



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Application No. OA 578 of 2005

Applicant (s) Anadi Charan Behera Respondent (s) Chairman of Orissa Census

Advocate
for Applicant (s) Mr. D.K. Mohanty Advocate
for Respondent (s)

NOTES OF THE REGISTRY

L.P.O. of R.S.O. =
2/26/05

For Registration,

On memo

14/6/05

14/6/05

14/6/05

20 (5)

For Admonition &
Stay - copy Served

Bhushan

14/6/05

ORDERS OF THE TRIBUNAL

REGISTER

Devendr Kumar
Regd. 14.06.05

Order dated : 14.6.05

Heard Mr. D.K. Mohanty, Ld. Counsel appearing for the Applicant and Mr. Devendra Kumar Behera, Ld. Additional Standing Counsel; on whom a copy of this O.A. has already been served. Perused the materials placed on record.

The Applicant, Anadi Charan Behera, is continuing as Statistical Investigator Grade-III of the Census Directorate of Orissa at Bhubaneswar. He faced a disciplinary proceeding and ultimately faced with punishment under Annexure-A/10, dated 20.5.04. Upon facing the punishment, the Applicant

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p>preferred an appeal on 23.6.04 under Annexure-11. The same, as it appears, was addressed to the Disciplinary Authority; for which the Applicant addressed another representation under Annexure-A/12 to the Secretary to Government of India in the Department of Home Affairs. Having not heard from the authorities (on his aforesaid appeals), the Applicant has filed the present O.A. under Section 19 of the Administrative Tribunal's Act, 1985.</p> <p>Law is well settled that appeal is to be submitted through the disciplinary authority. In the present case, as it appears from Annexure-A/11, dated 23.6.04, the appeal was addressed to the Disciplinary Authority. If the authority to whom the appeal under Annexure-A/11 dated 23.6.04 was not properly addressed then it was for the Disciplinary Authority either to intimate the Applicant about the same (with instructions to prefer the appeal to the proper forum) or to transmit the appeal to the competent appellate authority. The authority can not sit over an appeal for indefinite period without communicating to the Government servant.</p> <p>In the aforesaid premises, liberty is hereby granted to the Applicant to put up an effective appeal to the competent authority through proper channel by end of June, 2005, and, if an appeal shall be preferred by the Applicant by end of June, 2005, then the Respondents should act properly to redress the grievances of the Applicant (on his appeal) by end of September, 2005.</p> <p>With the aforesaid observation and direction,</p> |

3
NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

this O.A. is disposed of.

Send copies of this order to the Respondents, along with copies of the O.A., and free copies of this order be also handed over to the Lt. Counsel appearing for both the parties.

Yashpal
14/6/05

D
Member (Judicial)

Copy or order off. 14/6/05
a/w or copy issued
to all the parties by
Post.

The same copy of
order issued to the
Counsel for both sides

W.H.B.
S.C.O.

MP
22/6/05