

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1553/94

dt.3-9-97

M. Koteswara Rao

Versus

1. Union of India, rep. by
The Secretary
Min. of Finance (Dept. of Revenue)
New Delhi

2. Central Board of Excise and Customs
Rep. by its Secretary
Govt. of India
New Delhi

3. Collector
Central Excise
Basheer Bagh, Hyderabad

4. Dy. Collector
Central Excise
Basheer Bagh
Hyderabad



: Respondents

Counsel for the applicant : G. Parameshwar Rao
Advocate

Counsel for the respondents : N.R. Devaraj
Sr.CGSC

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HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL.)

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from four stages from Rs.2240 to 2000 in the pay scale of Rs. 1640-2900 to one year instead of two years.

3. This OA is filed for setting aside the Disciplinary authority's order dated 26-2-93 and the Appellate authority's order dated 20-12-1993 and for a consequential direction to pay him back the arrears. A prayer was also made in this OA to promote him to the Cadre of Superintendent of Central Excise from the date his immediate Juniors were promoted. The main contention of the applicant in this OA are as follows :

- i) The Disciplinary authority had disagreed with the Inquiry Officer's report before passing final punishment order. The Disciplinary authority should have given him a notice disagreeing with the findings of the Inquiry Officer and after receipt of reply to this notice the punishment order should have been issued. But, the Disciplinary authority ^{did not} have issued him a notice disagreeing with the findings of the Inquiry Officer and issued ^{the} punishment order dated 26-2-1993. Thus the Principles of Natural Justice has been violated very grossly in this case.
- ii) The Appellate authority has issued a letter bearing No.C.II/ 39/4/93(CIU) dated 28-1-1993 to the Inquiry Officer giving him some guidelines in the conduct of inquiry in similar cases. Because of that letter the Inquiry Officer is prejudiced against him. The Disciplinary authority is prejudiced against him.
- iii) The Disciplinary authority did not apply his mind before passing the impugned penalty order.

4. The applicant has got a further channel of redressal of his grievance by filing ^a revision petition to the higher-ups. The learned counsel for the respondents submitted that he is entitled to submit revision petition to the Board of Central Excise and Customs and the Member incharge of the staff will ^{disallow} ~~allow~~ that review petition if submitted. We also could find from the

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ARTICLE 2 II

That the said Sri M. Koteswara Rao while functioning in the said capacity during the said period, failed to draw samples of fabrics processed by the said factories, as per the instructions contained in para 114-II(d)-Chapter-V of Basic Excise Manual, to ascertain average count of fabrics, polyester content of fabrics and varieties of yarn used in the fabrics etc. as the case may be, to determine correct classification of the goods and correct rate of duty, to safeguard revenue. His failure led to evasion of duty on textile fabrics by the said assessees.

Thus, Sri M. Koteswar Rao, by his above acts, exhibited lack of devotion to duty and thereby contravened Rule 3(1)(ii) of CCS (Conduct) rules, 1964."

An inquiry was conducted in this connection and the Inquiry Report (Annexure II) had exonerated him as the charges were not proved. However, the Disciplinary authority by his order No.II/10-A/10/90-CIV dt.26-2-93. (Annexure III) had held that the applicant ~~is~~ guilty of charges and hence he was punished by reducing his pay by four stages from 2240/- to 2000/- in the time scale of Rs.1640-60-2600-EB-75-2900/- for a period of two years with effect from the date of that order. It was further directed that Sri M. Koteswara Rao ~~would~~ not earn increments of pay during the period of reduction and that on the expiry of this period the reduction ~~would~~ not have the effect of postponing his future increments of pay.

2. Against that order, the applicant filed an appeal dated 14-3-1993 to Respondent-3 by his appeal dated 19-4-93 (A-IV) that appeal was disposed of by R-3 by his order dated 20-12-93 (A-V) reducing the penalty of reduction of pay of the applicant

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Regd. - Petition for extension
of time

In the CAT

at Hyderabad

MA No. in of 1999
O.A. No. 1553 of 1994



Application for
Extension of Time

N. R. Devesh

Orono filed on 4-3-99

Received
Roshak
15/3/99.

3/3 Baruipur JSC

OA 1553/94

3:9.9.7
23:9.9.7

अद्यापि अधिकार नाम दिए
Section 145 (1) (b)

to be filed
on
17/3/99.