

5

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00574 OF 2016
Cuttack, this the 8th day of September, 2016

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

.....

Fakir Naik,
aged about 44 years,
S/o Late Bhuan Naik,
At present working as Chargeman/NT/OTS
in the office of the General Manager,
Ordnance Factory, Badmal, Dist-Bolangir,
Odisha-767070.

.....Applicant

By the Advocate(s)-M/s. S.B.Jena, S.Behera.

-Versus-

Union of India Represented through its

1. Secretary to Govt. of India,
Ministry of Defence, Defence Headquarter,
New Delhi-110011.
2. General Manager,
Ordnance Factory, At/PO- Badamal,
Dist- Bolangir-767070.
3. Works Manager (Admn.),
Ordnance Factory, At/PO- Badamal,
Dist- Bolnagir-767070.
4. Director General,
Ordnance Factory Board 10-A,
Sahed Khudiram Bose Road,
Kolkatta-700001.
5. Sri Manoj Kumar Acharya,
Aged about 39 years,
S/o Sri Golak Mohan Acharya,
Resident of Qr. No. 20, IDCO Colony,
presently working as DBW/HS,
Ordnance Factory, Badamal, Dist-Bolangir.

... Respondents

(Advocate: Mr. S. Behera)

.....



ORDER (ORAL)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr. S.B.Jena, Ld. Counsel 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. The applicant in this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 has sought for the following relief:

“.....to delete the observation of para 16, 19 & 21 in O.A. No. 186/2012 under Annexure-A/6.

And further be pleased to quash the show cause notice of reversion dated 30.07.2016 under Annexure-A/5.
Or pass any other order.....”

3. Mr. Jena, Ld. Counsel for the applicant, by drawing our attention to the confidential show cause notice issued to the applicant on 30.07.2016 submitted that though in O.A. No. 186/12, which was disposed of by this Bench on 02.02.2016, no whisper has been made regarding Chargeman (Non-Technical) let alone the applicant's status still then with an erroneous consideration, the departmental Respondents have issued show cause notice asking the applicant to file his reply within a period of 7 days as to why he should not be reverted to his previous post of UDC which he was holding prior to his promotion to CM/NT/OTS.

4. Mr. S. Behera, Ld. Sr. CGPC, vehemently opposed the maintainability of the O.A. by stating that mere show cause notice does not give rise ^{to} any cause of action as the authorities have not reverted the applicant and the show cause notice has been issued to him to make his stand clear and

Allo

then a decision can be taken in this regard but without giving any reply to the show cause the applicant has rushed to this Tribunal by filing the instant O.A.

5. We are convinced with the statement made by Mr. Behera and, accordingly, we also feel that the applicant should have first given reply to show cause issued on 30.07.2016. At this juncture, Mr. Jena prayed liberty of this Tribunal to grant applicant two weeks time to file reply to the show cause.

6. In view of the above, without entering into the merit of this case, we dispose of this O.A at the stage of admission itself by granting liberty to the applicant to file his reply to the show cause notice within a period of two weeks from today, failing which the authorities shall be free to go ahead with their decision. We also make it clear that if reply to the show cause notice is filed within a period of two weeks from today then the authorities, i.e. Respondent No.2, will consider the same as per extant rules and regulations and communicate the result thereof to the applicant within a further period of two weeks from the date of receipt of reply. We make it clear that the status quo as on date so far as applicant's continuance is concerned shall be maintained for a further period of one month from the date of such decision to be communicated to the applicant by the departmental-Respondents.

7. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

8. Copy of this order be given to Mr. S.B.Jena, Learned Counsel appearing for the applicant, as per rules, and free copy of this order be given to Mr. S.Behera, Ld. Sr. CGPC for the Respondents.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)