

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAIOA No.210/348/2011Dated this Thursday the 12th day of December, 2019

Coram: Dr. Bhagwan Sahai, Member (A).
R.N. Singh, Member (J).

1. Sunil Kumar Lamba
P.O.J.N.C.H. Nhava Sheva,
Tal Uran, Dist. Raigad,
Residing aT: 1002/17B
Customs Colony, MHADA,
Powai, Mumbai-400 076.
2. Surender Mohan Dahiya
P.O., CSI Airport,
Mumbai.
Residing at: 6/102,
Customs Quarters,
5 gardens Matunga,
Mumbai-400 019.
3. Jauesh Prabhakar Jadhav
P.O., Obero Flight Kitchen,
Sahar,
Mumbai.
Residing at: 203/17C Customs
Colony,
MHADA Powai,
Mumbai-400 076.
4. Chaitanya Vishwastao Wakhade
P.O.J.N.C.H, Nhava Sheva
Tal Uran, Dist. Raigad,
Residing at: 1704 B Wing
Lloyds Estate,
Sangam Nagar,
Wadala East,
Mumbai-400 037.

...Applicants.

(By Advocate Shri R. G. Walia).

Versus

1. Union of India-
through the Secretary
Ministry of Finance,

Department of Revenue,
North Block,
New Delhi-110001.

2. The Chairman,
Central Board of Excise and Customs
North Block,
New Delhi-110 001.
3. The Commissioner of Customs (General)
New Customs House,
Ballard Estate,
Mumbai-400 001.
4. The Chairman,
Staff Selection Commission,
CGO Complex,
Block No.12,
Lodhi Road,
New Delhi-110 003.
5. R. Madhukar Rawoo,
Preventive Officer,
Preventive Services Office,
3rd Floor, Old Building,
New Customs.
6. Shri A. K. Pahuja
Superintendent of Customs (P)
Office of the Commissioner
of Customs (Airport)
Air Intelligence Unit
CSI Airport Andheri (E),
Mumbai-400 099.

...Respondents.

(By Advocates Shri D. A. Dube, Ms. J. K. Rehel and Ms. Vaishali Choudhari).

O R D E R (O R A L)
Per : R. N. Singh, Member (J)

Present.

1. Shri R. G. Walia, learned counsel for the applicant.
2. Ms. Vaishali Choudhari, learned counsel for

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the respondents.

3. The applicants, four in numbers, have filed the present OA, under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8(a) The applicants therefore pray that this Hon'ble Tribunal be graciously pleased to call for the records of the case from the Respondents and after Examining the same quash and set aside the impugned order dated 17.12.2012 qua the Applicants so far as non grant of seniority to the Applicants w.e.f. 1995 i.e. the year of Notification of vacancies.

8(b) That this Hon'ble Tribunal be further pleased to grant seniority to the Applicants in the post of Inspector (PO) w.e.f. 1995 that is the year of Notification of the vacancies and grant further consequential benefits by way of consideration for promotion in their lien for both the promotional posts of Superintendent and Appraiser as per consent given by them.

c) Any other and further orders as this Honourable Tribunal deems fit in the nature and circumstances of the case."

4. The matter was lastly listed on 06.12.2019 when it was contended by the learned counsel for the applicant that during the pendency of the OA, the respondents have themselves revised the impugned seniority list of Inspectors (PO) by issuing the circular no.29/2014 dated 27.09.2014 purportedly in compliance of the directions of the Hon'ble High Court ~~in~~ in order dated 22.09.2014 in the WP

No.6784/2014 and 6785/2014. He had further submitted and it was recorded by this Tribunal in the order dated 06.12.2019 that in view of the revised circular no.29/2014 the applicants' grievances as raised in the present OA have partially been redressed by the respondents and the only grievance remains in the present OA that the respondents were expected to consider the applicants for further promotion keeping in view the aforesaid revised seniority list vide circular no.29/2014 with consequential benefits.

5. The learned counsel for the respondents submits that she has got instructions to submit that the statements of the learned counsel to the effect of circular no.29/2014 has been issued by the respondents revising the seniority of the Inspectors(PO) is correct. She further submits that in pursuance to the said revised seniority vide circular no.29/2014, the benefits as admissible under the rules have been given to all concerned. The learned counsel for the respondents further submits that the applicants have been considered for promotion in the year 2015. However, she is not aware as to whether the applicants have been considered for promotion from the date of their juniors have been considered and granted the promotion.

6. In view of the aforesaid, the OA is disposed of with directions to the respondents that in case the respondents have not considered the applicants on the post of Superintendent or Appraiser based on the revised seniority list vide circular no.29/2014 dated 27.09.2014, they shall consider them by conducting the review DPC and also in view of their eligibility and suitability in accordance with law.

7. It is further made clear that in case on such reconsideration the applicants are found fit for promotion they shall be granted the promotion from the date from which their immediate juniors have been granted promotion to the similar post. However, it is made clear that the applicants shall not be entitled for the arrears of pay and their pay shall be ^{fixed} ~~fixed~~ on ^u notional basis.

8. The above exercise shall be completed by the respondents within twelve weeks from the date of receipt of a certified copy of this order.

9. The OA is disposed of in the aforesaid terms.

10. No order as to cost.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

v.

