

3

O.A. No. 355 of 2008

Order dated: 15.09.2008

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

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

This O.A. has been filed with a prayer to quash the inquiry report under Annexure-A/2 and also the order of punishment warranted by the Disciplinary Authority under Annexure-A/7.

2. It is revealed from the averments that challenging the punishment warranted by the Disciplinary Authority, an appeal has already <sup>been</sup> filed on 18.08.2008 as evident from Annexure-A/8. It is also averred in the Original Application that an application for interim order for staying operation of the punishment warranted by the Disciplinary authority during the pendency of the appeal was also there before the Appellate Authority.

3. After going through the averments and on hearing the Ld. Counsel appearing for the applicant, we are of the view that since the applicant has not exhausted all the remedies available to him, the jurisdiction of this Tribunal cannot be entertained at this stage. However, as the applicant has averred that an appeal is already filed, along with an application of interim stay, in the above circumstances the Ld. Counsel for the applicant confined to his prayer before this Tribunal to have a direction to the Appellate Authority, namely, Respondent No.3 to dispose of appeal dated 18.08.2008 at the earliest and it is also prayed that during the



4

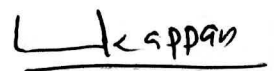
pendency of the appeal, the interim application for stay of the operation of the punishment order also be considered by the Appellate Authority.

4. Considering the averments in the O.A. and on hearing the Ld. Counsel appearing for the applicant, we are of the view that this O.A. ~~though~~<sup>is</sup> not entertainable by this Tribunal at this stage. ~~However~~<sup>However</sup> we are inclined to give a direction as now confined before us to give a direction to the Appellate Authority to dispose of the appeal as expeditiously as possible. ~~Ordered accordingly.~~ During the pendency of appeal therein, the Appellate Authority shall also consider the interim application as expeditiously as possible at any rate within 15 days from the date of receipt of a copy of this order.

5. With the above direction, the O.A. is disposed of at the admission stage itself. No costs.

6. The applicant is directed to produce a copy of this O.A. as well as the copy of this order before the Respondents for compliance at the earliest.

  
MEMBER (A)

  
MEMBER (J)

RK