

3

O.A. No.112/08

ORDER DATED 20<sup>th</sup> FEBRUARY, 2008

Coram:

Hon'ble Shri M.R. Mohanty, Vice-Chairman

Heard Mr. K.C. Kanungo, Ld. Counsel appearing for the Applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel for the Union of India (on whom a copy of this Original Application has already been served) and also perused the materials placed on record.

2. The Applicant faced a penalty (under Annexure-A/3 dated 31.12.2007/02.01.2008) to give Recovery of Rs.11700/- from his TRCA in 24 installments @ Rs.500/- per month (and last being Rs.200/-) commencing from January, 2008."

3. Against the aforesaid penalty, the Applicant has preferred an appeal under Annexure-A/4 dated 30.01.2008.

4. By filing the present O.A. (under Section 19 of the Administrative Tribunals Act, 1985) the Applicant has virtually, prayed for a direction for non implementation of the said penalty order (under Annexure-A/3 dated 31.12.2007/02.01.2008) till final disposal of his Appeal.

5. Every Adjudicatory Authority (like the Appellate Authority in this case) has got an inherent power to pass interim orders to avoid multiplicity of the litigation. In the present case both

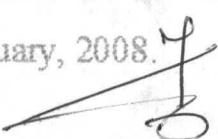
J  
O

the Disciplinary Authority and the appellate authority have got the same power inherently, because the appeal is routed through the Disciplinary Authority and that may take some time for the appeal to reach the Appellate Authority.

6. There are no materials (placed on record) to show that the Applicant ever prayed to the Disciplinary Authority (or to the Appellate Authority) to stay the recovery/implementation of the impugned order of penalty under Annexure-A/3 dated 31.12.2007/02.01.2008.

7. In the aforesaid premises, this O.A. is hereby disposed of with grant of liberty to the Applicant to approach the Disciplinary Authority and the Appellate Authority (by 25.02.2008) not to implement the order of penalty (Annexure-A/3) dated 31.12.2007/02.01.2008 till disposal of the appeal dated 30.01.2008. On receipt of the said interim prayer of the Applicant, the authority (Disciplinary Authority/Appellate Authority) the should consider the same and pass necessary interim orders.

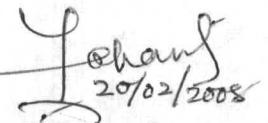
8. In the meantime the order of penalty (Annexure-A/3 dated 31.12.2007/02.01.2008) should not be implemented/given effect to and no recovery should be made from the Applicant (in pursuance of the impugned penalty order under Annexure-A/3 dated 31.12.2007/02.01.2008) w.e.f. February, 2008.



-3 - 5

9. With the aforesaid observations and direction, this O.A. stands disposed of.

10. Send copies of this order to the Respondents (along with copies of the present O.A) and free copies of this order be also given to Mr. K.C. Kanungo, Ld. Counsel appearing for the Applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel for the Union of India.

  
20/02/2008  
VICE-CHAIRMAN