

4
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK
O. A. No. 260/00920 OF 2015
Cuttack, this the 7th day of January, 2016

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

.....
Prafulla Kumar Mishra, aged about 60 years, S/o. Bhagaban Mishra, OFS-I(Retd.), At present residing at Hi-tech Plaza, Qr. No. 05/02, Block-D/5, Sundarpada, Bhubaneswar-751002, Dist. Khurda.

.....Applicant

(By the Advocate-M/s. R.N. Nayak, N. Sen, G.N. Rout, D. Debadarsini, M. Sahu)

-Versus-

Union of India Represented through

1. The Director, Ministry of Environment and Forest, At-Paryavaran Bhawan, Lodhi Road, New Delhi-110003;
2. Secretary, Union Public Service Commission, At- Dholpur House, Sahajan Road, New Delhi- 110069;
3. Government of Odisha, represented through the Chief Secretary, At- Odisha Secretariat, Bhubaneswar-751001, Dist. Khurda.
4. Principal Secretary, Forest and Environment Department, At- Odisha Secretariat, Bhubaneswar-751001, Dist. Khurda.

....Respondents.

By the Advocate- M/s. S. Mohapatra(R-1), P.R.J. Dash(R-2), G.C. Nayak(R.3 & 4)

ORDER (Oral)

A. K. PATNAIK, MEMBER (J):

Heard Mr. R.N. Nayak, Ld. Counsel appearing for the applicant, Ms. S. Mohapatra, Ld. ACGSC appearing for Union of India, Mr. P.R.J. Dash, Ld. ACGSC appearing for the UPSC and G.C. Nayak, Ld. G.A. appearing for the State of Odisha on the question of admission and perused the records.

2. At the outset Mr. ^{G.C. P} Nayak submitted that there is no cause of action for the applicant to approach this Tribunal in as much as before approaching the authorities, he has filed the present O.A. and therefore, the O.A. as laid suffers non- exhaustion of departmental remedies and hence, the same should be rejected on the ground of maintainability.

3. It reveals from the record that earlier applicant had moved this Tribunal in O.A. No.844/14 seeking the very same relief as in this O.A. This Tribunal, after hearing the parties, vide order dated 02.01.2014 held

Ala

5
that the O.A. is premature, because, the orders of the SAT was under challenge before the Hon'ble High Court of Orissa in W.P.(C) No.9040/14. In the meantime, Hon'ble High Court has disposed of the said WP(C) vide order dated 21.07.2015 granting 1 and ½ months' time to comply with the orders of the SAT.

4. It is not the case of the applicant that the State Government have complied with the orders of the SAT directed by the Hon'ble High Court. In the absence of this, it cannot be held that the disciplinary proceeding against the applicant is quashed thus, giving rise ^{to} a cause of action to seek promotion to IFS.

5. Applicant has also not preferred any representation to the authorities in the State Government ventilating his grievance regarding his promotion to IFS and has rushed to the Tribunal soon after disposal of W.P.(C) No. 9040/14 by the Hon'ble High Court. Therefore, the OA as laid is hit by Section 19 read with Section 20 of AT Act.

6. In view of this, the OA is not maintainable and accordingly, the same is rejected without being admitted.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

K.B