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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00657 OF 2016

Cuttack, this the 21st day of September, 2016

CORAM

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

HON'BLE MR. S.K. PATNAIK, MEMBER (J)

Pravakar Dalei, aged about 49 years, S/o. Jugal Charan Dalei, permanent resident of Vill/PO-Jodumu, Via/PS-Barambagarh, Dist-Cuttack, at present working as Sub-Postmaster, Chasapara SO

...Applicant

By the Advocate – Mr. P.R.J. Dash

-VERSUS-

Union of India Represented through

1. Secretary-cum-Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Chief Post Master General, Odisha Circle, At/Po-Bhubaneswar, Dist-Khurda-751001.
3. Director Postal Services (HQ), O/O The Chief Post Master General, Odisha Circle, At/Po-Bhubaneswar, Dist-Khurda-751001.
4. Superintendent of Post Offices, Cuttack South Division, At/Po/ Dist-Cuttack-753001.

...Respondents

By the Advocate- Mr. G.R. Verma

ORDER (Oral)

R.C.MISRA, MEMBER(A):

Heard Mr. P.R.J. Dash, Ld. Counsel appearing for the applicant and Mr. G.R. Verma, Ld. ACGSC appearing for the Respondents-NVS on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. Mr. Dash submitted that while the applicant was working as PA, Chhatia SO^{he} was proceeded against under Rule-16 of CCS (CC & A) Rules, 1965 for negligence to discharge his duties which lead to misappropriation of Rs.2,86,000/-. In spite of the prayer made by the applicant, the Respondents without any process of enquiry have imposed penalty of recovery of Rs.65,000/- on the ground of contributory negligence of duties on the part of the applicant. It is noticed that the applicant has submitted an appeal dated 29.08.2016 before the Director Postal Services (HQ), Bhubaneswar (Respondent No.3) and the same is still pending without being disposed of with the Appellate



Authority. Mr. Dash fairly submitted that the Tribunal may give a direction for expeditious disposal of this case and the recovery be stayed till disposal of the appeal.

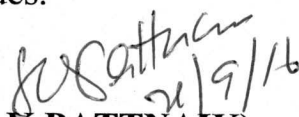
3. Taking into account the submissions of Ld. Counsel for both the sides, since an appeal dated 29.08.2016 is pending consideration, we are not inclined to admit this O.A. In view of this, without expressing any opinion on the merit of the matter, we would direct Respondent No.3 to consider and dispose of the appeal dated 29.08.2016 in accordance with the rules and instructions if it has been received and is still pending at his level with a reasoned and speaking order and communicate the decision thereon to the applicant within a period of 60 (sixty) days from the date of receipt of this order.

4. It is however made clear that no further recovery will be made from the salary of the applicant until a decision on the appeal is communicated to the applicant by the Appellate Authority.

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

6. On the prayer made by Mr. P.R.J. Dash, Ld. Counsel appearing for the applicant copy of this order along with paper book of O.A. be sent to Respondent Nos.3 & 4 at the cost of the applicant for which Mr. Dash, undertakes to file the postal requisites by 23.09.2016.

7. 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)