

23 MAY 2016

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL;  
CUTTACK BENCH, CUTTACK  
OA NO. 260/00367/2016

Banamali Patra

**In the matter of:**

An application under Sec.19 of the  
Administrative Tribunals' Act, 1985;

*Ad*

**In the matter of:**

Sri Banamali Patra, aged about 59 years, son of  
late Prafulla Chandra Patra, of Vill/P.O.  
Bijayaramachandrapur, P.S.Baripada, Dist.  
Mayurbhanj, Asst. Supt. of Post Offices, Puri  
Division, Puri, now on promotion to the post of  
Supt. of Post offices, placed in Assam Circle.

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**Applicant**

**-Vrs-**

1. Union of India represented through the Secretary  
to Govt. of India, Ministry of Communications & IT,  
Department of Posts, Dak Bhawan, Sansad Marg,  
New Delhi-110001.

2. Chief Postmaster General, Odisha Circle,  
Bhubaneswar-751001.

*W.M.*



3. Director of Postal Services (HQ), office of the  
Chief Postmaster General, Odisha Circle,  
Bhubaneswar-751001.

...

**Respondents**

A handwritten signature in black ink, appearing to read "Babu".

*Banamali Patra*

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**O R D E R (ORAL)**  
**Dated 25.05.2016**

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

Heard Mr. S.K.Ojha, Ld. Counsel appearing for the applicant, and Mr. S.Behera, Ld. Sr. Central Govt. Panel 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:-

- “(i) To admit this O.A.
- (ii) To quash the Charge Memo No. Inv/7-168/13-14(Disc), dated 19.02.2016 (Annex. A/1).
- (iii) To quash the order of so called Disciplinary Authority issued under Memo No. Inv/7-168/13-14 (Disc), dated 05.04.2016 (Annex. A/3).
- (iv) To direct the Respondents to extend the consequential benefit so also recovered amount with interest;
- (v) to pass any other order.....”

3. The case of the applicant is that Respondent No.3 has issued Memorandum of charges without any signature, article of charges and list of documents as well as without witness under the Memo dated 19.02.2016. Although, the applicant submitted his reply on 15.03.2016, the Disciplinary Authority passed order dated 05.04.2016 (Annexure-A/3) imposing punishment of recovery of Rs. 1 lakh from the pay and allowances of the applicant @ Rs. 10,000/- in 10 equal installments retrospectively from the month of April, 2016 on the ground of supervising lapses. Mr. Ojha, Ld. Counsel for the applicant, submitted that against the order of punishment the applicant preferred an appeal.

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on 18.05.2016 (Annexure-A/4 series) before the Appellate Authority, i.e. Respondent No.2, but till date no reply has been communicated to the him. Apprehending the recovery, the applicant has filed this O.A. with the prayer as aforesaid.

4. Mr. S.Behera, Ld. Sr. CGPC, brought to my notice that said appeal has been preferred by the applicant on 18.05.2016 and this O.A. has been filed on 23.05.2016. He fairly submitted that he has not received any instruction. He apprehends that this appeal might not have even reached to the hands of the Appellate Authority.

5. Since the appeal has been preferred by the applicant on 18.05.2016, in my considered opinion it is too premature to entertain this O.A. However, as I am not entering into the merit of the matter and issuing notice to the Respondents, I dispose of this O.A at the stage of admission itself by directing the Appellate Authority (Respondent No.2) to consider the appeal dated 18.05.2016 (Annexure-A/4 series), if the same is still pending, as per the extant Rules 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 the appeal. If after such consideration the applicant is found to be entitled to the relief claimed by him then the expeditious steps be taken within a further period of three months to extend those benefits to the applicant. 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. I also make it clear that no action in pursuance of the order under Annexure-A/3



passed by the Disciplinary Authority will be given effect to for a further period of two weeks from the date of such consideration by the Appellate Authority.

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. Ojha, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 and 3 by Speed Post for which he undertakes to file the postal requisites by 26.05.2016.

  
(A.K. PATNAIK)  
MEMBER(J)

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