

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00431/2020**

**DATED THIS THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2020**

**CORAM:**

**HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)**

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

**HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)**

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

Utkarsh Kumar Sharma,  
S/o Sri M.R. Sharma,  
Aged 30 years, Working as  
Inspector of Central Excise and Customs,  
O/o Principal Commissioner of Customs,  
Airport and ACC, Kempegowda  
International Airport, Devanahalli,  
Bengaluru 560 300,  
Residing at G-10, Central Excise &  
Customs Staff Quarters, KAS Officers' Colony,  
BTM Layout, Stage II, Bengaluru 560 068

....Applicant

(By Advocate Shri A.R. Holla - through video conference)

Vs.

1. Union of India,  
By Secretary,  
Ministry of Finance,  
Department of Revenue,  
North Block, New Delhi 110 001

2. The Secretary,  
Ministry of Personnel, Public Grievances and Pensions,  
Department of Personnel & Training,  
Establishment (Reservation-1) Section,  
North Block, New Delhi 110 001

3. The Principal Chief Commissioner of Central Tax,  
Bengaluru, P.B. No. 5400,  
Central Revenue Building,  
Queen's Road, Bengaluru 560 001

4. The Principal Commissioner of Customs,  
Airport and ACC,  
Kempegowda International Airport,  
Devanahalli, Bengaluru 560 300

5. Sri Prohlad Naskar,  
Superintendent of Central Tax,  
Bengaluru East Commissionerate,  
Central GST and Tax, TTMC Building,  
BMTC Bus Stand, Old Airport Road,  
Domlur, Bengaluru 560 071

6. Sri Bhupendra Singh,  
Superintendent of Central Tax,  
O/o Principal Commissioner,  
Central GST West Commissionerate,  
BMTC Building, 1<sup>st</sup> Floor,  
Banashankari, Bengaluru 560 070

7. Sri Parikh Priteshkumar Ishvrbhai,  
Superintendent of Central Tax,  
Bengaluru North Commissionerate,  
Central GST, 1-No. 29/2,  
Basaveshwara Building,  
Crescent Road, Bengaluru 560 001

.....Respondents

### **ORDER (ORAL)**

#### **PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- i. To quash Order No. 264/2019 dated 31.12.2019 issued by the Respondent No. 3, Annexure-A3, so far it relates to the promotion of the respondents Nos. 5, 6, 7 are concerned.
- ii. Direct the respondents to consider the applicant for promotion to the post of Superintendent of Central Tax as per the published seniority list of Inspectors

2. At the very outset, Shri A.R. Holla, learned counsel representing the applicant, submitted that before filing the present Original Application, the applicant had submitted a representation dated 22.01.2020 before the respondents on which no decision has been taken upto today. He further stated that the applicant will be satisfied if a direction is issued to the respondents to decide his pending representation within a timeframe.

3. Keeping in view the aforesaid limited prayer made by Shri A.R. Holla, learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

4. Accordingly, the Original Application is disposed of with a direction to Principal Chief Commissioner of Central Tax, Bangalore to decide the applicant's pending representation dated 22.01.2020 and pass a reasoned and speaking order in accordance with law. The applicant shall also be afforded an opportunity of hearing before taking such a decision. The whole exercise shall be undertaken within a period of 2 months from the date of receipt of a certified copy of this order.

5. Ordered accordingly. No order as to costs.

**(RAKESH KUMAR GUPTA)**  
**MEMBER (A)**

**(SURESH KUMAR MONGA)**  
**MEMBER (J)**

**Annexures referred to by the applicant in OA No. 170/00431/2020**

Annexure A1	Copy of the circular dated 24.07.2019
Annexure A2	Copy of the OM dated 15.06.2018
Annexure A3	Copy of the order dated 31.12.2019
Annexure A4	Copy of the applicant's representation dated 22.01.2020
Annexure A5	Copy of the communication dated 27.01.2020

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