

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
GULESTAN BLDG. NO. 6, 3RD/4TH FLOOR  
PRESCOT ROAD, FORT, BOMBAY - 400001.

ORIGINAL APPLICATION NO.: 633 OF 1995.

Dated, this Thursday the 2nd. day of February, 1996.

CORAM :

Hon'ble Shri B. S. Hegde, Member (J).

Hon'ble Shri P. P. Srivastava, Member (A).

Shri N. C. Manglani                      ...                      Applicant  
(Advocate by Shri G.K. Masand).

Versus

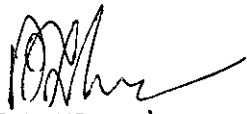
Union Of India & Others                      ...                      Respondents.  
(Advocate by Shri Suresh Kumar  
for Shri M.I. Sethna).

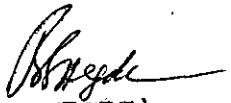
: ORDER :

1.                      Heard Shri G.K. Masand, Counsel for the applicant and Shri Suresh Kumar for Shri M.I. Sethna, Counsel for the respondents. Since the respondents suspended the applicant on 13.03.1993 and the same has not been revoked so far, the Tribunal after hearing both the parties, directed the applicant to prefer an appeal against the Suspension Order vide order dated 6.11.1995 and that the same shall be disposed of by the respondents within one months by a speaking order ignoring the delay in filing the same. The matter came up for further consideration on 19.01.1996. The respondents have filed a Miscellaneous Petition seeking extension of time, which was

granted by this Tribunal till 31.01.1996. After the order of the Tribunal dated 06.11.1995, the applicant made a letter to the Additional Commissioner of Customs asking the appeal to be addressed to whom, to which the respondents vide their letter dated 08.11.1995 stated that the Appellate Authority to whom Statutory Appeal against the impugned order of suspension lies is the Commissioner of Customs, Jawahar Customs House. On perusal of the records, we find that the very same authority has passed the suspension order, <sup>and</sup> ~~therefore~~, under the rules the same authority cannot pass the appellate order.

2. In the circumstances, we hereby direct the respondents to forward the applicant's appeal to the next higher authority for disposing of the pending appeal within a period of four weeks from today.
3. Interim order already passed to continue.
4. Dasti for the respondents. Copy of the order be given to the parties.
5. List the case on 04.03.1996.

  
(P.P. SRIVASTAVA)  
MEMBER (A).

  
(B. S. HEGDE)  
MEMBER (J).

os\*

45/10