

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.210/00270/2019

Dated this Thursday, the 24th day of October, 2019

CORAM: R.VIJAYKUMAR, MEMBER (A)
R.N. SINGH, MEMBER (J)

Sukhdeo Dewaji Fulewale, Superintendent, C.Ex (Retd),
Aged 60, Group B, In the O/O CGST, Bhiwandi Commissionerate,
Mumbai and residing at A-1/304, Sai Sankul, Phase-II, Barave Road,
Khadakpada, Kalyan (W), Thane 421 301. ... **Applicant**
(By Advocate Shri A.I.Bhatkar)

VERSUS

1. The Union of India, Through the Chairman,
Central Board of Excise & Customs, Ministry of Finance,
Department of Revenue, North Block, New Delhi 110 001.
2. The Additional Director General, DGST, 9th Floor,
Piramal Chambers, Jijibhoy Lane, Lalbaug, Mumbai 400 012.
3. The Commissioner CGST, Bhiwandi Commissionerate, Lotus,
Info Centre, 12th Floor, Parel, Mumbai 400 012... **Respondents**
(By Advocate Shri N.K.Rajpurohit)

ORDER (Oral)

Per : R.N.Singh, Member (Judicial)

Heard Shri A.I.Bhatkar, learned
counsel for the applicant and Shri
N.K.Rajpurohit, learned counsel for the
respondents.

2. The applicant who is stated to have
retired while working as Superintendent from
the service of the respondents has
challenged the memorandum dated 13.08.2010
(Annexure A-2) in the present OA, filed on
12.04.2019 under Section 19 of the

Administrative Tribunals Act, 1985 and has prayed for the following reliefs therein:

"8(a). This Hon'ble Tribunal will be graciously pleased to call for the records pertaining to the disciplinary proceedings initiated against the Applicant vide Memorandum bearing F.No.II/39/15/vig/DGST/SDF/2008/4895 dated 13.08.2010 and after going through the legality and validity of the same, quash and set aside the same.

8(b). In the alternative, this Hon'ble Tribunal will be graciously pleased to direct the Respondents to complete the disciplinary proceedings, including passing of the final order by the disciplinary authority, within the specified time limit to avoid further hardship to the Applicant.

8(c). This Hon'ble Tribunal will be graciously pleased to direct the Respondents to pay the retirement dues i.e. gratuity, commutation of pension, leave encashment, etc alongwith interest at appropriate rate, to the Applicant immediately.

8(d). This Hon'ble Tribunal will be graciously pleased to pass such other and further orders as deemed fit in the facts and circumstances of the case.

8(e). Cost of this application be provided for."

3. In response to the notice of this Tribunal, the respondents have filed their reply, the applicant has filed rejoinder. It is undisputed that in pursuance of the aforesaid memorandum dated 13.08.2010, the Inquiry Officer has submitted his Inquiry Report on 08.02.2013 and when a copy of the same has been supplied to the applicant. The applicant has submitted his representation to the Disciplinary Authority

on 27.05.2016, however, even after lapse of more than three years, the concerned Disciplinary Authority has not passed any order in the matter.

4. The learned counsel for the applicant submits that the applicant shall be satisfied if the present OA is disposed of with a direction to the respondents to pass final order in the matter in a time bound manner. We are of the view that such request of the applicant deserves to be accepted.

5. In the facts and circumstances, the OA is disposed with a direction to the concerned Disciplinary Authority to pass a final order in the proceedings initiated against the applicant vide memorandum dated 13.08.2010 within a period of two months from the date of receipt of a certified copy of this order.

6. In the facts and circumstances, no order as to costs.

(R.N. Singh)
Member (Judicial)

(R. Vijaykumar)
Member (Administrative)

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