

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

Dated Thursday the second day of February,  
One thousand nine hundred and eighty nine.

Present

Hon'ble Shri G Sreedharan Nair, Judicial Member  
and

Hon'ble Shri N V, Krishnan, Administrative Member

OA No.61 of 1989

Alfred D' Souza : Applicant

Vs

- 1 The Collector of Customs  
Custom House, Cochin-9.
- 2 The Central Board of Excise  
& Customs, rep. by its Secretary  
Ministry of Finance  
Government of India, New Delhi : Respondents

M/s V. Rajendran & Anil Sivaraman : Counsel of Applicant

Mr PV Madhavan Nambiar, Sr CGSC : Counsel of Respondents.

O R D E R

Shri G Sreedharan Nair, Judicial Member

Copies of the application and of the documents  
have been served on the Sr CGSC on behalf of the  
respondents.

2 We admit the original application, and in  
view of the nature of <sup>the claimed</sup> relief we propose to dispose  
it of finally.

3 The only relief that is claimed in this  
application by a Preventive Officer in the Custom

House, Cochin against whom disciplinary proceedings were initiated as early as on 26.2.82 and the penalty of compulsory retirement was imposed by the order dated 21.11.85, is for a direction to the second respondent before whom the applicant has preferred the appeal as contemplated under the Statutory Rules, *to dispose of the same.*

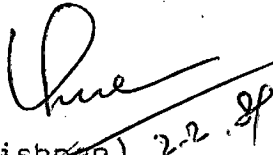
4 Admittedly, the appeal has not yet been considered, though more than 3 years have elapsed since this <sup>was</sup> filed. It is seen that when the second respondent was reminded about the appeal by the applicant, he was informed that the appeal has not been taken up "due to non-availability of some case records".

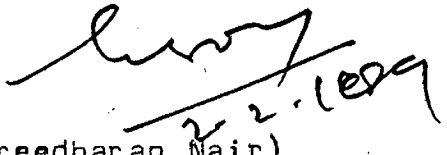
5 In a case where a penalty of compulsory retirement has been imposed on <sup>a</sup> Civil Servant, who in the normal course would have ~~been~~ retired from service on superannuation only more than a decade thereafter, the necessity for a speedy disposal of the appeal, statutorily provided, has to be underlined.

6 We hereby direct the second respondent to consider and dispose of the appeal preferred by the applicant within a period of two months from the receipt of copy of this order. In case any of the case records necessary for the disposal of the appeal are pending with any other authority,

the second respondent shall take urgent steps  
for summoning those records for the purpose of  
consideration of the appeal.

7 The application is allowed as above.

  
(NV Krishnan) 2.2.89  
Administrative Member  
2.2.89

  
(G Sreedharan Nair)  
Judicial Member  
2.2.89