

CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 386 OF 2013

CUTTACK, THIS THE 26TH DAY OF JUNE, 2013

CORAM :

HON'BLE MR. A.K. PATNAIK, MEMBER(JUDL.)

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

.....

Priyadarshan Kanungo,
aged about 44 years,
Son of Maheswar Kanungo,
A permanent resident of Village Badamulai,
Post-Badbil,PS-Govindapur,Dist-Cuttack
At present working as Assistant Audit Officer,
Office of the Accountant General and Social Sector Audit,
AG Square, Bhubaneswar, Odisha, Dist-Khurda.

...Applicant

By the Advocate(s) - M/s- S. Rath, B.K. Nayak-3, D.K. Mohanty,

VERSUS

Union of India represented through

1. Controller And Auditor General of India,
Pocket-9, Deen Dayal Upadhyay Marg,
New Delhi-110124.
2. The Deputy Controller And Auditor General,
Office of the Controller And Auditor General of India,
Pocket-9, Deen Dayal Upadhyay Marg,
New Delhi-110124.

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3. The Accountant General (G &SSA), AG Square,
Bhubaneswar, Dist-Khurda, Odisha, Pin-751001.

... Respondents
By the Advocate(s) - Mr.S.B.Jena

ORDER (ORAL)

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

Heard Shri D.K.Mohanty, learned counsel for the applicant and Shri S.B.Jena, learned ACGSC, on whom a copy of the O.A. has been served, appearing on behalf of the Respondents.

2. Applicant has filed the instant O.A. under Section 19 of the A.T.Act, 1985, challenging the very initiation of the disciplinary proceedings vide Memoranda dated 12.1.2013 and 21.2.2012 as well as the report of the I.O dated 23.10.2012 and the order dated 12.12.2012 wherein punishment has been imposed by the Disciplinary Authority.

3. We find that against the order of punishment dated 12.12.2012, the applicant has preferred an appeal dated 22.1.2013 addressed to the Deputy Comptroller & Auditor General (Res.No.2) which has been forwarded by Res.No.3 vide its letter dated 6.3.2013. It is the case of the applicant till date he has received no response on his appeal.

4. Shri S.B.Jena, learned ACGSC has no immediate instructions regarding the status staut of the appeal.

5. Therefore, at this stage, we dispose of this O.A. with direction to Respondent No.2 to consider and dispose of the appeal preferred by the applicant as per rules and regulations and communicate the decision by way of a reasoned

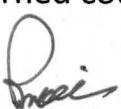
order

and speaking order within a period of sixty days from the date of receipt of this order.

6. At this stage, Shri D.K.Mohanty, learned counsel for the applicant submitted that till a decision on the appeal is communicated, the punishment imposed by the Disciplinary Authority may be kept in abeyance. Since the Appellate Authority is not divested with the powers to stay the order of punishment as imposed by the Disciplinary Authority, it is directed that the applicant may file a representation in this regard to the Appellate Authority within a period of one week hence and in the event such a representation is received, the Appellate Authority shall also consider the same in continuation with the decision to be taken by him on the appeal.

7. With the above observation and direction, this O.A. is disposed of. No costs.

8. Send a copy of this order along with copy of the paper book to Respondent No.2 at the cost of the applicant, for which Shri D.K.Mohanty undertakes to file the postal requisites by 27.6.2013. Free copies of this order be made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)