

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

ORDER SHEET

COURT NO. : 1

18/07/2019

O.A./260/464/2019

M.A./260/512/2019

P K PANDA

-V/S-

CENTRAL EXCISE & CUSTOMS

ITEM NO:18

FOR APPLICANTS(S) Adv. : Mr. N.R. Routray

FOR RESPONDENTS(S) Adv.: Mr. A.K. Mohapatra

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the applicant and respondents. M.A. No.512/19 for joint prosecution of this O.A. is allowed since cause action for all the applicants are similar.</p>
	<p>Mr. A.K. Mohapatra, Ld. Counsel entered appearance on behalf of the applicant. Registry to reflect his name in the future cause list.</p>
	<p>Applicant's counsel submitted that the applicants are aggrieved by the order Sl. No.1 of order dated 01.07.19 (Annexure-A/7) by which the letter which was issued on 23.02.17 has been withdrawn by the Board because it was found to have been issued without the approval of the competent authority and without following the procedure. Though the letter dated 01.07.19, direction has been given to hold the review DPC to reconsider the</p>

promotion. The applicants have been promoted by virtue of the letter dated 23.02.17 and they apprehend reversion, if a review DPC is conducted. Applicants's counsel submitted that no opportunity of hearing has been allowed to the applicants before deciding to hold review DPC. It is also submitted that the applicants have submitted representations vide Annexure-A/8 series and that their grievance would be addressed at this stage if a direction is given to the respondents for consideration and disposal of the representation within specific time.

Respondents' counsel submitted that he has no instruction about the representation and requested for time to obtain instruction about the status of the representation.

In view of the above submissions, we are of the view that no purpose would be served by keeping the O.A. pending and taking note of the fact that the applicants have filed the representations at Annexure-A/8 series which is pending, the O.A. is disposed of at this stage with a direction to Respondent No.1/competent authority to consider the representation at Annexure-A/8 series of the applicants and dispose of the said representation if it is still pending, by a speaking order as per the provisions of law, copy of which is to be communicated to the applicant within one month from the date of receipt of a copy of this order preferably before conducting of the review DPC as per Annexure-A/7. Till a decision is

taken on the representation and disposal of the said representation, no coercive action will be taken against the applicants.

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

Registry is directed to return the paper books to the applicant's counsel. Applicant is at liberty to send copy of this order along with paper books to Respondent No.1/competent authority at their own if advised. Registry is to return the extra paper books if filed to the applicant's counsel urgently.

Free copy of this order be given to Ld. Counsel for both the sides.

(SWARUP KUMAR MISHRA) MEMBER (J)	(GOKUL CHANDRA PATI) MEMBER (A)
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