

O.A. No. 183 of 2008

Order dated: 01.05.2008


CORAM:

Hon'ble Shri C.R.Mohapatra, Member (A)

Mr. B.K.Mohapatra, Ld. Counsel for the Union of India, Mr. D.K.Behera, Ld. Counsel for the UPSC and Mr. A.K.Bose, Ld. Counsel for the State of Orissa are present.

Mr. B.Routray, Ld. Counsel appearing for the applicant states that the applicant has been imposed with a minor penalty of "Censure" vide Annexure-10 due to certain irregularities committed by him during his incumbency as Officer on Special Duty in the office of Principal Chief Conservator of Forests, Orissa, Bhubaneswar. The penalty has been imposed by the Govt. of Orissa, in consultation with the UPSC. He has challenged this order of penalty and he has also challenged another office order dated 15.03.2008 (Annexure-11) regarding the treatment of the period of unauthorized absence from 29.08.2003 to 30.09.2003, as also the order to place a copy of the penalty order of censure in the ACR dossier of the applicant.

Mr. A.K.Bose, Ld. Counsel for the State of Orissa submits that the penalty has been imposed by the competent authority after going through the prescribed procedure and hence the disciplinary proceedings are no way vitiated. He further submits that the applicant has not exhausted all the remedies before going to the Tribunal. He has not filed any appeal so far and hence the O.A. is not maintainable.



4

It is seen that Annexure-11, which has been considered by the applicant as a penalty is not a penalty within the ambit of the All India Service Rules. It is merely an office order regulating the period of absence and also a direction to place a copy of the penalty order in the dossier of the applicant.

The Ld. Counsel for the applicant prays that he would be filing appeal with the Appellate Authority as per provisions of All India Service (Discipline and Appeal) Rules.

In view of the above, the O.A is disposed of, at the admission stage, with liberty to the applicant to file appeal with the Appellate Authority, if so advised. No order as to costs.


MEMBER (A)