

Order dated 6.10.2009

CORAM:

HON'BLE SHRI JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

And

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

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Heard Shri B.S.Tripathy, the learned counsel for the applicant and Shri D.K.Behera, the learned Additional Standing Counsel who on notice appears for the Respondents.

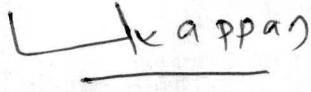
2. This Original Application has been filed by the applicant challenging an order of punishment dated 9.4.2008 by which he has been removed from service. The punishment of removal from service has been imposed on the applicant is on the basis of an enquiry report and conclusion of a disciplinary proceeding. The applicant has not preferred any appeal as provided under the service rules against the order of punishment impugned in the O.A. For this reason alone, we are not inclined to entertain this O.A. at all. However, the rejection of this O.A without considering any of the contentions raised in the O.A. will not preclude the applicant from filing the statutory appeal before the appellate authority. It is also discernible from the records placed before us that the period of limitation for filing appeal is already over. In the above circumstances, we observe that if the applicant files an appeal within one month from today, the appellate

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authority shall consider condonation of delay, for which the applicant shall also file a petition before the appellate authority. If such appeal is filed along with a petition for condonation of delay, the appellate authority shall condone the delay so occurred and consider and dispose of the appeal on merits, provided the appeal and petition for condonation of delay are filed within the time granted by this Tribunal.

3. With the above observation, this O.A. stands disposed of.


(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER


(K.THANKAPPAN)
JUDICIAL MEMBER