



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 873/2020
M.A. No. 1098/2020

New Delhi, this the 08th day of September, 2020

(through video conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

1. Harsh Kakar, Age:51 years
S/o Late Shri G L Kakar
Working as Superintendent in Central Excise
R/o 50-B, I Block, Platinum Enclave,
Sector-18, Rohini, Delhi-110089
2. Jainendra Jain, aged 54 years
S/o Late Shri Jio Lal Jain
Working as Superintendent in Central Excise
R/o H.No. 165, Sector-5, Part III (GF)
Gurugram-122001
3. Rajesh Bhardwaj, aged 54 years
S/o Shri Ram Kumar Bhardwaj
Working as Superintendent in Central Excise,
R/o 47, Amba Enclave,
Sector-9, Rohini, Delhi-110085

...Applicants

(By Advocate: Mr. Yogesh Sharma)

Versus



1. Union of India through Secretary
Ministry of Finance, North Block, New Delhi
2. The Chairman,
Central Board of Indirect Taxes & Customs,
North Block, New Delhi
3. The Chief Commissioner,
CGST, Delhi Zone,

C.R. Building, I.P. Estate,
New Delhi

...Respondents

(By Advocate: Mr. K M Singh)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicants are working as Superintendents in the Central Board of Indirect Taxes & Customs. It is stated that in the seniority list published on 15.12.2017, they were assigned seniority in terms of the judgment of Hon'ble Supreme Court in **Union of India & others v. N.R. Parmar & others** (2012) 13 SCC 340, but the respondents are not operating the same for promotion to the next higher post of Assistant



Commissioner. They claim to have made various representations in this behalf.

2. This O.A. is filed with a prayer to direct the respondents to antedate their promotion to the post of Superintendent to a date earlier to that of their juniors in the seniority list, and then to convene DPC for promotion to the post of Assistant Commissioner.

3. Notice was issued to the respondents on 14.07.2020. Mr K. M. Singh, learned counsel accepted notice on behalf of the respondents. Today, we heard Mr. Yogesh Sharma, learned counsel for applicants and Mr. K. M. Singh, learned counsel for respondents, through video conferencing.

4. The applicants were extended the benefits of the judgment of Hon'ble Supreme Court in **N R Parmar's** case (supra) and accordingly, the



seniority list dated 15.12.2017 was published. Had the matter remained the same, no complications as such would have arisen. Recently, Hon'ble Supreme Court in **K. Meghachandra Singh & others v. Nigam Siro & others**(Civil Appeal No.8833-8835 of 2019 (Arising out of SLP(C) Nos.19565-19567 of 2019)) decided on 19.11.2019, has reversed the judgment in **N R Parmar's** case. The impact of the said judgment on the seniority list dated 15.12.2017 needs to be examined. Though the applicants made representations in this behalf, the respondents have their own difficulty in attending to it, having regard to the complications involved in it. At the same time, the matter cannot be kept pending, indefinitely.

5. We, therefore, dispose of the OA with a direction to the respondents to pass orders on the representations submitted by the applicants within three months from the date of receipt of a copy of



this order, if necessary, by obtaining opinion from the Ministry of Law.

6. The MAs shall stand disposed of. There shall be no order as to costs.

(A. K. Bishnoi) (Justice L. Narasimha Reddy)
Member (A) Chairman

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