

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00637/2020

Thursday, this the 7th day of January, 2021.

CORAM:

**HON'BLE Mr. P. MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr. K.V. EAPEN, ADMINISTRATIVE MEMBER**

Rahul, 31 years,
S/o. Anand Prakash,
Inspector in Customs Preventive Division,
Kozhikode (dismissed from service),
Having Permanent place of Residence at No. 43,
Tajpur Village, Tajpur Khurd, New Delhi – 110 071. - Applicant

[By Advocate : Mr. Elvin Peter P.J]

Versus

1. Union of India represented by its Secretary,
Department of Revenue, New Delhi – 110 001.
2. The Principal Chief Commissioner of Central Tax,
Central Excise & Customs,
Office of the Chief Commissioner of Central Tax,
Central Excise & Customs, Thiruvananthapuram – 695 023.
3. The Commissioner of Customs (Preventive),
Commissionerate of Customs, 5th Floor,
Catholic Centre, Broadway, Kochi – 31. - Respondents

[By Advocate : Mr. T.C. Krishna, Senior PCGC]

The application having been heard on 07.01.2021, the Tribunal on the same day delivered the following:

ORDER

Per: Mr. P. Madhavan, Judicial Member

The applicant filed this O.A seeking the following reliefs:-

- “i. Call for the records leading to Annexure A-1 order and set aside the same.*
- ii) Issue a direction to the 3rd respondent to reinstate the applicant in service forthwith.*
- (iii) Issue a direction to the 2nd respondent to consider and pass orders on Annexure A-2 appeal after giving an opportunity of hearing to the applicant within a time frame fixed by this Hon'ble Tribunal.*
- iv) Issue a direction to the respondents 2 and 3 to disburse subsistence allowance to the applicant for the period from 01.09.2019 to 18.02.2020, the period of suspension of the applicant.”*

2. Learned counsel for the applicant submits that Respondent No. 3 has issued Annexure A-1 order violating the principles of natural justice and against the provisions of law and the 3rd respondent has allegedly held that the applicant is absconding and passed the impugned order. The applicant had submitted an appeal (Annexure A-2) against Annexure A-1 order before the Appellate Authority. The Appellate Authority has not disposed of the appeal yet.

3. Heard Mr. Elvin Peter P.J, learned counsel appearing for the applicant and Mr. T.C. Krishna, learned Senior PCGC appearing for the respondents.

4. When the matter came up for consideration, learned counsel for the applicant submitted that the applicant would be satisfied, if a direction is passed to dispose of his appeal produced as Annexure A-2 by the Appellate Authority by a speaking order after giving an opportunity to hear the applicant.

5. In view of the above submission, the O.A is disposed of with a direction to the competent authority to consider Annexure A-2 appeal in the light of relevant rules and regulations and after giving an opportunity to the applicant to be heard within a period of three months from the date of receipt of a copy of this order.

7. O.A is disposed of accordingly. No order as to costs.

(Dated, 7th January, 2021)

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

Applicant's Annexures

- Annexure A-1 - True photocopy of the order C. No. II/39/21/2019
Vig. CCP dated 18.02.2020 issued by the 3rd
respondent.
- Annexure A-2 - True photocopy of the appeal dated 25.11.2020
filed by the applicant before the Appellate
Authority.

Annexures of Respondents

NIL
