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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.477 of 2016

Cuttack this the 19th day of July, 2016

CORAM

HON'BLE SHRI R.C.MISRA, MEMBER(A)
HON'BLE SHRI S.K.PATTNAIK, MEMBER(J)

Sri Suresh Nag, aged about 60 years, S/o. Kokila Nag, At/PO-Sarasara, Dist-Baragarh, presently working as Postal Assistant, Baragarh H.O., At/PO/Dist-Baragarh

...Applicant

By the Advocate(s)-M/s.D.P.Dhalasamant & N.M.Rout

-VERSUS-

Union of India represented through:

1. Director General of Posts, Govt. of India, Ministry of Communications, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 001
2. Chief Post Master General, Odisha Circle, Bhubaneswar, Dist-Khurda-751 001
3. Post Master General, Sambalpur Region, At/PO/Dist-Sambalpur-68 001
4. Director of Postal Services, O/o. Post Master General, Sambalpur Region, AT/PO/Dist-Sambalpur-768 001
5. Superintendent of Post Offices, Sambalpur Division, At/PO/Dist-Sambalpur-768 001

...Respondents

By the Advocate(s)-Mr.J.K.Nayak



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ORDER(Oral)

R.C.MISRA, MEMBER(A):

Heard Mr.D.P.Dhalasamant, learned counsel for the applicant and Mr.J.K.Nayak, learned ACGSC for the respondents on the question of admission and perused the records.

2. Applicant herein is presently working as Postal Assistant, Baragarh H.O. under the Department of Posts. In this O.A. he has assailed the order dated 12.07.2016 (A/3) whereby he has been imposed punishment of recovery of Rs.90,000/- from his salary @ Rs.45,000/- only per month commencing from the pay of July, 2016 payable in August, 2016 to partially adjust a portion of the pecuniary loss.

3. This punishment, as it reveals, has been imposed on the applicant on conclusion of a disciplinary proceedings initiated against him under Rule-16 of CCS(CC&A), Rules, 1965. Applicant without availing the statutory remedy of appeal against the orders of punishment has moved this Tribunal. On being pointed out, Mr.Dhalasamant submitted that since this matter involves an extraordinary situation, Section-20 of the A.T.Act may not stand as a bar for admission of this O.A.

4. We have considered the rival submissions. Appeal against the orders of punishment is statutory in nature, because, the appellate authority while considering the same, may reverse the orders passed by the disciplinary



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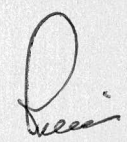
authority. This apart, if the appellate authority does not have the opportunity of taking a decision on the appeal, it would leave no room for the Tribunal for a judicial review. In view of this, we would direct the applicant to submit his appeal petition before the appellate authority within a period of ten days hence, and in case any such appeal is received, the same shall be considered and a decision thereon communicated to the applicant within a period of thirty days from the date of receipt of appeal. It is, however, directed that until the decision on the appeal is communicated to the applicant, order dated 12.07.2016(A/3) of the O.A. shall not be given effect to.

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

5. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to res.nos.4 and 5 by Speed Post at the cost of the applicant for which Mr.D.P.Dhalasamant undertakes to file the postal requisites by 20.7.2016.

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


(S.K.PATTNAIK)
MEMBER(J)


(R.C.MISRA)
MEMBER(A)

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