

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No.260/00642/2015

Cuttack this the 25th day of September, 2015

CORAM

HON'BLE MR. A.K.PATNAIK, MEMBER (J)

.....

Ashok Ratilal Mahida, aged about 47 years, S/o Ratilal Mahijibhai Mahida, resident of 201 Silver Leaf Apartment, 03, Mamta Society, Ellora Park, Vadodora-23, residing in Quarter No. Type V/01 (Old), CR Colony, Rajaswa Vihar, Vani Vihar, P.S. Sahidnagar, Bhubaneswar-07, District Khurda, Odisha, at present working as Additional Commissioner of Central Excise, Customs and Service Tax, Bhubaneswar-1, Commissionerate, O/o the Chief Commissionr of Central Excise, Customs and Service Tax, Central Revenue Building, Rajaswa Vihar, Bhubaneswar, District Khurda- 07.

...Applicant

(Advocate: M/s. J.M. Pattnaik, C. Panigrahi)

VERSUS

1. Union of India represented through the Revenue Secretary, Government of India, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. The Chairperson, Central Board of Excise & Customs, Ministry of Finance, Department of Revenue, North Block, New Delhi-1.
3. The Director General (CVO), Customs & Central Excise, 2nd & 3rd Floor, Samrat Hotel, Kautilya Marg, Chanakyapuri, New Delhi.
4. Under Secretary to Government of India, Ministry of Finance, Department of Revenue, Central Board of Excise & Customs, New Delhi.
5. The Chief Commissioner of Central Excise, Customs and Service Tax, Central Revenue Building, Rajaswa Vihar, Bhubaneswar, Dist.Khurda, Pin-751007.
6. The Commissioner & Inquiry Authority, Central Excise, Ahmadabad-II, Customs House, Navarangapura, Ahmadabad, Gujurat.

... Respondents

(Advocate: Mr.S. Behera)

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. J.M. Pattnaik, Ld. Counsel appearing for the Applicant and Mr. S. Behera, Ld. SCGPC 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 Tribunal Act, 1985 challenging the Memorandum No.6/09 dated 28.01.09/ 23.02.09 issued vide F.No.C-1411/53/07-AD.V/573 under Rule 14 of the CCS (CC&A) Rules, 1965 and action taken thereafter. He has further alleged inaction of the Respondents-authorities in considering the series of representations made from 24.07.2013 (Annexure-A/3) and the last being dated 29.12.2014(Annexure-A/13) praying for dropping of the proceedings. The same are stated to be still pending consideration. Hence the applicant has filed the present O.A. for a direction to the Respondents to quash the Memorandum No.6/09 dated 28.01.09/ 23.02.09 issued vide F.No.C-1411/53/07-AD.V/573 under Rule 14 of the CCS (CC&A) Rules, 1965 (Annexure-A/2) and declare that further action taken thereafter is illegal and bad in law and with a further direction to grant the applicant all consequential service and financial benefits retrospectively.


3. In view of the aforesaid facts, I find that as appelling his grievance the applicant has been representing before the authorities time and again vide Annnexure-A/3 dated 24.07.2013 and the last being dated 29.12.2014(Annexure-A/13) before the Respondent No.3, I do not feel it proper to keep the matter pending. Accordingly, I dispose of this O.A. by directing Respondent No.3 that if the representation dated 29.12.2014(Annexure-A/13) preferred by the applicant is still pending for consideration, Respondent No.3 is hereby directed to consider and dispose of the same as per Rules and communicate the result thereof to the applicant by way of a reasoned order within a period of sixty days from the date of receipt of copy of this order. I hope and trust that the said Respondente No.3 will consider all the points raised in the appeal as per



rule. However, I am not expressing any opinion on the merit of the matter and the points raised by the applicant in his representation is kept open for the authorities to consider the same as per rules, regulations and law in force. If, after such consideration, the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of three months from the date of such consideration to extend the said benefit to the applicant. However, it is made clear that no further proceeding till 10.01.2016 will be initiated. If, in the meantime, the said representation has already been disposed of, then the result thereof be communicated to the applicant within a period of four weeks' from the date of receipt of a copy of this order.

4. With the aforesaid observation and direction this O.A. is disposed of at the stage of admission itself. No costs.

5. On the prayer made by Mr. J.M. Pattnaik, Ld. Counsel for the applicants, copy of this order, along with paper books, be sent to Respondent No.3 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 30.09.2015.


(A.K.PATNAIK)
MEMBER(J)