

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00421 of 2016
Cuttack, this the 24th day of June, 2016

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

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Sri Radhakrushna Sahoo, aged about 56 years, S/o. late Padma Charan Sahoo, permanent resident of Plot No.327/A, Rudrapur, P.O. Naharkanta, P.S. Baliana, Dist.Khurda and presently working as Asst. Supt. Of Post Offices (Printing), Postal Store Depot, Bhubaneswar, Dist.Khurda-751007.

...Applicant

(Advocates: M/s. S.K. Ojha, S.K. Nayak)

VERSUS

Union of India Represented through its

1. Director General, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Director Postal Services, Berampur Region, Berhampur, Dist-Ganjam-760001.
3. Director Postal Services (HQ), Bhubaneswar, O/O-The Chief Postmaster General, Odisha Circle, At/Po.-Bhubaneswar, Dist.- Khurda-751001.
4. Chief Postmaster General, Odisha Circle, At/Po.-Bhubaneswar, Dist.- Khurda-751001.

... Respondents

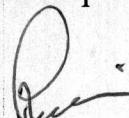
(Advocate: Mr. B.P.Nayak)

O R D E R (ORAL)

R.C. MISRA, MEMBER (A)

Heard Mr.S.K.Ojha, learned counsel for the applicant and Mr.B.P.Nayak, learned ACGSC on the question of admission and perused the records.

2. Applicant is presently working as Assistant Superintendent of Post Offices (Printing) in the Postal Printing Press Depot at Bhubaneswar. On



conclusion of a disciplinary proceedings initiated against him, the Disciplinary Authority imposed punishment of recovery of Rs.3,60,000/- from the applicant at the rate of Rs.10,000/- per month in 36 monthly equal installments with immediate effect. This order is dated 24.5.2016 at A/5 of the O.A. Aggrieved with this, applicant has submitted an appeal dated 2.6.2016 to the Chief Post Master General, Odisha Circle(res.no.4) in which he has made a prayer for setting aside the orders of the disciplinary authority and also to direct the DDO for return of the amount which has been deducted from his salary for the month of May, 2016 and thereafter, he has approached this Tribunal in this O.A. for quashing the orders dated 24.5.2016 of the disciplinary authority with direction to respondents to grant him the consequential benefits therefrom.

3. During the course of hearing, Mr.Ojha submitted that a direction may be issued to the CPMG to consider the interim prayer made in the appeal petition dated 2.6.2016 and till the same is considered no further recovery from the salary of the applicant should be effected. This is strongly objected to by *Sri B. P. Nayak* Mr.Deo, learned ACGSC who submitted that the O.A. is premature and therefore, the Tribunal at this stage should not intervene in the matter.

4. I have considered the rival submissions. Upon perusal of the interim prayer made by the applicant in the appeal petition dated 2.6.2016, it appears that instead of a prayer being made to stay the operation of further recovery from salary, a prayer has been made by the applicant to refund the amount already deducted. I also find that without affording a reasonable time to the appeal authority for consideration of the appeal petition dated 2.6.2016,



- 2 -

applicant in his anxiety has approached this Tribunal in this O.A. seeking relief as mentioned above. Be that as it may, since this is a matter concerning recovery of substantial amount from the salary of the applicant on account of the orders of punishment issued by the disciplinary authority against which an appeal has been preferred, without expressing any opinion on merit, I would direct the CPMG, Odisha Circle, (res.no.4) to consider and dispose of the appeal petition dated 2.6.2016 filed by the applicant and pass a reasoned and speaking order and communicate the decision thereon to the applicant within a period of three months from the date of receipt of this order. It is further directed that until the decision as directed above is communicated to the applicant by the appellate authority, no further recovery shall be effected from the salary of the applicant.

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

6. On the prayer made by the learned counsel, copy of this order along with paper book be sent to res.no.4 by Speed Post at the cost of the applicant for which Mr.S.K.Ojha undertakes to file the postal requisites by 27.6.2016.

7. Free copy of the order be made over to both the sides.



(R.C.MISRA)
MEMBER(A)

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