

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

ORDER SHEET

COURT NO. : 1

20/06/2019

O.A./260/396/2019

P K BARIK

-V/S-

D/O POST

ITEM NO: 7

FOR APPLICANTS(S) Adv. : Mr.D.K.Mohanty

FOR RESPONDENTS(S) Adv.: Mr.P.K.Mohanty

Notes of The Registry	Order of The Tribunal
	<p>Heard both the learned counsels.</p> <p>2. Learned counsel for the applicant submits that the order for recovery of Rs.40,000/- has been made on the ground that there was procedural lapses of the applicant in his capacity as supervising authority. It is further submitted that a sum of Rs.68,000/- has already been recovered from the person at fault i.e. one Shri Buddhadev Pradhan who was working as GDSBPM, Chhamunda BO in account with Jagmohanpur SO.</p> <p>3. Learned counsel for the respondents submits that the applicant has directly approached this Tribunal without preferring any appeal against the order of punishment dated 28.5.2019 (Annexure A/6) and has also not filed any petition before the concerned authority for stay of recovery.</p>

Besides he also submitted that the applicant has not approached this Tribunal immediately after the order of punishment was passed.

4. Taking into consideration the amount sought to be recovered from the applicant due to procedural lapses on his capacity as supervising authority and as a sum of Rs.5000/- is going to be recovered from his monthly salary from the month of June 2019, therefore the applicant is given opportunity to file appeal before the appropriate authority and he may, if so advised, file a petition for stay of recovery before the Appellate Authority who shall consider the said application for stay of recovery within 15 days from the date of filing of the said application. It is undertaken on behalf of the applicant that such application for stay of recovery will be filed by the applicant within a week.

5. The concerned respondent will consider the application and passed a reasoned and speaking order within a period of 2 weeks from the date of filing of such an application before him and shall immediately communicate the said order to the applicant. There shall not be any recovery of the amount from the applicant till such communication of the said order by the Appellate Authority is made to the applicant.

6. Accordinalv the OA is disposed of. It is

noted that this Tribunal has not gone into the merits of the case. No order is passed as to costs.

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

(SWARUP KUMAR MISHRA)
MEMBER (J)

I.Nath

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