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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O.S. NO. 350/00 / 545 OF 2018

Pallab Roy Chowdhury, son of Late Binoy
Roy Chowdhury, aged about 56 years, residing
at 28, Netaji Subhas Road, P.O. Nabagram,
District – Hooghly, Pin – 712246 working to
post of Preventive Officer under Commissioner
of Customs, Airport and Administration, Kolkata.

..... Applicant

- Vs -

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

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-: 2 :-

2. The Chairman, Central Board of Excise and Customs, Government of India, Ministry of Finance, North Block, New Delhi – 110001.
3. The Principal Commissioner of Customs (Administration and Airport), Customs House, 15/1, Strand Road, Kolkata – 700001.
4. The Commissioner of Customs, Administration and Airport, Customs House, 15/1, Strand Road, Kolkata – 700001.
5. The Additional Commissioner of Customs, (Administration and Airport), Customs House, 15/1, Strand Road, Kolkata – 700001.
6. The Joint Commissioner of Customs, Administration and Airport, Customs House, 15/1, Strand Road, Kolkata – 700001.



7. The Deputy Commissioner of Customs
(Vigilance), Customs House, 15/1, Strand
Road, Kolkata - 700001.
8. The Commissioner of Customs (Preventive)
West Bengal, Customs House, 15/1, Strand
Road, Kolkata - 700001.
9. The Directorate of Revenue Intelligence
(DRI), Kolkata Zonal Unit, 8, Ho Chi Minh
Sarani, Kolkata - 700071.

..... Respondents

WAL

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1545/2018

Date of Order: 09.10.2018

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

For the Applicant(s): Mr. P. C Das, Counsel

Ms. T. Maity, Counsel

For the Respondent(s): Ms. P. Goswami, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"i) To quash and/or set aside the impugned order of suspension being No. F.No. S21-13/2018vig/418/1 dated 13th June, 2018 being Annexure A-3 of this Original application which is still now continuing without any legal basis by violation of the decision of the Hon'ble Supreme Court in the case of Ajay Kumar Chowdhury Vs. Union of India & Ors. Reported in 2015 (7)SCC 291.

ii) To pass an appropriate order directing upon the respondent authority to revoke the order of suspension which was issued against the applicant on 13.06.2018 by the Commissioner of Customs (Administration & Airport), Custom House, Kolkata because of no fault on the part of the applicant in view of the order passed by the Hon'ble Supreme Court.

iii) to pass an appropriate order directing upon the respondent authority specifically the concerned respondent to consider the details representation which preferred by the applicant dated 27.09.2018 being Annexure A-4 against the impugned order of suspension and pray for revocation of the suspension order which may be considered in light of the decision of the Hon'ble Supreme Court to allow the present applicant to resume duty immediately."



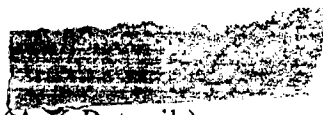
3. The case of the applicant in short is that he was summoned under Section 108 of the Customs Act, 1962 vide letter dated 04.04.2018 issued by the Directorate of Revenue Intelligence to appear before him on 06.04.2018. The grievance of the applicant is that without assigning any reason and without giving any show cause notice vide impugned order dated 13.06.2018 issued by Respondent No.4, he was suspended, which is still continuing. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred a representation dated 27.09.2018 (Annexure-A/4) before Respondent No.4 but nothing has been communicated to him till date.

4. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing the Respondent No. 4 to consider the representation of the applicant, if the same has been filed and is pending before him for consideration, and pass a reasoned and speaking order as per rules and regulations. I make it clear that if after such consideration the applicant is found to be otherwise eligible to join his duty then expeditious steps be taken to grant him such benefit. However, the entire exercise be completed within a period of four weeks from the date of receipt of copy of this order. I make it clear that if in the meantime the said representation has already been disposed of then result thereof be communicated to the applicant within two weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 3 and 4, for which, he undertakes to deposit the cost with the Registry within a week.

7. Copies of this order be handed over to the Ld. Counsel for the applicant.


(A.K. Patnaik)
Member(J)

RK/PS