.B.P.M. Kathabari Branch Post Office within the District of Keonjhar on certain allegations of misappropriation levelled against him. Though the petitioner was acquitted in the Criminal case but in the departmental enquiry, the enquiring officer came to the conclusion that the petitioner was guilty of the charges. Instead of filing an appeal before the appellate authority, petitioner rushed to this Bench.

2. We have heard Mr. R. N. Naik learned counsel appearing for the Petitioner and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (Central). Mr. Naik learned counsel appearing for the Petitioner submitted that at this stage,

he does not like to make any submission on the merits of

the case but the only prayer made on behalf of the Petitioner is that opportunity be given to the Petitioner to file an appeal before the appellate authority who would have a larger scope to consider the case on merits, both on questions of fact and law. Since the Petitioner has lost his service, he should be given a chance to put forth his case before the appellate authority. We have no objection. We give liberty to the petitioner to file an appeal before the Appellate authority and it is directed that such appeal should be filed within 30th April, 1994 and within 60 days therefrom, the appellate authority should dispose of the appeal with a reasoned order. We do hereby condone the delay caused for filing of the appeal before the appellate authority.

3. Thus, the Original Application is accordingly disposed of leaving the parties to bear their own costs.

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MEMBER (ADMINISTRATIVE)

05 APR 94

Central Administrative Tribunal,  
Cuttack Bench/K. Mohanty/5.4.94.

.....  
VICE-CHAIRMAN