

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



**O.A No.951 of 2020
&
MA 1175/2020**

This the 28th day of July, 2020

Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

1. Virender Singh Yadav,
Serving as Superintendent
Aged about 59 years,
S/o Late Sh. H.R. Yadav,
R/o RZP-243, Raj Nagar, Sector-8, Dwarka,
New Delhi.
2. Anil Yadav,
Serving as Superintendent
Aged about 49 years,
S/o Lt. Sh. Raj Singh,
R/o H.No.265, Kakrola Hosing Complex,
Dwarka Mor, New Delhi-110059.
3. Hukam Singh Rawat,
Serving as Superintendent
Aged about 58 years,
S/o Lt. Sh. Hayat Singh Rawat
R/o F-14/2, Andrews Gang, New Delhi-110049.
4. Jagbir Singh,
Serving as Superintendent
Aged about 58 years
S/o Sh. Pareetram
R/o H.No.FCA-925, Block-C, SGM Nagar, Near
Hanuman Mandir, Sec-48, Faridabad-121001.
5. Nagender Kumar Sharma,
Serving as Superintendent
Aged about 58 years
S/o Sh. H.P. Sharma
R/o F-9A, Sadh Nagar-2, Palam Colony,
New Delhi-110045.
6. Subhash Chand Pant,
Serving as Superintendent
Aged about 52 years,
S/o Lt. Sh. P.D. Pant

R/o 69-B, CG-II, Vikas Puri,
New Delhi-110018.



7. Mukesh Kumar
Serving as Superintendent
Aged about 51 years
S/o Lt. Sh. Murari Lal,
R/o D-7, DDA Flats, Vivekanand Puri,
New Delhi-110007.

8. Kamal Kishore Pandey,
Serving as Superintendent,
Aged about 50 years,
S/o DD Pandey
R/o 17-H, CGHS, Vasant Vihar,
New Delhi-110057.

9. Raju Singh Chauhan,
Serving as Superintendent
Aged about 48 years
S/o Sh. Hari Kishan Chauhan
R/o C-3321, 3rd Floor, Green Field,
Faridabad-121010.

....Applicants.

(By Advocate : Shri 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.

....Respondents

(By Advocate : Shri S.M. Zulfiqar Alam)

ORDER (ORAL)**Hon'ble Mr. R.N. Singh, Member (J):****MA No.1175/2020**

The applicants, nine in numbers, have filed the present MA seeking permission for joining together. Learned counsel for the applicant submits that applicants want to file aforesaid OA jointly. Learned counsel for the applicants Shri Bhardwaj submits that the grievances of the applicants are identical and the applicants are similarly placed.

2. Issue notice.

3. Shri S. M. Zulfiqar Alam, learned counsel appearing on advance service on behalf of the respondents, accepts notice. For the reasons given therein in the MA and keeping in view no objection from the learned counsel for the respondents, MA is allowed.

OA No.951/2020

The present OA has been filed under Section 19 of the Administrative Tribunals Act, 1985 by the applicants seeking antedating of their promotion to the post of Superintendent in Customs and Central Excise under the respondents w.e.f. 01.04.2016 in view of the fact that their juniors were also promoted with effect from such date.

2. Shri Bhardwaj, learned counsel for the applicants, submits that such claim of the applicants is squarely covered by the



judgment of this Tribunal dated 12.05.2016 passed in OA No.3405/2014 (Annexure A/4) which he claims that that has been affirmed by the Hon'ble High Court of Delhi and the same has attained finality in as much as the respondents have implemented the same. Shri Bhardwaj, learned counsel for the applicants, submits that for redressal of their grievances, the applicants have preferred representations (Annexure A-10 Collectively) and in spite of lapse of more than four months, the same have not been considered and disposed of by the respondents.

3. Issue notice.

4. Shri S.M. Zulfiqar Alam, learned senior Central Government counsel appears on behalf of the respondents on advance service and accepts notice.

5. Shri Bhardwaj, learned counsel for the applicants, submits that the applicants shall be satisfied, if the present OA is disposed of at this very stage with direction to the respondents to consider the aforesaid representations of the applicants and to dispose of the same in a time bound manner. Shri M.K.Bhardwaj, learned counsel for the applicants further submits that the respondents should also consider the latest judgment of the Hon'ble High Court of Delhi on the subject particularly annexed as Annexure A-11 to the OA. To such prayer, learned counsel for respondents does not have any objection.



6. In view of the aforesaid facts and circumstances and without going into the merit of the claim of the applicants, the present OA is disposed of with a direction to the respondents to consider the aforesaid representations (Annexure A-10 (Collectively) of the applicants in accordance with the law and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible in any case within 90 days of receipt of a copy of this Order.

7. The present OA is disposed of in the aforesaid terms. However no order as to costs.

(Aradhana Johri)
Member (A)

(R. N. Singh)
Member (J)

/ravi/Akshya/Maya