

(36)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.915 of 1990

DATE OF JUDGMENT: 15th July, 1991.

BETWEEN:

Mr. G.Soma Sundara Rao

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Applicant

AND

Union of India represented by

1. The Secretary to Govt.,
Ministry of Finance (Revenue
and Central Excise),
New Delhi.

2. The Secretary to Govt.,
Ministry of Labour and Urban
Development,
New Delhi.

3. The Collector of Central Excise,
Guntur.

4. The Assistant Collector of
Central Excise,
Vijayawada.

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Respondents

COUNSEL FOR THE APPLICANT: Mr. K.S.R.Anjeneyulu

COUNSEL FOR THE RESPONDENTS: Mr. N.R.Devaraj,
Addl. CGSC.

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CORAM:

Hon'ble Shri J.Narasimha Murthy, Member (Judl.)

Hon'ble Shri R.Balasubramanian, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI J.NARASIMHA MURTHY, MEMBER (JUDL.)

This is a petition filed by the petitioner for a relief to declare the order of Collector of Central Excise, Guntur in his C.No.II/1/328/75,A3, dated 15.4.1988 and the letter of the Assistant Collector, Central Excise, Vijayawada in his letter No.II/39/25/89, dated 20.9.1990 ordering recovery of penal interest @ Rs.800/- per month in five instalments and Rs.169/- in sixth instalment from October, 1990 onwards as arbitrary, discriminatory and illegal and set-aside the same.

2. Heard the learned counsel for the applicant, Shri K.S.R.Anjeneyulu and the learned Additional Standing Counsel for the Central Government/Respondents, Shri N.R.Devaraj. Shri Devaraj stated that the prayer of the applicant is conceded by the Government and the respondents are not recovering any amount of penal interest from the pay and allowances of the applicant and if at all the respondents collected any



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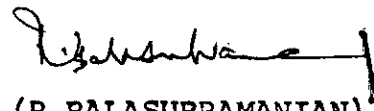
salary of the
amount from the applicant & it will be refunded
to the applicant within a period of three months
from the date of this order.

3. The application is accordingly disposed of
as infructuous and the amount if any due to the
applicant by the respondents, it shall be refunded
within a period of three months from the date of
this order. There is no order as to costs.

(Dictated in the open Court).



(J. NARASIMHA MURTHY)
Member (Judl.)



(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 15th July, 1991.

Deputy Registrar (J)

To

1. The Secretary to Govt., Union of India,
Ministry of Finance (Revenue and
Central Excise,) New Delhi
2. The Secretary to Govt., Ministry of Labour and Urban
Development, New Delhi.
3. The Collector of Central Excise, Guntur.
4. The Assistant Collector of Central Excise, Vijayawada.
5. One copy to Mr. K.S.R. Anjaneyulu, Advocate, CAT. Hyd.
6. One copy to Mr. N.R. Devraj, Addl. CGSC. CAT. Hyd.
7. One copy to Hon'ble Mr. J. Narasimha Murthy, Member (J) CAT. Hyd.
8. One spare copy.

vsn

pvm

2/2/92 19/7/91.

A&R
19/7/91
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TYPED BY
CHECKED BY
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

COMPARED BY
APPROVED BY

THE HON'BLE MR. V.C.
AND
THE HON'BLE MR. M(J)
AND
THE HON'BLE MR. J. NARASIMHA MURTY: M(J)
AND
THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATED: 18-7-1991

~~ORDER~~ JUDGMENT

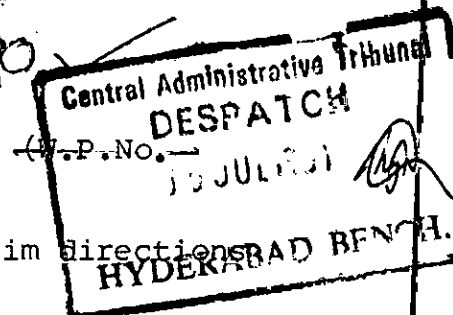
M.A./R.A./C.A. No.

in

D.A. No.

915/90

T.A. No.



Admitted and Interim Directions issued.

Allowed.

Disposed of with direction.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

19/7/91