

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, CAMP AT PANAJI.

O.A.533/96.

Dated : 10.4.1997

Coram : Hon'ble Shri B.S. Hegde, Member (J)
Hon'ble Shri P.P. Srivastava, Member (A)

H.M. Afonso,
Preventive Officer,
Customs House, Mormugao.
Goa.

.. Applicant.

(By Advocate Shri G.R. Sharma)

Vs.

1. Union of India, through
Secretary, Ministry of Finance,
(Revenue), New Delhi.
2. The Commissioner of Customs &
Central Excise,
Panaji, Goa.

.. Respondents.

(By Advocate Shri S.R. Rivankar, Counsel)

O R D E R

(Per : B.S. Hegde, Member (J)

The learned Counsel for the applicant drew our attention to the adverse remarks passed by the respondents that review authority vide letter dated 7.6.1995 that the conduct of the applicant for the period 1.4.94 to 31.3.95 stating that the applicant "often under the influence of alcohol he misbehaves, creates scenes, sets bad example of discipline to others and lowers image in public eye. He is unworthy to be a uniformed officer for want of discipline".

2. Pursuant to this remarks the applicant vide his representation dated 22.6.1995 sought for direction / clarification of the respondents before sending the representation as is required under the rules. The said

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representation dtd.22.6.1995 was replied by the respondents vide their letter dtd.7.8.1995 stating therein that the competent authority has gone through the representation and accordingly the same is rejected as there is no sufficient ground for interference. Thereafter applicant made an representation dtd.20.9.95 which has not yet been disposed of by the respondents. The applicant is promoted as Superintendent of Customs (Preventive) by virtue of order dtd. 30.9.1996 in which nearly 295 posts have been upgraded as Superintendent of Customs by upgradation in which the applicant is one of them. The Counsel for the applicant submitted despite promotion through upgradation of posts, the blot remains and no memos, warnings have been issued by the respondents before passing the adverse remarks during that period, therefore in the absence of which the adverse remarks passed by the reviewing authority is unwarranted and without justification.

3. In the light of the above, the pending representation being not yet disposed of, we hereby direct the respondents to consider his representation and pass a speaking order within a period of 3 months from the date of receipt of this order. Keeping in view of the observation of the Tribunal in this behalf. Liberty is given to the applicant to agitate the same after final decision given by the respondents if he is aggrieved. The O.A. is disposed of with the above direction but with no order as to the costs.


(P.P. SRIVASTAVA)
MEMBER (A)


(B.S. HEGDE)
MEMBER (J)