

Central Administrative Tribunal
Principal Bench

2
OA-1746/2004

New Delhi this the 22nd day of July, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Kuldip Singh, Member (J)

1. Shri N.P. Singh
Senior Tax Assistant
Customs, Excise and Service Tax
Appellate Tribunal
West Block No.2,
R.K. Puram, New Delhi-110066.
2. Ms. Renu Thapliyal
Senior Assistant
Room No.103, Dte. General of Audit
Central Revenue Building,
ITD, New Delhi.
3. Ms. Shamo Devi
Directorate General of Inspection
Customs & Central Excise
Drum Shape Building, 5th Floor,
I.P. Estate, New Delhi-110002
4. Shri Anil Kumar
Tax Assistant
Directorate General of Inspection
Customs & Central Excise
I.P. Bhawan, D-Block,
Room No.510, 5th Floor,
New Delhi.
5. Ms. Veena Sharma
Senior Tax Assistant
Directorate General of Inspection
Customs & Central Excise
I.P. Bhawan, D-Block,
Room No.510, 5th Floor,
New Delhi.
6. Ms. Harjeet Lamba
Senior Tax Assistant
Directorate General of Inspection
Customs & Central Excise
I.P. Bhawan, D-Block,
Room No.510, 5th Floor,
New Delhi.

-Applicants

(By Advocate: Shri Kumar Pandey)

Versus

1. Union of India
Through the Secretary
Ministry of Finance
Department of Revenue
North Block, New Delhi.

2. The Director General
Directorate General of Inspection
Customs & Central Excise
I.P. Bhawan, IP Estate,
New Delhi.
3. The Chairman
Central Board of Excise and
Customs, North Block,
Ministry of Finance, New Delhi.

-Respondents

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Through this OA applicants, six in number, who are Tax Assistant/Senior Tax Assistant have sought the following reliefs:-

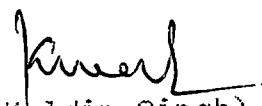
"a) Direct the respondents to implement the Ministry's Order No.A.32011/18/2003-Ad.IIIA dated 08.10.2003 and promote the applicants to the post of Inspector as CCE, Delhi-I as implemented the order vide its Establishment Order 160/2003 dated 29.10.2003".

2. Learned counsel pointed out that vide Annexure A-1 dated 8.10.2003, relaxation in Recruitment Rules in various grades for promotion to the grade of Inspector was allowed among others to Tax Assistants with 2 years regular service as Tax Assistants and also who had functioned as UDC for more than three years. According to him, these applicants were eligible for relaxation in Recruitment Rules. They had also cleared the departmental examination for promotion to the grade of Inspector held in November, 2003. Applicants had made representations to the Chairman, Central Board of Excise & Customs for according them promotion to the grade of Inspector in terms of Ministry's order dated 8.10.2003. However,

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their representations have remained unactioned at the hands of the respondents. Learned counsel also pointed out that similarly situated persons from the office of Commissioner of Central Excise, Delhi-1 have been granted promotion to the post of Inspector even though they have not cleared the departmental examination vide Establishment Order No. 160/2003 (Annexure A-3).

3. Having regard to the contentions raised before us, we are of the considered view that this OA can be disposed of at this stage itself without issuing a notice to the respondents while their rights shall not be prejudiced, directing them to consider the present OA as a representation of these applicants by passing a detailed and speaking order within a period of two months from the date of communication of these orders. Ordered accordingly.


(Kuldip Singh)

Member (J)

cc.


(V.K. Majotra)
Vice-Chairman (A)
22.7.04