

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP No. 544/2009 in
OA No. 2072/2004
and
OA No. 3000/2009**

New Delhi, this the 29th day of April, 2010

**HON'BLE MR. JUSTICE V.K. BALI, CHAIRMAN
HON'BLE MR. L.K.JOSHI, VICE CHAIRMAN (A)**

CP 544/2009

P.R.Chandrasekharan,
Additional Director General,
National Academy of Customs, Excise & Narcotics,
Regional Training Institute,
Jaweed Maskan,
5-10-188/4/A, Hill Fort Road,
Adarsh Nagar,
Hyderabad-500 004 ... Petitioner

(By Advocate: Shri C. Hari Shanker)

Versus

P.V. Bhide,
Secretary,
Department of Revenue
Ministry of Finance,
North Block,
New Delhi-110001

(By Advocate: Shri R.V. Sinha)

OA No.3000/2009

P.R.Chandrasekharan,
Additional Director General,
National Academy of Customs, Excise & Narcotics,
Regional Training Institute,
Jaweed Maskan,
5-10-188/4/A, Hill Fort Road,
Adarsh Nagar,
Hyderabad-500 004

(By Advocate: Shri C. Hari Shanker)

Versus

1. Union of India,
Through the Secretary,

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Department of Revenue,
 Ministry of Finance,
 North Block, New Delhi-110001

2. R.K. Jain,
 Commissioner of Customs (Appeals), Mumbai III,
 New Custom House,
 Ballard Estate,
 Mumbai-400 001
3. P.S. Pruthi,
 Commissioner (Customs), CBEC,
 Dept. of Revenue,
 North Block, New Delhi-110001
4. Ruchira Pant,
 Joint Secretary, Ministry of Tribal Affairs,
 Room No.722,
 7th Floor, Wing 'A',
 Shastri Bhawan,
 New Delhi
5. Saheb Singh,
 Addl. Director General,
 West Zonal Unit,
 Directorate General of Vigilance,
 7th floor, New Custom House,
 Ballard Estate,
 Mumbai-400 001
6. Arun Sahu,
 Commissioner of Central Excise,
 Town Centre,
 N-5, CIDCO,
 Aurangabad-431030
7. Matthew John,
 Commissioner of Customs, Mumbai III,
 New Custom House,
 Ballard Estate,
 Mumbai-400 001
8. K. Srivastava,
 Commissioner of Central Excise (Appeals),
 Central Excise & Customs Building,
 Race Course Circle,
 Vadodara-390007
9. K.K. Jha,
 Joint Secretary (Review),
 CBEC,
 Hudco Vishala Building,
 'B' Wing, 5th Floor,
 Bhikaji Cama Place,
 R.K. Puram,
 New Delhi-110066

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10. A.K. Das,
Commissioner of Central Excise,
Kendriya Rajaswa Bhawan,
R.G. Gadkari Chowk,
Nashik – 422 022
11. Deepak Kumar,
Commissioner of Central Excise (Appeals), Jaipur I,
N.C.R. Building,
Statue Circle,
'C' Scheme,
Jaipur-302 005
12. Mala Srivastava,
Commissioner of Central Excise,
Central Excise & Customs Building,
Race Course Circle,
Vadodara-390 007
13. V. Ramu,
Addl. Director General,
Directorate of Revenue Intelligence, Zonal Unit,
Rupen Bungalow,
Behind Jain Merchant Society,
Near Mahalaxmi Cross Roads,
Paldi, Ahmedabad-380 007
14. S.C. Jana,
Commissioner of Central Excise, Bolpur (Sian),
Nasnoor Chandidas Road,
Birbhum (W.B.) – 731 204
15. Harjinder Singh
Commissioner of Central Excise,
SCO No. 407-408,
Sector-8,
Panchkula (Haryana) – 134 119
16. S.K.S. Somvanshi,
Addl. Director General (Audit),
Zonal Unit,
B/414-416, Himalaya Arcade, Vastrapur,
Ahmedabad-380 015
17. Rasheeda Husain,
Joint Secretary (Cofeposa),
Central Economic Intelligence Bureau,
Janpath Bhawan,
'B' Wing, 6th Floor,
New Delhi
18. Joy Kumari Chander,
Jt. CDR,
Customs, Excise & Service Tax Appellate Tribunal,
1st Floor, World Trade Centre Building,
Preet Complex, K.G. Road,
Bangalore-560 009

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19. B.K. Singh,
Jt. CDR, CESTAT,
West Block No. 2,
R.K. Puram, New Delhi
20. P.J.R. Sekhar,
Commissioner of Central Excise (Appeals),
C.R. Buildings,
Kannavari Thota,
Guntur-520 004
21. D.S. Negi,
Commissioner of Customs,
Custom House,
Near Balaji Temple,
Kandla-379210
22. A.K. Prasad,
Commissioner of Central Excise (Appeals),
3rd Floor, Adarshdham Building,
Opp. Old Police Station,
Vapi – Daman Road,
Vapi-396191
23. J. Chaturvedi,
Addl. Director General,
Director General of Central Excise Intelligence,
Mumbai Zonal Unit,
3rd Floor, 15, NTC House,
Narottam Morarjee Marg,
Ballard Estate,
Mumbai-400 001
24. Deepa B. Das Gupta,
Commissioner of Central Excise, Kolkata-I,
Central Excise Building, 1st Floor,
180, Shantipally-Embye Pass
(Rashbehari Avenue Crossing),
Kolkata-700 107
25. Karan K. Sharma,
Commissioner,
Directorate of Logistics (Customs & Central Excise),
4th Floor, 'A' Wing,
Loknayak Bhawan,
Khan Market,
New Delhi-110011
26. Sanghamitra Panda,
Commissioner of Central Excise,
3rd Floor, Adarshdham Building,
Opp. Old Police Station,
Vapi Daman Road,
Vapi – 396191

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27. Shashi Bhushan Singh,
Commissioner of Customs (Appeals),
Custom House,
Near All India Radio,
Navrangpura,
Ahmedabad-380009

28. Najib Shah,
Joint Secretary (Drawback),
CBEC,
Dept. of Revenue,
Jeevan Deep Building,
Parliament Street,
New Delhi

29. H.K. Jain,
Commissioner of Central Excise (Appeals),
Ahmedabad IV,
Custom House,
Navrangpura,
Ahmedabad-380009

30. Chitrang Dube,
Commissioner of Central Excise (Appeals),
38, M.G. Marg,
Civil Lines,
Allahabad-211 011

31. C.S. Prasad,
Commissioner of Central Excise,
17 P, Sector-1,
Rohtak

32. K.K. Goyal,
Commissioner of Central Excise (Appeals), Jaipur II
New Central Revenue Building,
Statue Circle,
'C' Scheme,
Jaipur-302 005

33. M.D. Singh,
Commissioner (Legal), CBEC,
Hudco Vishala Building,
'B' Wing, 5th Floor,
Bhikaji Cama Place,
R.K. Puram,
New Delhi-110 066

...Respondents

(By Advocate: Shri R.V. Sinha)

ORDER

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Mr. L.K. Joshi, Vice Chairman (A)

The following directions were, *inter alia*, given in OA number 2072/2004, **P.R. Chandrasekharan Vs. Union of India and others**, decided on 29.03.2007:

"(e) Impugned orders vide which respondents issued notification dated 03.05.2002 as well as rejecting applicants' representation are quashed and set aside."

The Applicant in this Contempt Petition (CP) is aggrieved that a draft seniority list in the grade of Commissioner was circulated by the Department of Revenue on 11.02.2009, which is based on the seniority list of 3.05.2002, which had been quashed by this Tribunal. The Applicant had submitted his objection to the aforesaid seniority list of 11.02.2009. However, the objection was disposed of when the final seniority list was issued on 18.05.2009 by, *inter alia*, observing thus:

"3. Some officers have claimed change in seniority on the basis of Order dated 29.03.2007 passed by Hon'ble CAT, Principal Bench, New Delhi in OA No.2456/2003 and 2072/2004. These Orders have been challenged by the Department before Hon'ble Delhi High Court by way of Writ Petition No.1762/2007, which is pending. Hence, any decision in this regard can be taken only after the matter is finally settled."

2. The learned counsel for the Respondents vehemently contends that CP may not be entertained by the Tribunal in view of the fact that the Respondents have filed a Writ Petition along with application for stay, although stay has not been granted by

the Honourable Delhi High Court. He relies on the directions of the Honourable Supreme Court in SLP (Crl.) No.2253/2000, **Ram Avadh Singh Vs. Lalji Yadav & Ors.**, which are quoted below:

"Leave granted.

After hearing the counsel for the parties, we are of the opinion that this is not a fit case where proceedings for contempt should have been initiated, especially in view of the fact that against the judgment which was delivered against the appellant an appeal had been filed and neither the appeal nor even the stay application has been decided. In view of the pendency of the said stay application, the contempt proceedings are ordered to be withdrawn. If the stay application is dismissed, it would then be open to the respondents to take further action. The High Court should dispose of the stay application as expeditiously as possible and without granting any further adjournment.

The appeal is disposed of."

3. In view of this, the CP is closed. The Applicant is at liberty to revive the CP in case the decision in the said Writ Petition is favourable to him or the stay application is dismissed.

OA 3000/2009

The seniority list dated 18.05.2009 has been challenged in this OA, on the ground that it is based on the seniority list dated 3.05.2002, which had been set aside by this Tribunal by order dated 29.03.2007 in OA number 2072/2004.

2. Since the Honourable Delhi High Court is seized of the matter regarding this Tribunal's order quashing the seniority list of 3.05.2002, it may not be necessary to consider the OA on its *Lalji* merits. It would suffice at this stage, in the interest of justice, to

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stay the operation of the seniority list of the officers in the grade of Commissioners [Grade-II of IRS C&CE)] as on 1.01.2009, issued on 18.05.2009, which is based on the seniority list dated 3.05.2002, which has been impugned in this OA, till the matter is finally decided by the Honourable Delhi High Court in W.P.(C) No.1762/2008 and 1824/2008, challenging the order dated 29.03.2007 of this Tribunal in OA number 2072/2004, by which the aforesaid seniority list of 3.05.2002 had been quashed.

3. The OA is disposed of with liberty to the Applicant to reagitate the matter in appropriate proceedings, if so advised if the judgement of the Honourable Delhi High Court is favourable to him. No costs.



(L.K. Joshi)
Vice Chairman (A)



(V.K. Bali)
Chairman

/dkm/