

O.A. No.555/2011

ORDER DATED 25th OF AUGUST, 2011

S.C. PandaApplicant

Vrs.

Union of India & OthersRespondents

Coram:

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

&

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

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Heard Sri K.C. Kanungo, Ld. Counsel for the applicant and Sri S. Mishra, Ld. Addl. Standing Counsel appearing on notice for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

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

"To quash the order dated 04.08.2010 at Annexure-A/3 for the ends of justice.

And

To hold that the adverse entries/remark in the ACR for the period of 01.06.2007 to 31.10.2007 of the applicant are liable to be expunged, and be pleased to direct the Respondent No.1 to expunge the adverse entries in the ACR in the interests of justice.

And

To hold that the applicant is entitled to all consequential benefits after expunction of the adverse entries / remarks in the ACR for the period of 01.06.2007 to 31.10.2007 of the applicant in the interests of justice. "

3. Sri Kanungo, Ld. Counsel for the applicant submits that the adverse entries in the ACR for the period from 01.06.2007 to 31.10.2007 were communicated to the applicant and he made representations against the same but the representation was rejected by



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the Respondent No.3 vide order dated 02.08.2010 (Annexure-A/3). Thereafter, he had submitted appeal dated 27.09.2010 (Annexure-A/4) to the Principal Accountant General (Civil Audit), Orissa, Bhubaneswar (appeal along with Annexures of 18 pages) to the Deputy Controller & Auditor General, Office of the Comptroller & Auditor General of India, New Delhi. Since the appeal is pending he fairly submitted that at this stage the applicant will be satisfied if a direction will be issued to Respondent No.1 to consider the appeal and dispose of the same with a reasoned/speaking order within a specific time frame.

4. Accordingly, as agreed to by the Ld. Counsel for the parties, without going into the merit of the case, Respondent No.1 is directed to consider and dispose of the pending representation/appeal vide Annexure-A/4 and pass a speaking & reasoned order within a period of 45 days from the date of receipt of copy of this order under intimation to the applicant.

5. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.

6. Send copy of this order along with copy of the O.A. to Respondent No.1 at the cost of the applicant for compliance. Sri Kanungo, Ld. Counsel for the applicant undertakes to deposit the postal requisites in course of the day. Free copies of this order be also made over to the Ld. Counsel for the parties.


MEMBER JUDL.


MEMBER ADMN.

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