



# Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2987/2019

This the 22<sup>nd</sup> day of September, 2021

Through video conferencing

**Hon'ble Ms. Manjula Das, Chairman  
Hon'ble Mohd. Jamshed, Member (A)**

Sukhbir Singh Ahuja,  
Dy. Commissioner, Group 'A',  
Aged about 52 years,  
S/o late Sh. Gian Singh Ahuja,  
R/o 18/137, East Moti Bagh,  
Sarai Rohilla, Delhi-110007 - Applicant

(Mr. M.K. Bhardwaj, Advocate)

Versus

1. Union of India  
Through its Secretary,  
Ministry of Finance,  
Department of Revenue,  
North Block, New Delhi
2. The Chairman,  
CBIC, North Block,  
New Delhi
3. The Member (Admin)  
CBIC, North Block, New Delhi - Respondents

(Mr. Ashish Rai, Advocate)

## O R D E R (Oral)



### **Hon'ble Ms. Manjula Das:**

This OA is filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

- “(i) To direct the respondents to correct the date of promotion of applicant as Assistant Commissioner (Customs & Central Excise) as well as Deputy Commissioner (Customs & Central Excise) at par with his junior namely Shokender Kumar.
- (ii) To declare the action of respondents in not promoting the applicant as Assistant Commissioner (Customs & Central Excise) (ad hoc) as well as Deputy Commissioner (Customs & Central Excise) w.e.f. 27.10.2010 and 17.11.2015 at par with his junior, as illegal and issue appropriate directions to the respondents to promote the applicant as Assistant Commissioner (Customs & Central Excise) w.e.f. 27.10.2010 and as Deputy Commissioner (Customs & Central Excise) w.e.f. 17.11.2015 on adhoc/notional basis with all consequential benefits including consideration for promotion as Joint Commissioner (Customs & Central Excise) and arrears of pay.”

2. At the outset, Mr. Ashish Rai, learned counsel for the respondents has drawn our attention to Para 19 of the Supplementary Affidavit filed in compliance of our order dated 25.06.2021, which reads as under:-

“the DoP&T examined the proposal and vide note dated 31.10.2019 advised the Department to seek the views/comments of the UPSC in the matter. Accordingly, the matter was submitted to the Commission on 05<sup>th</sup> December, 2019. The UPSC examined the proposal and



vide letter dated 4<sup>th</sup> November, 2020 asked this Department to seek relaxation from the DoP&T. Accordingly, the matter was again referred to DoP&T vide ID Note dated 20.11.2020 and the DoP&T, vide Note dated 31.12.2020 conveyed their ‘in principle approval/NOC to the proposal and accordingly the proposal has been submitted to the UPSC on 23.03.2021. The applicant has been proposed for assessment against the vacancy year 2010-11 against the same year in which his junior Shri Shokender Kumar has been proposed and as per his prayer in the OA.”

3. Taking cognizance of the submissions made by the respondents in their Supplementary Affidavit filed in compliance of our order dated 25.06.2021, we deem it fit and proper to direct the respondents to finalize the promotion of the applicant against the vacancy year 2010-11 against the same year in which his junior Sh. Shokender Kumar has been proposed, expeditiously, but not later than three months from the date of receipt of a copy of this order.

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

**(Mohd. Jamshed)**  
**Member (A)**

Lg/jyoti/dd

**(Manjula Das)**  
**Chairman**