



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

ORDER SHEET

Application No. O.A. 836 of 2005

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

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

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>I.P.O of Rs. 50/- filed. Copy Served For favour of Registration please as per memo</p> <p>At 24/10/05</p> <p>S.Off (J) Sh 24/10/05</p>	<p>REGISTER</p> <p>24/10/05 Register</p> <p>Order dated: 25.10.05</p> <p>Heard Mr. P.K. Padhi, Lt. Counsel appearing for the Applicant and Mr. U.B. Mohapatra, Lt. Sr. Standing Counsel; on whom a copy of this O.A. had already been served and perused the materials placed on record.</p>
<p>Regd 24/10/05</p> <p>for Admision with Stay copy Served</p> <p>At 24/10/05</p> <p>Bench</p>	<p>Applicant, Nimaen 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 withheld for six months, without any cumulative effect. Being</p>

## Notes of the Registry

## Orders of the Tribunal

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counsel.

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copies of order  
on 25.8.05 with  
copies of OA  
sent to all  
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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 22.8.05, 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.

*J. S. Patel*  
25/10/05  
Member (Judicial)