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O.A. No. 826/2011

ORDER DATED 15<sup>th</sup> OF DECEMBER, 2011

A.K. Samal.....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 A.K. Panda, Ld. Counsel appearing for the applicant and Sri S.K. Ojha, Ld. Standing Counsel appearing for the Rlys./Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. By filing this O.A. the applicant has sought the following relief:-

- "(a) To quash the memorandum of charge dtd. 04.08.2010 under Annexure-5.
- (b) To quash the order of dismissal dated 21.04.2011 under Annexure-6.
- (c) To direct the Respondents to give an opportunity of hearing to the applicant before taking any action against him.
- (d) To pass any other order(s), direction(s), as may deem fit and proper."

3. When the matter was taken up in the presence of Sri Ojha, Ld. Standing Counsel appearing for the Rlys./Respondents Sri Panda, Ld. Counsel for the applicant submitted that though he has filed an appeal vide Annexure-A/8 dated 08.11.2011 against the order of dismissal dated 21.04.2011 he has filed the appeal in haphazard manner as he has not

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supplied a copy of the inquiry report with other relevant documents. He has requested to supply a copy of the inquiry report to enable him to defend his case. He has also submitted an appeal to the Divisional Signal Telecom Engineer & Appellate Authority, East Coast Railway, Khurda Road vide Annexure-A/7 on 30.08.2011 and no response has been received by him. The Appellate Authority is yet to issue an order on the submissions made by him vide Annexure-A/7. Sri Panda, Ld. Counsel for the applicant sought permission of this Tribunal to withdraw this O.A. with liberty to file a fresh comprehensive appeal to the Appellate Authority after receipt of the copy of the inquiry report which he has sought from the disciplinary authority.

4. In view of the specific submission of Sri Panda, Ld. Counsel for the applicant we allow him to withdraw this O.A. with liberty to file appeal before the Appellate Authority after receipt of the copy of the inquiry report. Accordingly, we direct Respondent No.4 to provide a copy of the inquiry report to the applicant within a period of two weeks hence. Thereafter, within one week the applicant may submit his appeal to the Appellate Authority. The appeal so filed should be disposed of with a reasoned order under intimation to the applicant within a period of 45 days from the date of receipt of copy of this order.

5. With the above observation and direction, this O.A. is disposed of as withdrawn at the admission stage itself.

6. Copy of the order along with copy of the O.A. be sent to the parties at the cost of the applicant. Sri Panda, Ld. Counsel for the applicant undertakes to deposit the postal requisites by 19.12.2011.

  
JUDL. MEMBER

K.B

  
ADMN. MEMBER