

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)

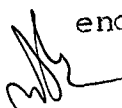
By M.P.Singh, Vice Chairman -

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



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 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 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.



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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.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

rkv.

पृष्ठान्तर्गत से ०३ नम्बर ..... जयलपुर, दि.....

- (1) द. .... जयलपुर
- (2) ..... के काउन्सिल
- (3) ..... के काउन्सिल
- (4) वरिष्ठ न्यायाधीश, जयलपुर के अतिरिक्त सूचना एवं आवश्यक कार्यवाही हेतु

से रजिस्ट्रार

S.C. Sharma  
Adv.  
Gwalior

Res No. 2  
with Petition  
Copy

Issued  
On 12.12.04  
BP