

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

ORDER SHEET

COURT NO. : 1

19/03/2019

O.A./260/138/2019
FOR CONSIDERATION OF IP

RABINARAYAN CHOUDHURY
-V/S-
D/O POST

ITEM NO:12

FOR APPLICANTS(S) Adv. : Mr. D.K. Mohanty

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

| Notes of The Registry | Order of The Tribunal |
|-----------------------|---|
| | <p>Heard Ld. Counsels for the applicant and respondents.</p> <p>The applicant is aggrieved because of the fact that the additional salary amount paid to him for officiating in the position of IP for 06 months as per orders of the authorities, is being recovered from the salary of the applicant without giving any show cause and opportunity only on the basis of audit objection. The applicant had filed a representation dated 13.09.2018 which was rejected vide order at Annexure-A/7. Against this rejection order, the applicant has filed an appeal before the Respondent No.3 vide Annexure-A/8 which is pending. During pendency of the appeal the respondents have decided to start recovery from the applicant's salary from the month of December, 2018.</p> |
| | <p>Respondents' counsel submitted that there are seven employees who are similarly placed and a decision is to be taken by the authorities for all.</p> |
| | <p>In view of the above submissions and taking note of the fact that the appeal dated 01.11.2018</p> |

(Annexure-A/8) filed by the applicant is pending with Respondent No.3, the O.A. is disposed of at this stage with a direction to Respondent No.3/competent authority to consider the said appeal of the applicant as per the provisions of law and dispose of the same by passing a speaking and reasoned order under intimation to the Applicant within two month from the date of receipt of a copy of this order and till disposal of the said appeal, no further recovery be made from the salary of the applicant.

It is made clear that we have not expressed any opinion on the merit of this case while passing this order. The O.A. is disposed of accordingly. No costs.

Urgent copy of this order be handed over to the learned counsels for both the sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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