

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 043/00136/2021

Date of order: 11.06.2021

HON'BLE MRS.MANJULA DAS, JUDICIAL MEMBER
HON'BLE MR.N.NEHSIAL, ADMINISTRATIVE MEMBER



1. Sumit Deb
Inspector
O/o The Superintendent, CPF, Silchar
C.R. Building, Circuit House Road
Silchar- 788001, Cachar, Assam
2. Debojyoti Kar
Inspector
Hqrs. Customs Preventive
NER, Shillong
Meghalaya- 793001.
3. Khamti Mary Kharkongor
Inspector
Shillong Customs Division
Shillong – 793001.
4. Ruma Medhi
Superintendent
Shillong Customs Division
Shillong – 793001.
5. Debrata Das
Superintendent
Customs Divisions
Agartala- 799001.
6. Phingstar Kharjakra
Inspector
Headquarters, Customs Preventive
NER Shillong, Pin – 793001.

7. Babington Sohtun
Inspector
Headquarters, Customs Preventive
NER Shillong, Pin – 793001.
8. Remingson Shylla
Inspector
CGST, Bokaghat Range
Jorhat Division, Pin – 785001.

.....Applicant

By Advocate(s): Sri M. Chanda &
Sri G.J. Sharma



-VS-

1. The Union of India
Represented by Secretary to the
Government of India
Ministry of Finance
Department of Revenue
North Block, New Delhi- 110001.
2. Central Board of Excise and Customs
Govt. of India
Through it's Chairman, North Block
New Delhi- 110001.
3. The Chief Commissioner
Goods & Service Tax & Customs
Guwahati Zone
GST Bhawan, 5th Floor, Kedar Road
Machhowa, Guwahati- 781001.
4. The Commissioner of Central Goods & Service Tax
Goods & Service Tax & Customs
Guwahati Zone
GST Bhawan, 5th Floor, Kedar Road
Machhowa, Guwahati- 781001
5. The additional Commissioner (P&V)
Goods & Service Tax & Customs
Guwahati Zone

GST Bhawan, 5th Floor, Kedar Road
Machkhowa, Guwahati- 781001.

6. Shri Sanjib Kumar Dhalua
Inspector
O/o Asst. Commissioner, Central GST
Dibrugarh Audit Circle
Mandir Road, P.O. Bairagi Moth
Dibrugarh- 786003.

.....Respondents



By Advocate: Sri S. K. Ghosh, Addl. CGSC

ORDER(ORAL)

MANJULA DAS, JUDICIAL MEMBER:

This matter has been taken up through video conferencing.

2. As the reliefs sought for by the applicants under the same respondents are common, hence prayer to move the instant application jointly in a single application under section 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987 is allowed.

3. The instant O.A. has been preferred by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8.1 That the Hon'ble Tribunal be pleased to grant permission to move this application jointly in a single application under Sec 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 as the reliefs sought for in this application by the applicants are common. Therefore, they pray for granting leave to approach the Hon'ble Tribunal by a common application.

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to modify the order dated 27/29.12.2008 (Annexure-A8) to the extent of granting benefit of promotion and seniority from the date of promotion of the respondent Nos.6, Arati Limbu (retired as Superintendent) and Smt. Sakuntala Basumatary (retired as Superintendent) to cadre of Inspector Gr. 'C' in the light of the Establishment order No. 190/2014 dated 17.11.2014 as well as Establishment order No. 35/2018 dated 10.10.2018 issued by the Office of the Chief Commissioner Central Excise, Customs and Service Tax Shillong and Establishment Order No. 29/2020 dated 10.08.2020 as well as in the light of the judgement and order dated 24.01.2014 passed in O.A. No. 182/2011 as well as in the light of the judgement and order dated 14.11.2017 passed in O.A. No. 307/2017 and order dated 20.12.2019 of this Hon'ble Tribunal in O.A. 040/431/2019 with all consequential benefits.

8.3 That the Hon'ble Tribunal be pleased to direct the respondents to extend the benefit of judgement and order dated 24.01.2014 passed in O.A. No. 182/2011 as well as in the light of the judgement and order dated 14.11.2017 passed in O.A. No. 307/2017 and order dated 20.12.2019 of this Hon'ble Tribunal in O.A. No. 040/431/2019 by holding review selection/DPC to antedate promotion of the applicants at least from the date of promotion of the respondent No. 6, Smt. Arati Limbu (retired as Superintendent) and Smt. S. Basumatary(Now Retired).

8.4 Costs of the application.

8.5 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper."



4. At the outset of the arguments, Sri M. Chanda, learned counsel appearing on behalf of the applicants submitted that the case of the applicants are exactly similar to the applicants of O.A. Nos. 182/2011, 307/2017 and 431/2019 decided by this Tribunal on 24.01.2014, 14.11.2017 & 20.12.2019 respectively. The learned counsel further submitted that the present applicants would be satisfied if the similar orders are passed in this case where Sri S.K. Ghosh, learned Addl. CGSC has no objection.



5. We have accepted the fair submission of the learned counsel for the applicants. Accordingly, without going into merit of the case, we direct the respondents to compare and verify the case of the present applicants with the applicants of O.A. No. 182/2011 (Dipankar Dutta & others Vs. U.O.I & others), O.A. No. 307/2017 (Shri Chakreswar Sarma & others Vs. U.O.I & others) and O.A. No. 431/2019 (Dilip Goswami & others Vs. U.O.I. & others) and if the present applicants are found to be similarly placed, then, similar benefits be extended to them, at earliest, but not later than three months from the date of the receipt of copy of this order. In case, the respondents come to the conclusion that the applicants are not

similarly placed, then, they will pass a reasoned and speaking order after giving opportunity of being heard to the applicants.

6. With the above directions, O.A. stands disposed of accordingly at the admission stage. No order as to costs.



(N. NEHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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