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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH, CUTTACK

CUTTACK BENCH, CUTTACK
Original Application No. 260/0329/2016

Sandip Kumar Panda, aged about 39 years,
S/O- Rabindra Nath Panda, At- Qr- No. 32089/2, Type-III, Second
Phase, Ordnance Factory, Badmal Estate, Po- Badmal, Dist- Bolandir,
767070, Presently working as Junior Works Manager, Ordnance
Factory Badmal, At/Po- Badmal, Dist- Bolangir.....Applicant

VERSUS

1. Union of India, represented through its Secretary,
Govt. of India, Ministry of Defence,
Rakhsha Bhawan, New Delhi, 100011
2. Director General Ordnance Factory,
Ministry of Defence, Ordnance Factory Board, 10A, Shahid
Khudiram Bose Road, Kolkata, 700001
3. General Manager, Ordnance Factory, Badmal, Bolangir,
Odisha, 767070
4. Director General Quality Assurance, Department of Defence
Production, Ministry of Defence, Govt. Of India, New delhi,
Adm-6A, Room No. 69, H- Block, Udyog Bhawan, New Delhi
100011

Sandip Kumar Panda

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15 MAY 2016



5. Secretary,

Ordnance Factory Board, Section: A/DISC

10A, Shahid Khudiram Bose Road, Kolkata,

700001.....Respondents

APPLICATION

Udd

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Pandey

ORDER (ORAL)
Dated 18.05.2016

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. D.P.Dhalsamant, Ld. Counsel appearing for the applicant, and Mr. G.R.Verma, Ld. Addl. Central Govt. Standing Counsel 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:-

“8.1 That the Charge sheet dated 03.10.2012 (A/1) and the order of punishment dated 24.03.2016 (A/16) be quashed.

8.2 And further be please to pass any order/order(s) as deem fit and proper to give complete relief to the applicant.”

3. The case of the applicant is that he was charge sheeted under Rule 14 of the CCS(CCA) Rules 1965. Inquiry Officer submitted its report on 17.02.2014, which was supplied to the applicant on 28.02.2014 against which the applicant submitted his representation on 22.03.2014. the Disciplinary Authority without taking any action on the inquiry report as per Rule 15 of the CCS (CCA) Rules 1965 again supplied another inquiry report dated 04.12.2015. The applicant submitted representation on 22.02.2016. Thereafter, the Disciplinary Authority vide order dated 24.03.2016 imposed the penalty of reduction of pay by two stags for a period of one year with cumulative effect. It has been submitted that, in the meantime, the applicant has been selected for the post of Sr. Scientific Officer Gr-II Engineering and he was asked on 23.11.2015 to give his willingness to be considered for that post within 15 days.

V.K

Mr. Dhalsamant, Ld. Counsel for the applicant, submitted that against the order of punishment the applicant preferred an appeal on 16.04.2016 (Annexure-A/17) before the appellate authority, i.e. Respondent No.1. It has further been submitted that his appeal is still pending consideration as no decision has been communicated to the applicant. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since the appeal 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 the Appellate Authority (Respondent No.1) to consider the appeal dated 16.04.2016 (Annexure-A/17), 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 a copy of this order. Though we have not expressed any opinion on the merit of the matter, we make it clear that all the points raised in the appeal petition will be kept open for the Respondents to consider the same as per rules and regulations. We make it clear that if the post of Sr. Scientific Officer Grade-II has not been filled up then the same will not be filled up till such period. We further direct that the status quo as on date so far as reduction of pay of the applicant is concerned will be maintained within a period of two weeks from the date of such consideration. However, it is made clear that if in the meantime the said appeal 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. D.P.Dhalsamant, 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 he undertakes to file the postal requisites by 20.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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