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O.A. No.135/2011

ORDER DATED 27<sup>th</sup> APRIL, 2011

Sri J. Nayak.....Applicant

Vrs.

Union of India & Others .....Respondents

Coram:

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

&

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

Heard Sri G. K. Behera, Ld. Counsel for the applicant and  
Sri S.K. Patra, Ld. Addl. Standing Counsel appearing for the Respondents.

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

“Stay operation of impugned Office Order No.Admn.1/2311 dated  
23.02.2011 (Annexure-A/2) or in other words the pay slip of the  
applicant shall not be reduced further/henceforth and no further recovery  
shall be made from the salary of the applicant;”

3. This matter came up on 15.03.2011 for hearing on the  
question of admission and interim order. This Tribunal vide order dated  
15.03.2011, while directing notice to the Respondents, as an interim  
measure, directed that *“Pendency of this case shall not stand as a bar for  
the applicant to file representation, if not already filed, and Respondents  
may consider and dispose of the same within a time bound period, no  
recovery should be initiated till 31.03.2011.”* While the matter stood thus,  
the Respondent-Department filed M.A.289/11 seeking vacation of interim  
orders, as aforesaid. This matter was taken up on 31.03.2011, when at the  
instance of the Ld. Counsel for the applicant for filing objection to M.A.  
289/11 the matter was adjourned to 15.04.2011 for consideration of  
M.A.289/11. In the circumstances, the interim order so granted was



allowed to continue. On 15.04.2011, again the matter was adjourned to 20.04.2011 at the instance of the Ld. Counsel for the applicant on the same plea. On 20.04.2011, also the matter was adjourned to 27.04.2011 allowing the interim order to continue till then. Ld. Counsel for the applicant has not filed any objection to M.A.289/11 so far. On 27.04.2011 when M.A.289/11 was taken up for considering further continuance or otherwise of the interim order, Ld. Counsel for Applicant urged that since the representation submitted by the applicant dated 23.03.2011 to the Dy. Director General (PAF), Postal Accounts Wing, 4<sup>th</sup> Floor, Dak Bhawan, Sansad Marg, New Delhi-110 001 is still lying undisposed of, he 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.1 the Director General of Post, Dak Bhawan, New Delhi (as the Dy. Director General (PAF), Postal Accounts Wing, 4<sup>th</sup> Floor, Dak Bhawan, Sansad Marg, New Delhi-110 001 to whom the representation is addressed is not a party in this O.A.) to consider and dispose of the pending representation dt. 22.03.2011 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 15.03.11 directing notice to the Respondents for filing counter is hereby recalled.

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7. As the present O.A. is disposed of, M.A.289/11 is disposed of accordingly.

8. Send a copy of this order along with copy of this O.A. to the Director General of posts, Dak Bhawan, Sansad Marg, New Delhi-110 001 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

  
MEMBER JUDL.

  
MEMBER ADMN.

K.B