

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 7th day of December, 2006

**ORIGINAL APPLICATION NO.51/2005**

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Thomas Basu Matary  
s/o Shri Jatindra Basu Matary,  
R/o 80, Vidyadhar Nagar,  
Jaipur,  
Presently working as Superintendent Customs  
At Custom Division Sriganganagar,  
Sukhadia Circle, Ganga Nagar,  
Rajasthan

By Advocate : Shri Amit Nath Mathur

... Applicant

Versus

1. Union of India  
Through Secretary,  
Ministry of Finance,  
Department of Revenue,  
Central Board of Excise & Customs,  
North Block,  
New Delhi.

2. Commissioner of Central Excise Jaipur-I,  
New Central Revenue Building,  
Statue Circle,  
Jaipur.

By Advocate : Shri Gaurav Jain

... Respondents

**ORDER (ORAL)**

The applicant has filed this OA thereby praying  
for the following relief :

"i) Call for the entire record of the case and  
examine the same and after examining the same  
impugned charge sheet dated 9.9.2003 (Ann.A/1)  
may kindly be quashed and set aside.

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ii) Hon'ble Tribunal may further be pleased to quash and entire proceedings initiated after issuance of the charge sheet in pursuance to that."

2. Notice of this application was given to the respondents. However, no stay was granted in favour of the applicant. Learned counsel for the applicant submits that pursuant to the issuance of the impugned charge-sheet, the applicant has been held guilty and he has also been awarded punishment by the disciplinary authority. It is further stated that the appeal against the order of the disciplinary authority is pending before the appellate authority. Learned counsel for the applicant submits that in view of the subsequent development he does not want to press this OA.

3. In view of what has been stated above, the present OA shall stand dismissed as not pressed. It is however made clear that it will be permissible for the applicant to raise all admissible pleas in the new OA including the plea raised in this OA and disposal of this OA will not come in the way of the applicant to make such plea. No order as to costs.

  
(J.P. SHUKLA)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

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