

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 810 of 2003

Jabalpur, this the 15th day of September, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Shri R.K. Pandey, S/o. Shri K.P. Pandey,
Aged 49 years, Superintendent, Central
Excise, Office of the Chief Commissioner,
Customs And Central Excise, Bhopal Zone,
Hoshangabad Road, Opposite Maida Mill,
Bhopal, R/o. 23/7, Chanakya Block No. 23,
Flat No. 7, Shalimar Enclave, E-3, Arera
Colony, Bhopal - 462 016. Applicant

(By Advocate - Ku. P.L. Shrivastava on behalf of Smt. S. Menon)

V e r s u s

1. Union of India, through :
Secretary Revenue, Ministry of
Finance, Department of Revenue,
North Block, New Delhi.
2. Member (P&V), Central Board of
Excise & Customs, North Block,
New Delhi.
3. Commissioner, Customs & Central
Excise, Hoshangabad Road, Opposite
Maida Mills, Bhopal (MP). Respondents

(By Advocate - Shri B.da.Silva)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has
claimed the following main reliefs :

"(I) order in Original No. 05/19.12.2002 issued under
C. No. II (10-A)11-Con/99/1761 dated 19.12.2002
(Annexure A-15) and its corrigendum order C. No. 11(10-A)
11-Con/99/53 dated 10.1.2003 (Annexure A-16) passed by
the Commissioner, Customs and Central Excise, Bhopal,
(Respondent No. 3) may kindly be quashed and set aside
and further the applicant be ordered to be restored to
his original pay treating as if no penalty was imposed,

(II) the applicant may be paid the amount of pay and
allowances deducted under the impugned order alongwith
interest thereon at the rate of 18% per annum."

2. The brief facts of the case are that the applicant is
presently functioning as Superintendent, Central Excise and
is posted in the Office of Chief Commissioner, Customs and

Central Excise, Bhopal Zone, Hoshangabad Road, Bhopal. While working as such a charge sheet was issued to him dated 3.11.1999 containing three articles of charges. He denied all the charges. The enquiry officer's report dated 26.3.2001 was communicated to the applicant. He submitted his representation against it. The applicant was also communicated the CVC's advise dated 16.4.2002 recommending imposing of major penalty on him. He also made representation against it. The Commissioner, Customs and Central Excise, Bhopal disagreed in respect of Article I and exonerated the applicant from the charge enumerated under Article III. The charge under Article II stand proved conclusively. Thus, the disciplinary authority vide impugned orders passed the punishment of reduction by two stages from Rs. 8700/- to Rs. 8300/- in the time scale of pay of Rs. 6500-200-10500/- for a period of 2 years with effect from 1st December, 2002 with cumulative effect. It is further directed that the applicant will not earn increments of pay during the period of reduction and that on the expiry of this period i.e. on 1st December, 2004, the pay of the applicant will be refixed at Rs. 8900/- in the above mentioned time scale and thereafter he will draw regular increments subject to his eligibility otherwise. Aggrieved by the said order the applicant preferred an appeal dated 24.1.2003 and submitted reminders on 16.4.2003 and 17.10.2003. But no decision on the applicant's appeal have been communicated to the applicant so far. Hence, this OA.

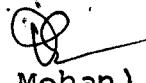
3. Heard the learned counsel for the parties and perused the records carefully.

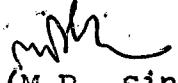
4. On perusal of the OA in its para 4.19 the applicant has mentioned that aggrieved with the disciplinary authority's order of punishment, the applicant submitted an appeal dated

QF

24.1.2003 and thereafter submitted reminders dated 16.4.2003 and 17.10.2003. But no decision has been communicated to the applicant so far. After waiting for about one month after the last reminder submitted by the applicant on 17.10.2003, the applicant has filed this OA on 11.11.2003. We also find that at the time of admission of this OA on 3.12.2003, this Tribunal observed that though the original Application of the applicant is pending before this Tribunal, the appellate authority is directed to take a decision on the appeal of the applicant within a reasonable period. But still now the respondents have not decided the appeal of the applicant. In the reply filed by the respondents in this case, in its Para-6 it is mentioned that the applicant's appeal dated 23.1.2003 against O-I-O No. 5/19-12-2002 is pending before the Hon'ble President of India and is under consideration by the Ministry. Therefore, the present OA is premature and is liable to be dismissed at this stage.

5. Hence, ends of justice would be met if we direct the appellate authority to decide the appeal of the applicant within a period of two months from the date of receipt of a copy of this order. We do so accordingly. Accordingly, the original Application stands disposed of. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

कृतिकन सं. ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि आवेदित:-
(1) सर्विया, जनक रायगढ़ी, यात्रा उपरिशेष्या, जबलपुर^{Shri S. Menon H.C. 268}
(2) आदेश की/ रेलवे/ नु.....के कानूनसेल
(3) प्रत्यक्षी भी/कृषक की/ नु.....के कानूनसेल ^{Shri B. A. Silva H.C. 231}
(4) कंपनी, कोडाला, जबलपुर राज्यपीठ
सूचना एवं अकर्यक लार्डवाली नु
उपरिलिपि
उपरिलिपि
उपरिलिपि

On 20/11/03