

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.853 of 1997

New Delhi, this 27th day of June,2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

(60)

A.K. Vasishtha  
Inspector, Central Excise  
Judicial Branch  
Office of Commissionerate of Central Excise  
New Delhi .. Applicant

(None present)

versus

Union of India, through

1. Secretary  
Department of Revenue  
Ministry of Finance  
North Block, New Delhi
2. Commissioner  
Central Excise  
CR Building, IP Estate  
New Delhi.
3. Asstt. Commissioner (P&V)  
Office of Commissionerate  
Central Excise, CR Building  
IP Estate, New Delhi
4. N.K. Gupta  
Superintendent (Customs)  
Air Cargo Unit, IGI Airport  
New Delhi .. Respondents
5. Ravi Prakash  
Superintendent (Customs)  
AIR Cargo Unit, IGI Airport  
New Delhi .. Respondents

(By Advocates: Shri R.R.Bharti for respondents 1-3  
Shri M.L.Ohri for respondents 4 & 5)

ORDER(oral)

Hon'ble Smt. Lakshmi Swaminathan, M(J)

The applicant has challenged the orders passed by the respondents dated 8.1.1997 and 31.12.1996 (Annexures A-1 and A-2 respectively). He claims seniority over respondents 4 & 5, which has been rejected by order dated 31.12.1996. He has prayed for quashing these impugned

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orders and for a direction to the respondents to treat him as senior to respondents-4 & 5, to hold a review DPC and consequently appoint him as Superintendent with all consequential benefits.

2. As none has appeared for the applicant even on the second call and this case has been listed at Serial No.9 in today's cause list, we have carefully perused the pleadings. We have also heard Shri R.R. Bharti, learned counsel for respondents 1-3 and Shri M.L. Ohri, learned counsel for the respondents 4 & 5. Shri Bharti, learned counsel submits that the facts and issues in this case are similar to the issues raised in the case H.C. Sahni & Anr. Vs. UOI & Ors (O.A.No.1033/96 decided on 21.2.2000, copy placed on record). He has also submitted that as mentioned in the letter annexed to the impugned order dated 8.1.1997, the seniority list of Inter-Commissionerate transferees have been issued a number of times from 1983 onwards. The details of these published Seniority Lists have been referred to in this case in which the respondents have also called for objections, if any, from the individuals.

3. In the reply filed by respondent-4, it is stated that he is senior to the applicant as per the seniority lists issued as on 1.7.1983, 1.3.1988, 31.12.1990 and 31.12.1993. It is also stated that in the seniority list issued on 31.12.1993, respondent-4 was placed at Serial No.84 while the applicant was placed at Serial No.161 and, therefore, the promotion of the respondent has been made in accordance with the Rules. Similarly,

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in the reply filed by respondent-5, it is stated that he is also senior to the applicant as per the seniority lists issued on 1.7.1983, 1.3.1988, 31.12.1990 and 31.12.1993. In the circumstances, the respondents have submitted that the OA is hopelessly barred by limitation. The fact of publication of the seniority lists between the years 1983 and 1993 has also been stated in the reply filed by the official respondents 1-3. According to them, the applicant had made a representation on 13.4.1993, after a gap of nine years from the stipulated date, against the seniority list and accordingly the same was rejected.

4. We have carefully considered the pleadings and the submissions made by the learned counsel. We have also perused the order of the Tribunal dated 21.2.2000 in H.C.Sahni's case (supra). We are satisfied that the facts and issues raised in the present case are the same as those raised in that case and that judgement is fully applicable to the present case. Accordingly, in the circumstances of the case, this case is also barred by limitation under the provisions of Section 21 of the Administrative Tribunals Act, 1985. In the result the OA is dismissed. No order as to costs.

*Shanta Shastray*

(Smt. Shanta Shastray)  
Member(A)

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*Lakshmi Swaminathan*

(Smt. Lakshmi Swaminathan)  
Member(J)