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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1554/94

dt. 3-9-97

Between

D. Sai Ramesh

: Applicant

and

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, Basheerbagh
Hyderabad

4. Dy. Collector
Central Excise, Basheerbagh
Hyderabad

: Respondents

Counsel for the applicant

: G. Parameshwar Rao
Advocate

Counsel for the respondents

: N.R. Devaraj
Sr.CGSC

CORAM

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

HON. MR. B.S. JAIPARAMESHWAR, MEMBER (JUDL)

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Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn)

Heard Ms. Shakti for Mr. G. Parameshwar Rao for the applicant and Sri N.R. Devaraj for the respondents.

1. The applicant in this OA while working as Inspector in Central Excise in the Collectorate of Hyderabad, was issued with charge sheet. The charge sheet framed against him reads as below :

"ARTICLE-I

That the said Sri D. Sai Ramesh, while functioning as Inspector of Central Excise, Shamshabad Range during the period from 1-6-1988 to 31-5-1989 was incharge of four Textile Processing Units namely i) M/s Siddivinayaka Synthtic Mills Pvt. Ltd. ii) M/s Sri Ram Mills Pvt. Ltd. iii) M/s Vivek Textile Mills Pvt. Ltd. and iv) M/s. Naresh Textile Products Pvt. Ltd. The said Sri D. Sai Ramesh failed to conduct the prescribed P.B.C. Checks in respect of the said units, as per Board's F.No.267/12/78-C.X.6/c.x.8 dt.27-11-1978 read with Instruction (Tech) No.11/78, General No.6/78 dated 28-12-1978 issued by the Collector of Central Excise, Hyderabad. The said prescribed P.B.C. Checks were required to be conducted regularly to ascertain correct quantities of different varieties of fabrics brought into the said factories for processing and to ascertain width, weight etc. of fabrics to determine the correct classification and correct rate of duty to safeguard revenue. His failure led to evasion of duty on Textile fabrics by the said assessees.

Thus, the said Sri D. Sai Ramesh, by his above acts, exhibited lack of devotion to duty and thereby contravened

Rule 3(1)(ii) of Central Civil Services (Conduct) Rules, 1964.

ARTICLE-II

That the said Sri D. Sai Ramesh, while functioning in the said capacity during the said period failed to draw adequate number of samples of fabrics processed by the said factories, as per 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

Thus, the said Sri D. Sai Ramesh by his above acts, exhibited lack of devotion to duty and thereby contravened Rule 3(1)(ii) of Central Civil Services (Conduct) Rules, 1964."

2. An inquiry was conducted and the inquiry held that his charges cannot be proved. (Annexure II). The Disciplinary authority issued a penalty advice by letter dated 24-2-1993. The order in the Penalty advice reads as under :

"It is, therefore, ordered that the pay of Sri D. Sai Ramesh, Inspector of Central Excise, be reduced by four stages from Rs.2000/- to Rs.1760/- in the time scale of Rs.1640-60-2600-EB-75-2900/- for one year with effect from the date of this order. It is further directed that Sri D. Sai Ramesh will not earn increments of pay during the period of reduction and that on the expiry of the period, the reduction will not have the effect of postponing his future increments of pay."

3. The applicant filed an appeal to Respondent-3 on 22-4-93 (Annexure IV). That appeal was disposed of by order dated

20-12-1993 (Annexure V). The appeal order reads as below :

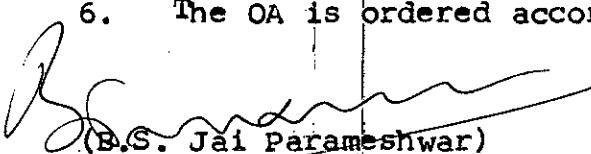
"In view of the above, I hold that the Inquiry officer had not applied his mind in giving his findings. I also hold that the Disciplinary authority was right in not accepting his findings are well reasons. I agree with her findings. I hold that having regard to the facts and circumstances of the case there is no need to interfere with the order of the Disciplinary Authority."

4. This OA is filed to set aside the impugned order dated 24-2-1993 and the ~~Appeal~~ order dt.20-12-1993 and for a further direction to pay him arrears.

5. The contentions raised in the OA are similar to the contentions raised in OA.1553/94 which was disposed of today. Hence, we follow the directions given in OA.1553/94 and pass the following directions:

The applicant, if so advised, may submit a detailed revision petition to the concerned Member in the Board of Central Excise within a period of one month from the date of receipt of the copy of this order. If such a revision petition is received by the said authority, the said authority will dispose it of in accordance with law considering all his contentions raised in his appeal as well as contentions as indicated above in this OA within a period of three months from the date of receipt of copy of that petition. It is left to the applicant to ask for personal hearing if so desires.

6. The OA is ordered accordingly. No costs.


(B.S. Jai Parameshwar)
Member (Jud1.)

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Dated : Sept. 3, 97
Dictated in Open Court

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(R. Rangarajan)
Member (Admn.)


D.R. (J)