

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1400 of 2003

THIS THE 18TH DAY OF NOVEMBER, 2003

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)
HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)

- 1- Nagama Khatoon Siddiqui W/o Late Mukand Ali,
Presently working as Lower Division Clerk, Office
of the Assistant Commissioner Central Excise
Faizabad, Division.
 - 2- Vijay Kumar S/o Sri Ram Sanehi.
 - 3- Hari Shanker Saroj S/o Sri B. Saroj.
 - 4- Ram Sewak S/o Sri Sita Ram.
 - 5- Prabhat Kumar Srivastava S/o Late Jagadish Bahadur
Srivastava.
 - 6- Raj Kumar Sonkar S/o Late Munsi Lal.
-Applicant

(By Advocate : Shri M.K.Sharma)

Versus

- 1- Union of India through Ministry of Finance,
Department of Revenue, Central Board of Excise and
Customs, North Block, New Delhi.
 - 2- Chief Commissioner Customs & Central Excise
Tulsi Ganga Minar, 19-C, Vidhan Sabha Marg,
Lucknow.
 - 3- Commissioner, Central Excise & Customs,
117/7, Sarvodaya Nagar, Kanpur.
-Respondents.

(By Advocate : Shri R.C.Joshi)

ORDER (Oral)

By Hon. Maj Gen K K Srivastava, AM

In this O.A., filed under section 19 of Administrative
Tribunals Act 1985, the applicants^{by} have prayed for direction to
respondents to hold review D.P.C. and promote the applicants
in Upper Division Clerks w.e.f. May 2002 against 67 vacancies
available at the time of D.P.C. held in April 2002.

The applicants have further prayed that direction be given to the respondents to treat the applicants as U.D.C. w.e.f. May, 2002 with all consequential benefits.

2- The facts giving rise to this controversy, in short, are that all the applicants are working as L.D.C. in the office of Central Excise Commissionerate, Allahabad. The combined draft seniority list of U.D.C. and L.D.C. in Central Excise Commissionerate, Kanpur, Lucknow, Allahabad, Meerut, Noida, Ghaziabad was published in the year 2002 and the total sanctioned strength of Upper Division Clerk is 308. Presently there are 67 vacancies in the department. The government of India vide order dated 19.7.2001 has issued letter for restructuring of customs and Central Excise Department vide order dated 10.9.2001 (Annexure IV). The Central Board of Excise and Customs had issued directions that no direct recruitment be made to any grade till further orders of the Board of Revenue. However, the ban for direct recruitment was lifted on 03.01.2002. The Commissioner, Central Excise, Allahabad, the cadre controlling authority of Inspectors, issued promotion order on 17.02.2002. The Central Board of Excise and customs by order dated 05.6.2002 (Annex-7) clarified that the ban imposed on direct recruitment in terms of letter dated 19.7.2001 (Annexure-III) ^{was extended}. The grievance of the applicants is that they ^{have} completed 7 years qualifying service in May, 2002 and as such they are entitled for promotion w.e.f. May, 2002.

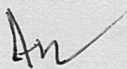
3- The applicants made several representations followed by reminders ⁱⁿ but ~~in~~ till November, 2002, December, 2002 and January, 2003 ^{but} no action has been taken by the respondents. It has been stated by the applicants that as per order of Government of India, department of revenue dated 10.4.2003 the vacancies occurring between 01.4.2001 to 31.12.2002 are

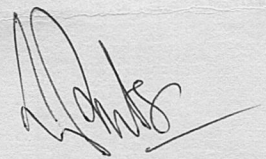
to be filled up by promotion. The applicants made the last representation on 15.10.2003(Annexure-I) with prayer that all the vacancies fallen upto 31.12.2002 be filled up by promotion in view of the various directions issued by the Government of India.

4- The learned counsel for the respondents submitted that time should be allowed ^{h-h} ~~for~~ for filing C.A. We do not consider it necessary as we are of the view that this case can be disposed of at the admission stage itself by suitable directions. In our view, the ends of justice shall better be served if the direction is issued to the respondent no.3 i.e. Commissioner, Central Excise & Customs, 117/7, Sarvodaya Nagar, Kanpur to decide the representation filed by the L.D.C.s. on 15.10.2003 (Annexure-I) by reasoned and speaking order in view of Government of India letter dated 19.7.2001(Annexure-III), 03.1.2002 (Annexure-V) and order dated 10.4.2003(Annexure-XII).

5- In the facts and circumstances, the O.A. is finally disposed of at the admission stage itself with direction to respondent no.3 to decide the representation dated 15.10.2003 (Annexure-I) by reasoned and speaking order in view of the directions issued by the Government of India dated 19.7.2001 (Annexure-III), 03.1.2002(Annexure-V) and 10.4.2003 (Annexure-XII) within 3 months from the date of communication of this order.

6- There shall be no order as to costs.


Member J


Member A

Brijesh/-