

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 30th day of May 2002.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

HON. MR. S. DAYAL, A.M.

O.A. No. 281 of 1997.

1. Dinesh Kumar Dubey aged about 44 years s/o Sri S.P. Dubey r/o 157/140 Bas Ki Kala Daraganj, Allahabad, presently posted as Inspector of Central Excise, Review Branch, Allahabad.
2. D.N. Mishra aged about 41 years s/o Sri V.P. Sharma r/o Ganeshpuri, P.O. Suswahi, Varanasi, posted as Inspector Central Excise, Varanasi.
3. Dinesh Mishra aged about 41 years s/o Sri Bholanath Mishra r/o 146, Rannagar Colony, Bazar Diha Varanasi, presently posted as Inspector, Central Excise, Varanasi.
4. Sri S.R. Rai aged about 43 years s/o Sri Sheo Nath Rai r/o Ganeshpuri, P.O. Suswahi, Varanasi, presently posted as Inspector, Central Excise, Varanasi.
5. S.K. Mishra aged about 41 years s/o Late Kedar Nath Mishra r/o 64/95-B, Chandrika Colony, Sigra, Varanasi, posted as Inspector Central Excise, Varanasi.
6. Ajai Kumar Mishra a/o Sri M.M. Mishra r/o Daraganj, Allahabad presently posted as Inspector, Central Excise, Allahabad.

.....

..... Applicants.

Counsel for applicants : Sri S. Agarwal.

Versus

1. The Union of India through the Secretary, Ministry of Finance, Vitti Bhawan, New Delhi.
2. The Central Board of Excise and Customs, North Block, New Delhi through its Chairman.
3. The Commissioner, Central Excise, Allahabad.

.....

..... Respondents.

Counsel for respondents : Sri G.R. Gupta.

O R D E R (ORAL)


BY MR. JUSTICE R.R.K. TRIVEDI, V.C.

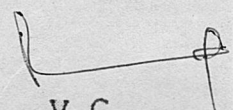
R

By this O.A. under section 19 of the A.T. Act, 1985, the applicants have prayed to quash the order dated 10.12.1996 annexure-A-1 and to declare para 2(ii) of the order dated 20.5.2001 of Central Board of Excise and Customs order as illegal and violative of Article 14 and 16 of the Constitution. They have also prayed for a direction to the respondents to determine the applicants seniority by taking into account the entire past services rendered by the applicants as Carpet Training Officer before their re-deployment as Inspectors Central Excise and to give all consequential benefits.

2. There is no dispute that the aforesaid controversy regarding the past services rendered as Carpet Training Officer and as to whether the services can be taken into account for determining the seniority of applicants after re-deployment as Inspectors Central Excise, has been settled by the Hon'ble Supreme Court in case of Union of India Vs. K. Savitri, J.T. 1998, Vol-II S.C. Page 347 = 1998, Vol.III S.L.R. Page 183. As the question has already been determined, in our opinion, applicants are not entitled for relief. Counsel for applicants, however, submitted that in case before Hon'ble Supreme Court, the validity of Central Civil Services (Re-deployment of surplus Staff) Rules 1990 were not in challenge, and, therefore, the judgment of Hon'ble Supreme Court cannot be applied in the present case. However, we are not inclined to accept this submission. The Hon'ble Supreme Court has rejected the claim of benefit of the past services after reference to the Central Civil Services (Re-Deployment of Surplus Staff) Rules 1990, and it is difficult to accept at this stage that the Hon'ble Supreme Court has not considered the validity of the said rules. The O.A. has no merit and the same is dismissed accordingly.

No order as to costs.


A.M.


V.C.

Asthana/
3.6.02