

7

O.A. No.123/2011

ORDER DATED 26th APRIL, 2011

Sri D.K. Panigrahi.....Applicant

Vrs.

Union of India & OthersRespondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER ADMN.

&

HON'BLE MR. A.K. PATNAIK, MEMBER JUDL.

.....

Heard Sri G.Rath, Ld. Sr. Counsel for the applicant and Sri
U.B. Mohapatra, Ld. Sr. Standing Counsel appearing for the Respondents.

2.This Original Application has been filed by the applicant with
the following prayer :-

"To quash the orders of the Respondent No.3 dated 23.02.2011
(Annexure-A/7) regarding withdrawal of the financial upgradation
granted to the applicant w.e.f. 01.09.2008 onwards for being illegal,
irregular and contrary to the provision of the MACP Scheme.

And

To order that the reduction of the pay of the applicant w.e.f. 01.09.2008
was illegal and irregular and no recovery should be made from the pay of
the applicant towards the so called excess payments w.e.f. 01.09.2008
onwards and to refund the amounts recovered from the applicant's salary
for the month of February-2011."

3. This matter came up on 10.03.2011 for hearing on the
question of admission and interim order. This Tribunal vide order dated
10.03.2011, while directing notice to the Respondents, as an interim
measure, directed that no recovery should be initiated till 25.03.2011. On
25.03.2011 at the instance of Ld. SSC the matter was adjourned to
06.04.2011 and accordingly, interim order was allowed to continue till
then. While the matter stood thus, the Respondent-Department filed
M.A.265/11 seeking vacation of interim orders, as aforesaid, and thereafter
the matter having being adjourned from time to time at the instance of Ld.

Counsel for either of the parties has finally been put up on 26.04.2011 for consideration of M.A.265/11. On 26.04.2011 when M.A was taken up for consideration, Ld. Counsel for both sides urged that since the representation submitted by the applicant dated 28.02.2011 vide Annexure-A/8 is still lying undisposed of, they will be satisfied if a direction is issued to the concerned authority to dispose of the said representation.

4. In consideration of the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case at this stage, it is considered that the ends of justice will be met by directing Respondent No.2 to consider and dispose of the pending representation vide Annexure-A/8 and pass a reasoned order within a period of two months from the date of receipt of copy of this order under intimation to the applicant. Ordered accordingly.

5. However, it is made clear that until the representation as directed above is disposed of, no recovery shall be effected.

6. Since by this order the O.A. is virtually disposed of, order dated 10.03.11 directing notice to the Respondents for filing counter is hereby recalled.

7. As the present O.A. is disposed of, M.A.265/11 is disposed of accordingly.

8. Send a copy of this order to Respondent No.2 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.


MEMBER JUDL.


MEMBER ADMN.