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O.A. No. 769/2011

ORDER DATED 21st NOVEMBER, 2011

L. Das... ..Applicant

Vrs.

Union of India & Others Respondents

Coram:

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

&

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

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Heard Sri T. Rath, Ld. Counsel appearing 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. The grievance of the applicant is that he has been deprived of 3rd MACP which according to him is due on 24.01.2010. Sri Rath, Ld. Counsel for the applicant submits that apparently because of the minor penalty proceeding the applicant has not been considered which is not correct and the procedure of '*sealed cover*' could have been followed. Even after imposition of minor penalty and expiry of the penalty period the applicant has been denied of 3rd MACP which ought to have been given from 02.07.2010. The applicant has already submitted a representation addressed to Respondent No.1 vide Annexure-A/7 dated 27.11.2010. The said representation has also remained un answered. In the above background, Ld. Counsel for the applicant submitted that, a direction may be issued to Respondent No.1 to consider and dispose of the pending representation vide Annexure-A/7 with a speaking order within a stipulated

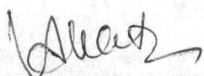
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period with intimation to the applicant.

3. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case, Respondent No.1 is hereby directed to consider and dispose of the pending representation vide Annexure-A/3, as per Rules for grant of 3rd MACP taking into account the grounds made in the representation vide Annexure-A/7 dated 27.11.2010 and communicate its decision within a period of two months from the date of receipt of copy of this order, under intimation to the applicant.

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

5. Send a copy of this order along with copy of the O.A. to Respondent No.1 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.


JUDL. MEMBER


ADMN MEMBER