

(Signature)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1188/2004

New Delhi, this the 24th day of November, 2004

Hon'ble Mr. Justice V. S. Aggarwal, Chairman
Hon'ble Mr. S. K. Malhotra, Member (A)

Shri Duli Chand
D-4/4080, Vasant Kunj,
New Delhi – 110 070.

...Applicant

(By Advocate Shri Harpreet Singh, proxy for Shri C. Hari Shanker)

Versus

1. Union of India
through the Secretary,
Department of Revenue,
Ministry of Finance,
North Block
New Delhi – 110 001.
2. Central Board of Excise and Customs,
through the Chairman,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi – 110 001.
3. Commissioner
Directorate of Preventive Operations,
Customs & Central Excise,
4th Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi – 110 003.
4. Union Public Service Commission
through the Secretary,
Dholpur House,
Shahjahan Road,
New Delhi.

...Respondents.

(By Advocate Shri R.N. Singh, proxy for Shri R.V. Sinha)

O R D E R (ORAL)

Hon'ble Mr. Justice V.S. Aggarwal

The applicant earlier had filed OA 1537/2003. He was seeking to quash the order passed against him in disciplinary proceedings. The matter was

/s/ Ag



disposed of on 29.10.2003. The OA was allowed and the impugned order was quashed. It was directed that the applicant would be entitled to ~~monetary~~ ^{monetary} consequential benefits.

2. Against the said decision of this Tribunal, the Union of India filed a Civil Writ Petition 11784/2004 which was dismissed by the Delhi High Court on 26.5.2004.

3. By virtue of the present application that has been filed, the applicant seeks that the sealed cover should be opened and his claim should be considered for promotion as Additional Commissioner and Commissioner in accordance with law.

4. Learned counsel for the Union of India fairly informed us that against the decision of this Tribunal and that of the Delhi High Court referred to above, the Union of India intends to file a Special Leave Petition with the Apex Court. He did not dispute that as yet no stay has been granted by the Supreme Court.

5. Taking stock of these facts and also the last order passed by the Delhi High Court whereby the Writ Petition referred to above is dismissed on 26.5.2004, it would be appropriate to dispose of the present Original Application and accordingly we direct that the Union of India may take recourse in accordance with law by filing an appeal, if deemed appropriate. If no stay order is granted or is obtained within two months from today, the respondents should open the sealed cover and take necessary consequential steps.

6. Issue order DASTI.



(S.K. Malhotra)
Member (A)



(V.S. Aggarwal)
Chairman