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R.K.Sahu-Vrs-UOI&Ors

ADMISSION Sl.No.2

OA No.260/00472/2014

ORDER - dated 24<sup>th</sup> June, 2014.

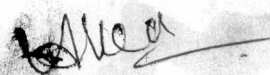
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THE HON'BLE MR.A.K.PATNAIK, MEMBER(JUDL.)

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The grievance of the applicant that without any valid reason and without giving proper consideration to the written statement of defence submitted by him the Respondent No. 4 imposed the punishment of withholding of increments for a period of three years without cumulative effect with further direction that the punishment will be effective from 1<sup>st</sup> July, 2014 to 30<sup>th</sup> June, 2017. Further grievance of the applicant is that though he has submitted appeal against the said order on 4<sup>th</sup> October, 2013 to the Respondent No.3 till date no order has been received by him though the punishment will be made effective shortly i.e. w.e.f. 01.07.2014. Hence by filing the instant OA he has prayed to quash the order of punishment dated 24.09.2014 and has further prayed that till a decision is taken on this OA direction be issued to the Respondents not to give effect to the said order of punishment.

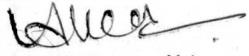
2. None represents for the KVS. By drawing my attention to the Memorandum of charge, written statement of defence of the applicant and the order of punishment, learned counsel for the applicant submitted that neither the Memorandum of charge nor the order of punishment is in accordance with the rules and principles of natural justice and, therefore,



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the same is/are liable to be set aside. Having heard learned counsel for the applicant with his aid and assistance perused the pleadings and materials placed in support thereof including the Rules. Prima facie I am satisfied that the order of punishment is against the rules and principles of natural justice being cryptic. Be that as it may, I do not feel it just and proper to express any concrete opinion on the same as I find that the statutory appeal preferred by the applicant is still pending with the Respondent No.3.

3. In view of the above, this OA is disposed of at this admission stage with direction to the Respondent No.3 to consider and dispose of the appeal of the applicant dated 4<sup>th</sup> October, 2013 which is stated to be still pending, and communicate the result thereof, in a well reasoned/speaking order to the applicant within a period of 60(sixty) days from the date of receipt of this order and till such time the order of punishment should not be given effect. There shall be no order as to costs. As prayed for by the learned counsel for the applicant copy of this order along with OA be sent to Respondent No.3 as his cost for which he undertakes to furnish the postal requisite by tomorrow.

  
(A.K. Patnaik)  
Member (Judicial)