

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the **21** day of **February, 2020**

**Original Application No. 330/131/2020
(U/s 19 of the Administrative Tribunals Act, 1985)**

HON'BLE MR. DEVENDRA CHAUDHARY, MEMBER (A)

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)

Dr. Gyanendra Kumar Tripathi, A/a 39 Years, S/o Late Balakant Tripathi Posted at Deputy Commissioner (Authorized Representative Customs, Excise & Service Tax Appellate Tribunal (CESTAT) at Allahabad O/o Commissioner (AR), Custom, Excise & Service Tax Appellate Tribunal (CESTAT), 38 M. G. Marg, Allahabad..

.....Applicant

VERSUS

1. Union of India through Revenue Secretary, Ministry of Finance, at New Delhi.
2. Central Board of Excise and Customs, Presently known as Central Board of Indirect Taxes and Customs, through its Chairman, Department of Revenue, Ministry of Finance, Govt. of India, North Block, New Delhi.
3. Departmental Promotion Committee (DPC) O/o Central Board of Indirect Taxes and Custom, Department of Revenue, Ministry of Finance, Govt. of India, New Delhi.

.....Respondents

Advocates for the Applicant : Shri K. P. Singh

Advocate for the Respondents : Shri L. P. Tiwari

ORDER

Heard Shri K. P. Singh, learned counsel for the applicant and Shri L. P. Tiwari, learned counsel for the respondents.

2. O.A. was to be listed for 20.02.2020. Learned counsel for the respondents was directed to file the CA within four weeks. Today, however, Misc. Application No. 330/00362/2020 is filed seeking amendment of the O.A. However, paragraph 4 of the Misc. Application reads as under:-

"That in view of the aforesaid development, the applicant may be permitted to amend the Original Application, in para 9, in place of "(a) None at this stage", as follows:-

"That during the pendency of the Original Application the representation dated 21.11.2019 may be decided by the competent authority."

3. Learned counsel for the respondents has opposed the prayer for amendment.

4. Heard and considered the arguments of the parties.

5. Looking to the nature of amendment and in the interest of justice the Misc. Application No. 330/00362/2020 is allowed. Learned counsel for the applicant shall amend the O.A. as sought by him during course of the day. The same has been done by learned counsel for the applicant at this stage.

6. Learned counsel for the applicant pays that the OA can be disposed of by directing the competent authority to consider and dispose of the representation of the applicant dated 21.11.2019 by passing a reasoned and speaking order within specified period of time.

7. Considering the facts and circumstances of the case, this Tribunal directs the competent authority amongst the respondents to decide the representation dated 21.11.2019 (Annexure -7) within a period of two months from the date of receipt of certified copy of this Order by way of speaking and reasoned order with intimation to the applicant.

8. It is made clear that we have not gone into the merits of the case.

9. With this direction, the OA stands disposed off. No order as to costs.

(RAKESH SAGAR JAIN)
MEMBER (JUDICIAL)

(DEVENDRA CHAUDHARY)
MEMBER (ADMINISTRATIVE)

/Shashi/