

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

This is the 07th day of August, 2018.

ORIGINAL APPLICATION NO. 330/00764 of 2018

Present:

HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A)
HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J).

Prem Singh Dhakre, aged about 57 years, Son of Late Devi Singh, Resident of HIG D 860, Klandi Vihar, Agra, presently posted as Superintendent CGST & Central Excise, Commissionerate, Agra.

.....Applicant.

By Advocate: Shri Jaswant Singh

VERSUS

1. Union of India, through the Chairman, Central Board of Customs and Central Excise, Ministry of Finance Department of Revenue, North Block, New Delhi 110001.
2. Principal, Chief Commissioner, CGST & Central Excise Zone, Lucknow.
3. Chief Commissioner Central GST and Central Excise Commissionerate, 7-A, Ashok Marg, Lucknow.
4. Commissioner, Central GST and Central Excise 113/4, Sanjay Palace Commissionerate, Agra.
5. Joint Commissioner (Vigilance) Central GST and Central Excise Commissionerate, Agra.

.....Respondents

By Advocate : Shri Rajeshwar Singh

O R D E R
BY HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A)

Heard Shri Jaswant Singh, learned counsel for the applicant and Shri Rajeshwar Singh, learned counsel for the respondents.

2. Learned counsel for the applicant could not say whether any appeal has been filed before the appellate authority under the Rules against the impugned order. He

requested sometime to seek instructions from his client. It was further submitted that in this case, the initial suspension order of the applicant dated 22.3.2018 (Annexure A-2) has been received by the Committee where the appellate authority is one of the member and the impugned suspension order dated 12.6.2018 (Annexure A-1) has been issued to the applicant. He argued that since the appellate authority has approved the impugned order as a member of the Review Committee, filing of the appeal will be of no use.

3. Under the provision of the Rule 23 of the CCS (CCA) Rules, 1965, the appeal lies against the suspension order dated 12.6.2018 before the Competent Authority and there is no exception for the suspension order which has been approved by the Review Committee, where the appellate authority is a member. We are of the view that the applicant has an alternative statutory remedy against the impugned order and that alternative remedy has not been exhausted before filing this O.A. since in the OA, there is no plea regarding filing of the appeal.

4. In view of above, the learned counsel for the applicant wanted to withdraw the O.A with a liberty to file afresh O.A, as per law, if necessary. He is allowed to do so.

5. Accordingly, O.A. is dismissed as withdrawn. It is made clear that applicant will have liberty to file fresh O.A. as per law after exhausting the alternative remedy. No order as to costs.

(Rakesh Sagar Jain)

Member (J)

(Gokul Chandra Pati)

Member (A)

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