

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 27 JUN 1994

APPLICATION NUMBER: 939 of 1993

APPLICANTS:

Sri. T. Dyavappa
T.O.

RESPONDENTS:

vs Dy. Secretary, Dept of Revenue,
M/o Finance, N Delhi and others.

① Sri. H. S. Ananthapadmanabha
Advocate, No.108, NHCS Layout,
III Stage, IV-Block, Basaveswaranagar,
Bangalore-560079.

② Deputy Secretary,
Dept of Revenue (AD-IIA)
M/o Finance, North Block,
New Delhi - 110001

③ Sri. M. S. Padmarajiah
Sr. C.G.S.C, High Court Bldg,
Bangalore-1

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER~~, passed by this Tribunal in the above
mentioned application(s) on 17-06-94

Issued
9
gm

S. R. Ramesh 28/6
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

APPLICATION NO. 939/1993

DATED THIS THE SEVENTEENTH DAY OF JUNE, 1994

Mr. V. Ramakrishnan, Member (A)
Mr. A.N. Vujjanaradhya, Member (J)

Shri T. Dyavappa
Sepoy
Office of the Assistant
Collector of Central Excise
C.R. Building
Navanagar, Poona - Bangalore Road
HUBLI - 580 025. ... Applicant

(By Shri H.S. Ananthapadmanabha, Advocate)

Vs.

1. Deputy Secretary
Govt. of India
Ministry of Finance
Department of Revenue (Ad.IIA)
North Block, New Delhi - 110 001.
(Represented by the Member (P), CBEC,
N.Delhi.)
2. Collector
Central Excise
No.71, Club Road
Belgaum.
3. Deputy Collector (P&V)
Central Excise
No.71, Club Road, Belgaum. ... Respondents

(Shri M.S. Padmarajiah, S.C.G.S.C.)

O R D E R

(Mr. V. Ramakrishnan, Member (A))

We have heard Shri Ananthapadmanabha, learned counsel for the applicant. The applicant had approached us in September, 1993. We now find that revision petition which was filed by the applicant in July/August as at Annexure-A5 has been disposed of by the revising authority by its order dated 16th March, 1994, which is enclosed with the reply statement. The revising authority by its order has

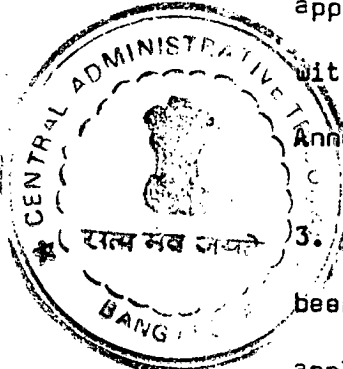


set aside the order in original dated 8.9.1989 and the appellate order dated 21.2.1990 and remanded the case back to the disciplinary authority for passing a fresh order in accordance with the principles of natural justice.

2. Shri Ananthapadmanabha, learned counsel for the applicant contends that the applicant who was one of the four of raiding party is now the sole accused in the proceedings, as one person, (head of the raiding party) is no more and another official was permitted to go on voluntary retirement and proceedings were dropped in respect of the third person. The learned counsel further submits that the applicant is only a Sepoy and he had no statutory powers with regard to search. However, the charges which are at Annexure-A1 relates to failure to report certain irregularities etc.

3. Be that as it may, now that the case has been remanded back to the disciplinary authorities, the applicant can put forth all these pleas when he gets a show cause notice which the revising authority has ordered to be served on him by the Disciplinary Authority. In view of this, we dispose of the present application with a direction that the disciplinary authority should take further necessary action as per law keeping in view all relevant factors and complete the same within a reasonable period. It would seem that a period of 6 months should be adequate for the purpose. With these observations, the matter is finally disposed off with no order as to costs. All contentions raised in this application are left open.

TRUE COPY


SECTION OFFICER 28/6
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

17/6/94
(A.N. VUJJANARADHYA)
MEMBER(J)

sd -
17/6/94
(V. RAMAKRISHNAN)
MEMBER(A)