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O.A. No. 617 of 2011

Jagdev Prasad Mehta.....Applicant  
VS  
Union of India & Ors.....Respondents

Order dated: 16.09.2011

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)  
&  
Hon'ble Shri A. K. Patnaik, Member(Judl.)

Heard Mr. K.C.Kanungo, Ld. Counsel for the applicant and Mr. U.B.Mohapatra, Ld. Sr. Standing Counsel appearing for the Respondents, who has received a copy of this O.A.

2. The applicant, after facing disciplinary proceeding initiated under Rule 16 of the CCS (CCA) Rules, 1965 has been imposed with a penalty of withholding of increments of pay for 3 years without cumulative effect as per Annexure-A/3 dated 29.11.2010. Ld. Counsel for the applicant submits that the appeal preferred by the applicant vide Annexure-A/4 dated 15.04.2011 is still pending. In the present O.A., the applicant seeks following relief:

“.....to quash the charge sheet framed against the applicant at Anenxure-A/1 in the interest of justice.

AND

.....to quash the order of punishment 'withholding of increments of pay for 3 years without cumulative effect' dated

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29.11.2010 at Annexure-A/3 for the ends  
of justice.

AND

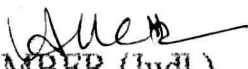
.....any other/further orders..."

3. Since, it is the positive case of the applicant that the appeal preferred by him under Annexure-A/4 dated 15.04.2011 is still pending with Respondent No.2, we, at this stage, as agreed to by the Ld. Counsel for the parties and without going into the merit of the case, direct Respondent No.2 to consider the pending appeal and pass a reasoned order within a period of 60 days from the date of receipt of a copy of this order.

4. With the above observation and direction, the O.A. stands disposed of.

5. Send copy of this order, along with copy of the O.A., to the Respondent Nos. 2 and 4 by Speed Post at the cost of the applicant. Ld. Counsel for the applicant undertakes to deposit the postal requisites by tomorrow.

6. Free copies of this order be given to the Ld. Counsel appearing for the parties.

  
MEMBER (Judl.)

  
MEMBER (Admn.)