

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.105 of 1998

Wednesday this the 28th day of January, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

C.N. Sreedharan,
former Tax Assistant,
Central Excise, residing at
Thapovanam, Chempakapallil,
Nadackavu, Perungala,
Kayamkulam.

...Applicant

(By Advocate Mr. R. Rajasekharan Pillai)

Vs.

1. Union of India, represented by the Secretary, Ministry of Finance, New Delhi.
2. The Central Board of Excise and Customs, New Delhi rep. by its Chairman.
3. The Principal Commissioner, Customs and Central Excise, 121 Nungambukkam Road, Madras, Tamil Nadu.
4. The Commissioner, Central Excise & Customs, I.S. Press Road, Ernakulam, Cochin.
5. The Deputy Commissioner (P&V), I.S. Press Road, Cochin.

....Respondents

(By Advocate Mr. Thomas Mathew Nellimootil, ACGSC)

The application having been heard on 28.1.98, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

This application is directed against an order dated 28.11.97 (A9) of the Additional Commissioner (P&V), Office of the Commissioner of Central Excise & Customs, Cochin retiring the applicant prematurely invoking the provisions of F.R.56-J. Aggrieved by the premature retirement the applicant has submitted a representation to the third respondent, the Principal Commissioner, Customs and Central Excise, Madras, which has not been disposed of

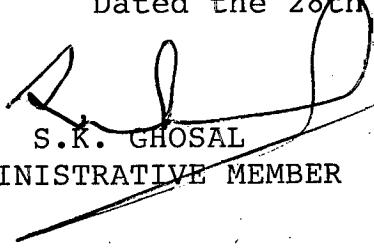
yet. The impugned order has been assailed by the applicant on various grounds and he prays that the same may be set aside.

2. When the application came up for hearing today, the learned counsel appearing for the respondents Shri Thomas Mathew Nellimootil stated that the representation submitted by the applicant against the impugned order of premature retirement (A.10) has been received by the third respondent and as the Principal Commissioner, Customs & Central Excise, Madras is not being the competent authority, the same has been forwarded to the competent authority for disposal and that the same would be disposed of within any time to be stipulated by this Tribunal. He therefore, urges that the application may be disposed of with appropriate direction to the respondents 1 to 3 to have the representation of the applicant (A10) considered and disposed of by the competent authority.

3. In the light of what is stated by the learned counsel for the respondents, which is agreed to by the counsel for the applicant, the application is disposed of with a direction to the respondents 1to3 to have the representation submitted by the applicant (A10) against the impugned order A9 considered ^{by the competent authority} ~~in accordance with law~~ in the light of the grounds raised in the original application and to give the applicant a speaking order within a period of three months from the date of communication of a copy of

this order. For facilitating early disposal of the representation, the learned counsel for the respondents undertakes to forward a copy of this order as also a copy of the original application with its enclosures to the respondents 1 to 3 forthwith. There is no order as to costs.

Dated the 28th day of January, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A9: Order No.C.No-II/39/61/97 Cen.CX, dated 28.11.1997 issued by the 5th respondent to the applicant.
2. Annexure A10: Representation submitted by the applicant to the 3rd respondent.

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