

3

O.A. No. 254 of 2012

Gurukrushna Dash.....Applicant

Vs

Union of India & Ors.....Respondents

Order dated: 28.03.2012

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)

&

Hon'ble Shri A. K. Patnaik, Member(Judl.)

Heard Mr. P.K.Padhi, Ld. Counsel for the applicant and Mr. B.K.Mohapatra, Ld. Addl. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. Applicant, who is presently working as Post Master (Grade-II), Nuapada M.D.G., was served with a charge sheet dated 19.12.2011 and, subsequently, imposed with a punishment of recovery of Rs. 46,312/- vide Annexure-2 dated 31.01.2012. It is the case of the applicant that appeal preferred before the appellate authority vide Annexure-A/3 dated 15.03.2012 to the above proposed punishment of recovery is still pending. By filing this O.A. the applicant has sought for the following relief:

"To direct the Respondent No.2 to dispose of the appeal at Annexure-A/3 dtd. 15.03.2012.

And any other order....."

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3. Since the specific prayer of the applicant in this O.A. is to direct the Respondent No.2 to dispose of the appeal, having heard Ld. Counsel for the parties, we, at this stage, without entering into the merit of the case, deem it proper to send the case before the appellate authority to take a decision first on the pending appeal. As agreed to by the Ld. Counsel for the parties, we direct Respondent No. 2 to consider the appeal and pass necessary reasoned order within 90 days from the date of receipt of copy of this order.

5. However, it is made clear that no further recovery shall be effected till the disposal of the appeal.

6. With the above observation and direction, the O.A. stands disposed of at the stage of admission itself.

7. Send copy of this order, along with copy of the O.A., to Respondent No. 2 and free copies of this order be handed over to the Ld. Counsel appearing for the parties.

Aneel  
MEMBER(Judl.)

Champak  
MEMBER(Admn.)

EK