

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/1491/2013

Date of order : 3.1.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

ADINATH MAJUMDAR,
Superintendent,
Working at present in the
Office of the Commissioner of Service Tax,
Kolkata, 180 Shanti Pally,
Rajdanga Main Road,
Kolkata - 700107,
R/o Block Pearl, Flat-2B,
71 Nrisingha Dutta Road,
Kolkata - 700008.

...APPLICANT

VERSUS

1. Union of India, through
The Secretary,
Ministry of Finance,
Dept. of Revenue,
North Block,
New Delhi - 110001.
2. The Commissioner of Service Tax,
Kolkata,
Kendriya Shulk Utpad Bhavan.
180 Shanti Pally,
Rajdanga Main Road,
Kolkata - 700107.
3. The Chief Commissioner of
Central Excise & Service Tax,
Kolkata,
Kendriya Shulk Utpad Bhavan
180 Shanti Pally,
Rajdanga Main Road,
Kolkata - 700107.
4. The Chairman,
Central Board of Excise & Customs,
North Block,
New Delhi - 110001.

...RESPONDENTS.

For the applicant : Mr.S.K.Dutta, counsel

For the respondents: Mr.S.K.Ghosh, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Heard Mr.S.K.Dutta, Id. Counsel appearing for the applicant and Mr.S.K.Ghosh, Id. Counsel appearing for the respondents.

2. This OA has been filed by the applicant under Section 19 of the A.T. Act, 1985 seeking the following reliefs :

- a) An order for quashing and/or setting aside of the charge memorandum being C No.-II(10)34/Con/Vig/ST/Kol/13/30510 dated 27.11.2013 issued by the Commissioner, Service Tax being the disciplinary authority being Annexure A/2 to this application;
- b) A direction upon the respondent authorities to disburse all the retirement benefits on his date of retirement i.e. 30.11.2013;
- c) A direction upon the respondent authorities or to proceed further on the basis of the said charge memo dated 27.11.2013 till the disposal of this application;
- d) Stay of operation of the said charged memo dated 27.11.2013 issued by the respondent No.2.

3. Since it is the categorical stand of the applicant that the respondents have not completed the proceeding despite passage of time, we deem it proper to direct the respondents to complete the proceeding within a time frame, to which, Id. Counsel for the respondents raised no objection.

4. Accordingly we direct the respondent authorities to complete the proceeding within a period of 4 months from the date of receipt of this order, failing which the entire proceeding against the applicant will be abated. The decision to be taken therein shall be communicated to the applicant forthwith.

5. With the above directions the OA is disposed of. No costs.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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