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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00761 of 2015
Cuttack, this the 5th day of November, 2015

CORAM
HON'BLE SHRI R.C. MISRA, MEMBER (Admn.)

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Pramoda Kumar Mallik,
aged about 47 years,
Son of Late Devraj Mallik,
At/Po- Patapur, Dist.- Cuttack,
presently serving as Junior Statistical Officer,
National Sample Survey Organization (Field Operation Division)
Acharya Vihar, Commercial Complex, Bhubaneswar.

.....Applicant

(Advocates: M/s. J.Sengupta, D.K.Panda, G.Sinha, A.Mishra)

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Union of India Represented through its

1. Secretary to Government,
Ministry of Statistics & Programme Implementation,
Sardar Patel Bhawan, Sansad Marg,
New Delhi-110001.

..... Respondent

(Advocate: Mr. S, Beherea)

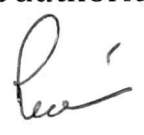
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ORDER (Oral)

R.C.MISRA, MEMBER (A):

Heard Mr.J.Sengupta, learned counsel for the applicant and Mr.S.Behera, learned SCGPC for the respondents, on whom a copy of this O.A. has been served, on the question of admission.

2. Applicant in this O.A., is a Junior Statistical Officer under the Ministry of Statistics and Programme Implementation being posted to Bhubaneswar. He has approached this Tribunal challenging that portion of the order dated 20.7.2015 wherein the competent authority



has decided to hold further inquiry in the matter of article of charges by a different inquiry officer in terms of Rule-15 of CCS(CCA) Rules, 1965. It is the case of the applicant that there is a violation of Rule-15(1) which does not envisage appointment of new I.O. to hold further inquiry and according to learned counsel, if further inquiry is to be held, it has to be held only by the same I.O. Mr.Sengupta further submits that as per Rule-15(2) of the CCS(CCA) Rules, 1965, applicant should have been supplied with a copy of note of disagreement of the competent authority along with the earlier report of the I.O. But so far applicant has not been supplied with the same. In the order dated 20.7.2015, applicant was given an opportunity to make a representation, if he so desires, in terms of the provision of Rule-15(2) of CCS(CCA) Rules, 1965, within a period of 15 days. Mr.Sengupta also submits that in compliance of this order, applicant has submitted a representation to the Disciplinary Authority on 24.8.2015, which is still pending for disposal. It is the case of the applicant that in spite of the fact that in the meantime two months have already elapsed, no decision has been taken by the concerned authorities on his representation.

3. Having regard to the submissions made by the learned counsel for both the sides, prima facie, it appears that Rule-15(1) of CCS(CCA) Rules, 1965, has not been strictly followed in this matter. However, in the order dated 20.7.2015 an opportunity was given to the applicant to make a representation against the order and even though he has duly complied with this instruction, the matter is pending at the level of the disciplinary authority, who is respondent no.1 in this O.A. Therefore, at the threshold, without going into the merit of the matter, I would direct

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respondent no.1 to consider and dispose of the representation of the applicant dated 24.8.2015 if it is pending at his level and communicate a decision thereon to the applicant within a period of sixty days from the date of receipt of this order. It is further directed that while disposing of the representation as aforesaid, respondent no.1 shall take into account the provisions of CCS(CCA) Rules, 1965, as referred to above.

4. Till a decision as directed above is communicated to the applicant, no further proceedings in case of the disciplinary action against the applicant shall be taken by respondent no.1.

5. With the observation and direction as aforesaid, this O.A. is disposed of the stage of admission itself. No costs.

6. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to respondent no.1 at the cost of the applicant for which Mr.Sengupta undertakes to file the postal requisites by 6.11.2015.

7. Free copy of this order be made over to learned counsel for both the sides.



(R.C.MISRA)
MEMBER(A)

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