

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

**ORIGINAL APPLICATION NO. 398 OF 2010**  
Cuttack this the 29th day of July, 2010

**CORAM:**

**THE HON'BLE SHRI C.R. MOHAPATRA, ADMINISTRATIVE MEMBER**

**ORDER**

Heard Shri N.P. Patra, learned counsel for the applicant and Shri U.B. Mohapatra, learned Senior Standing Counsel, who has been served with a copy of the O.A., appearing for the Respondents and perused the materials on record.

It is the case of the applicant that against the punishment order dated 31.5.2010 imposing penalty of recovery of Rs.50,000/- in 10 equal monthly instalments from the salary of June, 2010, he has filed appeal on time on 15.6.2010 to the Director of Postal Services (Respondent No.3). The contention of the applicant is that while his appeal was still to be decided by the Director of Postal Services, the recovery of Rs.50,000/- has already been started from the pay bill of June, 2010. He therefore, submits that till the disposal of the appeal no further recovery should be made.

Perusal of the records will show that as against the amount of Rs.3,000,00/- pertaining to some burglary that had taken place way back on 2.8.2000, the applicant has been found responsible for <sup>loss of</sup> Rs.50,000/- which is now ordered to be recovered in 10 monthly equal instalments, no basis of such recovery of Rs.50,000/- out of the total loss sustained by the Government to the tune of Rs.3,000,00/- is forthcoming from the records available. Be that as it may, since the appeal is provided under the statute the same needs to be decided by the Appellate Authority within a reasonable time. As the appeal has been filed only on 15.6.2010. at this moment it would be proper for this

4

Tribunal not to interfere with the order of punishment nor grant the prayer for interim relief. The Appellate Authority has to consider all these aspects relating to imposition of punishment as well as the recovery which is proposed to be made. Hence, it is incumbent on the part of the Appellate Authority (Respondent No.3) to consider the appeal and take expeditious decision in the matter. Accordingly, Respondent No.3 is directed to consider the appeal and pass a reasoned order on the quantum of punishment as well as future recovery of the amount from the pay bill of the applicant within a period of sixty days from the date of receipt of this order.

With the above observation and direction, without going into the merit of the case, this O.A. is disposed of at the stage of admission. No costs.

Send a copy of this order along with copy of the O.A. to Respondent No.3 for compliance and free copies of this order be made over to the learned counsel for the parties.

  
ADMINISTRATIVE MEMBER