

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

R.A. NO.137/2005
in
O.A. NO.826/2004
with
R.A. NO.140/2005
in
O.A. NO.621/2005

This the 25th day of July 2005.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

- 1) R.A.NO.137/2004 in
O.A. NO.826/2004
1. Moti Ram,
Stenographer Grade-II,
Directorate General of Vigilance,
Customs & Central Excise,
Hotel Samrat, Chanakyapuri,
New Delhi.
2. Hari Singh, Stenographer Grade-II,
Directorate General of Vigilance,
Customs & Central Excise,
Hotel Samrat, Chanakyapuri,
New Delhi.
3. Madhu Ahuja,
Stenographer Grade-III,
Directorate General of Vigilance,
Customs & Central Excise,
Hotel Samrat, Chanakyapuri,
New Delhi.
4. Vijaya Kumar,
Stenographer Grade-III,
Directorate General of Vigilance,
Customs & Central Excise,
Hotel Samrat, Chanakyapuri,
New Delhi.
5. Ramkrishna Dutta,
Stenographer Grade-III,
Directorate of Organisation and Personnel
Management, Customs & Central Excise,
409/8, Deepshikha Building,
Rajendra Place,
New Delhi-110008.

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6. Jaishree Srivastava,
Stenographer Grade-II.
Office of the Chief Departmental Representative,
Customs, Excise and Service Tax Appellate Tribunal,
West Block No.2, R.K.Puram,
New Delhi.

... Applicants

versus

1. Union of India through
Secretary, Department of Revenue,
Ministry of Finance,
North Block, New Delhi-110001.
2. Chairman,
Central Board of Excise & Customs,
Department of Revenue,
Ministry of Finance, North Block,
New Delhi-110001.
3. Director General,
Directorate General of Inspection,
Customs & Central Excise,
D-Block, I.P.Estate,
New Delhi-11002.

... Respondents

- 2) R.A. NO.140/2005 in
O.A. NO.621/2005

N.P.Singh,
Senior Tax Assistant,
Customs, Excise and Service Tax Appellate Tribunal,
West Block, No.2, R.K.Puram,
New Delhi-110066.

... Applicant

versus

1. Union of India through
Secretary, Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
2. Director General,
Directorate General of Inspection,
Customs and Central Excise,
I.P.Bhawan, I.P.Estate,
New Delhi.
3. Chairman,
Central Board of Excise and Customs,
New Delhi.

... Respondents

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ORDER (BY CIRCULATION)

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

Through these applications review has been sought of orders dated 17.3.2005 passed in OA 826/2004 and OA 621/2005.

RA No.137/2005 in OA No.826/2004

2. The basic contention raised for seeking review of the orders in question is that when the matter came up for hearing on 17.3.2005, it was submitted on behalf of applicants in the OA that prior to the impugned recruitment rules, i.e., RRs, 1988 the post of Stenographer was also included in the feeder category for promotion, and further on behalf of applicants a copy of letter dated 15.2.2005 (Annexure RA-4) issued by the Department of Revenue, Ministry of Finance was placed on record. It has been averred herein that neither this letter under reference was made part of the pleadings nor was an opportunity afforded to respondents in the OA to give their comments on the applicability of the letter under reference.

3. We have gone through Tribunal's orders as also the material on record. It is true that the learned counsel of applicants in the OA filed a copy of Department of Revenue memo dated 15.2.2005 during the course of arguments. It was ^{conveyed to the} this memorandum that the matter regarding non-inclusion of Stenographers Grade-II and Stenographers Grade-III as the feeder cadres for promotion to Inspector (C.Ex.), Inspector (P.O.) and Inspector (Examiner) has been reconsidered by the Central Board of Excise and Customs in its meetings held on 10.12.2004 and 29.12.2004 and it has been decided that such Stenographers who have already qualified the departmental examination and/or such Stenographers who would qualify the prescribed departmental examination for promotion to the grade of Inspector before the date of notification of new recruitment rules, should be allowed to be considered for promotion under the

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existing recruitment rules, 2002 till the new recruitment rules are notified in the gazette. It was also pointed out that the existing RRs, 2002 do include the category of Stenographers as feeder grade for promotion to the post of Inspector. The learned counsel of respondents in the OA was asked whether letter dated 15.2.2005 had been issued by respondents. He did not deny issuance of the said letter. If the learned counsel at that time had stated that he wanted instructions from respondents on the said letter as to why the policy decision contained in the said letter was not applicable to the facts and circumstances of the case under consideration, he could have been given time to seek instructions and then come back. However, as he did not express that he wanted to take instructions as above, in the wake of respondents' letter dated 15.2.2005 and in the backdrop that a policy decision had been taken vide letter dated 15.2.2005 to consider Stenographers who had already qualified the departmental examination for promotion to the grade of Inspectors under the existing RRs, 2002, ^{and 1h} in the interest of justice the OA was disposed of with the hope that respondents would consider applicants, as they had qualified the requisite examination held in 1998 for promotion to the post of Inspector, within a period of three months from the date of communication of the orders. The stand now being taken by the review applicants that letter dated 15.2.2005 which was not denied to have been issued by respondents in the OA, was not a part of the pleadings and that respondents did not have an opportunity to give their comments on its applicability, is a mere attempt to re-argue the case. This stand could have been taken during the course of the arguments when issuance of the said letter was accepted on behalf of respondents. Arguing the matter afresh, in these circumstances, is beyond the scope and ambit of review. This review application, therefore, is rejected in circulation.

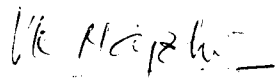
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RA No.140/2005 in OA No.621/2005

4. Applicant in OA No.621/2005 is a Senior Tax Assistant. The process of promotion of Senior Tax Assistants and Tax Assistants to the grade of Inspectors was deferred on the ground that the matter was *sub judice* because of pendency of OA No.826/2004 before the Tribunal. As the matter formed a sequel to the disposal of OA No.826/2004, OA No.621/2005 was disposed of at the admission stage directing respondents in the OA to consider promoting applicant to the grade of Inspector. In view of rejection of RA No.137/2005 in OA No.826/2004, this review application is also rejected in circulation.


(Shanker Raju)
Member (J)


(V. K. Majotra)
Vice-Chairman (J)

/as/