

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 260/00703 of 2016  
Cuttack, this the 19<sup>th</sup> day of October, 2016

**CORAM**  
**HON'BLE SHRI A. K. PATNAIK, MEMBER (JUDL.)**

.....

Abhay Mahananda,  
aged about 50 years,  
S/o Balki Mahananda,  
Vill- GE(P) Fy. B/R No.I,  
PO- Kamarlaga, Dist- Bolangir.

...Applicant

(Advocates: M/s. B.Dash, S.Sethi, M.Behera, K.B.Moharana)

**VERSUS**

Union of India represented through the

1. Ministry of Defence represented through its  
Secretary,  
North Block Central Secretariat,  
New Delhi-11001.
2. Director General,  
Indian Ordinance Factories,  
Ordinance Factory, S.K.Bosh Road, Kolkata.
3. General Manager,  
Indian Ordinance Factories,  
Ordinance Factory, Bolangir(P),  
At Badmal, PO- Gandapatrapalli,  
Via-Saintala, Dist- Bolangir-767032, Odisha.

... Respondents

(Advocate: Mr. A.C.Deo)

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**ORDER (ORAL)**

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

Heard Ms. Bharati Dash, Ld. Counsel for the Applicant, and Mr. A.C.Deo, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

*A. K. Patnaik*

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985. After hearing in extenso, I find that this O.A. is hit by the provisions enumerated under Section 20 of the CAT Act and Procedure Rules as the applicant has not availed of any departmental remedy. On being questioned, Ms. Dash fairly submitted that the impugned order was passed on 31.08.2016 under Annexure-4 and the applicant has not availed of any departmental remedy and seeks leave of this Tribunal to make representation/appeal before Respondent No.2, i.e. Director General, Indian Ordnance Factories, Kolkata.


3. I do not find that either of the sides will be prejudiced if the O.A. is allowed to be withdrawn by granting liberty to the applicant to make a comprehensive appeal/representation within a period of 10 days from today. Accordingly, I allow this O.A. to be withdrawn with liberty to the applicant to make a comprehensive appeal/representation to Respondent No.2 within a period of 10 days from today and in the eventuality if such an appeal/representation is filed within 10 days from today, i.e. by 29.10.2016, then Respondent No.2 is directed to consider the same as per rules and regulations in force and communicate the result thereof to the applicant within a period of one month from the date of receipt of the said representation. I make it clear that status quo as on date so far as the applicant's continuation in the present place and post is concerned will be maintained for a further period of two weeks from the date of communication of the result to the applicant. The applicant is also granted liberty to annex a copy of this order along with his representation.

4. With the aforesaid observation and direction, the O.A. is disposed



of being withdrawn. No costs.

5. Copy of this order along with paper book be communicated to Respondent Nos. 2 and 3 by Speed Post at the cost of the applicant for which Ms. Bharati, Ld. Counsel for the applicant, undertakes to file the postal requisites by 20.10.2016. Copy of this order be also given to Mr. A.C.Deo, Ld. ACGSC.

  
(A.K.PATNAIK)  
MEMBER (J)

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