

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 22 APR 1988

APPLICATION NO 108 /88(F)

W.P. NO.

Applicant

Shri H.C. Krishnappa

To

Respondent

V/s The Deputy Collector (P&E), Central Excise
& Customs, Bangalore & another

1. Shri H.C. Krishnappa
No. 301, 1st Cross
Cambridge Layout
Ulsoor
Bangalore - 560 008
2. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
3. The Deputy Collector (P&E)
Central Excise & Customs
Central Revenue Building
Queens Road
Bangalore - 560 001
4. The Collector of Central Excise & Customs
Central Revenue Building
Queens Road
Bangalore - 560 001
5. Shri M. Vasudeva Rao
Central Govt. Sng Counsel
High Court Building
Bangalore - 560 001

Received (2)
25/4/88
C.S.K. Srinivasan
Adm.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~SENT BY THE BENCH~~ ~~INTERIM ORDER~~
passed by this Tribunal in the above said application on 20-4-88.

Encl : As above

B.D. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

of c

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 20th DAY OF APRIL 1988

Coram : Hon'ble Justice Sri K.S. Puttaswamy, Vice Chairman
Hon'ble Sri P.Srinivasan, Member (A)

APPLICATION No. 108/88

Sri H.C. Krishnappa
No.301, I Cross, Cambridge Lay Out
Ulsoor, Bangalore 560008

- Applicant

(Dr. M.S. Nagaraja, Advocate)

v

- | | |
|--|--|
| 1. The Deputy Collector (P&F)
Central Excise & Customs, | } Central Revenue
Building, Queens Road
Bangalore 560001 |
| 2. The Collector of Central Excise
& Customs | |

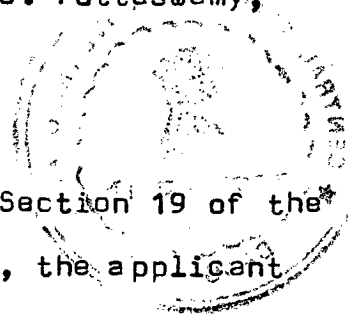
- Respondents

(Sri M.V. Rao, A.C.G.S.C.)

This application came up for hearing before
this Tribunal and Hon'ble Justice Sri K.S. Puttaswamy,
Vice Chairman, to-day made the following

ORDER

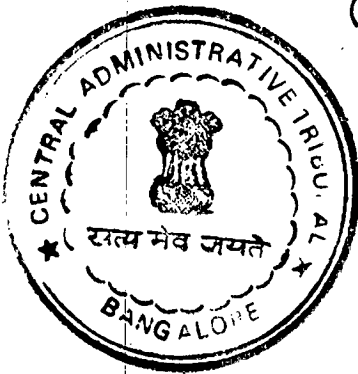
In this application made under Section 19 of the
Administrative Tribunals Act, 1985 (Act), the applicant
has challenged Order No. II/26/75/87-A.3 dated 7.12.1987
(Annexure A-4) of the Collector of Central Excise, Bangalore
(Appellate Authority) and Order No. II/10-A/2/86.A-3 dated
29.9.1986 (Annexure A-1) of the Deputy Collector (P&E),
of Central Excise & Customs (Disciplinary Authority).
The facts and questions that arise for determination in
this case are similar to those of P.K. SHIVANAND v
COLLECTOR OF CENTRAL EXCISE, BANGALORE 1987(3) ATC 854.
For the very reasons stated in Shivanand's case, we



make the following orders and directions :

- (1) We quash orders No. II/26/75-87-A.3 dated 7.12.1987 (Annexure A-4) of the Collector of Central Excise, Bangalore and No. II/10-A/2/86.A-3 dated 29.9.1986 (Annexure A-1) of the Deputy Collector(P & E), of Central Excise & Customs, Bangalore.
- (2) We declare that the impugned order made by the ^{Deputy} Collector was a provisional one in which he had given notice of the reasons on which he proposed to disagree with the IO, and hold the applicant guilty of the charge levelled against him and that it was open to the applicant to file his written representation and objections to the same before the ^{Deputy} Collector within one month from this day.
- (3) We direct the ^{Deputy} Collector to consider the written representations, if any, to be filed by the applicant within the time permitted as he may find it convenient thereafter and then decide the matter afresh. But, in so doing, he shall not award a higher penalty than the one he had awarded in the impugned order against the applicant.

Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.



TRUE COPY

Sd/-

(K.S. Puttaswamy) 20/11
Vice Chairman

Sd/-

(P.Srinivasan)
Member (A)

DEPUTY REGISTRAR (JDLT)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE