



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 188/2021

This the 1st day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. A. K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Amit Yadav, Inspector, Group 'B',
Aged about 41 years
S/o Sh. Om Parkash Yadav
R/o H.No. 143, Near Post Office,
Nangloi, Delhi-110041

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Applicants

(through Advocate Sh. M K Bhardwaj)

Versus

1. Union of India,
Through its Secretary,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi

2. The Chairman,
CBEC,
Ministry of Finance,
North Block, New Delhi

3. The Chief Commissioner of Central Excise,
Delhi Zone,
Ministry of Finance,
CR Building, IP Estate,
New Delhi

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Respondents

(through Advocate Sh. C Bheemanna)

ORDER (Oral)

Hon'ble Mr. R. N. Singh, Member (J):

The applicant has filed the present OA seeking the following reliefs:



- “(i) To direct the respondents to consider the applicant for promotion to the post of Superintendent Central Excise by holding review DPC and grant him promotion from the date/dates of promotion of his immediate junior with all consequential benefits of pay fixation and seniority.*
- (ii) To declare the action of respondents in deferring his case for promotion in the year 2017 & 2018 as illegal and direct the respondents to consider the case of applicant for promotion to the post of Superintendent of Central Excise by holding review DPC and assess his suitability on the basis of available APARs and promote him to the post of Superintendent of Central Excise w.e.f. 01.04.2016/01.04.2017 etc. with all consequential benefits.*
- (iii) To allow the OA with costs.*
- (iv) Any other relief's as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case to meet the ends of justice.”*

2. Learned counsel for the applicant submits that the applicant's juniors/batch mates were promoted with effect from 01.04.2016/01.04.2017. However, the applicant in spite of being eligible has not been considered for promotion to the post of Superintendent of Central Excise. He submits that the applicant has preferred various

representations, including dated 04.02.2018 and 24.04.2019 followed by reminders thereto (Annexure A7 Colly). However, the respondents have not considered even the said representations.



3. Issue notice. Shri C. Bheemanna, learned Senior Central Government Counsel, who appears on advance service for respondents, accepts notice.

4. At this stage, Shri C. Bheemanna, learned counsel for the applicant, submits that applicant will be satisfied, if the present OA is disposed of with direction to the respondents no.3 to consider the aforesaid representations and dispose of the same by passing a reasoned and speaking order in a time bound manner.

5. We have heard the learned counsel for the parties and we are of the considered view that if such request of the applicant is accepted, no prejudice is likely to be caused to the respondents.

6. In view of the aforesaid, without going into the merits of the claim of the applicant, the present OA is disposed of with direction to the respondents No.3 to consider the aforesaid representations (Annexure A7 Colly) and to dispose of the same by passing a reasoned and speaking

order as expeditiously as possible and in any case within 10 weeks of receipt of copy of this Order.

7. The OA is disposed of with aforesaid directions. No costs.



(R.N. Singh)
Member (J)

(A. K. Bishnoi)
Member (A)

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