



FORM No. - 4
See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original Application No. 178 of 2004
Applicant (s) ... Prashant Pradhan Respondent (s) Union of India
Advocate for Applicant (s) Mr. P. K. Padhi Advocate for Respondent(s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>P.O. of B501 filed. for Registration.</p> <p>h 17/5/04</p> <p>Register Gom 19/5/04</p> <p>For Admon & stay copy served.</p> <p>h 19/5/04 Bhaw</p>	<p>REGISTER Gom 19/5/04 Registers</p> <p><u>1. ORDER DATED 20.05.2004.</u></p> <p>Heard Mr. P. K. Padhi, Learned Counsel appearing for the Applicant and Mr. J. K. Nayak, Learned Additional Standing Counsel for the Union of India (on whom a copy of this O.A. has already been served).</p> <p>The grievance of the applicant in this O.A. is that Res. No. 4 by passing an order dated 25.2.2004 has imposed on the applicant ^{the} penalty of recovery of Rs. 1,83,563</p>

2

payable in equal 36 instalments of Rs.5100/- and that the said recovery has already commenced from the pay of the applicant for the month of February, 2004. Aggrieved by this order of the Disciplinary Authority he has filed an appeal before the Respondent No.3 (Director of Postal Services, Sambalpur Region, Sambalpur) in which he has submitted that he is in no way responsible for the overstaying of EDMC, Jharbeda BO in service as the seniority list of EDAs of Talcher sub Division was prepared by his predecessor one Shri Sidheswar Das. He has, therefore, submitted that the Disciplinary Authority has not taken ^{most relevant fact of this} _{into account} case and therefore, the penalty imposed on the applicant is without any merit. He has also submitted that he had recently undergone heart bye-pass surgery as a result of which he has incurred huge financial liability and by reducing his monthly salary of Rs.5100/-, he and his family have been pushed to a state of penury. He has, therefore, prayed to the appellate authority by submitting another representation dated 23.4.04 to stay the operation of the order of recovery from his alary till his appeal is disposed of.

Having regard to the facts and circumstances of the case, we find prima facie that there is merit in the prayer for interim relief made by the applicant that he had not prepared the seniority list made

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in Talcher Sub Division in which the date of birth of Shri Nayak EDMC, Jharsoguda BO was found to be incorrectly reflected; as a result of which that official was retained in service beyond the age of superannuation. However, these facts are to be verified by the appellate authority while disposing of the appeal filed by the applicant, and, therefore, it would suffice if at this admission stage we would dispose of this O.A. by giving a direction to the Respondent No. 3 i.e. the Appellate Authority to dispose of the appeal preferred by the applicant within a period of ninety days from the date of receipt of a copy of this order and in the meantime the recovery of monthly instalments from the pay of the applicant is stayed. Accordingly, we also stay the operation of the order contained in Memo No. Bl-37(Sub) dated at Sundargarh the 25.2.2004 (Annexure-4) containing the order of the disciplinary authority.

With the above, this O.A. is disposed of at this admission stage. No costs.

Copies of this order alongwith copies of the OA be sent to the Respondents and free copies of this order be given to learned counsel for both sides.

Member (J)

Vice-Chairman

26/2/04
S.O.

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26/2/04