

Central Administrative Tribunal
Principal Bench

R.A. No.119/2002
in
O.A. No. 141/2000

New Delhi this the 30th day of January, 2003

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Kuldip Singh, Member (J)

Shri S.K. Goel,
Commissioner (Customs & Central Excise)
R/o C-164, Sarvodaya Enclave,
New Delhi-110017.

-Applicant

(By Advocate: Shri K.K. Rai)

Versus

1. Union of India
Through the Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi-110 001.
2. Department of Personnel & Training,
Through the Secretary,
Ministry of Personnel Public Grievances
and Pensions, North Block,
New Delhi-110 001.
3. Mr. Y.G. Parande,
Commissioner of Customs (Air Cargo),
Sahar International Airport,
Andheri East,
Mumbai-400 099
4. Mr. Hari Om Tiwari
Commissioner of Customs and Central Excise,
107/7, Sarvodaya Nagar,
Kanpur-208005.
5. Mr. C. Sathpathy,
Commissioner of Customs
Sahar International Airport,
Mumbai-400 038.
6. Mr. Iype Mathew,
Commissioner of Central Excise,
L.B. Stadium Road,
Basheerbagh,
Hyderabad-500 004.

-Respondents

(By Advocate: Shri R.N. Singh)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Member (A)

Learned counsel heard.

2. Learned counsel of the applicant stated



that OA-141/2000 was decided by order dated 18.2.2002 in the absence of the applicant as well as his counsel. According to him, whereas applicant's counsel was present in the court on the date of hearing but was not present in the second round when the case was taken up by the court and decided in his absence. Learned counsel drew our attention to Annexure R-1 stating that applicant had undergone Coronary Artery Bypass Graft on 21.1.2002 in London where he had been advised to avail of rest for a further 10 weeks period from 10.2.2002. The applicant could also not be present in the court on the day when the case was taken up for decision. Learned counsel submitted that certain grounds which had been taken up in the OA were not dealt with by the court in the order in question. It was particularly mentioned that ACRs for certain years had been down graded by the reviewing authority but such down grading had not been communicated to the applicant and the remarks of the reviewing authority in those ACRs were taken into consideration by the DPC.

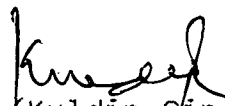
3. Learned counsel of the respondents stated that all points raised in the OA had been taken into consideration in order dated 18.2.2002. We find that the issue of non-communication of down graded remarks by the reviewing officer has not been dealt with in the Tribunal's order. Even if we go with the learned counsel of the respondents that absence of the counsel in the second round on 18.2.2002 is not a sufficient

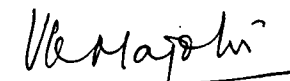
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ground for reviewing the order of the Tribunal, it is clear from the judgment that the issue of non-communication of down graded remarks by the reviewing officer for certain years has not been discussed in the judgment.

4. In the light of this, we find merit in the review application and recall order dated 18.2.2002 in OA-141/2002.

5. OA be listed again for re-hearing on 26.2.2003. Respondents are directed to keep the DPC records and ACRs for the relevant years ready on the next date for perusal of the court.


(Kuldip Singh)
Member (J)


(V.K. Majotra)
Member (A)

cc.