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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCH

O.A. No. 520 of 1988
~~TA No.~~
~~XXXXXX~~

DATE OF DECISION 28-7-1988

Shri T.M.Kadam Petitioner

Shri P.V.Patankar Advocate for the Petitioner(s)

Versus

The Collector of Central Respondent(s)
Excise and others

Shri M.I.Sethna, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C.GADGIL, VICE CHAIRMAN

The Hon'ble Mr. L.H.A. REGO, MEMBER(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal? *m*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH: NEW BOMBAY

G.A.NO.520 OF 1988

Shri Tatyasaheb Marutirao Kadam,
55 years, Superintendent of
Central Excise, Range XI Div.K-I
Bombay-I Collectorate,
Godfrey Phillips India Ltd.,
Andheri, Bombay-400 099.

.. Applicant

-vs.-

1. The Collector,
Central Excise,
Bombay Collectorate-I,
New Central Excise Building,
M.K.Road, Churchgate,
Bombay-20.

2. Union of India,
through Secretary,
Ministry of Finance Deptt.,
and Revenue, North Block,
New Delhi.

.. Respondents.

CORAM: Hon'ble Vice Chairman Shri B.C.Gadgil
Hon'ble Member(A) Shri L.H.A. Rego.

Appearance:

1. Shri P.V.Patankar,
Advocate for the Applicant.
2. Shri ~~Indra~~ M.I.Sethna,
Advocate for the respondents.

ORAL JUDGMENT:

Dated:28-7-1988.

(Per: Hon'ble Vice Chairman Shri B.C.Gadgil)

This is a matter which deserves to be summarily
rejected at the stage of admission itself.

2. A Departmental Enquiry was initiated against
the applicant on the basis of the chargesheet dated
10-3-1988 in regard to an incident that took place in
1978-79, when the applicant was working as Superintendent

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of Central Excise. The applicant has challenged on diverse grounds, the initiation of this Departmental Enquiry.

3. It was contended that the gravamen of the charge was that the applicant recommended exemption from payment of excise duty on certain articles manufactured by M/s. Tencom Industrial Corporation, in respect of goods falling under Tariff Item No. 68 according to Notification No. 89 of 1979, without proper verification of the aggregate value of the goods falling under Tariff Items Nos. 34-A and 68 with reference to the preceding Financial Year 1978-79. It is alleged, that such verification was necessary, in view of the Notification dated 1-3-1979, as amended on 13-3-1979.

4. It is true that the Departmental Enquiry has been initiated after a lapse of about ten years. However, there is no general rule that initiation of the enquiry after such lapse of time is liable to be struck down. Everything depends upon the facts of the present case.

5. Shri Sethna, learned Counsel for the respondents, drew our attention to the fact, that for the same transaction, another officer of the Excise Department, namely, Shri G.D. Bapat was dealt with, in a Departmental Enquiry and that he had filed an application bearing No. Stamp Application 352/88 before this Tribunal, challenging the said Departmental Enquiry. That application was summarily dismissed by this Tribunal on 14-6-1988, with a direction to the respondents however, that they should complete the Departmental Enquiry and pass final orders thereon expedi-

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expeditiously, preferably by 1st January, 1989.

6. In our opinion, in this case also, a similar order would meet the ends of justice. Hence, we pass the following order:

ORDER

The application is summarily rejected, however, subject to a direction to the respondents, that the departmental enquiry against the applicant should be completed and final orders thereon be passed expeditiously, preferably by 1st January, 1989. It is needless to say that the applicant should co-operate with a view to ensure that the departmental enquiry is concluded speedily.


(L.H.A. REGO) 25.7.1989
MEMBER(A).


(B.C. GADGIL)
VICE CHAIRMAN.