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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00003 OF 2016
Cuttack, this the 15th day of January, 2016

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

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Shri Bijay kumar Nayak, aged about 51 years, Son of Late Gangadhar Nayak, resident of Flat No. 2/A, Magnum Avode Apartment, back of OTV, Chandrasekharpur, Bhubaneswar, PIN- 751016, presently working as Assistant Commissioner, Central Excise , Customs & Service Tax, Bhubaneswar-II Commissionerate, Bhubaneswar Zone, Bhubaneswar.

.....Applicant

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

-VERSUS-

Union of India Represented through

1. The Revenue Secretary to Government of India, Ministry of Finance Department of Revenue, Central Board of Excise & Customs, North Block, New Delhi-110 001.
2. The Chairperson, Central Board of Excise & Customs, Ministry of Finance Department of Revenue, North Block, New Delhi-110 001.
3. The Chief Commissioner, Central Excise, Customs & Service Tax, Bhubaneswar Zone, C.R. Building, Rajaswa Vihar, Bhubaneswar-751007.

... Respondents

(Advocate: Mr. B.P. Nayak)

ORDER (Oral)

A. K. PATNAIK, MEMBER (J):

Heard Mr. J.M. Patnaik, Ld. Counsel appearing for the applicant and Mr. B.P. Nayak, Ld. ACGSC, 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:

"...Respondents be directed to declare the adoption of sealed cover for the promotion to the grade of Deputy Commissioner on ad-hoc basis is ultra virus/bad in law; and to promote the applicant to the grade of Deputy Commissioner, i.e, Grade V in the Indian Revenue Service (Customs & Central Excise) in CBEC, Department of

[Signature]

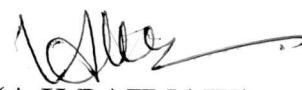
Revenue, from the date his juniors were promoted vide order dated 18th July, 2014 with all consequential service and financial benefits.”

3. Mr. Patnaik, Ld. Counsel submitted that due to non-consideration of the case of the applicant for the aforesaid relief, he submitted representation dated 05.08.2014 (Annexure-A/5) to Respondent No.2. It has further been submitted that till date no response has been received by the applicant on his representation. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since the representation dated 05.08.2014 (Annexure-A/5) submitted by the applicant is stated to be pending, at this stage, without entering into the merit of the matter, I would direct Respondent No.2 to consider the representation dated 05.08.2014 (Annexure-A/5) and dispose of the same with a reasoned and speaking order to be communicated to the applicant within a period of three months from the date of receipt of copy of this order. I hope and trust, in the event of such consideration if the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken to extend the benefit to him preferably within a further period of three months from such consideration. Though I have not expressed any opinion on the merit of the case, I make it clear that all the points raised in the representation will be kept open for the Respondents for consideration as per the extant rules, regulations and law in force.

5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. 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. 2 by Speed Post for which Mr. Patnaik undertakes to file the postal requisites by 20.01.2016.


(A.K.PATNAIK)
MEMBER(J)