

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No.260/00296 of 2016
Cuttack, this the 20th day of June, 2016

CORAM

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

Sri Prakash Ku. Mohapatra, aged about 48 years, S/o. Late Sri Ramakanta Mohapatra, presently working as Technician (HS-II), at Senior Quality Assurance Establishment (A), At./P.O. Badmal, Dist. Bolangir-767070.

...Applicant

(Advocate: M/s. L. Pradhan, R.K. Mishra, D.P. Das)

VERSUS

Union of India Represented through

1. Secretary to Government of India, Ministry of Defence (Production Unit), Defence Head Quarters, New Delhi-110 011.
2. The Directorate General of Quality Assurance, Government of India Ministry of Defence, Deptt. of Defence Production, Dte of Quality Assurance (Armts), Nirman Bhavan-110011.
3. The Senior Quality Assurance Officer, Senior Quality Assurance Establishment (A), At/PO. Badmal, Dist.Bolangir-767070.

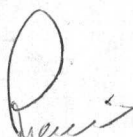
... Respondents

(Advocate: Mr.A.K.Mohapatra)

ORDER(Oral)

R.C. MISRA, MEMBER (A)

Heard Mr.L.Pradhan, learned counsel for the applicant and Mr.A.K.Mohapatra, learned ACGSC. Applicant is an employee of the Ordnance Factory, Badmal. He had been proceeded against in a disciplinary proceedings on conclusion of which, vide order dated 22.2.2014, punishment was imposed by the disciplinary authority by reducing him to High Skilled with further direction that he would not earn increments of pay during the period of reduction which will be for a period of six years from the date of the order.



6 Applicant preferred an appeal to the appellate authority on 9.12.2014.

Thereafter, he was intimated that his appeal should have been preferred under Rule-23 of CCS(CCA) Rules, 1965 instead of Rule-24. In obedience to this, applicant submitted further appeal dated 29.5.2015. Vide letter dated 6.10.2015 applicant was intimated that the appellate authority in this matter is DGQA and this post is presently vacant and the statutory powers conferred on DGQA cannot be exercised by any other authority and therefore, his appeal dated 29.5.2015 could not be decided till the arrival of new incumbent or statutory powers to some other authority by a presidential orders are delegated.

2. On the last date of listing, i.e., 12.5.2016, Mr.Mohapatra was directed to verify the position with regard to assumption of charge of the appellate authority and/or conferment of the powers of the appellate authority by a presidential order to any other functionary. To-day, when the matter was taken up, Mr.Mohapatra filed a letter dated 10.6.2016 along with a memo in which he has been informed by the DGQA headquarters that the case of the delegation of powers has been processed with the Ministry Defence and it may take some time. It has been indicated that the appeal dated 29.5.2016 of the applicant which is pending cannot be decided till the arrival of the new incumbent or statutory powers are delegated to some other authority.

3. Considering the submissions made by the learned counsel for both the sides, I am not inclined to keep the matter pending any longer since the appeal preferred by the applicant is yet to be considered and decided by the appellate authority. Accordingly, I dispose of this matter with direction that appeal dated




19.5.2015 preferred by the applicant be disposed of within a period of three months from the date of assumption of charge of the post of DGQA or by the functionary to whom powers in that behalf are delegated by the presidential order. However, while deciding the appeal, DGQA shall take into consideration each and every point raised by the applicant and communicate the decision in a well-reasoned order as already directed above.

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

5. On the prayer made by the learned counsel copy of this order along with paper book be sent to res.no.2 at the cost of the applicant for which Mr.L.Pradhan undertakes to file the postal requisites by 22.6.2016.

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


(R.C.MISRA)
MEMBER(A)

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