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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**CUTTACK BENCH, CUTTACK**

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

Brayakishore Motapahar, Applicant (s)

Versus  
Union of India, Respondent (s)

Sr. No.	Date	Order with Signature
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**REGISTER**

*Sign*  
Registrar

1. 28.11.96: 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

M/S. S. K. Mohanty  
S. P. Mohanty

CAT/JII

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## Order with Signature

OA. No. 858 of 1996

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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

D.J.

Member (Administrative)

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

Ratra

31/12/96

03.12.96

S. D  
Received copy  
order No 1 dt.Pic. 1  
20.12.96  
A. S. S. M. MohantyReceived copy  
dt. 29.11.96  
in a postbox  
on 20.12.96  
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