

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

ORDER SHEET

COURT NO. : 1

24/09/2019

O.A./260/631/2019

BANAMALI SABAR

-V/S-

D/O POST

ITEM NO:13

FOR APPLICANTS(S) Adv. : MR.S.K.OJHA

FOR RESPONDENTS(S) Adv.: MR.B.P.NAYAK

Notes of The Registry	Order of The Tribunal
	<p>Heard learned counsels for the applicant and Mr.B.P.Nayak, learned counsel appearing on behalf of the respondents. In this case, the applicant has been proceeded against under Rule-16 for fixing responsibility on him as a secondary offender for imposition of minor penalty for loss caused to the tune of Rs.63,10,482/- for which the primary offender was one Kabiraj Harinajn, D.P.M. Learned counsel for the applicant submitted that the applicant requested for certain documents and also requested for holding an inquiry, which was rejected by the Disciplinary Authority without sufficient justification vide order dated 26.11.2018 (A/7). Thereafter, the punishment order was passed on 22.7.2019 (A/9) for recovery of Rs.2,00,000/- from the applicant in 20 equal monthly instalments. The applicant has filed an appeal dated 7.9.2019 with a request for staying the recovery. Learned counsel for the respondents submitted that since the appeal is pending consideration, the O.A. is not maintainable. It is submitted by the learned counsel for the applicant that recovery has already been commenced from his salary for the month of August, 2019.</p> <p>In view of the above submissions and without expressing any opinion on the merit of the case and as agreed by learned counsels for both the sides,</p>

this OA is disposed of at this stage with direction to respondent No.2 to consider the applicant's appeal at A/10 and dispose of the same as per the provisions of law by passing a speaking and reasoned order, copy of which is to be communicated to the applicant within a period of one month from the date of receipt of copy of this order and till communication of copy of the above order to the applicant, respondents are directed not to effect any further recovery from the applicant in pursuance of the impugned order dated 22.7.2019 (Annexure-A/9).

With the aforesaid observation and direction, this O.A. is disposed of with no order as to costs. Urgent free copy of this order be made over to learned counsels for both the sides.

(GOKUL CHANDRA PATI)
MEMBER (A)

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