

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00230 of 2015
Cuttack, this the 30th day of April, 2015

**CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)**

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Purusottam Naik,
aged about 47 years,
S/o Rusi Nayak,
At- Asanajhara, PO- Ramakrushnapur,
Via-PS- Korei, Dist- Jajpur,
Now working as P.A., Athagarh H.O.

...Applicant

(Advocates: M/s. P.R.J.Dash, M.P.J.Ray)

VERSUS

Union of India Represented through

1. Secretary-cum-Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110116.
2. Director of Postal Services, (HQRs),
At/PO- Bhubaneswar,
Dist-Khurda- 751001.
3. Superintendent of Post Offices,
Cuttack South Division,
Dist- Cuttack-753001.

... Respondents

(Advocate: Mr. B.Swain)

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. P.R.J.Dash, Ld. Counsel for the Applicant, and Mr. B.Swain, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

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2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“.....to quash Annexure-A/1 and A/2 and direct the respondents to refund the amount already recovered with interest.”

3. Facts of the case, as reveals from the record, are that the applicant was appointed as P.A. in the Postal Department on 17.02.1991. While working as SPM of Rameswar S.O. under Cuttack south Division a theft occurred at Rameswar S.O. on 30.03.2014 and the applicant lodged the F.I.R. His grievance is that before completion of the police investigation a charge sheet vide memo dated 16.09.2014 under Rule 16 of the CCS (CCA) Rules, 1965 was issued and, subsequently, punishment of recovery of Rs. 1,00,000/- @ Rs. 10,000 per month from the pay of the applicant from January-2015 has been issued by the Respondent No. 3 on 27.01.2015. Mr. Dash, Ld. Counsel for the applicant, submitted that applicant made appeal on 11.03.2015 vide Annexure-A/3 followed by a reminder dated 12.04.2015 (Annexure-A/4) to Respondent No.2 but till date the applicant has received no response.

4. Taking into account the submission made by Mr. Dash, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 2 to consider and dispose of the appeal dated 11.03.2015, if the same has been filed and is still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of 30 days from the date of receipt of a copy of this order. It is made clear that till the appeal is considered and result communicated to the applicant, no recovery will be made from the salary of the applicant. However, if in the meantime the said appeal has already been disposed of then the result thereof be communicated



to the applicant within a period of two weeks from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Dash, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 2 and 3 by Speed Post for which he undertakes to file the postal requisites by 06.05.2015. Free copy of this order be also handed over to Mr. B. Swain, Ld. ACGSC.


(A.K.PATNAIK)
MEMBER(Judl.)

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