

for Adom Seem Letay -
copy served.

ON MEMO

Sh
1/9/04

Order dated 2.9.2004

Hear Shri J.M. Mohanty, learned counsel for the applicant and Shri Ashok Mohanty, learned senior counsel appearing on behalf of the Respondents and perused the materials placed on record.

The grievance of the applicant the Res. No. 3 (the disciplinary authority) by his order dated 9.4.2002 had imposed penalty of withholding of his pay for a period of three years with effect from 1.11.2002 to 31.10.2005 and that during currency of that penalty, he will not earn any increment. The applicant has submitted that after this punishment order was passed by the Respondents, he was served with an order of transfer from Bhubaneswar to J & K and he was relieved accordingly. After being relieved of his assignment at Bhubaneswar he remained on leave during which period he could submit any appeal to the competent authority and has now approached the Tribunal seeking relief as made out in the O.A. As the applicant has not exhausted the departmental remedy and having regard to the peculiar facts of the case ^{through} in which he has passed all these years since the punishment was imposed on him, and taking a compassionate view over the delay matter, we condone the delay and accordingly direct the applicant to submit an appeal, if any, before the appellate authority within a period of 30 days from the date of receipt of this order and in the event such an appeal is filed, the appellate authority should dispose of the same on merit within a period of 60 days from the date of receipt of such ~~exp~~ appeal. The applicant is, however, given liberty to approach the Tribunal if he feels aggrieved by

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the order to be passed by the appellate authority.

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

Arsh
VICE-CHAIRMAN 2/9

J.C.
MEMBER (JUDICIAL)

copy on order
of 2/9/91 issued
to the Council bar
both sides.

W. B. P. M.
S.O.

W.B.P.M.
13/9/91