

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

D.A.NO.1926/96

HON'BLE JUSTICE CHETTUR SANKARAN NAIR (J), CHAIRMAN  
HON'BLE SHRI R.K.AHOOJA, MEMBER(A)

New Delhi, this 11th day of September, 1996

R.K.Goyal  
Inspector  
Central Excise & Customs  
Central Excise Commissionerate  
New Delhi. ... Applicant

(By Shri P.P.Khurana, Advocate)

Vs.

1. Union of India  
through the Secretary  
Ministry of Finance  
Department of Revenue  
North Block  
NEW DELHI.
2. Central Board of Excise & Customs  
through its Secretary  
North Block  
NEW DELHI.
3. Commissioner of Central Excise  
Central Excise Commissionerate  
New Delhi.
4. Shri S.Raghavendram, Superintendent
5. Shri Lov Dev, Superintendent
6. Shri Ranjeet Singh, Superintendent
7. Suresh Chander Sharma, Superintendent
8. Shri Kuldip Singh, Superintendent
9. Shri Ravi Kant Sudan, Superintendent
10. Shri S.R.Gupta, Superintendent
11. Ashok Walia, Superintendent
12. Ms. Meenakshi Arora, Superintendent

Contd....2/-

13. Ms. Rita Khanna, Superintendent
14. Shri K.C.Pande, Inspector
15. Ms. Saroj Dave, Inspector
16. Ms. Ahjula Rai Choudhary, Inspector
17. D.D.Kaushik, Inspector

ALL c/o Commissioner of Central Excise  
Central Excise Commissionerate  
I.P.Estate  
NEW DELHI. ... Respondents

The application having been heard  
on 11.9.1996 the Tribunal on the  
same day delivered the following:

O R D E R

Chettur Sankaran Nair (J), Chairman

Applicant is aggrieved by the denial of seniority to him by A1 order. While working as an Inspector in the Central Excise Collectorate, Bombay, applicant sought and obtained a transfer to Delhi, furnishing an undertaking that he will not claim seniority on the basis of his length of service in the Central Excise Collectorate, Bombay. Relying on the decision of the Tribunal in OA No.601/93 (Damodar Singh Vs. Union of India & Others) applicant submits that the undertaking obtained is not valid in law, as it runs counter to the stipulations in a circular issued by the Government of India. The question whether estoppel would run in the case of orders/circulars issued by Government of India also is a matter which cannot be answered lightly. Likewise, there

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could be a situation where even legal rights can be waived. Be that as it may, we are not called upon, to answer these issues. As the impugned order is not a speaking order the matter has to be considered properly and a speaking order passed. Applicant is permitted to make a representation before the Government of India setting out his grievances and supporting them with such legal grounds as he may be advised. If he makes a representation, the Union of India will consider the same and pass a speaking order thereon within four weeks from the date of a receipt of the representation and communicate the same to applicant.

The Registrar of this Tribunal will forward a copy of this order to first Respondent, Secretary to the Government of India in the Ministry of Finance, New Delhi.

Dated the 11th September, 1996.

Rao  
(R.K.AHOOJA)  
MEMBER(A)

Sankaranarayanan  
(CHETTUR SANKARAN NAIR(J))  
CHAIRMAN

/rao/