

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION Nos.1099 & 1100/1996

WEDNESDAY, THIS THE 8TH DAY OF MAY, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

1. Ganesh Prasad Srivastava,
S/o Bhagwat Prasad Srivastava,
Retired while working as Superintendent
Central Excise (Tech.) Division II,
Allahabad, in the O/o the Assistant
Commissioner, Central Excise,
Allahabad Division - II,
R/o 133F, Katghat, Allahabad. ...

(Applicant in O.A. No.1099/1996)

2. Brij Nandan Kumar Srivastava,
S/o Late Shri Ram Dulare Lal Srivastava,
R/o 23/47/32-D, Allahpur,
Allahabad.

(Applicant in O.A. No.1100/1996) .. Applicants

(By Advocate Shri A.V. Srivastava)

versus

1. Union of India, through
Secretary, Ministry of Finance,
Department of Revenue, New Delhi.

2. Chairman, Central Board of Excise
& Customs, New Delhi.

3. Chief Commissioner, Central Excise,
North Zone, Kanpur.

4. Commissioner, Central Excise,
Allahabad. ...

Respondents

(By Advocate Shri A. Sthalekar)

ORDER - (ORAL)

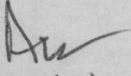
Hon'ble Mr. C.S. Chadha, Member (A):

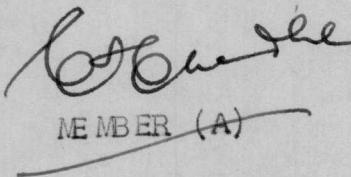
The case of the applicants are that they were promoted as Inspector in the department of Central Excise on 1.8.1972, the candidates who were appointed later than

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them have been wrongly placed above them in the seniority list. Learned counsel for the applicants has drawn our attention to the judgment passed by this Bench of the Tribunal in O.A. No.1331/1991, dated 16.02.1993. In CA, the respondents have mentioned that the benefit granted to others who are similarly placed, was not granted to the applicants because they were not the petitioners in that O.A. The Tribunal merely issued a direction as to a principle to be applied to all similarly placed officials, Even if they were not petitioners in that case, the same principle should be applied to them for determining the seniority as applied to others at Cochin and Calcutta. The O.A. is, therefore, disposed of finally with the direction to the respondents to consider the representations made by the applicants afresh within 15 days regarding fixation of their seniority in view of the aforesaid judgment of the Tribunal. The respondents shall pass a reasoned speaking order on the representations of the applicants within a period of four months from the date of communication of this order.

2. There will be no order as to costs.


MEMBER (J)


MEMBER (A)

psp.