

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.255/2003.

Monday this the 31st day of March 2003.

CORAM:

HON'BLE MR.T.N.T NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

R.Nandanam Thampi,
Senior Technical Assistant,
Telecommunication Wing,
Central Excise Bhavan,
Kathrukadavu, Kaloor,
Cochin-682 017. Applicant

(By Advocate Shri.C.S.G.Nair)

Vs.

1. Member (Personnel)
Central Board of Excise & Customs,
North Block, New Delhi-1.
2. The Additional Commissioner (P&V),
Office of the Commissioner of
Central Excise & Customs,
I.S.Press Road,
Cochin-682 018.
3. Union of India, represented by the
Secretary, Department of Revenue,
Ministry of Finance, North Block,
New Delhi-110 001. Respondents

(By Advocate Shri Sunil Jose, ACGSC)

The application having been heard on 31st March, 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant is a Senior Technical Assistant in the
Telecommunication Wing of Central Excise Department at Kochi.
For the year 2000-2001 there were several adverse entries in the
applicant's ACR and a few of these entries made by the reporting
officer were confirmed by the Reviewing authority by Annexure A-1
dated 23.8.2001. However, on appeal some of the adverse entries
were expunged, while the remaining entries were sustained vide

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A-2 communication dated 7.1.2002. The applicant is seen to have made a memorandum of appeal to the President of India represented by the first respondent viz., Member (Personnel) Central Board of Excise & Customs, New Delhi, on 22.4.2002(A3). This is still pending. The applicant seeks the following reliefs:

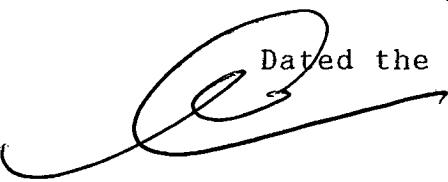
- i) To direct the Ist respondent to dispose of Annexure A-3 Appeal within a stipulated time.
- ii) To grant such other relief or reliefs that may be urged at the time of hearing or that this Hon'ble Tribunal may deem fit to be just and proper.

2. When the matter came up for admission it was pointed out by Shri CSG Nair, learned counsel for the applicant that the factual background of the case had not been properly appreciated and considered by the reviewing authority (R-2). The applicant had no alternative but to make a representation to the Ist respondent as per A-3 and that the applicant would be satisfied, if the said representation or memorandum is properly considered and disposed of and an appropriate reply is given to the applicant. Shri Sunil Jose, learned ACGSC has, in fairness, agreed that the application may be disposed of by directing the Ist respondent to consider and dispose of A-3 memorandum dated 22.4.2002 within a time frame, if the same has not already been disposed of.

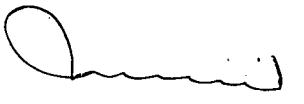
3. On the basis of the above submissions made by the learned counsel on either side, we proceed to dispose of this O.A. by directing the first respondent to verify and consider the facts mentioned in A-3 Memorandum dated 22.4.2002 and dispose of the

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same by giving an appropriate reply to the applicant expeditiously, if it has not already been disposed of. The 1st respondent is directed to dispose of such memorandum within a period of three months from the date of receipt of a copy of this order. No order as to costs.


Dated the 31st March, 2003.

K.V. SACHIDANANDAN
JUDICIAL MEMBER


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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