

ORDER DATED 8th OCTOBER, 2010

S. N. Pattnaik Applicant

Vrs.

Union of India & Others Respondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER(A)

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Heard Ms. S. Mohapatra, Ld. Counsel for the applicant and Sri J.K. Khandayatray, Ld. ASC appearing on notice for the Respondents on whom a copy of this O.A. has already been served.

2. Sri J.K. Khandayatray, Ld. ASC appearing for the Respondents has produced a copy of Ministry of Information and Broadcasting letter No.11010/2/71 dated 10.04.75 after serving a copy in the Court on Ms. S. Mohapatra, Ld. Counsel for the applicant, where under the Regional Officers in the Organisations have been delegated with the powers for placing the Class I and II Officers working under them in the Field Offices in their respective charge under suspension for gross dereliction of duties in terms of Rule 10 of C.C.S.(CCA) Rules, 1965. Accordingly, he justifies the order of suspension dated 20.09.2010 by the Additional Director General which is impugned in this O.A. (Annexure-A/7). Sri J.K. Khandayatray, Ld. ASC further submits that, since this order of suspension is appealable under Section 23 of C.C.S.(CCA) Rules, 1965 the applicant has approached this Tribunal without exhausting that remedy available under the statutes.

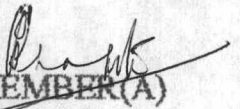
3. Ms. S. Mohapatra, Ld. Counsel for the applicant submits that the applicant will file an appeal within seven days with the Appellate Authority under Section 23 of C.C.S.(CCA) Rules, 1965 accordingly.

4. If this appeal is filed within seven days time, the same may be disposed of by the Appellate Authority with a reasoned order within a period of 60 days. Till then no further coercive action will be taken against the applicant.

5. With the above observation and direction without going into the merit of the case this Original Application is disposed of at the stage of admission itself.

6. Send copies of this order to the Respondents (together with the copies of this O.A) by Registered Post at the cost of the Applicant. Ms. S. Mohapatra, Ld. Counsel appearing for the applicant undertakes to deposit the required postages in course of the day.

7. Copies of this order be also sent to the Ld. Counsel appearing for the parties.


MEMBER(A)