

OA 1216/02

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Notice issued to
all respondents.

2. Dt. 20.12.04.

Heard in P-8.
CA it on 23/12/04.

In
Members)

Sub
V.R. Sharma

Order dated : 23.12.04

Heard Mr. S.N.Mishra, Ld. Counsel
for the applicant and Mr. U.B.Mohapatra, Ld.
Sr. Standing Counsel.

The applicant has filed this O.A.
seeking following reliefs :-

- " that the Hon'ble Tribunal be pleased
to quash the impugned order dated
13.9.2000 (Annexure-4) and direct the
respondents to release the deserving
increments of the applicant within a
stipulated time.

And

Grant interest on the amount illegally
withheld by the respondents from being
paid to the applicant and compensation
alongwith cost of litigation in favour
of the applicant keeping in view the
harassment caused to him by the Respond-
ents.

The applicant has prayed for the
above reliefs on the grounds that the impugned
order under Annexure-4 is illegal and arbitra-
ry and that the said is against the principle
of natural justice and also that the said

order is not a reasoned one. The Respondents
have filed detailed counter contesting the ap-
plication. They have disclosed that the disci-
plinary proceedings in this case have been
initiated under Rule 16 of CCS(Conduct) Rules
for disobeying the orders of the higher
authorities by not receiving the charge
sheet and other letters issued to him. It
has also been disclosed that against the

Order 4.9.2.04

Ld. Counsel for the
applicant is present.
A.DS returned after
service from all the
respondents, Mr. A.K.
Bose, Ld. SSCG,
undertakes to appear
and file counter.

Call on 10.3.2004
for filing of counter.

7/3/04
REGISTRAR

Counter not
filed.

Regn

Dt. 10.3.04

The learned counsel for
the Respondents prays for time
to file counter. Prayed allowed.
Time granted till 2.4.04 for
counter.

10.3.04
REGISTRAR

02.12.16/02

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Counter has
not been filed.

Regn.

Order dt. 2.4.04

Learned Counsel for
the applicant is present.
On the prayer of Ld.
SSCG, time is granted
as a last chance till
7.5.04 to file counter.

2.4.04
REGISTRAR

Counter of filed

Order dt. 7.5.04

Ld. Counsel for the
applicant is present.
Respondents are
absent and no steps
taken to file counter.
However, to give one
opportunity to the
respondents, time
is granted as a special
chance till 25.5.04
to file counter.

07/5/04
REGISTRAR

Counter not filed

Regn.

impugned order the applicant had not filed an
appeal and therefore he had not exhausted the
departmental remedies available in this regard.

Ld. Counsel for the applicant
submitted that he had come before the Tribunal
in this O.A. seeking justice pursuant to this
Tribunal's order dt. 12.11.02 passed in O.A.
No. 456/2000.

We have perused our order dt.
12.11.02 and found it difficult to accept the
proposition made by the Ld. Counsel for the
applicant that this Tribunal by order dt.
12.11.02 had asked him to approach this
Tribunal without exhausting the departmental
remedies with regard to the punishment imposed
on him by impugned order at Annexure-4.

That being the facts of the case this
O.A. is disposed of with a direction to the
applicant to file an appeal before the appro-
priate authority within a period of thirty days
from the date of receipt of this order. The
delay in filing such appeal is waived. The
Respondents are also directed to consider the
appeal to be filed by the applicant and once
an appeal is received by the Respondents, they
should dispose of the same within a period of
90 days from the date of receipt of the appeal.
In case if he still feels aggrieved, he will
be given full alternative remedy as available
under the statutory rules.

With the above direction this O.A.
is disposed of.

The Ld. Counsel for the applicant
submits that the Respondents be directed to

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dt. 8.7.04

Parties are absent on call. No steps taken by the Respondents to file counter.

However, call on 16.7.04 for filing of counter.

[Signature]
08-7-04

REGISTRAR

Counter not filed,

h
15/2

Reg

Order dt. 16.7.04

Learned counsel for the applicant is present. Ld. SSCOI submits that counter is ready and will be filed on course of today positively after service of copy.

In view of the submission as above, adjourned to 19.8.04 for filing of responder.

[Signature]
16/7/04
REGISTRAR

Counter filed, copy sent.

Responder not filed.

h
12/8

Reg

stop the further stoppage of the increments till the disposal of the appeal. Having heard his claim, the applicant is hereby directed to make such a prayer before the Appellate Authority in this regard.

[Signature]
Judicial Member

[Signature]
23/12
Vice-Chairman