

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

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O.A.No.90 of 2011
Pahali Behera Applicant
Versus
Union of India and Others Respondents

Order dated : the 25th February, 2011.

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

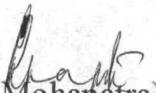
The order imposing the punishment of removal on the applicant under Annexure-A/15 and the order under Annexure-A/16 asking the applicant to vacate the departmental quarters in his possession have been assailed by the applicant in this Original Application filed under section 19 of the A.T. Act, 1985 with prayer to quash both the orders and direct the respondents to grant him all consequential service and financial benefits retrospectively.

Heard Mr. S.K.Nayak-3, Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel appearing on notice for the Respondents and perused the materials placed on record. As it appears from the record against the order of punishment of removal under Annexure-A/15 applicant preferred appeal under Annexure-A/19. But the said appeal neither contains any date or the address to whom it is sent if at all the appeal is taken to be correct. Further it is seen that the applicant in this OA is 'PAHALI BEHERA' whereas Annexure-A/19 has been filed by "BABY BEHERA" who is not the applicant in this OA. In the

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aforesaid circumstances it can be presumed that no appeal has been filed by the applicant and has straightaway approached this Tribunal in the present OA. In the circumstances ordinarily this OA should have been dismissed at the threshold. But considering the fact that the applicant challenges his order of punishment of dismissal by way of giving one more opportunity to the applicant, as prayed for by the Learned Counsel for the Applicant, this OA is disposed of by granting liberty to the applicant to file appeal within a period of seven days hence and on receipt of such appeal the appellate authority should give due consideration on the said appeal of the applicant on merit and communicate the decision taken thereon to the applicant within a period of 30(thirty) days as per Rules. Till such time, the Applicant may be allowed to retain the accommodation subject to payment of usual rent.

3. Send copy of this order along with OA to Respondent No.2 for record/compliance.


(C.R. Mohapatra)
Member (Admn.)