

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

ORDER SHEET

COURT NO. : 1

13.02.2019

O.A./260/2/2019

FOR CONSIDERATION OF INTERIM
PRAYER

ITEM NO:19

FOR APPLICANTS(S) Adv. :

MRS S ACHARYA
-V/S-
A.G

Mr. S.K. Ojha

FOR RESPONDENTS(S) Adv.:

Mr. J. K.Nayak

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for both the sides.</p> <p>It is undisputed that the period for which Dies Non rules has been decided by the Respondents is included in the charge sheet vide ARTICLE-IV of the charge memo dated 11.04.2018(Annexure-A/15) and the Disciplinary proceeding against the applicant is pending.</p> <p>Ld. Counsel for the Respondents filed the short reply and submitted that the decision was taken by the respondents under provision of FR 17 and that the show cause notice has been issued to the applicant before deciding the period to be ' dies non' . Ld. Counsel for the Applicant submitted that applicant had filed reply to show cause within the time which was not been considered by the Respondents before passing the said order.</p> <p>In view of the submissions above, pre-judging the period in question as unauthorised absence, when the proceedings for the same charge is pending finalization is unjust and violation of the principles of natural justice.</p> <p>Hence, the order dated 09.03.2018(Annexure-A/13) treating the period as dies non is quashed and the Respondents are directed to complete the disciplinary proceedings as per law in four months time and pass appropriate order as per law for the period in question while passing the order on the disciplinary proceedings</p>

by the competent authority. With the above observations the O.A is disposed of. No order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

pms