

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00026/2019

Jabalpur, this Thursday, the 17th day of January, 2019

HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

S.R. Parate, S/o Late Ramkrishna Parte, aged 53 years, working as Inspector (Now Superintendent), Office of the Commissioner, CGST and Central Excise, Head Quarter Commissionerate, Nagpur – II, GST Bhawan, Telangkhedi Road, Civil Line, Nagpur – 440001 (M.H.) **-Applicant**

(By Advocate – Smt. Anjana Shrivastava)

V e r s u s

1. Union of India through the Revenue Secretary, Government of India through Ministry of Finance, Department of Revenue, North Block, New Delhi 110001.

2. Chairperson, Government of India, Ministry of Finance, Department of Revenue, Central Board of Indirect Tax and Custom, North Block, Raisinha Hills, New Delhi – 110011.

3. Principal Chief Commissioner, CGST and Central Excise and Custom, 35-C, Mother Teresa Marg, Administrative Area, Arera Hills, Bhopal, District Bhopal (M.P.) 462011.

4. The Commissioner, CGST, Central Excise and Custom, Manik Bagh Palace, Indore (M.P) – 452001, Post Box No.10

-Respondents

ORDER (O R A L)

The applicant is challenging the chargesheet dated 10.11.2016 (Annexure A-1) as well as order dated 03.05.2018 (Annexure A-5) relating to appointment of inquiry officer.

2. It is submitted by the applicant that as per Annexure A-5 dated 03.05.2018, Shri M.K. Sharma, Joint Commissioner, CGST & C.Ex., Hqrs., Ujjain has been appointed as inquiry officer to inquire into the charges framed against the applicant. He has placed reliance upon the Government of India, Ministry of Finance, Department of Revenue DO dated 31.05.2017 (Annexure A-6) as well as the notification dated 02.06.2017 (Annexure A-7), issued by the Department of Personnel and Training regarding disposal of departmental inquiries pending beyond six months. It has been submitted that the applicant has made several representation including one at Annexure A-9 dated 23.07.2018. But, the same has not been decided yet.

3. At this stage, learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to consider and decide the applicant's representation (Annexure A-9) in a time-bound manner.

4. I am of the view that the submission made by learned counsel for the applicant is genuine particularly when the representation of the applicant is pending with the respondent department and till date no action has been taken. Accordingly, the respondents are directed to consider and decide the

representation of the applicant dated 23.07.2018 (Annexure A-9), within a period of 60 days from the date of receipt of a certified copy of this order, as per rules. Needless to say that the order should be speaking and reasoned one.

5. With the above direction, the O.A is disposed of.

(Ramesh Singh Thakur)
Judicial Member

am/-