

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

OA No. 862/2019

Date of decision : January 10, 2020.

Coram: Dr. Bhagwan Sahai, Member (Administrative)
R.N. Singh, Member (Judicial).

Shri Manoj Jain,
Aged 42 years, Working as Superintendent
of Customs (Preventive), presently posted at
Mumbai Customs Zone- 1, NCH, Mumbai and
Residing at Flat- 285, Block- 29, Type-3 quarters,
CGS Colony, Ekta Vihar, CBD Belapur,
Navi Mumbai- 400 614.

.. Applicant.

(In person).

Versus

1. Union of India,
Through Revenue Secretary,
Ministry of Finance,
Department of Revenue,
Central Board of Excise and Customs (CBEC),
North Block, New Delhi- 110 001.
2. The Principal Commissioner of
Customs (General),
New Custom House,
Ballard Estate,
Mumbai- 400 001.
3. The Pay and Accounts Officer,
New Custom House,
Ballard Estate, Mumbai- 400 001.

.. Respondents.

Order (Oral)

Per : R.N. Singh, Member (J).

Applicant appeared in person.

2. The applicant has filed the present OA on
being aggrieved of non-issuing of Service
Verification Certificate to him by respondents

inspite of his representation dt. 30.04.2019(Annex. A-5).

3. The applicant contends that earlier he had filed OA No. 133/2019 which was disposed of vide order judgment dt. 18.02.2019(Annex. A-3) with directions to the respondents to dispose of his representation dt. 03.08.2018 by passing a reasoned and speaking order within four weeks on receipt of a certified copy of that order.

4. Thereafter, the applicant again filed OA No. 512/2019 with similar reasons which was also disposed of by the Tribunal vide order judgment dt. 05.08.2019(Annex. A-6). The operative portion of that order reads as under:

"2. The applicant has filed this OA seeking directions to the respondents to dispose off his representation dated 30.04.2019 for providing Service Verification Certificate to him for which action was required to be initiated by the Pay & Accounts Officer after 28.04.2019 in terms of the orders of the respondent No.2 dated 11.02.2019(Annex A-2). The applicant has rushed to this Tribunal without waiting for the reply. It is evident that this application is premature and cannot be considered at this stage without any order of the respondents that could be adjudicated.

3. In the circumstances, the OA is disposed off as premature. No order as to costs."

5. The applicant contends that in pursuance to above direction of the Tribunal in order dt.

18.02.2019, in OA No. 133/2019, the respondents have passed order dt. 11.04.2019 (Annex. A-4) and para-7 thereof reads as under:

"7. Accordingly, the officer will become eligible for the certificate for 18 years qualifying service on 28.04.2019 and further action accordingly will be initiated by Pay and Accounts Office in this matter after 28.04.2019."

6. The applicant contends that in view of what the respondents have indicated in para-7 of their order dt. 11.04.2019, they were required to issue the Service Verification Certificate after 28.04.2019. However, they have neglected to do so inspite of the applicant's representation dt. 30.04.2019 (Annex. A-5) therefor.

7. The applicant submits that he shall be satisfied if the OA is disposed of with directions to the respondents to consider his representation dt. 30.04.2019 (Annex. A-5) and to dispose it of in a time-bound manner.

8. In view of the aforesaid, the respondents are directed to consider the applicant's representation dt. 30.04.2019 (Annex. A-5) and dispose it of by passing a reasoned and speaking order as expeditiously as possible within four weeks on receipt of a certified copy of this order.

9. The OA is disposed of in aforesaid terms.

No costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
sMember (A).

Ram.

JJ
14/5/22