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O.A. No. 712/06

Order dated 20.10.06

Present

For Applicant:- Mr. A.K. Mishra

For Respondent:- None


The present O.A. is filed by the applicant challenging the initiation of disciplinary proceeding vide charge Memo dated 29.04.05 (Annexure A/26) and in the alternative, the applicant has sought a direction to the Respondent No.2 to reconsider the order dated 23.08.2005 (Annexure A/29) by which Shri M.M. Praharaj, I.P.S (RR-1976) Director-cum-Additional D.G. of Police, Intelligence, Orissa, Cuttack, has been appointed Inquiry Officer for conducting the disciplinary proceeding against the applicant.

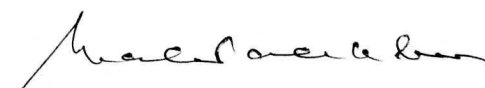
Today at the time of hearing the Ld. Counsel for the applicant has submitted that the applicant had submitted a representation dated 15th Sept. 2005 which is at Annexure A/33 (at page 112 of the O.A.) for redressal of his grievance against the initiation of departmental proceedings as well as the appointment of Inquiry Officer and that the same is still pending and not decided by the competent authority. Ld. Counsel for the applicant has requested that the present O.A. may be disposed of at the admission stage with a direction to the Respondent No.3 to decide the same by a speaking order at an early date. As we are inclined to agree with this submission as it does not affect the right of the Respondents, we do not like to issue a formal notice to the Respondents. Accordingly, we dispose of the O.A. at the admission stage, with a direction to the Respondent No.3 to consider the representation of the applicant, dated 15th Sept. 2005, at Annexure A/33,

for

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within a period of two months from the date of receipt of the copy of this order along with copy of the representation dated 15th September 2005.

Ld. Counsel for the applicant undertakes to serve the copy of this order of the Tribunal and the copy of the representation dated 15th Sept. 2005 on the Respondent No. 3 within 10 days hence. It will be open to the applicant to take appropriate legal proceeding for redressal of the grievance against the order to be passed by the Respondent No. 3 on the representation. The O.A is disposed of.


Mémber (A)


Vice-Chairman(J)