

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



Date of order: 08.03.2021

Present

:Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

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| 1. OA. 119 of 2021 | PRADIP KUMAR PRASAD |
| 2. OA. 120 of 2021 | ANIRBAN GHORAI |
| 3. OA. 121 of 2021 | PRASHANT KUMAR YADAV |
| 4. OA. 122 of 2021 | SWAGATA RIT KOLE |
| 5. OA. 123 of 2021 | INDRAJIT DUTTA |
| 6. OA. 124 of 2021 | SOHAIL ANWAR |

..... Applicants.

-Versus-

- (I) The Union of India
through the Secretary,
Ministry of Finance,
Government of India,
North Block,
New Delhi – 110001.
- (II) The Chairman,
Central Board of Indirect Taxes & Customs,
North Block,
New Delhi – 110001.
- (III) The Principal Chief Commissioner
of CGST & Central Excise,
Kolkata Zone, GST Bhawan,
180, Shantipally,
Kolkata – 700107.
- (IV) The Principal Commissioner,
CGST & Central Excise,
Kolkata North Commissionerate,
GST Bhawan, 180, Shantipally,
Kolkata – 700107.



- (V) The Administrative Officer (ET),
CGST & Central Excise,
Kolkata North Commissionerate,
GST Bhawan, 180, Shantipally,
Kolkata – 700107.
- (VI) The Commissioner of CGST & Central Excise,
Howrah Commissionerate, M.S. Building,
15/1, Strand Road,
Kolkata – 700001.
- (VII) The Administrative Officer (ET),
CGST & Central Excise,
Howrah Commissionerate, M.S. Building,
15/1, Strand Road,
Kolkata – 700001.
- (VIII) Kamal Kumar Bose,
Working as Inspector on ad hoc basis at
Commissionerate of Customs (Preventive),
Customs House, 15/1 Strand Road,
Kolkata – 700001.
- (IX) Madan Mohan Neogi,
Working as Inspector on adhoc basis at
Commissionerate of Customs (Preventive),
Customs House, 15/1 Strand Road,
Kolkata – 700001.



.....Respondents.

For the Applicant : Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondents : Ms. R. V. Kundalia, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard Id. counsel for both sides.

2. Due to parity in the nature of grievance, facts pleaded and relief claimed, these cases are being heard out analogously, upon due notice and with consent of all the sides, to be disposed of by this common order.

3. For the sake of brevity, OA. No. 350/119/2021 is being delineated and discussed hereunder:

This O.A 350/119/2021 has been preferred to seek the following relief:

"8(i) An order do issue directing the Respondent No. IV to finalise and ascertain the seniority of applicant over the private respondents in the grade of Senior Tax Assistant as placed in the draft seniority list dated 14.11.2018 of Senior Tax Assistant.

(ii) An order do issue directing the Respondent No. VI to grant promotion to the applicant to the grade of Inspector w.e.f. 01.04.2015 the date Private respondents were promoted with all consequential benefits along with arrears.

(iii) An order directing the respondents to produce/cause production of all relevant records."

4. Ld. Counsel for respondents hands over a communication dated 09.09.2020 in regard to implementation of judgment of Hon'ble Supreme Court in UOI vs. NR Parmar for fixing the inter-se seniority of direct recruits and promote^e officers which says as under:

"Subject: Implementation of judgment of Hon'ble Supreme Court in UOI vs. NR Parmar for fixing the inter-se seniority of direct recruits and promote officers – reg.

Sir,

I am directed to refer to Board's letter of even no. dated 31.07.2020 (copy enclosed) on the above mentioned subject issued to all CCAs whereby all the CCAs were informed that DOPT is being approached to clarity on the issue of Para 5 (h) of their OM dated 04.03.2014 and were requested to keep seniority issues in the grade of Inspector in abeyance till clarification is received from DOPT or until further directions.

2. In this regard, it is stated that DOPT has conveyed that matter is still under consideration in consultation with DOLA and as and when a decision is taken, the same will be conveyed to all concerned.

3. Therefore, in view of the above position and in addition to Board's letter of even no. dated 31.07.2020, as on date, all CCAs are requested to keep seniority issues upto the grade of Inspector in abeyance till clarification is received from DOPT or until further directions in this regard.

Enclose: as above."



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5. Since the matter is pending before the DOPT for consideration, the OA is disposed of with a direction to the respondent authority to pass an appropriate order after finalizing the issue which is pending before the DOPT and issue an appropriate order within 3 months thereafter.
6. Thus, the OAs would stand disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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