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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00737 OF 2016
Cuttack, this the 26th day of October, 2016

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HON'BLE MR. A.K. PATNAIK, MEMBER (J)
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Subrata Ketan Das, aged about 38 years, Son of raj Kishore Das, at present working as Junior Engineer (P. Way), Office of the Principal Chief Engineer, Rail Sadan, 1st Floor, Chandrasekharpur, Bhubaneswar, Dist-Khurda.

...Applicant
(By the Advocate-M/s. K. P. Mishra, S. Mohapatra, T. P. Tripathy,
L.P. Dwibedy, M. Das)

-VERSUS-

Union of India Represented through

1. General Manager, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Principal Chief Engineer, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
3. Deputy Chief Engineer(General), East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
4. Chief Personal Officer, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda.

...Respondents

By the Advocate- (Mr. T.Rath)

ORDER (Oral)

A. K.PATNAIK, MEMBER (J):

Heard Mr. L.P.Dwibedy, Ld. Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 assailing the order dated 21.09.2016 and
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22.09.2016 passed by Respondent No.3 inter-alia, terminating the house lease agreement of the applicant and directing to recover the amount already paid to the applicant towards lease accommodation from his salary. It has been stated that a Disciplinary Proceedings was initiated against the applicant alleging suppression of actual lay out of the accommodation in the lease agreement and for subletting his lease accommodation. Memorandum of charges was issued to the applicant on 04.05.2016. The grievance of the applicant is that although the applicant preferred representation against the aforesaid Memorandum, the impugned orders as aforesaid have been issued in the meantime. Mr. Dwibedy, Ld. Counsel for the applicant, submitted that after issuance of the impugned order the applicant preferred representation dated 05.10.2016 before Respondent No.3 but till date no communication has been received from the said Respondent.

3. In view of the above statement that the representation of applicant is still pending consideration, without going into the merit of the matter, I dispose this O.A. at this admission stage with direction to Respondent No.3 to consider the said representation, if so pending, and pass a reasoned and speaking order taking into account the rules and regulations in force and communicate the result thereof to the applicant within a period of three months from the date of receipt of a copy of this order and intimate the same to the applicant. I make it clear that I have not expressed any opinion on the merits of the matter and all the points raised in the said representation are kept open for the authorities to consider as per rules and regulations in force.

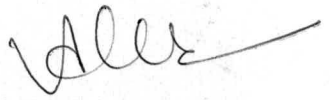
4. It is also made clear that no further recovery will be effected from

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the salary of the applicant for a period of one months from the communication of result of consideration to the applicant.

5. With the aforesaid observation and direction, the O.A. is disposed of being withdrawn. No costs.

6. Copy of this order along with paper book be communicated to Respondent Nos. 2 and 3 by Speed Post at the cost of the applicant for which Mr. Dwibedy, Ld. Counsel for the applicant, undertakes to file the postal requisites within a period of one week. Copy of this order be also given to Mr. T.Rath, Ld. Standing Counsel.


(A.K.PATNAIK)
MEMBER (J)

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