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CENTRAL ADMINISTRATIVE TRIBUNAL KOLKATA BENCH, KOLKATA

O.A/350/220/2015

Date of Order: 07.11.2019

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Shri Aloke Kumar Chatterjee, son of Late Manik Lal Chatterjee, aged about 48 years, working as Inspector of CC (P), West Bengal, Kolkata (HQ), (T&R), residing at 49, Hafiz Mohammad Ishakh Road, P.O. Haridevpur, P. S. Haridevpur, Kolkata – 700082.

Applicant.

Versus

1. Union of India, service through the Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi – 110011.
2. Central Board of Excise & Customs, service through the Chairman, CBSE, North Block, New Delhi – 110011.
3. The Under Secretary, Central Board of Excise & Customs, Ministry of Finance, Department of Revenue, HUDCO, Vishala Building, 4th Floor, Bikaji Cama Place, R.K. Puram, New Delhi 110011.
4. The Chief Commissioner of Central Excise and Service Tax, Kolkata Zone, Kendriya Utpad Shukh Bhawan, (2nd floor), Shahti Pally, Rajdanga Main Road (R. B. Connector), Kolkata – 700107.
5. The Additional Commissioner (P&V), Central Excise, Kolkata-II, Commissionerate M.S Building, Custom House, 15/1, Strand Road, Kolkata – 700001.

Respondents.

For The Applicant(s): Mr. S. K. Datta, counsel
Mr. J. R. Das, counsel

For The Respondent(s): Mr. P. Mukherjee, counsel

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both the parties.

2. It seems that the applicant is aggrieved with his promotion to the post of T. A with effect from 01.04.2002, issued on 31.10.2013, since having cleared the examination to the post of Inspector in the year 2002, he deserved promotion to the post of Inspector which could not be granted to him at the material time due to

pendency of D.A proceedings initiated with a charge sheet dated 14.06.2002.

The reason why the respondents have accorded him promotion to the post of T.A could not however be discerned. We also do not find any challenge to the speaking order dated 07.06.2013 (Annexure A-15) which ought to have been challenged in the O.A.

3. Hence, ld. counsel for the applicant would submit that he may be allowed to withdraw the present O.A to file one afresh to challenge the speaking order.

Ld. counsel for the respondents does not have objection.

4. Accordingly, the O.A is disposed of as withdrawn with liberty to the applicant to file a fresh petition in accordance with law to challenge the speaking order dated 07.06.2013 or any other orders that has affected him, within 8 weeks from the date of receipt of a copy of this order. No costs.

5. As prayed for, urgent xerox certified plain copy of this order be handed over to ld. counsel for both the sides.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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