

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

ORDER SHEET

No. Of Adjournment : 1

COURT NO. : 1

18.09.2019

O.A./260/601/2019

G C BEHERA
-V/S-
D/O POST

ITEM NO:8

FOR APPLICANTS(S) Adv. : Mr. S. K. Ojha

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

| Notes of The Registry | Order of The Tribunal |
|-----------------------|--|
| | <p>Heard Ld. Counsels for the applicant and Mr. A. K. Mohapatra, Ld. Counsel who enters appearance on behalf of the respondents in this case. Registry is directed to reflect the name of Mr. A.K. Mohapatra as the counsel for the respondents in future cause list.</p> <p>Ld. Counsel for the applicant submitted that as recommended by the internal audit report at Annexure-A/4 at Sl.9 in respect of the applicant, the amount of Rs.3,69,007/- is stated to be recovered from the applicant starting from the current month. Ld. Counsel for the respondents submitted that no final order has been passed on Annexure-A/4 which is the audit report and that the OA is premature. He further submitted that the audit report at Annexure-A/4 can not be challenged in the OA.</p> <p>In view of the above submissions and apprehension of the Ld. Counsel for the applicant that recovery from applicant's salary may be started based on audit report at Annexure-A/4, the applicant will be at liberty to make a detailed representation before the respondents within 10 days time from the date of receipt of copy of this order. If within the time as stated above the applicant's representation is received by the respondents No.3/competent authority, then the said authority will consider such representation and dispose of the same as per the provisions of law by passing a speaking order, copy of which is to be communicated to the applicant within a period of two months from the date of a receipt of a copy of said representation by respondent No.3 and till that time, no recovery shall be made from the applicant in pursuance to the audit report at Annexure-A/4.</p> |

The OA is disposed of accordingly without expressing any opinion on the merit of the case. It is clarified that if no representation is received from the applicant within the time as mentioned above, the respondents will be at liberty to take action for recovery from the applicant as per Annexure-A/4.

Copy of this order be given to Ld. Counsels for both the sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

pms