

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

**ORDER SHEET**

COURT NO. : 1

30/09/2019

C.P./260/49/2017

O.A./260/641/2011

SRIKANTA CHANDRA SUNDAR RAY

-V/S-

B M DASMOHAPATRA

ITEM NO: 48

FOR APPLICANTS(S) Adv. : MRS.PATTNAIK

FOR RESPONDENTS(S) Adv.: MR.S.BEHERA

Notes of The Registry	Order of The Tribunal
	<p>Heard learned counsels for the applicant and respondents. Learned counsel for the applicant submitted that vide order dated 14.9.2016 of this Tribunal, the charge sheet framed under Rule-14 against the applicant as well as the punishment order has been quashed and the matter has been remanded to the Disciplinary Authority to strictly act in accordance with the order of the Appellate Authority dated 8.12.2005. Learned counsel for the applicant submitted that the Disciplinary Authority has not restored the status and service conditions of the applicant prior to imposition of punishment, instead, he has initiated fresh proceedings against the applicant. Learned counsel for the respondents submitted that he has filed a show cause reply.</p> <p>Order dated 8.12.2005(A/1 to the CP) of the Appellate Authority reads as follows:</p> <p>"Therefore, I set aside the punishment and remit back the case to the disciplinary authority for denovo proceedings from oral hearing starting the process from beginning".</p>

In view of the above, we are of the view that if the applicant is aggrieved by the action of the Disciplinary Authority to work in a particular manner that will give rise to a fresh cause of action and this aspect can not be adjudicated in the C.P. In view of this, the applicant will be at liberty to take recourse to law if he is aggrieved by the decision of the Disciplinary Authority. With this, the CP is dropped and notices on the alleged contemnors are discharged.

Free copy of this order be made over to learned counsels for both the sides.

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