

**Central Administrative Tribunal
Madras Bench**

OA 310/00438/2014

Dated Tuesday the 12th day of March Two Thousand Nineteen

P R E S E N T

**Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)**

Shokendar Kumar
No. T-3, Land Marvel
29, M.G. Road, Shastri Nagar
Adyar, Chennai – 600 020. ... Applicant

By Advocate **M/s.Karthik, Mukundan & Neelakantan**

Vs.

1. Union of India represented by
The Chairperson
Central Board of Excise & Customs
North Block, New Delhi 110 001.
2. Member (P&V)
Central Board of Excise & Customs
North Block, New Delhi – 110 001. ... Respondents

By Advocate **M/s. Hema Muralikrishnan**

ORAL 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 reliefs:

“To direct the respondents to constitute a review DPC/DPC for making promotions to the vacancies of the year 2009 to 2013 filed earlier and left unfilled in the post of Assistant Commissioner of Customs and Central Excise and consider and promote the applicant on adhoc basis to the said post with effect from 19.11.2010 on par with his juniors who have been promoted on adhoc basis to the said post, in accordance with his seniority in the post of Customs Appraiser reckonable from 01.01.2001 with all consequential and monetary benefits flowing therefrom and pass such further or other orders”

2. Today when the matter came up for final hearing the counsel for the applicant submitted that the applicant was promoted to the post of Assistant Commissioner of Customs and Central Excise already. But according to the applicant his juniors are already promoted as Deputy Commissioner and he is entitled to consequential benefits. According to him he has filed a detailed representation before respondent no. 2 for considering his consequential promotion to the post of Deputy Commissioner from the date on which his juniors were promoted. It is submitted by the counsel for applicant that he is entitled to get the relief as he has prayed consequential relief also in the OA. The counsel also submitted that he will be satisfied if the representation filed by the applicant dated 26.03.2018 for promotion to the post of Deputy commissioner is considered and appropriate orders are passed in accordance with rules prevailing.

3. In view of the limited relief sought by the counsel for the applicant, the respondents are hereby directed to consider the representation dated 26.03.2018 as per law and pass a reasoned and speaking order within a period of 6 months from the date of receipt of copy of this order. The OA is disposed of without going into the substantive merits of the issue.

(T. Jacob)
Member(A)

AS

12.03.2019

(P. Madhavan)
Member (J)