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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00844 of 2015
Cuttack, this the 26th day of November, 2015

CORAM

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

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Udayakar Sahoo,
aged about 46 years,
S/o Sh. Upendera Sahoo,
At- Bisol, PO- Kulana,
PS- Bhandaripokhari, Dist- Bhadrak,
At present working as Asst. Supdt. of Posts,
Bhubaneswar.

...Applicant

(Advocates: Mr. T.Rath)

VERSUS

Union of India Represented through its

1. Secretary-cum-Director General (Posts),
Dak Bhawan, New Delhi-110001.
2. Chief PMG,
Odisha Circle, At/PO- Bhubaneswar
GPO-751001, Dist- Khurda.
3. Member (Personnel),
Postal Service Board,
Department of Post,
Dak Bhawan, New Delhi-110001.
4. Superintendent of Post,
Bhadrak Division, At/PO- Bhadrak,
Dist- Bhadrak.

... Respondents

(Advocate: Mr. G.R.Verma)

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ORDER (ORAL)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr.T.Rath, learned counsel for the applicant, and
Mr.G.R.Verma, learned ACGSC, on the question of admission and
perused the records.

2. Mr.Rath submitted that applicant has approached this Tribunal
ventilating his grievance against the order dated 17.11.2015 passed
by the CPMG in the capacity of Disciplinary Authority in which he has



imposed the punishment of recovery of the outstanding loss to the tune of Rs.3914.80 in a single installment from the applicant with the further direction that applicant's pay should be reduced by one stage from Rs.18090 + GP Rs.4600 to Rs.17430 + GP Rs.4600 for a period of three years without cumulative effect. It is the specific case of the applicant that the charges leveled against him were unspecific and the documents were also not supplied to him and without due application of mind the Disciplinary Authority has imposed the punishment. However, applicant has challenged the order of punishment before the Member(Personnel), Postal Services Board, who is respondent no.3 in this O.A. by preferring an appeal on 20.11.2015, in which he has made a prayer to exonerate him from the charges leveled against him.

3. On the other hand, Mr.G.R.Verma submitted that the order of the Disciplinary Authority was passed on 17.11.2015 whereas appeal has been preferred by the applicant on 20.11.2015 and without even giving a breathing space for the authorities to dispose of the appeal this O.A. has been filed and therefore, the O.A. is too premature.

4. It is definitely a fact that an appeal has just been filed and therefore, there is no case that the respondents have not considered the appeal with due promptitude. On the other hand, when the matter is now under consideration of the appellate authority, there is no scope for the Tribunal to interfere in the matter until the appeal is disposed of. However, since the applicant has rushed to the Tribunal with his anxiety to protect his interest, it will be in the fitness of things to issue a direction to Res.no.3 to dispose of the appeal as per the



rules and law in force within a period of three months from the date of receipt of this order.

5. At this juncture, Mr.Rath made a further prayer that the punishment imposed by the disciplinary authority may be kept in abeyance by the Tribunal since the applicant did not owe any responsibility in the matter of loss of Government money and has been unnecessarily imposed with punishment.

6. I find from the appeal petition dated 20.11.2015 that the applicant has made this prayer to the appellate authority also that the order of punishment may be kept in abeyance till the disposal of the appeal. This being the position it will be proper for the appellate authority to consider this interim relief made by the applicant before him in the appeal petition within a period of two weeks from the date of receipt of this order. Till this interim relief is considered by the appellate authority, it is directed that the Disciplinary Authority shall not give effect to the orders passed by him on 17.11.2015.

7. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

8. On the prayer made by the learned counsel copy of this order along with the paper book be sent to res.nos.2,3 and 4 at the cost of the applicant for which Mr.T.Rath undertakes to file the postal requisites by 27.11.2015.

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


(R.C.MISRA)
(MEMBER(A))