

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00065/2017

DATED THIS THE 9TH DAY OF OCTOBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

Sri Suresh B. Badas,
S/o late Basavappa,
Aged about 56 years,
Superintendent of Customs,
Headquarters Legal Section,
City Customs Commissionerate,
Bengaluru-560 001.

...Applicant.

(By Advocate Shri N.G. Phadke)

V/s.

1.Union of India,
Represented by the Chairman,
Central Board of Excise & Customs,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi-110 001.

2.The Commissioner of Customs. Bengaluru City,
C.R. Building,
Queen's Road,
Bengaluru-560 001.

....Respondents.

(By Shri M.V. Rao, Sr. Panel Counsel)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. It appears that the applicant is one among the three who had been placed on the burden of same and similar charges. In the case of others, the charges have been quashed after hearing both sides. It is submitted at the bar by both the sides that this matter is also exactly similar to the other cases.

Shri .V. Rao, learned counsel for the respondents clarifies that the charges are identical but the parties are different. But since the Hon'ble Apex Court has conclusively said that in similar matters there cannot be a different order. In this case also a similar order will follow.

2. Shri M.V. Rao submits that in the other two cases a Writ Petition is filed and is pending. Therefore, it will be open to him to challenge this order also in that case. The matter will be on the same martix. Therefore, the charge sheet is hereby quashed on the principles followed in the other two cases.

3. The OA is allowed to his extent. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA.No.65/2017

Annexure A-1: Letter dated 30.10.2013 of the Directorate General of Vigilance (HQ) Customs & Central Excise, New Delhi.

Annexure A-2: Charge Memorandum dated 22.11.2013 issued against Sri B.N. Sudheendra, Inspector of Central Excise.

Annexure A-3: Order dated 19.06.2014 of CAT, Bangalore Bench in OA.No.228/2014, quashing the Charge Memorandum in respect of Sri B.N. Sudheendra.

Annexure A-4: Charge Memorandum dated 22.11.2013 issued against Sri G. Ramesh Bhatt, Superintendent of Central Excise.

Annexure A-5: Order dated 19.06.2014 of the CAT, Bangalore Bench in OA.No.227/2014, quashing the Charge Memorandum in respect of Sri G. Ramesh Bhatt.

Annexure A-6: Stay order Nos. 1408 & 1409/2012 in C.E.A. Nos.2391 & 2392/20111 dated 10.7.2012 issued by the Hon'ble CESTAT, Bangalore.

Annexure A-7: Memorandum dated 10.01.2014 issued against the applicant.

Annexure A-8: Applicant's reply dated 12.02.2014.

Annexure A-9: Daily order sheet of the Inquiry dated 23.01.2015.

Annexure A-10: Daily order sheet of the Inquiry dated 05.08.2015.

Annexure A-11: Submission of the applicant dated 02/03.09.2015.

Annexure A-12: Dy. Development Commissioner, Cochin Special Economic Zone (CSEZ), Ministry of Commerce Industries letter dated 07.10.2010.

Annexure A-13: License for Private Bonded Warehouse License No.04/2010 (Customs) dated 11.11.2010.

Annexure A-14: Inbond Manufacturing sanction order No.3/2010 dated 11.11.2010.

Annexure A-15: Development Commissioner (CSEZ) letter dated 31.12.2010.

Annexure A16: Intimation letter of commencement of production dated 22.02.2011.

Annexure A-17: Inquiry Officer's Report dated 06.04.2016.

Annexure A-18: Written submission of the applicant dated 06.06.2016 on the report of the Inquiry Officer.

Annexure A-19: Further/ Additional submission of the applicant dated 27.06.2016.

Annexure A-20: TSL's letter dated 22.07.2009.

Annexure A-21: Superintendent of Central Excise, Udupi Range's letter dated 28.07.2009.

Annexure A-22: II-Respondent's letter dated 12.01.2017.

Annexure A-23: II-Stage Advice of the ADG/CVO dated 23.12.2016.

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