

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 139/99.

Date of Decision: 13/7/99

Shri Rajan Kumar Routray

Applicant.

Shri P.A.Prabhakaran

Advocate for  
Applicant.

Versus

Union of India & 3 Ors.

Respondent(s)

Shri V.D.Vadhavkar for

Shri M.I.Sethna

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. B.N.Bahadur, Member(A).

Hon'ble Shri.

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to  
other Benches of the Tribunal?

*B.N.Bahadur*

(B.N.BAHADUR)  
MEMBER(A)

abp.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

GULESTAN BLDG. NO. 6, 4TH FLR.

PRESOT RD, FORT, MUMBAI-400001.

ORIGINAL APPLICATION NO:139/99.

DATED THE 13TH DAY OF JULY, 1999.

CORAM:Hon'ble Shri B.N.Bahadur, Member(A).

Shri Rajan Kumar Routray,  
resident of:

Flat No. 408 'B' Wing,  
"Radiant" Raheja Vihar Rowat  
Mumbai - 400 072.

Presently working as:

Asst. Commissioner of Custom,  
at Jawahar Customs House,  
Sheva Raigad, Maharashtra.

... Applicant.

By Advocate Shri P.A.Prabhakaran.

v/s.

1. Union of India,  
through the Chairman,  
Central Board of Excise & Customs,  
Ministry of Finance,  
Department of Revenue North Block,  
New Delhi-110 001.

2. Director General,  
Directorate of Revenue Intelligence,  
'D' Block Indraprastha Bhavan,  
I.P.Estate,  
New Delhi-110 002.

3. R.Bhattacharjee,  
Additional Director General,  
8, Nochiminh Sarani,  
2nd Floor, Suit No.16,  
Calcutta-71.

4. Commissioner of Customs,  
Sheva Jawahar Customs House,  
J.N.Road, Dist.Raigad,  
Maharashtra.

... Respondents.

By Advocate Shri V.D.Vadhavkar for  
Shri M.I.Sethna.

...2/-

⑧ O R D E R

¶ Per Shri B.N.Bahadur, M(A)

This is an application made by Shri Rajan Kumar Routray seeking the reliefs as follows:-

- A. to direct the respondents to expunge all the adverse remarks in the Annual Confidential Report of the applicant for the year 1993-94.
- B. to quash and set aside the order of the respondent No.1 rejecting the applicants representation.
- C. to record appropriate entries in the ACR of the applicant for the year 1993-94 in an objective and dispassionate manner.
- D. to grant any other relief deemed fit and proper on the facts and in the circumstances of the case.
- E. to grant the cost of this application.

¶ The applicant has also filed MP-149/99 for condonation of delay.

2. The learned counsels on both sides have been heard. Delay is condoned in the facts and circumstances of the case.

3. It is seen that the representation against adverse remarks made by the applicant initially was rejected. Thereafter, the applicant has ~~filed~~ a memorial to the President, against the rejection of the representation by the Competent Authority, on 13/5/96. Applicant contends that the memorial has not yet been disposed of. It would be in the fitness of things that the memorial submitted by the applicant is first disposed of before this ~~if at all~~ Part

Tribunal goes into the matter.

4. In the facts and circumstances of the case, therefore it is hereby ordered that the Respondent No.1 shall dispose of the memorial said to have been made by the applicant dated 13/5/96, if not disposed of already, within a period of four months from the date of communication of a copy of this order.

5. With the above order, the application is hereby disposed of at the stage of admission. No costs.

*BnB ahadur*

(B. N. BAHADUR)  
MEMBER (A)

abp.

*13/7/99.*

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
REVIEW PETITION NO:34/99 IN  
ORIGINAL APPLICATION NO:139/99.

HONOURABLE SHRI B.N.BAHADUR, MEMBER(A).

Shri Rajan Kumar Routray  
resident of:  
Flat No.408 'B' Wing,  
"Radiant" Raheja Vihar Rowat,  
Mumbai - 400 072. ... Petitioner

By Advocate Shri P.A.Prabhakaran.

v/s.

Union of India  
through the Chairman,  
Central Board of Excise & Customs,  
Ministry of Finance,  
Department of Revenue North Block,  
New Delhi-110 001. ... Respondents.

1ST OCT 99

DATED: SEPT, 99

TRIBUNAL'S ORDER

I have carefully considered the review application. The order in the OA-139/99 which is now sought to be reviewed directed the respondent No.1 to dispose of the Memorial if not disposed of already. Now the point made by the applicant is that the Memorial had indeed been disposed of earlier, but the applicant could not come to the Court on the day of judgement i.e. 13.7.99.

2. It is not at all justifiable for the applicant to say that the OA deserves to be restored by reviewing the order dated 13/7/99. The OA had clearly anticipated the possibility of the Memorial being disposed of ~~and~~ in the meantime ~~and~~ cannot be said

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that the matter should be reconsidered again in the manner in which applicant now prays before us. None of the grounds on which a Review is justified are seen to exist here.

3. In view of the above, this review petition is hereby rejected.

*B.N.Bahadur*

(B.N.BAHADUR)  
MEMBER(A)

01/10/99.

abp