

(A)

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./P.A.No. 858 ..... 1996

Brayakishore Mohapatra ..... Applicant (s)

Versus

Union of India & Ors ..... Respondent (s)

Sr. No.

Date

Order with Signature

REGISTER

Registrar

1. 29.11.96:

Heard Sri S.K.Mohanty, counsel for the applicant and Sri Ashok Mohanty, Senior Standing Counsel for the respondents. In this O.A. the applicant only seeks the relief of staying recovery from the pay of the applicant as indicated in the order dated 30.10.96 (Annexure-6) pending disposal of the appeal and to pass such other orders as may be deemed just and proper. By order dated 30.10.96 (Annexure-6) a punishment by way of recovery of Rs.7000/- in twelve monthly instalments was ordered. The applicant preferred a departmental appeal dated 20.11.96 (Annexure-7). By Annexure-8 a telegram was sent to the appellate authority for a direction to stop recovery to the disciplinary authority. In the normal course, an Original Application cannot be admitted unless the existing statutory remedies

200 for Rs 50/-  
filed

For Regn please

28/11/96  
50 (9) 96

Registration

for Admn. 2

Say Pl.

28/11/96 Bench

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(A)

Serial  
No. of  
Order

Date of  
Order

Order with Signature

OA.No.858 of 1996

- 2 -

1 dt.29.11.96  
continued.

for relief are exhausted. This point has been discussed and decided thread bare in a number of orders. On merits, therefore, this Original Application cannot be admitted. But the learned counsel for the applicant raises the point of jurisdiction of this Tribunal and prays for stay of recovery. Since the appellate authority Director of Postal Services, Berhampur Region, Berhampur, respondent No.3 is seized of the matter, it will be appropriate for the applicant to move before him for stay of recovery of the amount levied on him by way of punishment. It is only after the appellate authority disposes of the petition for stay, the applicant can have a cause of action for filing an Original Application. If an application for stay of recovery is presented before the appellate authority, respondent No.3, the same shall be disposed of within a period of four weeks from the date of its presentation. The O.A. is accordingly dismissed with the above observations

DJ.

Member (Administrative)

Free copy  
of the order  
dt. 29.11.96  
may be given  
to the applicant's  
counsel.

Ratra

31/12

03.12.96

Received copy  
of order No 1 dt.

Received copy  
dt. 29.11.96  
m. A. Mohanty  
31/12/96

Received  
Skr. Mohanty