

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

ORDER SHEET

COURT NO. : 1

19/07/2019

O.A./260/35/2016

M.A./260/141/2018

A K MOHANTY

-V/S-

D/O POST

ITEM NO:28

FOR APPLICANTS(S) Adv. : Mr. K. C. Kanungo

FOR RESPONDENTS(S) Adv.: Mr. S. Behera

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the applicant and respondents.</p> <p>Ld. Counsel for the applicant submitted that in the meantime a criminal case against the applicant vide T.R. Case No. 17 of 13 has been disposed of and the applicant has been convicted vide order dated 15.04.2019. Copy of the order submitted by Ld. Counsel for the applicant. The applicant has been moved before the Hon'ble High Court for appeal. Both the orders are taken on record. Ld. Counsel for the applicant further submitted that the applicant has also retired from service in the meantime.</p> <p>Ld. Counsel for the respondents submitted that the disciplinary proceeding against the applicant has been stayed and he has filed the MA No. 141/18 for vacation of the interim order.</p> <p>It is seen from the record that vide order dated 29.01.2016 the direction was given to the respondents not to take coercive action in</p>

pursuance of Annexure-A/2 and Annexure-A/9. Vide order dated 04.03.2016, direction was given to the respondents not to proceed further with the disciplinary proceeding under Annexure-A/9. It is also seen that the applicant had challenged the disciplinary proceeding on the ground that disclosing his defence in the disciplinary proceeding will affect his interest in criminal case.

In view of the above no purpose will be served to keep the OA pending. It is accordingly disposed of with liberty to the respondents to proceed in the matter as per provisions of law. Interim order dated 29.01.2016 and 04.03.2016 passed in this OA stand vacated.

MA No. 141/18 filed by the respondents for vacation of interim order stands disposed of accordingly.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

pms