

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA.No.2390 of 1997

New Delhi, this 17th day of July, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastri, Member(A)

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L.S. Parmar
S/o Shri Haran Singh
R/o C-194/42, Gali Ahadwali
Chauhan Banger, Brahmpuri
Delhi-110053

... Applicant

(By Advocate: Shri V.K. Rao)

versus

Union of India, through

1. Secretary
Ministry of Finance
North Block
New Delhi.
2. Deputy Collector (P&V)
Customs & Central Excise Collectorate
I.T.O.
New Delhi.
3. Collector of Customs
Customs & Excise Collectorate
New Delhi.
4. Member (Per & Vigilance)
Central Board of Excise & Customs
Deepshika Building
Sansad Marg
New Delhi.

... Respondents

(By Advocate: Shri R.R. Bharti)

ORDER(Oral)

Justice Rajagopala Reddy

The applicant, while working as Air Customs Officer at Palam Airport, was charge-sheeted by proceedings dated 16.11.1983 on the following articles of charge:

"That Shri L.S. Parmar, Inspector of Customs and Central Excise Delhi while functioning as Air Customs Officer, Delhi Airport, New Delhi in the International Arrival Hall on 14.11.1982 assessed the Customs duty on a dinner set of a passenger Shri Ausat

CAO

Hussain to Rs.400/- only whereas its value was found to be Rs.1400/- and for which Customs duty on the remaining value of Rs.1000/- was charged from the said passenger.

Article:II

That Shri L.S. Parmar, Inspector of Customs and Central Excise while functioning during the aforesaid period at Delhi Airport, New Delhi as Air Customs Officer on 14.11.1982 demanded and accepted 100 U.S. Dollars from a passenger Shri Surinder Singh, as a consideration of showing him favour in clearance of his baggage.

Article:III

That Shri L.S. Parmar, Inspector of Customs and Central Excise while functioning as Air Customs Officer at Delhi Airport, New Delhi during the aforesaid period i.e. on 14.11.1982 was also found in possession of foreign currency of 2501 U.S. Dollars and 100 UA Dhiram.

2. The applicant denied the charges. The enquiry officer conducted an enquiry and found that the articles of charge have been proved. The disciplinary authority agreeing with the findings of the enquiry officer, imposed the penalty of removal from service by the impugned order dated 9.12.1993. The appeal was rejected by order dated 23.5.1994. The revision was also dismissed by order dated 12.8.1996. The present OA is filed aggrieved by the order of removal from service.

3. The learned counsel for the applicant submits that there is no evidence in this case to support the articles of charge. The learned



counsel for the respondents however contends that the enquiry officer has relied upon the oral as well as documentary evidence and found that the applicant was guilty of the charges. He contends that there is voluminous evidence in this case in support of the charges.

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4. We have given careful consideration to the contentions raised in this case.

5. The learned counsel for the applicant has taken us through the enquiry officer's report. The enquiry officer examined about 8 witnesses on the side of prosecution and 7 witnesses on the side of defence. He has discussed the entire evidence on record and given cogent reasons in support of his findings that all the three charges were established. The learned counsel for the applicant vehemently contends that the applicant being the Customs Officer and not an Assessment Officer, he cannot be found responsible for under-assessment of the goods. The enquiry officer has considered this aspect of the matter. In charge no. I it is not the case of the prosecution that as Assessment Officer he had undervalued the goods. The allegation against him was that he assessed the custom duty of goods at Rs.400/- instead of Rs.1400. It is seen based on his assessment the Superintendent who is the assessing authority has accepted the assessment

AO

made by him. It was only the ACS (Preventive) Shri Inderjit Maggu who could intercept the passenger and found that the goods assessed by the applicant was under-assessed.

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6. In this case, we find that there is abundance of evidence against the applicant. The evidence has been considered with reference to the articles of charge and the enquiry officer found that the applicant is guilty of the charges. In the exercise of judicial review jurisdiction, it is not possible for us to come to a different conclusion than the conclusion arrived at by the enquiry officer are incorrect. We are not the appellate authority. The findings given by the enquiry officer based upon the evidence, cannot be interfered by us.

7. In the circumstances, we do not find any merit in the OA. OA is dismissed. No order as to costs.

Shanta

(Smt. Shanta Shastry)
Member(A)

V. Rajagopala Reddy

(V. Rajagopala Reddy)
Vice Chairman(J)

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