

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00246 OF 2016
Cuttack, this the 26th day of April, 2016

CORAM

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

Sri Bidyadhar Nayak, aged about 62 years, son of Late Jayakrushna Nayak, Permanent resident of L-194, Baramunda Housing Board Colony, P.O. Baramunda, P.S. Khandagiri, Bhubaneswar-3, Dist-Khurda.

.....Applicant

By the Advocate(s)-M/s. S.K. Ojha, S.K. Nayak

-Versus-

Union of India, represented through

1. Secretary to Govt. of India, Ministry of Science & Technology, Technology Bhawan, New Mehrauli Road, New Delhi-110016.
2. The Surveyor General of India, Surveyor General's Office, Hathibarkala Estate, Post Box No. 37, Dehradun, Uttarakhand-248001.
3. The Director, Survey of India, Survey Bhawan, Bhubaneswar, Dist-Khurda-751013.

.....Respondents

By the Advocate(s)- S.B. Mohanty

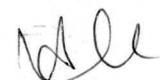
OR D E R (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. S. K. Ojha, Ld. Counsel appearing for the applicant and Mr. S.B. Mohanty, Ld. ACGSC appearing for the respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

- “i) To admit the OA;
- ii) To quash the charge Memo dt. 01.07.2009(Annex.A/2) and Inquiry report dt. 07.01.2011(Annex.A/4)
- iii) To quash the order No. C-14011/01/2007-Vig. Dt. 04.02.2013(Annex.A/5 series) passed by the Disciplinary Authority.
- iv) To direct the Respondents to extend the consequential benefits to the applicant.
- v) To pass any other order/orders as deem fit and proper for the ends of justice.”



3. Mr. Ojha, Ld. Counsel for the applicant submitted that due to non-consideration of the case of the applicant for the aforesaid relief as claimed by him, the applicant submitted representation dated 16.08.2013 (Annexure-A/6). It has further been submitted that till date no response has been received by the applicant on his representation. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.1 to consider the representations dated 16.08.2013 (Annexure-A/6), if the same is still pending, as per the extant Rule and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 02 (two) months from the date of receipt of copy of this order. If, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same may be extended to him within a further period of 03 (three) months from such consideration. Though we have not expressed any opinion on the merit of the matter, we make it clear that all the points raised in the representation will be kept open for the Respondents to consider the same as per rules, regulations and law in force. However, it is made clear that if in the meantime the said representation has already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

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

6. On the prayer made by Mr. S. K. Ojha, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.1 by Speed Post for which Mr. Ojha undertakes to file the postal requisites by 02.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)