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Central Administrative Tribunal
Principal Bench

O.A. No. 2178 of 1993

New Delhi, dated this the 30th July, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. P.C. Kannan, Member (J)

Shri Vipin Kumar,
S/o late Wadhaya Ram Ahuja,
U.D.C.,
National Academy of Customs, Excise & Narcotics,
'A' Wing, 3rd Floor, Pushpa Bhawan,
Madangir Road,
New Delhi-62.
R/o 16A/2, Jwala Nagar,
Delhi-110032. ... Applicant

(A.K. Tandon)

Versus

1. Union of India through the Secretary, Ministry of Finance, Dept. of Revenue, North Block, New Delhi.
2. Central Board of Excise and Customs, North Block, New Delhi through its Chairman
3. Collectorate of Customs & C.E., Delhi C.R. Building, Custom House, New Delhi-2 through the Principal Collector of C.C.E.
4. National Academy of Customs, Excise & Narcotics, 'A' Wing, 3rd Floor, Pushpa Bhawan, Madangir Road, New Delhi-62 through its Director General.
5. Customs & Central Excise Ministerial Officers Association, C.R. Building, Customs House, I.P. Estate, New Delhi through the General Secretary. ... Respondents

(By Advocate: Shri R.R. Bharti)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks a direction to fully implement the decision to combine the Non-Gazetted posts sanctioned for Respondent

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No. 4 with its similar category in Respondent No. 3 w.e.f. 28.3.72 with all consequential benefits to the applicant including his due promotions from respective dates, seniority, arrears of pay and allowances, increments, etc.

2. We have heard applicant's counsel Shri Tandon and respondents' counsel Shri Bharti.

3. Our attention has been invited to Respondents' order dated 28.3.72 (Annexure A-5) merging the posts sanctioned for the Headquarters of the Directorate of Training with the Delhi Central Excise Collectorate and those sanctioned for each Regional School with the respective Central Excise Collectorate where Headquarters of such Schools is located and requiring the preparation of a common cadre. CBEC in its Board Meeting on 16.1.87 (Ann. A-8) had noted that this decision had not been implemented till then and the Board directed that steps be taken to implement the same.

4. Shri Bharti has stated that pursuant to the aforesaid decision the cadre in the Headquarters of the Directorate of Training has been merged with the Delhi Central Excise Collectorate and applicant's counsel does not deny that applicant has also been promoted on ad

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hoc and provisional basis vide Estt. Order No. 246/95 dated 27.12.95 which refers to the Tribunal's order dated 19.7.95 in M.A. No. 912/95 arising out of the present O.A.

5. We are informed that another O.A. bearing No. 1295/94 has been filed to direct Respondents not to effect merger of the cadre, but Shri Bharti has stated before us at the Bar that the cadres already stand merged and Respondents are proceeding on that basis.

6. In the light of the above without prejudice to any decision that might be taken in O.A. No. 1295/94, this O.A. is disposed of with a direction to Respondents to initiate action to implement fully the decision taken to combine the two cadres as contained in Respondents' letter dated 28.3.72 and extend such benefits to applicant as flow from the full implementation of such decision. within three months from the date of receipt of a copy of this order. No costs.

Dheenay
(P.C. Kannan)
Member (J)
/GK/

Adige
(S.R. Adige)
Vice Chairman (A)