

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 491 of 1999.

Dated this Friday, the 17th day of December, 1999.

CORAM : Hon'ble Shri Justice R.G. Vaidyanatha, Vice-Chairman.

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

Udai Narain,
Additional Commissioner in
the Office of Commissioner
of Central Excise, Mumbai IV
Commissionerate, New Central
Excise Building, 115 M. K. Road,
Churchgate, Mumbai - 400020.

... Applicant.

(By Advocate Shri G. K. Masand)

VERSUS

1. Union of India through
The Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi.

2. Chairman,
Central Board of Excise &
Customs, Ministry of Finance,
Department of Revenue,
North Block, New Delhi.

3. The Commissioner,
Central Excise, Mumbai IV,
New Central Excise Building,
115, M. K. Road, Churchgate,
Mumbai - 400020.

4. Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi.

... Respondents.

(By Advocate Shri M. I. Sethna alongwith
Shri V. D. Vadhavkar).

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OPEN COURT ORDER

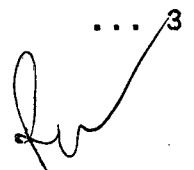
PER : Shri R. G. Vaidyanatha, Vice-Chairman.

In this application the applicant is seeking a direction to the respondents to open the sealed cover and to give effect to the contents of the sealed cover and to give him promotion, in case he has been recommended for promotion, from the date his immediate junior got promotion. The respondents have filed reply justifying the action of keeping the applicant's case in sealed cover.

2. Heard both sides.

The applicant's case is, that since he has been discharged from the criminal case in the High Court, sealed cover cannot be continued and it has to be opened and findings of the D.P.C. has to be given effect to. Today when the case is called out for further arguments, respondents' counsel submits that the order of the High Court, on which the applicant is basing his claim, discharging the applicant, has now been reversed by the Supreme Court by order dated 01.11.1999 in Criminal Appeal No. 1164 and 1165 of 1999. The Supreme Court has reversed the order of the High Court and remanded the case to the Special Judge for further trial and, therefore, in view of the order of Supreme Court, the criminal case is now pending. Hence, adoption of sealed cover is perfectly valid and in terms of O.M. of 1992. Hence, the question of giving a direction to open the sealed

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cover will not arise or atleast as on today, the prayer does not survive in view of the judgement of the Supreme Court. Hence, no direction need to be given to the administration to open the sealed cover. We, therefore, hold that the present application does not survive as on today and hence need not be admitted.

3. In the result, the O.A. is disposed of at the admission stage in view of the observations mentioned above.

B. N. Bahadur

(B. N. BAHADUR)

MEMBER (A).

R. G. Vaidyanatha

(R. G. VAIDYANATHA)

VICE-CHAIRMAN.

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