

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 18th day of July, 2000.

CORAM : Hon'ble Mr. Rafiq Uddin, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)

ORIGINAL APPLICATION NO. 621 of 1997

with

ORIGINAL APPLICATION NO. 119 of 1998

with

ORIGINAL APPLICATION NO. 120 of 1998

with

ORIGINAL APPLICATION NO. 121 of 1998

Original Application No. 621 of 1997

Shri Tarun Banerji, son of Shri B.K. Banerji,
R/o J-2/57, Vijaya Nagar,

. . . Applicant.

C/A Sri Rakesh Verma and

Sri S.C. Srivastava, Adv.

Original Application No. 119 of 1998

1. S.C. Shukla, aged about 40 years,
Son of Sri A.P. Shukla, Resident
of B.29, Sector-'O' Aliganj, Lucknow
Posted as Inspector, Central Excise
Division Lucknow.
2. Sri C.M. Lal, S/o Sri Jhinkoo Seth,
Resident of A-775, Indira Nagar Lucknow,
Posted as Inspector, Custom Preventive
Circle 3/40, Wazir Hasan Road, Lucknow.
3. Sri N.C. Pandey S/o Sri Ram Chandra Pandey,
R/o L-1/104, Sector B, Aliganj, Lucknow,
posted as Inspector, Central Excise Division,
Lucknow.
4. N.N. Lal, Son of Sri V.N. Lal,
R/o B-1265, Indiranagar, Lucknow, posted

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as Inspector, Central Excise Division,
Lucknow.

5. K.R. Pandey, S/o Sri Ram Chandra Pandey,
aged about 39 years, R/o 628, 1/2,
Sri Ram Market, Sarvodaya Nagar, Lucknow
posted as Intelligence Officer, D.R.I.
Lucknow.

. . . Applicants.

C/A Sri Rakesh Verma,
Sri S.K. Kalia and
Sri R.C. Singh, Adv.

Original Application No. 120 of 1998

Shobha Srivastava D/o Late Sri G.P. Srivastava
H.No. 322, Rajendra Nagar, Lucknow

...Applicant

C/A Sri Rakesh Verma and
Km. Sunita Chitranchi, Adv.

Original Application No. 121 of 1998

1. Badri Vishal Nath Tiwari, son Late Sri Paras Nath
Tiwari, C/o Dr. R.P. Tripathi, Naharbagh, Faizabad,
presently working as Inspector (Audit) Central Excise
Div. Naiyar Colony Faizabad.
2. Ghanshyam Prasad Tripathi, Son of Late Sri Krishna
Murari, presently working as Inspector, Central Excise
Division, Naiyar Colony, Faizabad.
3. Dushyant Kumar, son of Sri S.B. Singh, resident of
19/849, Indira Nagar, Lucknow (presently posted as
Inspector, Central Excise Division, Faizabad).
4. Pankaj Gupta, son of Late Sri Shyam Kumar Gupta,
resident of 206/4, Deorhi Aga Mir, Lucknow (presently
posted as Inspector, Central Excise Division, Lucknow).
5. Satyendra Nath, son of Late Sri S.L. Katiyar, resident
of 1-3/2, Aman Parel Complex, 3/15, Vishnupuri, Kanpur

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(presently posted as Inspector, Central Excise Division, Sitapur).

...Applicants.

C/A Sri R. Verma, and Sri R.C. Singh, Adv.

Versus

Respondents in all the four O.As

1. Union of India, through the Secretary, Ministry of Finance, New Delhi.
2. Central Board of Excise and Customs, Govt. of India, Ministry of Finance, North Block, New Delhi.
3. Commissioner of Central Excise, Central Excise Commissionerate, Allahabad.

C/R: Sri S. Madhyan, Km, A. Chaudhary, ...Respondents.

C/A Sri B.D. Madhyan, Sri S. Sharma, and Sri S. Agrawal. Adv.

ORDER

(By Hon'ble Mr. Rafiq Uddin, J.M.)

Since in all these O.As. common questions of facts and law are involved the same are being disposed by a common order.

2. The applicants in these O.As. seek directions to be issued to the respondents to consider the services rendered by them in their ^{12 grades} ~~various~~ before coming to Allahabad Commissionerate ^{for computing the total length} ~~and~~ service by the applicant.

in The various other Commissionerate and to refix their seniority after counting the total length of their services and grant them the promotion accordingly.

3. It appears that the applicants, who initially joined as Inspector, Central Excise in other commissionerate were transferred to the Central Excise Collectorate (now known as Commissionerate) at Kanpur at their own

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request. The grievance of the applicants is that consequent upon their transfer to the Central Excise Commissionarate, Kanpur, they have been assigned seniority in the combined seniority of Inspectors, Central Excise of U.P. Commissionarate from the date of their joining at Kanpur and services rendered by them in the Shillong Commissionarate as Inspector General Excise has been ignored.

4. The case of the respondents⁵ that the applicants moved applications for inter Commissionarate transfer by submitting a declaration that they were agreeable to bottom seniority in Allahabad Commissionarate. Besides, in their transfer orders it was made clear that the seniority of the applicants will be fixed below the last temporary Inspector(O.G) of the combined cadre Central Excise Allahabad, Kanpur and Merut (U.P) They would be treated as fresh entrance in the Cadre of Inspectors, In terms of Central Board Excise and Custom circular dated 20.5.1980 (annexed as annexure C A-1).

5. We have heard counsel for ^{parties and} ~~perused~~ ^{the} record.

6. It has been pointed out by the learned counsel for the respondents that in an indential matter decided by this Tribunal in O.A. No. 42/97 , 395/97 and 392/97 filed by other similarly situated persons, it has been held that the applicants are not entitled for their original seniority and they have been rightly placed in combined seniority list of U.P. Commissionarate. Therefore, the present O.As. also deserve to be dismissed. We have also perused the copy of the Judgment dated 01.9.1999 passed by the

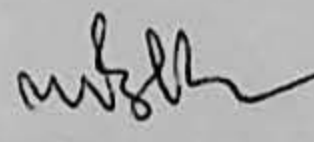
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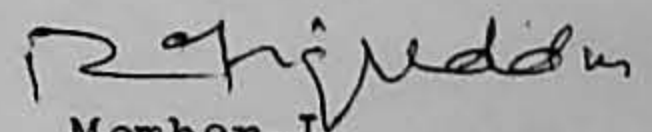
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Allahabad High Court in writ petition filed against the order of this Tribunal passed in the aforesaid O.As. in which the findings and views of this Tribunal have been confirmed by the High Court. The copy of the Judgment of the High Court placed before us for perusal is taken on record.

7. The perusal of the order of the High Court indicates the High Court agrees with the views of this Tribunal by stating that the applicants having voluntarily given up their seniority of chosen a different cadre cannot complement now for their lower seniority. Thus the controversy involved in the present O.As. have been settled by the decisions of this Tribunal as well as ^{by that} ~~these~~ of the High Court. Consequently we do not find force in the present O.As. and the same are dismissed. Let copies of this order be placed on the files of O.A. No. 119/98, 120/98 and 121/98.

No order as to costs.


Member-A.


Member-J.

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