

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 040/00098/2018

Date of order: This the 17<sup>th</sup> day of March 2021

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER  
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**



Shri Saroj Ranjan Kumar  
Son of Late Maheshwar Prasad Ray  
Inspector  
Office of the Commissioner,  
Goods and Services Tax & Central  
Excise, Sethi Trust Building,  
Bhangagarh, G.S. Road  
Guwahati, PIN-781005.

**.....Applicant**

By Advocate(s): Ms. S. Hazarika (Proxy for Adil Ahmed)

-VS-

1. The Union of India,  
Represented by the Secretary  
To the Government of India  
Ministry of Finance, Department of  
Revenue, New Delhi, PIN-110001.
2. The Chairman  
Central Board of Excise and Customs,  
Ministry of Finance, Department of  
Revenue, North Block, New Delhi,  
PIN-110001.

**O.A. 040/98/2018**



3. The Chief Commissioner,  
Goods and Services Tax & Customs,  
Crescens Building, M.G. Road,  
Shillong, PIN-793001.
4. Shri Shyamalendu Sinha  
Inspector/Intelligence Officer,  
Director General of Goods and Service  
Tax Intelligence, Guwahati Zonal  
Unit, House No. 4, Rajgarh Bye Lane  
No. 2, Chandmari, Post Office-  
Silpukhuri, Guwahati, Assam,  
PIN-781003.
5. Shri Salil Chakraborty  
Inspector,  
Office of the Assistant  
Commissioner of Customs, Customs  
Division, Karimganj Shib Bari Road,  
Karimganj, Assam-788710.
6. Shri Narayan Chandra Paul  
Inspector,  
Office of the Superintendent of  
Customs, Mahendraganj LCS,  
Mahendraganj, West Garo Hills,  
Meghalaya, PIN-794106.
7. Shri Satyabrata Chakraborty  
Inspector,  
Office of the Chief Commissioner,  
Goods & Service Tax and Customs,  
Crescence Building, 110 M.G. Road,  
Shillong-1.
8. Shri Durgadas Paul  
Inspector,  
Office of the Superintendent, CGST  
Range, Barpeta, PIN-781301.



9. Shri Bijoy Basumatary  
Inspector,  
Office of the Superintendent of  
Customs, Belonia CPF, Post Office-  
Belonia South Tripura, Tripura,  
PIN-799115.
10. Shri Bhudeb Bhattacharjee  
Inspector,  
Office of the Superintendent, Land  
Customs Station, Khamardwisa,  
District- Baksa (BTAD), Assam, PIN- 781330.
11. Shri W. Jayanta Kumar Meetai  
Inspector,  
Office of the Dharmanagar Customs  
Preventive Force, Post Office-  
Dharmanagar, PIN-799250, Tripura.
12. Shri Siddhartha Shankar Roy  
Inspector/Intelligence Officer,  
Director General of Goods &  
Services Tax Intelligence, Guwahati  
Zonal Unit, House No.4, Rajgarh Bye  
Lane No.2, Chandmari, Post Office-  
Silpukhuri, Guwahati, PIN-781003, Assam.
13. Shri Ashit Chatterjee  
Inspector,  
Office of the Commissioner  
CGST(Audit), Roal Regency Building,  
Bamunimaidan, Guwahati, PIN-781021.
14. Shri Sujit Shome  
Inspector,  
Office of the Deputy Commissioner,  
Customs Division, Guwahati,  
Nilomani Phukan Path  
Christian, Basti, Guwahati-781005.



15. Shri Bedabrata Debbarma  
Inspector,  
Office of Customs, Agartala  
Division, Bordowali, Post Office-A  
D Nagar, Agartala, Tripura(West)  
PIN-799003.
16. Shri Sajal Chakraborty  
Inspector,  
Office of the Assistant  
Commissioner, Silchar CGST  
Division, Circuit House Road,  
Silchar, PIN-788001, Assam.
17. Shri Nayan Basumatary  
Inspector,  
C/O Office of the Superintendent of  
Customs, Mankachar LCS, Mankachar,  
Assam, PIN-783131.
18. Shri Debabrata Dey  
Inspector,  
C/O Office of the Assistant  
Commissioner of Customs, Customs  
Division, Karimganj, Shib Bari  
Road, Karimganj-788710, Assam.
19. Shri Rajib Paul  
Inspector,  
C/O Office of the Commissioner of  
(Audit), Central GST, Royal Regency  
Building, Bamunimaidan,  
Guwahati, PIN-781021.
20. Shri Debananda Singha  
Intelligence Officer,  
C/O- Office of the Assistant  
Director, DRI Regional Unit, Bilash  
Kunja, Shantipara, Rangpur, Silchar  
Cachar, PIN-788009, Assam.



21. Shri Abhijit Sengupta  
Inspector,  
CGST, Doomdooma Range, Post Office-  
Doomdooma, District-Tinsukia,  
PIN-786151, Assam.
22. Shri Sujit Kumar Roy  
Inspector,  
C/O Office of the  
Commissioner(Audit), Central GST,  
Royal Regency Building,  
Bamunimaidan, Guwahati,  
PIN-781021, Assam.
23. Shri Joydeep Nandi Mazumdar  
Intelligence Officer,  
C/O Office of the Assistant  
Director, DRI Regional Unit, Bilash  
Kunja, Shantipara, Rangpur,  
Silchar, Cachar, PIN-788009, Assam.
24. Smti Nita Nag  
Inspector,  
C/O Office of the Commissioner,  
Agartala CGST Commissionerate,  
Kiran Medical Hall Building,  
2<sup>nd</sup> Floor, Old RMS Choumohoni,  
Agartala- 799001.
25. Shri Asa Mankupur Warjri  
Inspector,  
C/O Office of the Deputy  
Commissioner of Custom, Shillong  
Customs Division, Crescens Building  
2<sup>nd</sup> Floor, M.G. Road,  
Shillong, PIN-793001.

26. Shri Yansathung Yansa  
Inspector,  
C/O Office of the Assistant  
Commissioner of Goods and Services  
Tax, Naga Cemetery Road, Kher Mahal  
Dimapur, Nagaland, PIN-797112.

27. Shri Deepak Mili  
Inspector,  
C/O Office of the CGST  
Commissioner, Sector-A,  
P.O.- Naharlagun, Dist. Papum Pare.  
Arunachal Pradesh, PIN-791110.

28. Shri Tashi Tahring Bhutia  
Inspector,  
C/O Office of the Deputy  
Commissioner of Customs,  
Shillong Customs Division,  
Crescens Building, 2<sup>nd</sup> Floor  
M.G. Road, Shillong, PIN-793001.

29. Shri S. Osborne Kharjana  
Inspector,  
C/O Office of the Commissioner of  
Customs(Preventive), Custom House  
110, M.G. Road, Shillong, PIN-793001.



**.....Respondents**

Advocate for the Respondents:-

Sri R. Hazarika, Addl. CGSC for res. Nos. 1, 2 & 3  
Sri M. Chanda for res. Nos. 4, 6, 9, 10, 12, 13, 14, 19 & 22

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**O.A. 040/98/2018**

## ORDER (ORAL)

### **MANJULA DAS, JUDICIAL MEMBER:**

This O.A. has been filed by the applicant against the Draft Seniority List of Inspector of Central Excise, Shillong Zone as on 01.04.2015 vide Circular dated 23.02.2016 and order dated 20.02.2018 issued by the Chief Commissioner, Goods and Service Tax & Customs, Shillong.



2. While the matter was taken up for hearing, Sri M. Chanda, learned counsel appearing for private respondent Nos. 4, 6, 9, 10, 12, 13, 14, 19 & 22 placed a decision of the Hon'ble Apex Court in Civil Appeal No. 8833-8835 of 2019 in the case **of K. Meghachandra Singh & Ors. Vs. Ningam Siro & Ors.** dated 19.11.2019 and submitted that as per decision passed by the Hon'ble Apex Court in the case of aforesaid applicant, present O.A. has become infructuous and liable to be dismissed.

3. On the other hand, Sri R. Hazarika, learned Addl. CGSC appearing for respondent Nos. 1, 2 & 3 also

submitted that in view of the order passed by the Hon'ble Supreme Court in the case of **K. Meghachandra Singh & Ors. Vs. Nigam Siro & Ors.** in Civil Appeal No. **8833-8835 of 2019 arising out of SLP (C) No. 19567 of 2019** as well as order passed by this Tribunal in the case of **Sri Jayanta Dey and Ors. Vs. Union of India & Ors. (O.A. No. 040/00215/2016)**, present O.A. is liable to be dismissed.



4. Miss S. Hazarika, proxy counsel for Sri Adil Ahmed, learned counsel for the applicant was present in the court.

5. We have heard learned counsel for the parties, perused the pleadings and documents placed on record. We have gone through the judgments/ orders produced by the learned counsel for the respondents. In the case of **K. Meghachandra Singh (supra)**, Hon'ble Supreme Court took note and passed the following order: –

“As earlier discussed, the Rule 28 of the MPS Rules, 1965 shows that seniority in the service

**O.A. 040/98/2018**

shall be determined based on the date of appointment to the service. In particular Rule 28 (i) of the MPS Rules, 1965 which is applicable to both promotes and direct recruits, provides that seniority shall be determined by the order in which the appointments are made to the service. If seniority under Rule 28(i) is to be determined based on the date of appointment, it cannot be said that for the purpose of Rule 28(iii), the seniority of direct recruits should be determined on the basis of the date of initiation of the recruitment process. The term "Recruitment Year" does not and cannot mean the year in which, the recruitment process is initiated or the year in which vacancy arises.



In view of the foregoing, the orders of the High Court in the Writ Petition and the Writ Appeal are upheld. The State of Manipur is accordingly directed to prepare a revised inter-se seniority list in the MPS Grade-II cadre in light of the above discussion and the High Court's orders. This shall be done within 8 weeks from today. **All consequential actions will follow from this judgment.** It is ordered accordingly."

This Tribunal in the case of **Sri Jayanta Dey (Supra)** took note and passed the following order:-

"4. On the other hand, Sri M. Chanda, learned counsel for the applicants as well as Sri A. Ahmed, learned counsel for the private respondents No. 9 & 10 submitted that in pursuance of the latest decision of the Hon'ble Apex Court in the case of K. Meghachandra Singh & Ors. (Supra), the draft seniority list which is prepared on the basis of N.R. Parmar case is wrong. They further submitted that this matter may be remanded back to the department for preparation of afresh seniority list in the light of the latest decision of the Hon'ble Apex Court in the

case of K. Meghachandra Singh & Ors. (Supra).

5. Keeping in view of the above, by accepting the prayer made by both the counsel, we remand back the matter to the department to prepare afresh seniority list in the grade of Inspector in the light of the latest decision of the Hon'ble Apex Court in case of K. Meghachandra Singh & Ors. (Supra) at earliest."

6. From the perusal of the aforesaid two cases (supra), we find that there is no merit in the present OA.

Keeping in view of the above and by accepting the prayers made by the learned counsel for the respondents, O.A. is hereby dismissed.

7. No order as to costs.



**(NEKKHOMANG NEIHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**

**PB**

**O.A. 040/98/2018**