

(A)
FORM NO.4

(See Rule 12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Application No. OA 378 of 199 8

Applicant (s) Dinamani Naik Respondent (s) U.O.I. Cos

Advocate for Applicant (s) Mr. P.K. Padhe Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

900 for Rs 50/- paid.

REGISTER

Registrar

29.7.98

Seen the petition. Heard the learned counsel for the petitioner and Shri B.K.Nayak, learned Addl. Standing Counsel, on whom a copy of the petition has been served. In view of the submissions made by the learned counsel for both sides and the pleadings made in the O.A., we feel that this O.A. can be disposed of at the admission stage with a direction to the departmental authorities.

The short facts of this case are that the petitioner was working as Sub-Postmaster, Dhenkikot in Keonjhar in January, 1998. In the night of 30/31.1.1998, a theft occurred in the post office and a sum of Rs.31,870/- was stolen. A proceeding under Rule 16 was drawn up against the applicant taking into account the fact that the maximum limit of cash to be retained in the Sub-Post Office was Rs.4000/-. In the departmental proceedings an order of recovery of Rs.27,870 has been passed against the petitioner. Against this order of punishment which is at Annexure-1, the petitioner has filed an appeal to the Director of Postal Services, Sambalpur on 7.7.1998 which is at Annexure-2. In the present application the petitioner has prayed for a direction to the appellate authority to dispose of his appeal within a time-limit to be specified by the Tribunal. We note that in this case appeal has been filed by the petitioner only on 7.7.1998 and only after passage

See Regn please

B1

28/7/98

Registrar

For Admn Pl.

B1

28/7/98

Bench

OA 378/98

2

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dt. 29.7.98

A copy of Order may be given to both counsels.

31/7/98

31.07.98

S.O. (J)

Received Copy
31.7.98
ASC. CG.

of six months thereafter the petitioner has a right to approach the Tribunal ordinarily. By way of interim relief the petitioner has prayed that till the disposal of the appeal by the appellate authority the order of recovery should be stayed. Considering the submissions made by the learned counsel for both sides, we hereby direct Respondent No.2 to dispose of the appeal dated 7.7.1998 filed by the petitioner in case the same is still pending before him within a period of 60 days from the date of receipt of this order.

It is submitted by the learned counsel for the petitioner that order of recovery should be stayed till the appeal is disposed of. If so advised, the petitioner may make a prayer to that effect before the appellate authority for his consideration. At this stage when the matter is pending consideration of the appellate authority, we are not inclined to pass any interim order on this point.

With the above direction O.A. is disposed of at the admission stage itself. No costs.

29.7.98
VICE-CHAIRMAN

Order dt. 29.7.98

A copy of Order with copy of application may be sent to all respondents by registered post.

3/8/98

03.08.98
S.O. (J)

Received copy of order dt. 29.7.98 P.K. Pashu
12.8.98

Received Copy of the order
2/12/98
ASC CG.

27.11.98

Heard Shri B.K.Nayak, learned Addl. Standing Counsel on M.A.570/98 in which the departmental authorities have asked for 60 days time from the date of filing of this M.A. for implementing the order dated 29.7.1998, i.e. for disposing of the appeal filed by the applicant. In the meantime, it is stated by the learned Addl. Standing Counsel, the said appeal has been disposed of and in view of this M.A.570/98 has become infurcuous and the same is disposed of accordingly.

MEMBER (JUDICIAL)

27.11.98
VICE-CHAIRMAN
MEMBER (JUDICIAL)