

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.439/2017

This the 12th day of August, 2021.

**Coram : Hon'ble Shri Jayesh V.Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

1. Sanjeev Kumar Roy

Son of Late Deonandan Roy

Aged about 39 years.

Residing at : Flat No.305, Satyam Apartment
Sector-1, Gandhidham – 370 201.

Working as Prevention Officer
Customs House, Mundra.

2. Prashant Kumar Prasun

Son of Shri Binay Kumar Choudhary

Aged about 39 years

Residing at : Plot No.241/3, Sector – 3A, Adipur
Gandhidham – 370 205.

Working as Prevention Officer
Custom House, Mundra.

3. Anand Kumar

Son of Shri Ravindra Kumar

Aged about 37 years

Residing at : Flat No.405, Satyam Apartment
Sector-1, Gandhidham – 370 201.

Working as Prevention Officer
Custom House, Mundra.

4. Prabhat Kishor

Son of Shri Bharat Kishor

Aged about 37 years

Residing at : B-102, Geetanjali Apartment
Plot No.69, Sector-I
Gandhidham – 370 201.

Working as Prevention Officer
Custom House, Mundra.

(By Advocate : Shri A.L.Sharma)

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VERSUS

- 1. Union of India**
Represented by the Secretary
Ministry of Finance,
The General Manager
North Block, New Delhi – 110 001.
- 2. The Chairman**
Central Board of Excise and Customs
North Block, New Delhi – 110 001.
- 3. The Chief Commissioner of Central Excise**
Customs & Service Tax Vadodara Zone,
2nd Floor, Central Excise Building
Race Course Circle, Vadodara 390 007.
- 4. Smt. Shah Deepa Pratik (Sr.No.896)**
Working as Superintendent
Central GST & CX, Race Course Circle,
Vadodara Zone, Vadodara 390 007.
- 5. Shri Shukla Sanjay Rahidev (Sr. No.789)**
Working as Superintendent
Central GST & CX, Ahmedabad Zone,
Ambawadi, Ahmedabad 380 015.
- 6. Shri Desai Jigneshkumar J. (Sr.No.669)**
Working as Superintendent
Central GST & CX, Race Course Circle,
Vadodara Zone, Vadodara 390 007.
- 7. Shri Raees Khan A. Maulvi (Sr. No.897)**
Working as Superintendent
Central GST & CX, Ahmedabad Zone,
Ambawadi, Ahmedabad - 380 015. Respondents

(By Advocate : Ms. R.R.Patel for Respondent Nos.1 to 3)

ORDER (ORAL)

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

Counsel for the applicants, Shri A.L.Sharma submits that applicants herein are Direct recruit Inspector. He submits that though they have been

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granted benefits of eligibility to be considered for promotion to the post of Superintendent and they were promoted to the post of Superintendent and due seniority have been granted in the light of Pankaj Nayan's case decided by the Principal Bench of this Tribunal, however, they have not been granted the said benefits from the date their juniors who were offered promotion vide Establishment Order No.75/2017, dated 27.06.2017.

2. In this regard, counsel for the applicant has placed on record the order passed in the OA No.500/2018 dated 09.08.2021 filed by the similarly placed officials, as also order passed by this Tribunal in OA No.236/2017 dated 22.02.2018.

3. On the otherhand, standing counsel for the Official respondents, Ms. R.R.Patel appears and has not disputed the fact that this matter is squarely covered by the case of Pankaj Nayan decided by the Principal Bench of this Tribunal in OA No.3405/2014.

4. We have perused the material on record and order relied upon by the counsel for the applicant. We deem it fit to dispose of this OA by directing the respondents to re-examine the case of the applicants in terms of the directions contained in Pankaj Nayan's case, as well also taking into consideration the decision of the respondents granting promotion to identically placed Direct recruit Inspectors vide order dated 07.12.2020. The Respondents are further directed to issue revised order after holding

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Review DPC within a period of three months from the date of receipt of a copy of this order.

5. With the above directions, the OA stands disposed of. There shall be no order as to costs.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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