

4
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No. 658 of 2011

Sri Parsuram Senapasti Applicant
Vrs

Union of India & Ors Respondents

By legal practitioner: M/s.K.Ch.Kanungo,
HVBRK Dora,
Counsel

By legal practitioner: Mr.S.S.Mohanty, Counsel.

Order dated:30/09/2011.

CORAM

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

AND

THE HON'BLE MR.A.K.PATNAIK, MEMBER(J)

.....

Applicant is a Lower Division Clerk in the
Office of the Regional Provident Fund Commissioner,
Bhubaneswar. In this Original Application his prayer is to
hold that the Respondents' action/decision
disallowing/refusing his application at Annexure-A/3 to
join in duty on return from leave on 23.09.2011 is illegal
and unjustified.

2

5

2. Vide order dated 28.09.2011, on the request of Mr. S.S.Mohanty, Learned Counsel appearing on notice for the Respondents, time till date was allowed to him to obtain instruction and apprise this Tribunal about the subject matter of this OA.

3. Through Memo 30.09.2011 copy of which has been served on the other side, it has been brought to the notice of this Tribunal that the applicant was convicted by the Special Judge (CBI), Bhubaneswar in TR No. 150/1999 dated 29.08.2011. On 30.8.2011, the applicant submitted the leave application in the Diary Section and on 23.09.2011 instead of submitting the joining report in the Diary Section, the applicant handed over the same to the Assistant Provident Fund Commissioner (Admn.) who directed the applicant to submit the same in the Diary Section. But the applicant, without submitting the joining report in the Diary Section, fled away and till 28.9.2011 he did not submit his joining report in the diary section. This

2

6
was disputed by the Learned Counsel appearing for the Applicant. But we do not like to get into all those points at this stage. Fact of the matter is that in the absence of any order imposing punishment of removal or dismissal in any disciplinary proceedings following the order of conviction or any order placing the applicant under suspension, non-acceptance of the joining report of the applicant is not acceptable/sustainable in the eyes of law. It is also not in dispute that following the order dated 29.8.2011 in TR No. 150/1995 of the Learned Special Judge, CBI, Bhubaneswar, the applicant has been issued Memorandum under Annexure-A/4 dated 20.09.2011 to submit his reply. Till date no further action has been taken which prevents the applicant to work in the office.

4. In view of the above, having heard learned counsel for both sides, the Applicant should be allowed to report for duty on 03-10-2011 before the Respondent to perform his duty. Thereafter, the applicant may submit a

7

7

representation for regularization of the period from 23.09.2011 to 30.09.2011. The Respondent is directed to consider and pass a reasoned order on the representation within a period of 30(thirty) days from the date of its receipt and communicate the reason thereof to the Applicant.

5. With the aforesaid observation and direction, as agreed to by Learned Counsel for both sides, this OA stands disposed of. No costs.



(A.K.PATNAIK)
Member (Judicial)



(C.R. MOHAPATRA)
Member (Admn.)