

42

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD.

O.A.No. 6 of 1990

DATE OF DECISION: 2-4-1990

~~XXXXXX~~

S.Hariprasada Rao

Petitioner.

Shri KSR Anjaneyulu, Advocate.

Advocate for the
petitioner(s)

Versus

Union of India rep.by Secretary to Govt.
~~Ministry of Finance (Revenue, Central~~ Respondent.
Excise), New Delhi, and 4 others.

Shri Naram Bhaskar Rao, Addl.CGSC.

Advocate for the
Respondent(s)

CORAM:

THE HON'BLE MR.B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HON'BLE MR.D.SURYA RAO, MEMBER(JUDICIAL).

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunals ?
5. Remarks of Vice Chairman on columns 1, 2, 4 (To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

NO

B.N.J.
(B.N.J.)

D.S.R.
(D.S.R.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

O.A.No.6 of 1990

Date of Order: 2-4-1990

Between:-

S.Hariprasada Rao

..

Applicant

and

Union of India represented by

1. The Secretary to Govt., Ministry of Finance (Revenue, Central Excise), New Delhi.
2. The Secretary to the Government, Ministry of Labour and Urban Development, New Delhi.
3. The Collector of Central Excise, Kannavarithota, Guntur.
4. The Collector of Central Excise, Hyderabad.
5. The Assistant Collector of Central Excise, Rajahmundry.

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Respondents

Appearance

For the Applicant : Shri KSR Anjaneyulu, Advocate.

For the Respondents : Shri Naram Bhaskar Rao, Addl.CGSC.

CORAM

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D.SURYA RAO, MEMBER (JUDICIAL).

(ORDER OF THE BENCH DELIVERED BY HON'BLE SHRI D.SURYA RAO, MEMBER (JUDICIAL))

1. The applicant herein is an employee in the Central Excise Department at Guntur working as Inspector. In this application he seeks to question the Order No.C.No.II/39/29/88-E3, dated 20-4-1989, issued by the 5th respondent communicating the order of the Board of Central Excise dt.28-2-1989

contd...

1/10/90

To;

1. The Secretary to Government, (Union of India) Ministry of Finance (Revenue, Central Excise), New Delhi.
2. The Secretary to the Government, Ministry of Labour and Urban Development, New Delhi.
3. The Collector of Central Excise, Kannavarithota, Guntur.
4. The Collector of Central Excise, Hyderabad.
5. The Assistant Collector of Central Excise, Rajahmundry.
6. One copy to Mr. K.S.R. Anjaneyulu, Advocate, 1-1-365/A, Jawaharnagar, Bakaram, Hyderabad.
7. One copy to Mr. Naram Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
8. One spare copy.

kj.

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Done
5/1/50

informing him that his appeal to the President of India was rejected by Board of Central Excise, under Letter No.G.26029/13/89 Ad.IIIB communicated under Central Excise, Guntur, letter No.II/1/400/79 A3, dated 11-10-1989.

2. We have heard Shri KSR Anjaneyulu, learned Counsel for the Applicant, and Shri Naram Bhaskar Rao, Additional Central Government Standing Counsel for the respondents.

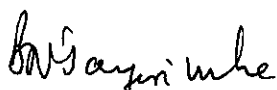
3. This case was ordered to be posted today on the letter dated 22-3-1990 received from Shri Naram Bhaskar Rao, Additional Standing Counsel for Central Government. Shri Naram Bhaskar Rao has brought to our notice the Office Memorandum No.82/H.III/90 of the Government of India, Ministry of Urban Development, New Delhi, dated 1-2-1990, which reads as follows:-

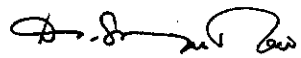
" 2. The decision to levy penal interest @ 2½% on Shri Rao for the non-insurance period from 13.4.82 to 30.5.87 has been reviewed in this Ministry, in view of the contentions made by Shri Rao in his petition filed in the Tribunal. The impugned condition of higher rate of 2½% over and above the normal rate and the stipulation that rebate of 2½% will be allowed if all the conditions attached to the sanction are fulfilled, was laid down vide this Ministry's O.M. dt.20.5.80 and this condition was made operative with effect from 15.12.81 vide this Ministry's O.M., dated 6.11.81. Since Shri Rao was sanctioned house building advance on 3.1.80 i.e. prior to 15.12.81, the provisions contained in this Ministry's O.M. dated 20.5.80 cannot be applied in his case. It has, therefore, been decided that the period of non-insurance of house by Shri Rao may be regularised without levying penal interest on him. ... "

In view of this Shri Bhaskara Rao says that the applicant is being granted the relief asked for in his above application.

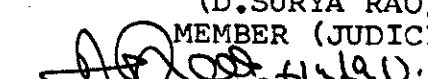
4. In the result the application has become infructuous and is disposed off accordingly. No order as to costs.

(Dictated in the Open Court)


(B.N. JAYASIMHA)
VICE-CHAIRMAN


(D. SURYA RAO)
MEMBER (JUDICIAL)

Date: 2-4-1990


Deputy Registrar (A)