



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Original Application No. 890 of 2004.
 Applicant(s) Raghunath Jena Respondent(s) Union of India & others
 Advocate for Applicant(s) A. K. Mishra, Advocate for Respondent(s) J. Sengupta
 D. K. Panda
 G. Sinha
 A. Mishra,

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

2 P.O. of MSO/2 filed.
 For Registration.
Consent memo

REGISTER

Dy. Registrar 28.10.04.

1. ORDER DATED 28.10.2004.

Immediately after imposition of the penalty under Annexure-A/3 dated 11.10.2004, the Applicant has approached this Tribunal under section 19 of the Administrative Tribunals Act, 1985. By the impugned order

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 28.10.04

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under Annexure-A/8 dated 11.10.2004, the Applicant has been visited with the following punishments:-

"xx xx. a sum of Rs. 1,00,000 (one lakh) be recovered from the pay of the official in 25 (twenty five) equal instalments (which will be only a very small fraction of the huge loss sustained by the Department and also reduction of pay by three (3) stages from Rs. 6000/- to Rs. 5625/- in the time scale of pay of Rs. 4500-125-7000/- for three years with the further direction that the said official Shri Raghunath Jena will not earn increments of pay during the period of such reduction and on expiry of such period, the reduction will have the effect of postponing the future increments of his pay. The aforesaid order will take immediate effect".

A copy of the aforesaid Original Application has already been served on Mr. U.B. Mohapatra, Learned Senior Standing Counsel for the Union of India, who is present in court.

It is the case of Mr. Mohapatra, learned Senior Standing Counsel that instead of approaching the Appellate Authority, the Applicant has rushed to this Tribunal and, therefore, this Original Application is a premature one. In reply to the said objection Mr. Sengupta, Learned Counsel appearing for the Applicant states that since steps are being taken to

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start recovery of the punitive amount from the salary of the Applicant right from the month of October, 2004, the Applicant has to rush to this Tribunal; least the Appellate Authority may not grant any interim protection.

Heard learned Counsel for both sides. This Original Application is disposed of by granting liberty to the Applicant to prefer an appeal (within the time stipulated in the Rules) and if the Applicant is so advised, he may approach the Appellate Authority to grant necessary interim orders/protection till disposal of the appeal.

It is however, made clear that every statutory authority have got inherent powers to grant interim protection and, therefore, the Appellate Authority under the CCS(CCA) Rules, 1965 can well consider the matter to grant necessary interim protection to the Applicant till disposal of the appeal to be filed by the Applicant within the time stipulated under the Rules.

With the aforesaid observations and directions, this O.A. is disposed of at the admission stage and in the peculiar facts and circumstances of the case, the Respondents are hereby restrained to give effect to the order of punishment under Annexure-A/8 dated 11-10-2004 till

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the Appellate Authority passes any interim order; for which the Applicant must make a prayer in his appeal.

Send copies of this order to the Respondents, alongwith copies of the O.A., and free copies of this order be given to learned counsel for both sides.

MEMBER (JUDICIAL)

Copies of order dt 28/10/04 issued to the counsel for both sides.

2. Copies of order dt 28/10/04 along with copies of O.A. issued to all the receipts by Reg. Pzt.

1/11/04.