

CENTRAL ADMINISTRATIVE TRIBUNAL: ERNAKULAM BENCH

Date of decision: 12.1.90

Present

Hon'ble Shri NV Krishnan, Administrative Member

DA 28/89

TK Sreenivasan

: Applicant

Vs.

1 The Secretary, Central Board of  
Excise & Customs, North Block,  
New Delhi-1

2 The Collector of Central Excise,  
Broadway, Cochin - 31

3 Deputy Collector of Central Excise  
Broadway, Ernakulam : Respondents

M/s K Ramakumar &  
VR Ramachandran Nair : Counsel of Applicant

Mr Thomas John, ACGSC : Counsel of Respondents

ORDER

The applicant has impugned the letter dated 4.6.87 (Annexure A) sent to him by the Deputy Collector, (P&E) in the office of the Collector of Central Excise, Cochin (Respondent-3) conveying the adverse remarks entered in his confidential report for the period ending 31.12.86. The applicant was also informed that if he was aggrieved by this remark, he could prefer an appeal to the Collector of Central Excise.

2 Accordingly, the applicant preferred an appeal dated 25.7.87 (Annexure B) addressed to the Collector, Central Excise (Respondent-2). This appeal was rejected by Respondent-2 by his letter dated 25.11.87 (Annexure C) in which the applicant was merely informed that after

careful consideration his appeal was rejected.

3 The applicant then submitted another appeal to the Central Board of Excise and Customs on 24.5.88 (Annexure D). That appeal also received the same treatment in the sense that he was informed by the office of the Collector, Central Excise, Cochin by the letter dated 26.10.88 (Annexure F) that the Board has also rejected his appeal.

4 The applicant has impugned the letters at Annexure A, C and F. In addition, he has also impugned the letter dated 11.12.87 (Annexure E) by which was has been informed by the Respondent-3 that he has not been found fit to cross the Efficiency Bar with effect from the due date 1.11.87.

5 When the case came up for hearing Shri VR Ramachandran Nair, Advocate, Counsel of applicant stated that as a matter of fact, the letter at Annexure E has been issued in pursuance of the other letters at Annexure A, C & F which have been impugned by him. He clarified that it was not the applicant's intention to impugn the Annexure E letter.

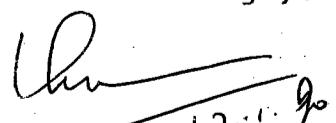
6 I have heard the counsel. It was pointed out to the counsel of respondents that the impugned letters at Annexure C & F, disposing of the applicants first and second appeals are laconic in as much as not one single reason has been given as to why the appeals were rejected. Counsel of respondents pointed out that in para-8 of the reply affidavit it has been stated that

as the decisions contained in the letters at Annexure-C and F respectively were taken by Respondent-1 and Respondent-2 in an administrative capacity, the reasons for rejecting the appeals were not communicated.

7. I am unable to agree with this contention. If an appeal is provided, it is a basic requirement that a reasoned speaking order is issued, even if it be in a brief terms. The letters at Annexure-C and F cannot be called appellate orders in the true sense of that term. The applicant has raised a number of issues in his appeal (Annexure-B) and it was the duty of the Appellate Authority to say something about those grounds as well as the reasons why he did not find them satisfactory for acceptance.

8. In the circumstances, it is necessary to remand the case to the appellate authority with the direction that he may consider the appeal filed by the applicant on 25.7.87 (Annexure-B) afresh and dispose of that appeal in accordance with law, keeping in view the observations made above. It is so done. In this circumstance, the letters at Annexure-C and Annexure-F are quashed and the case remitted back to the 2nd Respondent for disposal as directed above.

9. The applications is disposed of accordingly.

  
12.1.90  
(N.V. Krishnan)  
Administrative Member

12.01.1990.