

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 8TH DAY OF DECEMBER, 2000

Original Application No.1382 of 2000

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Vimal Kumar, son of Shri L.R.Verma,  
R/o S/1-61, Shastri Nagar  
Ghaziabad, worked as Superintendent  
Central Excise, Meerut Commissionerate I.

...Applicant

(By Adv: Shri V.Prakash)

Versus

1. Union of India through Deputy Secretary  
Govt.of India, Ministry of Finance  
Department of Revenue CBEC(Ad.V),  
New Delhi.
2. The President of India(The Appellate  
AUTHORITY, New Delhi.
3. Commissioner, Central Excise,  
Meerut I

...Respondents

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of A.T.Act 1985 the applicant has questioned the legality of the order dated 1.3.2000 by which he had been dismissed from service by the appointing authority in exercise of powers conferred on him under clause(b) of II Proviso to Article 311(ii) of the Constitution of India readwith Rule 19(ii) of CCS(CCA) Rules 1965. Admittedly, applicant has remedy of appeal against the impugned order under Rule 22 of the CCS(CCA) Rules.

The applicant has already filed appeal on 6.3.2000. Copy of the memo of appeal has been filed as (Annexure 1 to this application). Learned counsel has submitted that appeal of the applicant has not been decided though more than six months have passed. Since the appeal of the applicant is pending, in my opinion the ends of justice shall be better served if the Appellate Authority is directed to consider the appeal of the

applicant within a specified time. Such departmental appeals normally should be decided within three months to six months as directed by Hon'ble Supreme court in Case *S.S. Ralhanse vs. State of M.P.* AIR 1990 S.C. 10A long time has already been taken by the Appellate Authority.

Considering the facts and circumstances, this application is disposed of finally with a direction to the respondent no.1 to get the appeal of the applicant decided by the Competent Authority in accordance with law within a period of three months from the date a copy of this order is filed before him.

There will be no order as to costs.

  
VICE CHAIRMAN

Dated: 8.12.2000

Uv/