

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00295/2020

Friday, this the 24th day of July, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

B. Radhakrishnan, aged 44 years,
 S/o. Balakrishnan,
 Superintendent of Central Excise,
 (Now detention under COFEPOSA),
 C/o. Superintendent, Central Jail,
 Thiruvananthapuram-695 001,
 Residing at Mangallia, PTP Nagar,
 Thiruvananthapuram- 695 038. **Applicant**

(By Advocate : Mr. Elvin Peter P.J.)

V e r s u s

1. Union of India,
 represented by its Secretary,
 Department of Revenue,
 New Delhi – 110 001.
2. The Commissioner of Customs (Preventive),
 Catholic Centre, Broadway,
 Kochi-682 031. **Respondents**

(By Advocate : Mr. P.R. Sreejith, ACGSC)

This application having been heard on 24.07.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard Advocate Mr. Elvin Peter P.J., appearing for the applicant and Advocate Mr. P.R. Sreejith, ACGSC appearing for the respondents through video conferencing.

2. The applicant was serving as a Superintendent of Central Excise at Trivandrum International Airport. He is aggrieved by Annexure A3 order issued by the 2nd respondent imposing the penalty of dismissal from service against the applicant without following any procedure prescribed under law.

Applicant has filed this OA seeking the following reliefs:

“(i) call for the records leading to Annexure A3 order and set aside the same;

(ii) to issue a direction to the 2nd respondent to treat the applicant, under suspension as contemplated under the provisions of CCS (CC&A) Rules;

(iii) To declare that Annexure A3 order is not legally sustainable and void and non-est in law;

(iv) and grant such other and further reliefs as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

3. When the matter came up for consideration today, learned counsel for the applicant submitted that the OA may be admitted. However, on perusal of the pleadings it is seen that the applicant has not exhausted the alternative remedy of filing an appeal against the impugned Annexure A3 order.

4. **In view of the above situation, we direct the applicant to file a detailed appeal before the appellate authority within a period of two weeks from the date of receipt of a copy of this order and the appellate authority will consider the same and pass a reasoned and speaking order within a period of six months from the date of receipt of such appeal from the applicant.**

5. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

“SA”

Original Application No. 180/00295/2020

APPLICANT'S ANNEXURES

- Annexure A1** – True copy of the show cause notice dated 21.2.2020 issued by the 2nd respondent to the applicant.
- Annexure A2** – True copy of the reply dated nil issued by the applicant.
- Annexure A3** – True copy of the order dated 19.2.2020 issued by the 2nd respondent.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-