



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No. 3446/2019
M.A No. 2555/2021**

This 24th Day of September, 2021

**Hon'ble Mr. A. K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

(By Advocate : Mr. M.K. Bhardwaj with Ms. Ridam Arora)

VERSUS

1. Union of India
Through Secretary (Revenue)
Ministry of Finance, North Block
New Delhi.
2. Central Board of excise and Customs (CBEC)
Through its Chairman,
Department of Revenue,
Ministry of Finance,
Govt. of India, 9th Floor,
Hudco Vishala Building,
Bhikaji Cama Place, New Delhi – 110066
3. The Chief Commissioner of GST,
Cadre Control, Delhi Zone,
Central Revenue Building, I.P. Estate,
New Delhi.Respondents

(By Advocate: Sh. Rajeev Kumar)

ORDER (Oral)



Hon'ble Mr. R.N. Singh, Member (J):

In the present OA, the applicant has challenged the Establishment Order No.178/2018 dated 31.12.2018 (Annexure A-1) vide which certain persons including the alleged juniors and batch- mates of the applicant have been promoted to the post of Superintendent, Central Board of excise and Customs under the respondents.

2. In the aforesaid background, the applicant has prayed for the following reliefs:-

“(i) To direct the respondents to consider the to claim of applicant for promotion to the post of Superintendent, Central Excise & GST with all consequential benefits alongwith his batchmates and juniors.

ii) To direct the respondents to consider the case of applicant for promotion to the post of Superintendent, Central Excise & GST by holding review DPC and grant him promotion on the basis of his suitability as Superintendent, Central Excise & GST w.e.f. 01.01.2019 as done in case of similarly placed persons vide order dated 31.12.2018.

iii) To declare the action of respondents in not treating the applicant as eligible at par with his batchmates and juniors appointed on the basis of CGLE 2011 as illegal and direct the respondents to treat the applicant at par with his batchmates of CGLE 2011 for all purposes including eligibility for promotion to the post of Superintendent Central Excise & GST and issue appropriate directions for promotion of applicant to the said post of Superintendent, Central Excise & GST with all consequential benefits.

iv) To allow the OA with costs.

v) Any other relief's as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case to meet the ends of justice.”



3. Pursuant to notice from this Tribunal, the respondents have filed reply and have opposed the prayer of the applicant. However, during the pendency of the OA, the applicant has filed an application being MA No. 2555/2021 praying therein to take on record the DoP&T OM dated 12.08.2021.

4. With the consent of the learned counsels for the parties, the DoP&T OM dated 12.08.2021 (Annexure M-1) is taken on record. MA is disposed of accordingly.

5. Learned counsel for the applicant submits that the applicant shall be satisfied, if the present OA is disposed of with liberty to the applicant to make a comprehensive representation for redressal of his grievance and with further orders to respondents to consider such representation in a time bound manner.

6. We are of the considered view that if such a request made on behalf of the applicant is accepted, no prejudice is likely to be caused to the respondents.

7. In view of the aforesaid, without going into the merits, the OA is disposed of with liberty to the applicant to make a comprehensive representation to the Competent Authority under the respondents for redressal of his grievances qua as raised in the present OA and bringing to their notice even the DoP&T OM dated 12.08.2021 within a week from the date of receipt of a copy of this order and respondents are



directed to consider such representation of the applicant, if received in a given time, keeping in view all the grounds asked by the applicant including the DoP&T OM dated 12.08.2021 under reference and dispose of the same by passing an appropriate reasoned and speaking order as expeditiously as possible and preferably within six weeks of receipt of such representation.

8. In the aforesaid terms, the OA and MA stand disposed of. There shall be no order as to costs.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

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