

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00622/2020

Jabalpur, this Tuesday, the 24th day of November, 2020

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Hari Bhau Marot Rao Khapre,
S/o Shri Marat Rao, Khapre.
DOB:04.11.1958
Occupation Retd. Administrative Officer,
R/o C-6 Shatabdi Nagar,
Teli Banda, Raipur (C.G.)

-Applicant

(By Advocate –**Shri S.K. Nandy**)

V e r s u s

1. Union of India,
Through its Secretary,
Department of Revenue,
Ministry of Finance,
Central Secretariat, New Delhi 110001

2. Chairman Central Board of Indirect
Taxes & Customs, Department of Revenue,
Ministry of Finance,
North Block New Delhi 110001

3. Principal Commissioner CGST &
CEX Central GST Bhawan Tikrapara,
Dhamtari Road,
Raipur 492001 (C.G.)

- Respondents

(By Advocate –**Shri Himanshu Shrivastava**)

ORDER (Oral)**By Ramesh Singh Thakur, JM:-**

Heard.



2. This Original Application has been filed against the inaction of the respondents whereby the representation of the applicant Annexure A/3 has not yet been decided.

3. From the pleadings the case of the applicant is that the applicant after attaining the age of superannuation, has retired from service on 30.11.2018 while he was serving on the post of Administrative Officer (Class II) from the Office of Assistant Commissioner, CGST and Central Excise Division-1 Raipur. The applicant was promoted to the post of Administrative Officer and joined on the said post on 29.12.2011 and continued to work till his superannuation i.e. 31.11.2018. The applicant was assigned seniority at Serial No.2 in the said post vide draft seniority published on 01.01.2017 (Annexure A/1). The applicant was due for his promotion to the next promotional post of Chief Accounts Officer. However the



applicant has not been granted timely promotion to the post of Chief Accounts Officer although he was eligible in all respect. The applicant had preferred several representations to the competent authority prior to his retirement which could not fetch any result. The applicant sought information from Right to Information Act 2005 which reveals that the delay in convening the DPC for promotion to the post of Chief Accounts Officer was solely attributable to the reason of non finalization of seniority list of Administrative Officer in time, which later on finalized in the month of November, 2017 i.e. just a year before his superannuation. Further ACR dossier and pre-requisite documents of Administrative Officers, who were in the zone of consideration, required by the DPC for promotion to the post of Chief Accounts Officer were not provided in time. The applicant preferred representation dated 21.10.2019(Annexure A/3) and prayed before the authorities to convene a review DPC to consider his case

for promotion to the post of Chief Accounts Officer but to no avail.

4. At this stage, learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to decide his representation dated 21.10.2019 (Annexure A/3) in a time bound manner.



5. Learned counsel for the respondents submits that he has no objection if the Original Application is disposed of in above manner.

6. We have considered the matter and we are of the view that the natural justice will be met if the competent authority of the respondents is directed to decide the representation dated 21.10.2019 (Annexure A/3) in a time bound manner especially when the said representation is not decided yet.

7. Resultantly, the competent authority of the respondents (respondent No.3) is directed to decide the applicant's representation dated 21.10.2019 (Annexure

A/3), if not already decided, within a period of six weeks after receiving the copy of this order.

8. Needless to say, that the respondents shall pass a reasoned and speaking order. Respondents shall also deal with all the contentions raised in Annexure A/3.



9. With these observations, this Original Application is disposed of at admission stage itself.

10. The applicant shall provide the copy of this order along with copy of O.A. to the respondents.

(Naini Jayaseelan)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

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