

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1866/2019

Tuesday, this the 15th Day of October, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr Mohd. Jamshed, Member (A)**

Dr. Ashok Kumar Aswal, s/o Sh. J P Aswal
r/o M-80, (2nd Floor), Guru Harkrishan Nagar
Paschim Vihar, New Delhi – 87
Aged about 53 years, (Group A)
(Deputy Commissioner – Customs & Central Excise)

.....Applicant

(Mr. Ajesh Luthra, Advocate)

-Versus-

1. Union of India through its Secretary, Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
North Block, New Delhi – 01
2. The Chairman, Central Board of Indirect Taxes and Customs
Ministry of Finance, Govt. of India
Department of Revenue
North Block, New Delhi – 01

.....Respondents

(Mr. Amit Anand, Mr. Ravi Prakash and Mr. Shahan Ulla, Advocates)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was working as Deputy Commissioner in the Department of Revenue, Ministry of Finance. An order was passed on 18.06.2019, stating that in exercise of power conferred under F.R. 56 (j), the President of India has decided to compulsorily retire the applicant. The amount equivalent to the notice period, i.e., 3 months

of salary was also paid to the applicant. This O.A is filed challenging the order dated 18.6.2019.

2. Notice was issued on 03.07.2019. The O.A. has undergone several adjournments. The respondents have raised an objection as to the very maintainability of the O.A., stating that the applicant did not exhaust the departmental remedies available to him.

3. The Cuttack Bench of the Tribunal, vide order dated 06.08.2019 in O.A.No.260/418/2019 and the Kolkata Bench of the Tribunal, vide order dated 06.09.2019 in O.A. No. 350/836/2019, have held that the order passed in exercise of power under F.R. 56 (j) cannot be straightway challenged and the departmental remedies need to be exhausted first. Learned counsel for applicant did not object to the submission made by the learned counsel for respondents.

4. We, therefore, dismiss the O.A on the ground of maintainability and leave it open to the applicant to avail the departmental remedy of filing a review, as provided under F.R. 56 (j). We direct the respondents that if such review application is filed, it shall be disposed of, in terms of O.M. dated 11.10.1976 and in accordance with law. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman