

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 807 of 2000

Jabalpur, this the 6th day of May 2004

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

Chaturbhuj Mankela, aged about 59 years
11 months, S/o. Late Deolal, Superintendent,
Central Excise Office, Sagar, M.P.
Permanent resident of 16-A, Tansen Nagar,
Qualior, M.P. ... Applicant

(By Advocate - None)

Versus

1. Union of India, Through the Secretary, Department of Revenue, Ministry of Finance, Govt. of India, North Block, New Delhi.
2. The Commissioner, Central Excise, Central Revenue Building, Hoshangabad Road, Bhopal, MP. ... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

ORDER

By Madan Mohan, Judicial Member -

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

"(i) to quash the impugned memorandum/charge sheet dated 22.8.2000 (Annexure A-1) as void arbitrary, illegal and not sustainable in the eyes of law,

(ii) to hold that the charge sheet dated 22.8.2000 (Annexure A-1) is an out come of malafides on the part of the respondent authorities and it has only been issued to bring disrepute to the applicant at the fag end of his service career."

2. The brief facts of the case are that the applicant was initially appointed in the services of the respondent Department in the year 1962. The applicant was issued a charge memorandum dated 22.8.2000 by the Commissioner, Central Excise, Bhopal, respondent No. 2 under Rule 14 of CCS (OCA) Rules, 1965. The charge on the applicant was that he has finalised the provisional assessment without

there being competence to pass the same. The applicant being Superintendent of Central Excise was proper officer and competent officer to pass order under Rule 173-I. The charge sheet issued against the applicant is contrary to the provisions of Central Excise Rules, 1944 and therefore it has only been issued to bring disrepute to the applicant at the fag end of his service career. The Departmental authorities have become vindictive against the applicant and were in search of opportunities to wreck vengeance against the applicant. The alleged charge levelled against the applicant by way of charge sheet dated 22.8.2000 is unsustainable in the eye of law. Aggrieved by this the applicant has approached this Tribunal by filing this OA and claiming the aforesaid reliefs.

3. None for the applicant. Since it is a case of 2000, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. The learned counsel for the respondents argued that the applicant has sought the relief for quashing the impugned memorandum dated 22.8.2000 (Annexure A-1) and has further requested to hold that the aforesaid charge sheet is an outcome of malafides on the part of the respondent authorities and it has only been issued to bring disrepute to the applicant at the fag end of his service career. Such type of relief cannot be legally given to the applicant by this Tribunal.

5. After hearing the learned counsel for the respondents and on perusal of the records, we find that the applicant has only sought the relief for quashing the charge sheet dated 22.8.2000 (Annexure A-1) and to hold that the

charge sheet is an outcome of malafides on the part of the respondent authorities and it has only been issued to bring disrepute to the applicant at the fag end of his service career. By way of seeking these two reliefs the applicant is simply asking for quashing the charge sheet which is not legally possible by this Tribunal. Hence this Original Application has no merit and is accordingly, dismissed. No cost.

M.
(Madan Mohan)
Judicial Member

M.P.
(M.P. Singh)
Vice Chairman

"SA"

पृष्ठांकन से ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि आर्यो दिल्लू:-

- (1) राधि १, उपर जनरल वार नं. २५ रिहायल, जबलपुर
- (2) आकेदन श्री/मि. ११३ये काउंसल
- (3) प्रत्यक्षी श्री/मि. कृष्ण, ११३ये काउंसल
- (4) विधायक, राज्यसभा, जबलपुर व्यापारीज
सूचना एवं आवश्यक कार्यवाही हेतु

applicant
SA Dharmedhikar

उप सचिव

12-5-04