

Mrs. S.L. Pattnaik

(A)

CAT / J / II

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./B.A.No. 1996

Sarat Kumar Datta Applicant (s)

Versus

Union of India & Ors Respondent (s)

Sr. No.

Date

Order with Signature

1. 25.9.96

Heard Ms. S.L. Pattnaik, Learned Counsel for the Applicant. The prayer, in this application is to quash the order of removal dated 10-2-1995 Annexure-10. Annexure-10 is the order passed by the A.S.P.O. Bhanjanagar disagreeing with the findings of the D.O., ^{He} held that the charge against the applicant is proved beyond doubt. He ordered punishment of removal from ED service. Learned Senior Standing Counsel, Shri Mohanty, pointed out that there is a provision for appeal. Under Rule 10(2) of the Service Rules for Extra Departmental Staff provides that an employee may appeal against an order imposing on him any of the penalties specified in Rule-7 to the authority ~~imposing~~ to which the authority imposing the penalty is immediately subordinate. Under Rule-11 it is stated that no appeal should be entertained if it is submitted

REGISTER

REGISTRAR

1. P.O. for Rs 50/-
has been filed.

By
24.9.96

For Rega pl.

By
24.9.96

SO

24.09.96

Registrar

For Admn. Pl.

By
24.9.96

Bench

2

2

(A)

Serial
No. of
OrderDate of
Order

Order with Signature

within a period of three months from the date on which the appellant receives a copy of the order appealed against. The proviso empowers the authority to entertain the appeal on sufficient cause.

There is also a petition for condonation of delay in which reasons for delay of 203 days was stated to be suffering of the applicant from Prolapse of Intervertebral Disc (L5 -S1) with left Sciatica and Neurological Involvement of S1 Segment. There is a medical certificate attached. Admission of this appeal without exhausting alternative remedies can not be considered. We have taken a consistent view in this regard. I direct the applicant to file an appeal to the designated authority namely Supdt. of post Offices, Aska within three weeks from today and the Supdt. of post Offices, Aska should admit the appeal irrespective of the limitation in Rule 10. He shall dispose of the said appeal within a period of four months from the date of filing. With these observations the Original Application is disposed of—dismissed.

Senior Standing Counsel (Central) Shri Ashok Mohanty is present and is heard.

Kousin Kousin
Member (Administrative) 25/9/91