



FORM No. - 4

See Rule (12)

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH

## ORDER SHEET

original

Application No. 406 of 200 4Applicant (s) Rabinarayan Lenka Respondent (s) Union of India & ors.Advocate for Applicant (s) M/s. L. K. Mahanty Advocate for Respondent(s) M R Das

### NOTES OF THE REGISTRY

I.P.O. for Rs 50/- filed.

Mentioned case.

For Regn Pl.

Dn  
28/06/04.

DR

Please refer to file.

Dn  
29/6/04

Defects removed.

For Regn Pl.

### ORDERS OF THE TRIBUNAL

REGISTER

Dn  
29-06-04

Registrar

1. ORDER DATED 1.7.2004.

Applicant, now a retired Asst.

Postmaster, faced a Departmental proceedings for double discharged of KVPs. On consideration of his representation under Annexure-A/1 dated 18.10.2003, final punishment order was issued against him under Annexure-A/2 dated 21.11.2003 requiring him to give

Registrar

Dn  
29-06-04

29.06.04.

# NOTES OF THE REGISTRY

For Admission & Defence  
order - Copy served.

Bene

In. In. 01.02.04

Copy of order  
along with copy of OA  
sent to all resp. In.  
Copy of said order  
prepared for Counsel  
on both sides.

15/02

15/02/04  
Lo (1)

# ORDERS OF THE TRIBUNAL

recovery of Rs. 30,000/-. As against the said punishment order, the Applicant has preferred appeal under Annexure-A/3, dated 10.1.2003 which is stated to be pending with the Appellate Authority. It is the case of the Applicant that following to his retirement on 31.3.2004, he is only getting the provisional pension and a huge outstanding retiral benefits have been withheld by the Respondents merely because he has not given recovery of the aforesaid amount of Rs. 30,000/- misappropriated. The defence of the Applicant as made out in this case appeared to be one in which he claims that by misappropriating the KVS money in question, the Govt. has not only been defrauded, he (applicant) was also <sup>been</sup> defrauded by his subordinate/dealing assistant.

Be that as it may, the Applicant's appeal under Annexure-A/3 dated 10.1.04 is still pending for consideration and, therefore, this case appears to be premature and, accordingly, is hereby disposed of at this admission stage, with direction to the Appellate Authority to consider the grievance of applicant (as raised in his appeal under Annexure-A/3 and in the present O.A.) within a period of ninety days from the date of receipt of a copy of this order. Until a final decision is taken by the Appellate Authority, the order under Annexure-A/2 dated 21.11.2003 should not be given effect to. The balance amount of the retiral benefits (in excess of

# NOTES OF THE REGISTRY

# ORDERS OF THE TRIBUNAL

Rs. 30,000/-) should be released in favour of the Applicant; unless there are other compelling reasons to withhold the same.

With the aforesaid observations and directions, this case is disposed of. No costs.

Send copies of this order, along with copies of the OA, to the Respondents and free copies of this order be given to learned Counsel for the Applicant and Mr. B. Dash, learned Additional Standing Counsel for the Union of India; on whom a copy of this O.A. has already been served.

Member (Judicial)