

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3135/2002

Tuesday, this the 17th day of December, 2002

Hon'ble Shri Justice V.S.Aggarwal, Chairman  
Hon'ble Shri S.A.T. Rizvi, Member (A)

Dr. P.Ravindra Babu  
Deputy Commissioner of Customs & Central Excise.  
(MOD) 7, 2nd Floor,  
Gagandeep Building,  
Rajindra Place, New Delhi

..Applicant

(By Advocate: Shri A.D.N.Rao)

Versus

1. Union of India  
through its Secretary  
Deptt. of Revenue  
Ministry of Finance  
North Block, New Delhi-1
2. Central Board of Excise & Customs  
through the Chairman  
Deptt. of Revenue  
Ministry of Finance  
North Block, New Delhi-1

..Respondents

O R D E R (ORAL)

Shri Justice V.S.Aggarwal:

The applicant joined Indian Customs and Central Excise Service Group 'A' as Assistant Commissioner in September, 1991. He became eligible for promotion after putting nine years of service. The Departmental Promotion Committee for promotion to the grade of Joint Commissioner met on 20.5.2002. On 7.8.2002, it is alleged that the respondents had issued certain articles of charge proposing a disciplinary action against the applicant. It had been served on the applicant on 28.8.2002.

2. The precise grievance in this regard is that on the date when the Departmental Promotion Committee meeting took place, there was no disciplinary proceedings

AS Ag


(2)

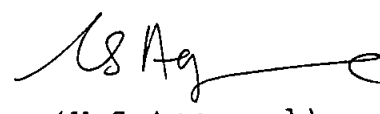
contemplated or pending against the applicant and in these circumstances, the sealed cover procedure should not be adopted as against/qua the applicant.

3. Admittedly, the applicant, in this regard, has submitted a representation dated 29.10.2002, a copy of which is placed at Annexure A-5, on which no decision has been taken.

4. At this stage, when the representation of the applicant has recently been preferred, we are not expressing any opinion on the merits of the matter, but it is directed that respondent No.2 would consider the representation of the applicant and pass a speaking order within a period of two months from the date of receipt of a certified copy of the present order and convey the order so passed to the applicant.

5. Subject to aforesaid, OA is disposed of.

  
(S.A.T. Rizvi)  
Member (A)

  
(V.S. Aggarwal)  
Chairman

/sunil/