

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

01/03/2019

O.A./260/144/2019
WITH STAY, ON MEMO

BIJAYA KUMAR SAHOO
-V/S-
D/O POST

ITEM NO:10

FOR APPLICANTS(S) Adv. : Mr. S.B. Jena

FOR RESPONDENTS(S) Adv.: Mr. B. Swain

Notes of The Registry	Order of The Tribunal
	Heard Ld. Counsels for the applicant and respondents. Applicant's counsel submitted that the punishment vide order dated 06.12.2018 (Annexure-A/3) of recovery of Rs.50,000/- has been imposed on the applicant by the respondents is illegal. He further submitted that the applicant has filed an appeal against the punishment order before the Appellate Authority vide appeal dated 14.12.2018 (Annexure-A/4) which is pending as on date. But his grievance is that recovery has already commenced @ Rs.5,000/- per month from the salary of the applicant.
	Ld. Counsel for the respondents requested for some time to obtain instructions in this matter.
	Since the matter pertains to disciplinary proceeding and appeal is pending before the Appellate Authority and as it is seen that no separate application has been filed by the applicant to the Appellate Authority requesting him for staying of the recovery pending decision in his appeal, the applicant will be at liberty to file such an application to the Appellate Authority within 10 days time from the date of receipt of copy of this order with a request to him to stay the recovery. If such a representation is filed within time as specified above, then pending decision of the Appellate Authority on such representation, no further recovery will be effected from the salary of the applicant. Appellate Authority is directed to consider the appeal as per the law and dispose of the same by passing a speaking and reasoned order, copy of which shall be

communicated to the applicant within two month from the date of receipt of such representation.

In case the applicant requests the Appellate Authority for personal hearing, the same shall be considered as per rules. It is also made clear that no opinion has been expressed on merit of the case while passing this order.

The O.A. is disposed of accordingly at this stage. No costs.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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