# CENTRAL ADMINISTRATIVE TRIBUNAL
## CUTTACK BENCH: CUTTACK

Original Application No. 260/00278 of 2015
Cuttack, this the 21$^{st}$ day of July, 2015

### CORAM

**HON'BLE MR. A.K. PATNAIK, MEMBER (J)**
**HON'BLE MR. R. C. MISRA, MEMBER (A)**

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Sri Harihara Sahoo,
aged about 25 years,
S/o, Sri Jadunath Sahoo,
working as Postal Assit. SBCO,
Jagatsinghpur Head Post Office,
Jagatsinghpur.

...Applicant

(Advocates: M/s. A.Routray, U.R.Bastia, Mrs. R. Routray )

### VERSUS

Union of India Represented through its

1. Chief Postmaster General of Odisha Circle, Bhubaneswar.
2. Director of Postal Services, (Head Quarters), Odisha Circle, Bhubaneswar.
3. Superintendent of Post Offices, Cuttack South Division, Cuttack.
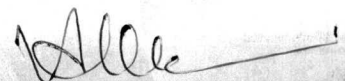
... Respondents

(Advocate: Mr. J.K. Nayak )

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## O R D E R (ORAL)

**A.K. PATNAIK, MEMBER (J):**

Heard Mr. A.Routray, Ld. Counsel for the Applicant, and Mr. J.K. Nayak, Ld. Additional 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.

2.     It is the case of the applicant that according to the orders of the Disciplinary Authority passed on 29.04.2015 an amount of Rs. 1,00,000/- being a part of pecuniary loss sustained by the Department would be recovered from the

pay of the applicant @ Rs. 5000/- per month starting from pay of April, 2015. Applicant has preferred an appeal to the Appellate Authority, i.e. Director of Postal Services, on 15.05.2015 against the orders of the Disciplinary Authority. It is submitted by both the Ld. Counsels that this appeal is still under consideration of the Appellate Authority. Subsequent to the filing of appeal petition, applicant has also preferred another petition dated 26.05.2015 with a prayer to the Appellate Authority for staying the operation of the order of recovery, copy of which was served on the Ld. ACGSC on 16.06.2015. Mr. Mohanty has submitted that this petition is also under consideration of the Appellate Authority.

3.          From the above, it is found that both the appeal petitions, including the petition for staying the operation of the order of the Disciplinary Authority, are under consideration of the Appellate Authority. Since the matter is under consideration by the Appellate Authority in a statutory appeal, the Tribunal at this stage would not like to interfere in this matter. However, Mr. Routray has prayed for a direction to be issued to the Appellate Authority to dispose of the appeal petition as well as the petition for staying the operation of the order of the Disciplinary Authority and till the said petitions are disposed of by the Appellate Authority the Tribunal should issue an interim direction staying the order of recovery. Mr. Routray also submitted that as on date two installments of the recovery have already been made.

4.          Having regard to the above submissions, since the matter is still under consideration of the Appellate Authority, at this stage, without entering into the merits of the matter, we direct the Appellate Authority, i.e. Director of Postal Services, (Respondent No.2) to consider and dispose of the appeal petition as well as the petition for staying the operation of the order of recovery passed by the

Disciplinary Authority, and communicate the decision thereon to the applicant through a reasoned and speaking order within a period of 60 days from the date of receipt of a copy of this order. It is also directed that till the decision of the Appellate Authority is communicated to the applicant, no further recovery shall be effected from the salary of the applicant.

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

6.        On the prayer made by Mr. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 25.07.2015.

(R.C.MISRA)                                    (A.K.PATNAIK)
MEMBER(A)                                      MEMBER(J)

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