

**Central Administrative Tribunal
Principal Bench**

OA No.2466/2016

New Delhi, this the 26th day of July, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Dr. S. Anil Kumar, IRS
S/o V. Sadasivan Achari
Assistant Commissioner
NACEN, Patna, Bihar,
Residing at Krishna Bhavan,
Kaithavalappil,
Thathampally P.O. Alappuzha 688013. Applicant.

(By Advocates : Shri T. V. George)

Versus

1. Union of India
Represented by Secretary to Ministry of Finance
Department of Revenue,
Central Board of Excise and Customs,
6th Floor, Hudco Vishala Building,
Bhikaji Cama Place, R. K. Puram,
New Delhi 66.
2. The Chairman
Central Board of Excise & Customs
North Block,
New Delhi 110 002. ... Respondents.

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

Heard.

2. Issue notice. Shri Hanu Bhaskar, learned standing counsel appears and accepts notice on behalf of both the respondents.
3. The applicant is presently working as Assistant Commissioner of Customs, NACEN, Patna. He joined service on 21.12.2010 (2010 batch Indian Revenue Service, Customs and Central Excise).
4. The grievance of the applicant is that his juniors were considered for promotion in the DPC held on 31.10.2015, and later promoted vide

impugned order dated 17.11.2015 to the post of Deputy Commissioner (Customs and Central Excise), whereas the applicant has not been considered for such promotion. It is further stated that on account of some complaint he was arrested by CBI on 17.10.2013, as a consequence of which, he was placed under suspension. His suspension order was thereafter revoked on 03.07.2014. The grievance of the applicant is that at the time DPC was held on 31.10.2015, neither any charge memo in disciplinary proceedings nor a charge-sheet in criminal case had been filed against him. Therefore, he was required to be considered by the DPC on the basis of his service credentials. However, he has not been considered for such promotion. Later, a criminal charge sheet was filed against him in the competent court on 10.02.2016 and charge has also been framed against him. The applicant made a representation dated 30.11.2015 (Annexure A-7). However, no decision has been taken thereon till date.

5. In the above circumstances, this Application is being disposed of at the admission stage itself without commenting on the merits of the controversy. The respondents are directed to take decision on the aforesaid representation of the applicant by passing a reasoned and speaking order within a period of two months from the date of receipt of copy of this order and communicate the outcome of the same to the applicant.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/