

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

ORDER SHEET

COURT NO. : 1

25/06/2019

O.A./260/410/2019

S BALIARSINGH

-V/S-

D/O POST

ITEM NO: 14

FOR APPLICANTS(S) Adv. : Mr.C.P.Sahani

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

Notes of The Registry	Order of The Tribunal
	<p>Heard the learned counsel for the applicant. Mr.B.Swain, learned counsel appears for the respondents. Registry is directed to reflect the name of Mr.B.Swain in the cause list in future.</p> <p>In this OA the order of the Disciplinary Authority for recovery of Rs.40,000/- from the applicant in pursuance to the disciplinary proceedings for minor penalty under Rule 16 of the CCS (CCA) Rules, 1965 has been challenged. the applicant has filed an appeal dated 30.5.2019 (Annexure A/6) which is pending as on date. It is further submitted that the appeal also includes a prayer to the Appellate Authority for keeping the implementation of the punishment of recovery in abeyance till the decision is taken on the appeal. But the Appellate Authority has not taken any decision in the matter as on date.</p> <p>Learned counsel for the respondents wanted to obtain instruction. Since the appeal dated 30.5.2019 of the applicant is pending, it is appropriate for the Appellate Authority to take a decision on the appeal which is pending and no decision has been taken in respect of the prayer of</p>

the applicant for keeping the recovery in abeyance.

The OA is, therefore, disposed of with the direction to the Appellate Authority i.e. respondent No.3 to consider the appeal dated 30.5.2019 (Annexure A/6) as per provisions of law and dispose it of by passing a reasoned and speaking order which is to be communicated to the applicant within two months from the date of receipt of a copy of this order and till the disposal of the said appeal dated 30.5.2019, further recovery from the salary of the applicant in pursuance to the order of the Disciplinary Authority (Annexure A/5) shall be kept in abeyance. It is made clear that no opinion has been expressed in the merit of the case. No order as to costs.

Copy of this order be handed over to both the learned counsels.

(GOKUL CHANDRA PATI)
MEMBER (A)

I.Nath

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