

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00098/2018

Date of order: This the 17th 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.

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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,
Cresence Building, 110 M.G. Road,
Shillong-1.
8. Shri Durgadas Paul
Inspector,
Office of the Superintendent, CGST
Range, Barpeta, PIN-781301.



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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,
2nd 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
2nd 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, 2nd 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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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

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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

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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

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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)

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