

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT CAMP : GWALIOR

Original Application No.1101 of 2004

Gwalior, this the 7th day of December, 2004

Hon'ble Shri M.P.Singh - Vice Chairman

Hon'ble Shri Madan Mohan - Judicial Member

R.P.Yadav, S/o Shri Laxmi Prasad Yadav,
Aged 50 years, Occupation Inspector, Central Excise,
Shivpuri, R/o Surya Vihar Colony, Pinto Park,
P.O.Jaderua Kalan, Gwalior (M.P.) - APPLICANT

(By Advocate - Shri S.C.Sharma)

Versus

1. Union of India, through Secretary, Customs & Central Excise, Ministry of Finance, New Delhi.
2. The Commissioner, Custom and Central Excise, (Appellate Authority) O/o Commissioner, Custom & Central Excise, Manik Bagh, Indore, M.P.
3. Additional Commissioner (P&V) Custom & Central Excise (Disciplinary Authority), O/o Commissioner Custom & Central Excise, Manik Bagh Palace, Indore M.P. - RESPONDENTS

O R D E R (Oral)

By M.P.Singh, Vice Chairman -

By filing this O.A., the applicant has claimed the following main reliefs:-

"(A) to quash the charge sheet, disciplinary proceedings and the order of punishments contained in Annexures A/17 dated 19-8-2002 and A/19 dated 3-11-2004.

(B) Consequently command the respondents to provide all consequential benefits to the applicant as if the aforesaid impugned orders and disciplinary proceedings are never initiated."

2. The brief facts of the case are that the applicant is working as an Inspector in the Office of Custom and Central Excise. A charge-sheet was issued against him and an enquiry officer was appointed to investigate into the charges. The enquiry officer concluded the enquiry. The disciplinary authority vide its order

[Signature]

dated 19.8.2002 (Annexure-A-17) has imposed the penalty of reduction of pay of the applicant "by three stages from Rs.7600/- to Rs.7075/- in the time scale of pay of Rs.5500-9000 for a period of 4 years with effect from 1.10.2002 (pay of Shri R.P.Yadav, Inspector has been already reduced from Rs.7775/- to Rs.7600/- vide a separate Disciplinary order C.No.II(10-A)9-Con/98/375 dated 19th August,02). It is further directed that Shri R.P.Yadav, Inspector will earn increment of pay during the period of reduction and that on the expiry of this period, the reduction will not have the effect of postponing his future increments of pay". The order of the disciplinary authority has been challenged by the applicant before the appellate authority. The appellate authority vide its order dated 27.5.2004 (Annexure-A-18) has remitted the case back to the disciplinary authority to reconsider the matter after following the principles of natural justice. Thereafter, the disciplinary authority has passed another order dated 3.11.2004 (Annexure-A-19) and has again imposed the penalty on the applicant by reducing the pay of the applicant "by three stages from Rs.7600/- to Rs.7075/- in the time scale of pay of Rs.5500/-9000/- for a period of 4 years with effect from 1st October,02 (Pay of Shri R.P. Yadav, Inspector has been already reduced from Rs.7775/- to Rs.7600/- vide a sep-aratate disciplinary order C.No.II(10-A) 9-Con/98/375 dated 19th August,02). It is further directed that Shri R.P.Yadav, Inspector will not earn increments of Pay during the period of reduction and that on the expiry of this period, the reduction will not have the effect of postponing his future increments of pay". Against this order the applicant has filed an appeal (Annexure-A-20) before the appellate authority dated 5.12.2004. The learned counsel for the applicant states that he will feel satisfied if a direction is given to the appellate authority to consider and decide the appeal of the applicant within a time-frame.

3. Accordingly, the appellate authority, respondent no.2 Commissioner Custom and Central Excise, Indore M.P.

[Signature]

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is directed to consider and decide the appeal of the applicant dated 5.12.2004 by passing a speaking, detailed and reasoned order within a period of four months from the date of communication of this order. The applicant is also directed to serve a copy of this order along with a copy of the OA to respondent no.2 immediately.

4. In the result, the OA is disposed of at the admission stage itself in the above terms.

(M.M.)
(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

rkv.

पूर्वानुदान दिन 12 दिसंबर 2004 अवधिकारी, अदालतपुर

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सूचना एवं आदर्शक कानूनोंकी देख

को लागू करने वाले अधिकारी

को लागू करने वाले अधिकारी

Res Dec 2
with Petition
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