



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

ORDER SHEET

Application No. O.A. 157 of 2006.

Applicant (s) Sri Subhash Chandra Agrawal Respondent (s) Union of India & Others

Advocate  
for Applicant (s) M/S. K.C. Kanungo

Advocate  
for Respondent (s) Mr S.B. Jena

S. Beura  
R. Mohanty

NOTES OF THE REGISTRY

I. Post resp. filed.  
copy served.  
for favour of  
registration please  
as per memo

S.C. (J)

20/2/06

DR Note in  
sheet may be seen  
20/2/06

Registration  
20/2/06

20/2/06

For admission with  
stay.

Copy served.

20/2/06

Bench

ORDERS OF THE TRIBUNAL

REGISTER

20/2/06

Order dated 21.02.06

Heard Mr.K.C.Kanungo, Ld.Counsel appearing for the Applicant and Mr.S.B.Jena, Ld.Addl.Standing Counsel, on whom a copy of this Original Application has already been served and also perused the materials placed on record.

Applicant, Subhash Chandra Agrawal, faced a disciplinary proceeding under Annexure-A/1, dated 11.11.1997. He preferred written statement of defence on 17.11.97. The Inquiring Officer and presenting officer were appointed on 22.06.99. After regular enquiry/hearing, written brief was submitted by the P.O. on 30.05.2001. Applicant

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OA 157/06

## Notes of the Registry

## Orders of the Tribunal

Received Rs.160/- only  
towards cost of Sp. messenger  
for R-3, 4 & 5.

By (B. Jay)  
Officer  
21.2.06

On, Dr. 21.02.06

copies of order  
alongwith copies  
of OA sent to  
R-1 & 2 by Legd/HQ  
and to R-3 to 5  
by Sp. messenger

Copies of  
said order prepared  
for counsels  
for both sides.

h  
21/2

DM  
21/2/06  
S/209

has submitted his written brief in the enquiry on 17.07.01. The enquiry report having been submitted on 13.08.01, the Applicant submitted a representation against the enquiry report on 29.04.02. Then punishment (of reducing the pay of the Applicant by two stages from Rs. 9,900/- to Rs. 9,500/-) was imposed under Annexure-A/7 dtd. 21.04.03. It appears the Applicant received the punishment order on 16.05.03; but preferred an appeal on 30.07.03. It appears the delay in preferring an appeal was not stated in the appeal memo itself, and, apparently, therefore the Appellate Authority has not yet passed any order. Under the proviso to Rule 25 of CCS (CCA) Rules, 1965, the Appellate Authority has got the power to entertain an appeal filed late, if it is satisfied that the appellant has sufficient cause for not preferring the appeal in time.

In the aforesaid circumstances, the appellant is hereby given liberty to place adequate materials before the Appellate Authority explaining the delay in preferring the appeal that was filed under Annexure-A/8 dtd. 30.07.03. If such a representation (explaining the delay) is submitted by the end of February, 2006, the Appellate Authority, who has not yet passed any order, should consider the matter and if it is satisfied that the appellant has got sufficient cause for not ~~appealing~~ <sup>preferring the</sup> in time, then it should not only entertain the ~~delay~~ <sup>Appeal</sup> but should proceed to pass final orders on merit (on the appeal of the Applicant) within three months. The Disciplinary Authority to whom a copy of the appeal

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

under Annexure-A/8 dtd.30.07.03 was given, should provide necessary comments to the Appellate Authority by 15.03.06.

The punishment imposed on the Applicant (and reiterated under Annexure-A/9 dtd.16.2.06) should remain stayed till the disposal of the appeal/final orders to be passed by the Appellate Authority.

With the aforesaid observations and directions, this O.A. stands disposed of at the admission stage.

Send copies of this order to the Respondents along with copies of the O.A., at the cost of the Applicant. Mr.Kanungo, Id.Counsel appearing for the Applicant undertakes to deposit the special messenger cost for communication of the order etc., to Res.Nos. 3,4 and 5 in course of the day. Registry to accept one set of special messenger cost. ~~He~~ He also undertakes to deposit the required postages for communication of the order to the Applicant and to Res.Nos.1and2 in course of the day.

Free copies of this order be handed over to the Counsel appearing for both the parties. A free copy of this order be also sent to the Applicant in the address given in the O.A.

Member (J.)