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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**O. A. NO. 260/00379 OF 2015
Cuttack, this the 3rd day of July, 2015**

**CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)**

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Sri Ashok Ratilal Mahida,
aged about 47 years,
Son of Ratilal Mahijibhai Mahida,
At present: Qtr. No.Type-V/01(Old),
C.R. Colony, Rajaswa Vihar,
Vani Bihar, P.S. Sahidnagar,
Bhubaneswar-751007, Dist-Khurda, Odisha,
At present working as Additional Commissioner
Of Central Excise, Customs and
Service Tax, Bhubaneswar-I Commissionerate,
O/o.- Chief Commissioner of Central Excise, Customs and Service Tax,
Central Revenue Building, Rajaswa Vihar, Bhubaneswar, Dist. Khurda,
PIN- 751007.

.....Applicant

Advocate(s).....M/s. J.M.Patnaik, C.Panigrahi

VERSUS

Union of India represented through

1. Revenue Secretary,
Govt. of India, Ministry of Finance,
Department of Revenue, North Block,
New Delhi.
2. Chairperson,
Central Board of Excise & Customs,
Ministry of Finance, Department of Revenue,
North Block, New Delhi-110001.
3. Under Secretary to Govt. of India,
Ministry of Finance, Department of Revenue,
Central Board of Excise & Customs, New Delhi.
4. Chief Commissioner of Central Excise, Customs and Service Tax,
Central Revenue Building, Rajaswa Vihar,
Bhubaneswar, Dist. Khurda, PIN-751007.

Alka

5. Commissioner & Inquiry Authority,
Central Excise, Ahmadabad-II, Customs House,
Navarangapura, Ahmedabad, Gujarat.

..... Respondents

Advocate(s).....Mr. S. Behera

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. J.M.Pattnaik, Learned Counsel for the Applicant, and Mr. S.Behera, Ld. Sr. Central Govt. Panel Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

- (i) To quash the charge sheet issued vide Memorandum dated 08.09.2010 under Annexure-A/2.
- (ii) And direct the Respondents to grant him all consequential service and financial benefits retrospectively.
- (iii) To pass any further order..... ”

3. The applicant in this present O.A. challenges the Memorandum No.28/2010 dated 08.09.2010 issued under Rule 14 of the CCS (CC&A) Rules, 1965. The case of the applicant is that he is an IRS Officer (DR-1990) and has served at different places on different spells. While continuing as Additional Commissioner in the office of the Commissioner of Central Excise, Rajkot, Gujarat, on 01.07.2007 a search and seizure of the house of the applicant was conducted by the CBI. He was placed under suspension on 13.08.2007. He was subsequently reinstated to service on 26.02.2010. On 08.09.2010 charge sheet under Rule 14 of the CCS (CC&A) Rules, 1965 was issued to the applicant. Mr. Pattnaik, Ld. Counsel for the applicant, submitted that denying the charges leveled against him, the applicant filed



representation vide Annexure-A/3 dated 20.03.2014 before Commissioner & Inquiry Authority (Respondent No.5) followed by reminder dated 04.07.2014 (Annexure-A/4) and having received no response he has moved this Tribunal in this present O.A.

4. In view of the above, since the representations of the applicant are stated to be pending, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 5 to consider and dispose of the representations, if the same have been preferred by the applicant and are still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of two months from the date of receipt of a copy of this order. However, the points raised by the applicant in his representations are kept open for the authorities to consider the same as per the rules and regulations in force. It is further directed that till the 30th September, 2015, further proceeding in pursuance of Memorandum No. 28/2010 dated 8th/17th September, 2010 shall be stayed.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Patnaik, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 5 by Speed Post for which he undertakes to file the postal requisites by 07.07.2015.


(A.K.PATNAIK)
MEMBER(Judl.)