

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1616/2019

Dated Thursday, the 5th day of December, 2019

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

&

Hon'ble Mr.T.Jacob, Administrative Member

V.Kannathasan,

14-C, Abiramapuram,

1st Street, Alwarpet,

Chennai 18.

....Applicant

By Advocate M/s. Akbar Row

Vs

Union of India rep by,

1.The Revenue Secretary,

Ministry of Finance,

Department of Revenue,

North Block, New Delhi 110001.

2.The Chairman,

Central Board of Indirect Taxes and Customs (CBIC),

North Block, New Delhi 110001.

3.The Member (Admin),

Central Board of Indirect Taxes and Customs (CBIC),

North Block, New Delhi 110001.

4.The Under Secretary to Govt of India,
Ministry of Finance, Ad.II Section,
Central Board of Indirect Taxes and Customs (CBIC),
North Block, New Delhi 110001.Respondents

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

- "i. To quash the set aside the impugned orders passed by the 4th respondent in F.No. A-32012/25/2018-Ad.II dated 08.01.2019 (A-8) rejecting the applicant's request to open the sealed cover and promote him to the post of Joint Commissioner;
- ii. To direct the first, second & third respondents to open the sealed cover and promote the applicant to the post of Joint Commissioner with effect from the date of promotion of his juniors ie, 30.06.2015 and grant all consequential and attendant benefits flowing therein and
- iii. To pass such further or other orders as deem fit and proper in the circumstances of the case and thus render justice."

2. When the matter came up for consideration, learned counsel for the applicant submits that the applicant in this case was considered in the DPC held on 30.06.2015 and since a criminal case was pending against him at that time his case was considered and kept in a sealed cover. The criminal case ended in acquittal and the sealed cover is not opened till date. When the applicant had given a representation to the respondents, they had issued a short reply dated 08.01.2019 (Annexure A-8) stating that another disciplinary proceeding is initiated and is still pending and hence no action can be taken.

3. Learned counsel for the applicant would submit that the DOPT had issued a OM dated 24.02.2003 stating that subsequent charge memo after the completion of DPC should not be taken into account and he

wants consideration of his representation in the light of the said DOPT dated 24.02.2003. He had given a representation dated 10.09.2018 in reply to which the respondents have passed the impugned order on 08.01.2019 which is cryptic and is not a speaking order.

4. In view of the cryptic nature of the impugned order, we deem it appropriate to direct the respondents to pass a speaking order in the light of the DOPT OM dated 24.02.2003 within a period of three months from the date of receipt of a copy of this order.

5. OA is disposed of as above.

(T.JACOB)
MEMBER (A)

05.12.2019

(P.MADHAVAN)
MEMBER (J)

M.T.