

3

O.A. No. 463 of 2009

Order dated: 07.10.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

The applicant has approached this Tribunal for the second time aggrieved by Annexure-A/1 order, by which he has been put under off duty w.e.f. 29.11.2007. In the earlier round of litigation in O.A. No. 50/08, however, on hearing the Ld. Counsel appearing therein, this Tribunal allowed withdrawal of the said O.A. without prejudice to the applicant to move this Tribunal.

2. In the present O.A. the applicant prays for following two reliefs:

- A. The Respondent No.2 be directed to dispose of the appeal preferred to him under Annexure-2 within the time to be stipulated by this Hon'ble Tribunal.
- B. The Respondent No.3 be directed to pay the subsistence allowances to the petitioner which is due and admissible under law since the month of May, 2008 up-to-date and arrears of subsistence allowances be paid forthwith along with 12% interest per annum from the date of the due."

3

3. We have heard Mr. A.K. Bose, Ld. Counsel appearing for the applicant and Mr. S. Mishra, Ld. Additional Standing Counsel appearing for and on behalf of the Respondents on notice. Also perused the records produced before this Tribunal.

4. After considering the contentions raised in the O.A. and the arguments of the Ld. Counsel on either side, we see that it is only proper for this Tribunal to dispose of the O.A. at this stage.

5. Admittedly, the applicant was put under off duty from 29.11.2007 as per Annexure A/1, pursuant to which no further proceedings has been conducted against the applicant. The delay in initiating disciplinary proceedings now causes irreparable loss to the applicant on two ground, viz., he is not getting the subsistence allowance regularly and though he had filed an appeal as early on 29.12.2007 before the appellate authority (Annexure-A/2), the same is still pending.

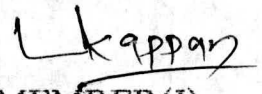
6. In the above circumstances, we direct Respondent No.2 to consider and dispose of Annexure-A/2 appeal within a reasonable time, at any rate, within 60 days of the receipt of a copy of this order, if not disposed of as on

5

this day ~~forth~~. Further, we direct Respondent No.3 to pay the subsistence allowance and other dues as admissible to the applicant, in consequence of Annexure-A/1. This shall be paid to the applicant within 30 days of the receipt of the copy of this order.

8. With the above direction, we dispose of this O.A. at the admission stage without any order for costs.


MEMBER (A)


MEMBER (J)

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