



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Application No. O.A. 836 of 200 5

Applicant (s) Sri Nimain Charan Sahoo Respondent (s) Union of India & Others

Advocate for Applicant (s) Mr. P.K. Padhi Advocate for Respondent (s) _____

NOTES OF THE REGISTRY

I.P.O of Rs. 50/- filed.
Copy Served
For favour of
Registration please
as per memo

24.10.05

S.O. (J)
24/10/05

Registar

24.10.05

For Admission with Stay
copy served

24.10.05

Bench

ORDERS OF THE TRIBUNAL

REGISTER

24/10/05
Registrar

Order dated: 25.10.05

Heard Mr. P.K. Padhi, Id. Counsel appearing for the Applicant and Mr. U.B. Mohapatra, Id. Sr. Standing Counsel; on whom a copy of this O.A. had already been served and perused the materials placed on record.

Applicant, Nimain Charan Sahoo faced a disciplinary proceeding and on conclusion of the said proceeding, he was asked to give recovery of Rs. 12000/- in 24 monthly installment at the rate of Rs. 500/- per month. One of his increments in the pay scale has also been asked to be ^{kept} withheld for six months, without any cumulative effect. Being

Notes of the Registry

Orders of the Tribunal

Copies of order
handed over
to both the
Counsellors.

h 60 (17)

copies of order
on 25.10.05 with
copies of order
sent to all
members

h 25/11

h 25/11/05
25/11/05

aggrieved by the said punishment order, the Applicant has already preferred an appeal under Annexure-A/6, dated 29.08.05 through proper channel and a copy of the said appeal memo has already been transmitted to the Appellate Authority/Director of Postal Services, Sambalpur; wherein a prayer has also been made not to implement the punishment till disposal of the appeal. By an application under Annexure-A/5, dated 22.9.05, the Applicant has also made a request to the Disciplinary Authority not to implement the punishment till disposal of the appeal. In another representation ^{to} the Disciplinary Authority (made under Annexure-A/7, dated 05.09.05) the Applicant has also prayed not to implement the punishment till disposal of the appeal. After awaiting for more than one months, the Applicant has preferred this O.A. under Section 19 of the Administrative Tribunal's Act, 1985 (on 24.10.05) seeking a direction to the Disciplinary/Appellate Authority not to implement the punishment till disposal of the appeal.

Every authority, who is in seisin of an appeal, has got an inherent power to stay the impugned order; in order to avoid multiplicity of a litigation. In that view of the matter, the Appellate Authority, pending final consideration of the appeal, can direct the Disciplinary Authority not to implement the punishment.

In the aforesaid premises, while asking the Appellate Authority to consider interim prayer of the Applicant (as made under Annexure-A/6, dated 29.08.05), the Disciplinary Authority is hereby restraint to give effect the punishment that has

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

been imposed on the Applicant till an order is passed by the Appellate Authority.

With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

Send copies of this order to the Respondents, along with copies of the O.A., and free copies of this order be handed-over to the Ld. Counsels appearing for both the parties.


Member (Judicial)