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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00877 of 2015
Cuttack, this the 11th day of December, 2015

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

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Radhakanta Pradhan
Aged about 59 years
Son of late Narayan Prasad Pradhan
Permanent resident of Vill/PO-Nikirani
PS-Indupur
Dist-Kendrapara
Presently working as ASPOs (I/c)
Bhubaneswar North Division
Bhubaneswar-751 007

...Applicant

(Advocates: M/s. S.K.Ojha & S.K.Nayak)

VERSUS

Union of India Represented through:

1. Director General
Department of Posts
Government of India
Dak Bhawan
New delhi
2. Member(Personnel)
Postal Services Board
Department of Posts
Dak Bhawan
New Delhi-110 001
3. Chief Postmaster General
Odisha Circle
Bhubaneswar-751 001

... Respondents

(Advocate: Mr.B.P.Nayak)

O R D E R (ORAL)

R.C.MISRA, MEMBER (A):

Heard Mr.S.K.Ojha, learned counsel for the applicant and Mr.B.P.Nayak, learned ACGSC for the respondents and perused the records.



2. Applicant is presently working as Assistant Superintendent of Post Offices I/c., under the Department of Posts. He has approached this Tribunal challenging the order of punishment imposed by the Disciplinary Authority dated 28.10.2015 vide A/12 whereby an amount of Rs.2,00,000/- has been directed to be recovered from his salary at the rate of Rs.40,000/- per month in five equal monthly installments commencing from November, 2015. It is the case of the applicant that the charges being a contributory negligence, persons who have actually done misappropriation have not been imposed any punishment. According to learned counsel, applicant, challenging the orders of the disciplinary authority has preferred a statutory appeal to the Member(Personnel) in the office of D.G. Posts, New Delhi vide A/13 dated 7.11.2015 followed by another petition dated 9.11.2015(A/14) for keeping the Memo No.INV/7-161/2012-13 dated 28.10.2015 in abeyance until disposal of the appeal. Mr.Ojha submitted that during pendency of the aforesaid petitions, respondents have already effected recovery of Rs.40,000/- from the salary of the applicant for the month of November, 2015. Since a large part amount is being recovered, applicant is facing a lot of hardships and without finding any efficacious remedy, he has moved this Tribunal in the instant O.A. for the redressal of his grievance.

3. On the other hand, Mr.B.P.Nayak, learned ACGSC submitted that without giving a breathing time for consideration of the appeal, applicant has rushed to the Tribunal and therefore, the O.A. is too premature.



4. I have considered the rival submissions. Even though admittedly enough time has not been given to the appellate authority to consider and dispose of the appeal petition as well as the petition for keeping the order of punishment as passed by the disciplinary authority in abeyance, considering the fact that applicant in his anxiety has approached the Tribunal for quick disposal of the appeal as well as the petition for keeping the punishment order in abeyance until the appeal is disposed of by the appellate authority, at this stage, without entering into the merit of the matter, I would direct respondent no.2, i.e., Member(Personnel), Postal Services Board, Department of Posts, Dak Bhawan, New Delhi to consider and dispose of the appeal and communicate the decision thereon to the applicant within a period of three months from the date of receipt of this order.

5. At this stage, Mr.Ojha submitted that since a large part of salary is being recovered, applicant is facing a lot of financial difficulties and therefore, he prayed for direction to be issued to the appellate authority to at least consider ^{of} the petition dated 9.11.2015 wherein a prayer has been made for keeping the order of recovery in abeyance and until the same is disposed of, the Tribunal should direct the disciplinary authority not to effect any further recovery in pursuance of Memo dated 28.10.2015. To this, Mr.Nayak raised an objection by stating that the Tribunal should not grant any such interim protection since the O.A. is too premature.

6. I have given my anxious consideration to the arguments advanced at the Bar. In the fitness of things, I would direct the appellate authority, i.e., res.no.2 to dispose of the stay petition dated 9.11.2015 within a



period of two weeks from the date of receipt of this order. Accordingly, Chief Post Master General, Orissa Circle (res.no.3) is directed not to give effect to his order dated 28.10.2015 until the disposal of stay petition by res.no.2.

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

8. On the prayer made by the learned counsel copy of this order along with copy of paper book be sent to respondent no.2 and 3 by Speed Post at the cost of the applicant for which Mr.S.K.Ojha undertakes to file the postal requisites by 14.12.2015.

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



(R.C.MISRA)
MEMBER(A)

BKS