

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA No.310/00191/2020

Dated Monday the 10th day of February, 2020

P R E S E N T

**Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)**

B. Ganesan
Inspector of GST & Central Excise
Office of the Commissioner of GST & Central Excise
Trichy GST & Central Excise Commissionerate
No. 1, Williams Road
Cantonment
Trichy 620 001. ... Applicant

By Advocate M/s M. Ravi
Vs

1. Union of India
Represented by Secretary to Ministry of Finance
Department of Revenue
North Block
New Delhi – 110 003.

2. Chairman
Central Board of Excise and Customs
Ministry of Finance
Department of Revenue
North Block
New Delhi – 110 003.

3. The Principal Commissioner of GST & Central Excise
Tamilnadu & Puducherry Zone
Chennai – 600 034. ... Respondents

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To pass appropriate orders upholding the entitlement of the services rendered by the applicant in his parent Commissionerate namely, Kandla Customs House, Kutch District, Gujarat along with his services rendered in Southern Region for the purpose of seeking seniority and for promotion to the next higher post and to grant him all consequential benefits on par with his immediate junior in the parent Commissionerate and to grant him all consequential benefits within a limited time frame, pass such further or other orders.”

2. The applicant was selected as Lower Divisional Clerk through Staff Selection Commission and posted at Customs House, Kandla, Kutch District in the State of Gujarat and he joined the post on 24.09.1990. Thereafter, on Inter-Commissionerate transfer, he was transferred and posted at Southern Region, and he joined at Trichy on 27.09.1993. Subsequently, he was promoted to Upper Divisional Clerk on 19.02.2002 which post was redesignated as Tax Assistant in the year 2006 and he was further promoted as Senior Tax Assistant on 31.12.2010 and as Inspector of GST & Central Excise in the year 2014. Similarly situated persons like the applicant in Chandigarh region filed OA 338/PB/2012 which was allowed by order dated 03.08.2012 upholding the entitlement of the applicants therein to the service rendered by them in the parent Commissionerate and the said order of the Tribunal was upheld by the Hon'ble High Court by order dated 21.01.2013 in WP No.25662/2012 and by the Hon'ble Supreme Court by order dated 23.02.2017 in SLP No.5408-5409/2014. The applicant made several representations, the latest one dated 18.01.2019 which evoked no positive response and hence this OA.

3. When the matter came up for admission, learned counsel for the applicant would submit that applicant will be satisfied if the competent authority is directed to consider his representation dated 18.01.2019 in

Annexure A-15 in the light of the order in OA 338/PB/2012 upheld by Hon'ble High court and Supreme Court and pass orders, within a stipulated time limit.

4. In view of the limited relief sought and without going into the merits of the case, the OA is disposed of in the following lines:

"The competent authority is directed to consider the representation of the applicant dated 18.01.2019 in Annexure A-15 on the basis of the relevant rules and regulations and the order in OA 338/PB/2012 upheld by Hon'ble High court and Supreme Court and pass a reasoned and speaking order, within a period of four months from the date of receipt of a copy of this order. "

**(T.JACOB)
MEMBER (A)**

**(P.MADHAVAN)
MEMBER (J)**

10.02.2020

M.T.