

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 77/2003

DATE OF ORDER: 9.4.2003

P.K. Gupta son of Shri Ghanshyam Das Gupta, aged about 51 years, resident of Plot No. A-91, Model Town, Malviya Nagar, Jagatpura Road, Jaipur. Working as Superintendent, Customs and Central Excise, Jaipur, Rajasthan.

..... Applicant.

VERSUS

1. Union of India through the Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi.
2. The Commissioner, Central Excise, Jaipur-I, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur, Rajasthan.

..... Respondents.

Mr. Manish Bhandari, Counsel for the applicant.

CORAM:

Hon'ble Mr. H.O. Gupta, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)


ORDER (ORAL)

The applicant is aggrieved of the order dated 17.1.2003 (Annexure A/1) passed by the respondent No. 2 whereby he has been awarded multiple punishments.

2. Heard the learned counsel for the applicant. He submits that although number of grounds are taken in the OA but he will stress on the main ground i.e. the penalty order has been issued by the incompetent authority and, therefore, cannot be sustained in the eyes of law. He further submits that the applicant has filed a statutory appeal dated 19.1.2003 within the statutory period of 45 days. The appeal has not been decided although more than two and a half months have elapsed.

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3. Since the appeal is still pending, without going into the merits of the case, this OA is disposed of at the admission stage with the direction to the Appellate Authority to pass appropriate order on the appeal filed by the applicant in accordance with rules within one month from the date of service of this order to the Appellate Authority by the applicant.


(M.L. CHAUHAN)
MEMBER (J)


(H.O. GUPTA)
MEMBER (A)