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**O.A. No. 549 of 2011**

Alekh Charan Patra.....Applicant

Vs

Union of India & Ors.....Respondents

**Order dated: 23.08.2011**

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)

Hon'ble Shri A. K. Patnaik, Member(Judl.)


Heard Mr. A. Swain, Ld. Counsel for the applicant and Mr. R.C.Swain, Ld. Additional Standing Counsel appearing for the Respondents, who has already received a copy of this O.A.

2. Applicant, in this O.A., challenges Annexure-A/10 dated 02.05.2011 putting him under suspension.

3. As an interim relief, the applicant prays to stay the operation of Annexure-A/10 dated 02.05.2011 till disposal of the O.A. He further prays that Respondent Nos. 3 and 4 be directed to pay him the subsistence allowance and the arrears thereof during pendency of the O.A.

4. It is also the case of the applicant that though he has preferred an appeal vide Annexure-A/12 dated 13.05.2011 before Respondent No.2, the same is still pending.

5. Having heard Ld. Counsel for the parties and having perused the materials placed on record, since the



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appeal filed by the applicant is still pending with the Respondent No.2 for consideration, we deem it proper to send the case before the competent authority to take a decision first on the pending appeal. As agreed to by the Ld. Counsel for the parties, we direct Respondent No. 2 to consider the appeal as at Annexure-A/12 dated 13.05.2011 and pass a reasoned order within 60 days from the date of receipt of copy of this order.

6. Respondents are further directed to pay the subsistence allowance to the applicant as per rules from the date of suspension, if not paid so far, within a period of 15 days.

7. With the above observation and direction, the O.A. stands disposed of at the stage of admission itself.

8. Copy of this order, along with copy of the O.A., be sent to Respondent No. 2 at the cost of the applicant. Ld. Counsel for the applicant undertakes to deposit the postal requisites by tomorrow. Free copies of this order be made over to the Ld. Counsel appearing for the parties.

  
MEMBER (Judl.)

  
MEMBER (Admin.)