

A
FORM NO.4

(See Rule 12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original Application No. 103 of 1999

Applicant (s) Kabiraj Dasgupta Respondent (s) Virendra Singh
Advocate for Applicant (s) Mg. P.K. Pathi Advocate for Respondent (s)
U.R. Basu

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>D.P.O. of 150/- = 22 Feb. 1999</p> <p>For Registration.</p> <p>16/3/99</p> <p><u>S. S. Dasgupta</u> 18.3.99</p> <p>J. S. M.</p>	<p>REGISTER</p> <p>Re-passed by Registrar</p> <p>24.3.99</p> <p>Seen the petition. Heard the learned counsel for the petitioner. After hearing the submissions of learned counsel for the petitioner, we feel that this O.A. can be disposed of at the stage of admission by issuing appropriate directions to the departmental authorities. In view of this we have also heard the learned Senior Standing Counsel Shri A.K. Bose, on whom a copy of the petition has been served.</p> <p>The facts of this case, according to petitioner are that in a departmental proceeding which ended in imposition of punishment order dated 24.12.1998 (Annexure-1), the applicant's pay was reduced by four stages from Rs.5250/- to Rs.4750/- for a period of three years with further direction that he will not earn any increment of pay during the said period and on expiry of the period said period, reduction will not have the effect of postponing his future increment of pay. Against this order the petitioner has filed an appeal before the Director of Postal Services (Res.2) which is at Annexure-4 dated 2.2.1999. It is submitted by</p>

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order off. 24.3.99

A copy of order
may be given to
both the counsels.

25.3.99

~~Received~~
25.3.99
S.O.(J)

Received copy of
order off. 24.3.99.

P. P. Paul
A.W.
26.3.99

Order off. 24.3.99

A copy of order
with copy of
application, may be
sent to all respondents
by regd. post.

19.4.99

S.O.(J)

the learned counsel for the petitioner that this O.A. appeal is still pending and his prayer in this O.A. is for a direction to Res.2 to dispose of his representation/appeal and to stay the order of punishment till the said appeal is disposed of.

In view of the submissions made by the learned counsel for the petitioner, this O.A. is disposed of with a direction to Director of Postal Services (Res.2) Berhampur Region, Berhampur to dispose of the appeal dated 2.2.1999 if the same is still pending with him within a period of sixty days from the date of receipt of this order. We make it clear that we are making no comments with regard to merit of the submissions made in the appeal or about its maintainability. The appellate authority will be free to dispose of the appeal petition within the period stipulated above strictly in accordance with rules, if the same is still pending with him.

Learned counsel for the petitioner submits that the punishment order be stayed, during the pendency of the appeal. We note that in letter dated 28.12.1998 the applicant has already made an appeal to the Director of Postal Services for staying the punishment order till the disposal of his appeal. This petition is also pending with the Res.2 as it appears from Annexure-5, wherein it has been indicated that the prayer for staying punishment will be considered along with the appeal petition. In consideration of this, it is ordered that till the disposal of the appeal petition, punishment imposed on the applicant vide Annexure-1 be stayed. We make it clear that the stay order will be effective from this day.

O.A. is disposed of as above at the admission stage. No costs.

S. Venkateswaran
24.3.99
VICE-CHAIRMAN
MEMBER (JUDICIAL)