

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**O.A.NO. 060/01428/2017    Date of order:- 15.12.2017.**

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**  
**Hon'ble Mrs.P.Gopinath, Member (A).**

Raj Kumar son of late Shri Sawinder Pal, r/o village KHanpur, P.O.  
Mahilpur, Tehsil Garh Shankar, District Hoshiarpur.

.....Applicant.

( By Advocate :- Mr. I.S.Sidhu )

Versus

1. Union of India, Ministry of Finance, Department of Revenue, Central Board of Excise & Customs, New Delhi, through its Secretary.
2. Principal Commissioner of Central, GST Commissionerate, Chandigarh, Central Revenue Building, Plot No.19, Sector 17, Chandigarh.

...Respondents

**O R D E R (Oral).**

**Sanjeev Kaushik, Member (J):**

By means of present OA, the applicant challenged the correctness of order dated 25.7.2017 whereby the respondents had terminated the services of the applicant on the ground that he does not have the educational qualification for the post of Tax-Assistant on which he was appointed vide order dated 20.11.2014.

2. From the narration of facts, it is manifestly clear that the applicant was offered appointment as Tax Assistant on compassionate grounds on demise of his father vide order dated 20.11.2014. While working on the said post, the respondents issued show cause notice dated 25.10.2016 to which the applicant submitted his reply on 9.11.2016. Subsequently, the applicant was also issued letter dated 12.4.2017 to appear before the Additional Commissioner (P&V) Central Excise, Commissionerate, Chandigarh-I on 24.4.2017 at 11.30 am to represent his case with regard to the allegations made in the show cause notice. Finally, the respondents have issued impugned order dated 25.7.2017 whereby the services of the impugned has been terminated.

3. Shri Sidhu, learned counsel for the applicant submitted that respondents be directed to consider the case of the applicant for appointment on the post of LDC/Hawaldar or any other equivalent lower post as per his qualification as he was appointed on compassionate grounds. He further submits that the applicant will make a representation to the respondents for considering him on any post as per his qualification and the respondents be directed to decide the same by passing a reasoned and speaking order.

4. Issue notice to the respondents.

5. Shri K.K.Thakur, Advocate, who is in receipt of advance notice does not object to the disposal of the OA in the above terms.

6. Considering ad-idem between the parties, we dispose of the present OA in limine with a direction to the applicant to make a representation to the respondents for considering him on the post of

LDC/Hawaldar or any other equivalent lower post as per his qualification, within a period of fifteen days from the date of receipt of certified copy of this order. After receipt of the representation, the respondents shall consider the same and pass a reasoned and speaking order on the representation of the applicant within a period of two months from the date of receipt of representation. Order so passed be duly communicate to the applicant.

5. Disposal of the OA in the above terms shall not be construed as an opinion on the merit of this case.

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**(P.GOPINATH)**  
**MEMBER (A).**

Dated:- 15.12.2017.

Kks