

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/979/2019

Date of Order: 07.11.2019

Between:

Banala Sridhar, S/o. B. Ganesh Kumar,
Aged about 48 years, Occ: Inspector of Central Excise,
O/o. Medchal GST Commissionerate, Hyderabad.

... Applicant

And

1. Govt. of India,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi,
Rep. by its Secretary.
2. The Commissioner,
Central Tax and Customs Department,
Medchal Commissionerate,
Medchal GST Bhavan,
Lakdikapool, Hyderabad.
3. The Chief Commissioner,
Central Tax and Customs Department,
Hyderabad Zone, Basheerbagh, Hyderabad.

... Respondents

Counsel for the Applicant ... Mr. N. Vijay

Counsel for the Respondents ... Mr. G. Rajesham, Addl. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER
{As per B.V. Sudhakar, Member (Admn.)}

2. OA has been filed against non-suspension of the order dt. 30.09.2019 by the 3rd respondent pending disposal of the appeal submitted by the applicant.

3. Brief facts of the case are that the applicant while working as Inspector in the respondents organization, was charge sheeted by CBI in a trap case relating to alleged bribe demanded from an Assessee. On the very same evidence, Department also issued charge memo to the applicant and the Superintendent of Central Excise, Sri G.G. Suresh Kumar. Inquiry against Sri G.G. Suresh Kumar was stayed by this Tribunal in OA 679/2017. However, the inquiry against the applicant proceeded though the substantial charge of demand was solely and wholly against Sri G.G. Suresh Kumar. Based on the enquiry report, disciplinary authority imposed punishment of removal from service against the applicant vide order dated 30.09.2019. Against the said penalty order, applicant preferred appeal on 14.10.2019. The grievance of the applicant is that the appellate authority has not suspended the order of removal passed by the disciplinary authority and the appeal is pending. Hence, the OA.

4. The contentions of the applicant are that he acted as per the instructions of the Superintendent, Central Excise Sri G.G. Kumar, The assessee has deposed during the inquiry that the applicant did not demand

any money. Article of charge refers to demand of money by Sri G.G. Kumar.

5. Heard both counsel and perused the pleadings on record.

6(i) Applicant was proceeded on disciplinary grounds for taking bribe and removed from service by the disciplinary authority vide order dt. 30.09.2019. Applicant preferred appeal on 14.10.2019. Applicant needs to exhaust the alternative channels of remedies before approaching this Tribunal. Appeal has to be necessarily disposed of before the matter could be looked into by this Tribunal.

(ii) Hence, OA is disposed of, at the admission stage, directing the respondents to dispose of the appeal of the applicant within a period of two months from the date of receipt of this order, by passing a speaking and well reasoned order. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 7th day of November, 2019

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