

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 563/93
T.A.NO.

DATE OF DECISION 5.12.1997

Promodrai Bhagwandas Mehta **Petitioner**

Mr.S.Tripathy **Advocate for the Petitioner [s]**
Mr.P.B.Sharma **Versus**

Union of India & ors. **Respondent**

Mr.Akil Kureishi **Advocate for the Respondent [s]**

CORAM

The Hon'ble Mr. V.Ramakrishnan : Vice Chairman

The Hon'ble Mr. T.N.Bhat : Member (J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? ✓
- 2, To be referred to the Reporter or not ? ✓
- 3, Whether their Lerdships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? ✓

Prmodrai Bhagwandas Mehta,

Suprintendent,
Central EXcise, Range- III,
Bapu Smarak Bhavan,
Mission Road,
Nadiad.

Applicant

Advocate Mr. S. Tripathy
 Mr. P. B. Sharma

versus

1. Union of India, Through :
The Chairman,
Central Board of Excise & Customs
North Block,
New Dlehi.
2. The Collector, Central EXcise &
Customs, Race Course Circle,
Baroda.
3. The Collector, Central Excise &
Customs, Navrangpura,
Ahmedabad.
4. Shri N.R. Jetly,
Asstt. Collector,
Central EXcise, Division-II,
Nirmal Building,
Patharkuva,
Ahmedabad.
5. Shri A.R. Naik,
Asstt. Collector of Central EXcise,
Bharuch.
6. Shri M.S. Khamar,
Asstt. Collector, Central EXcise,
Division III, Stadium House,
Opp. Stadium,
Ahmedabad.

Respondents

Advocate Mr. Akil Kureshá

ORAL ORDER

O.A.563/93

Date: 05.12.1997

Per Hon'ble Mr.V.Ramakrishnan : Vice Chairman

Neither the applicant nor his counsel present. We find that it is possible to dispose of the O.A. on the basis of the materials on record and with the assistance received from Mr.Kureshi.

2. The applicant has prayed for a direction that he should be considered eligible for promotion for the post of Supdt. Grade 'B' from the date when his junior one Shri Jetly was promoted and he should be given consequential benefits. According to him, his immediate junior was promoted on 8.1.1981. Mr.Kureshi now makes available a copy of the order dated 13.5.94 under which the applicant is deemed to have been promoted to the grade of Supdt. Grade 'B' from 19.5.1981 which is the date on which his immediate junior and senior were promoted as such. It is further stated that the seniority of the applicant is fixed below one Shri Dholakia and above Shri R.G.Dave. We are further informed that the applicant has been further promoted to the level of Assistant Commissioner Grade 'A'. Mr.Kureshi makes available copies of these orders which are taken on record.

3. We find that by issue of these orders, the grievance of the applicant is substantially met. In view of this, the QA. is disposed of as infructuous. No order as to costs.


(T.N.Bhat)
Member (J)


(V.Ramakrishnan)
Vice Chairman

SNS+

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

Application No. 04) 563/93

Transfer Application No. —

CERTIFICATE

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided).

Date:- 20/01

Signature of the Dealing
Assistant

Countersign:-

Section Officer

20/1/98

Centers of gravitational force

THE HON'BLE HIGH COURT
AHMEDABAD BENCH
AHMEDABAD

I N D E X - S H E E T

CAUSE TITLE 09/563/93

NAME OF THE PARTIES Pranodan B. Mehta

VERSUS

4-0-2-8 or

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THE CENTRAL EXCISE AND CUSTOMS COLLECTORATE : VADODARA

* * * *

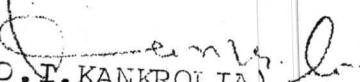
ESTABLISHMENT ORDER NO. 147/1994.
VADODARA, THE DATED 13TH MAY, 1994.

S u b. : Estt. Promotion to the grade of Supdt.
Gr.'B' of Central Excise.

Shri Prabhodlal B.Mehta, Inspector of Central Excise and Customs promoted to the grade of Supdt.Gr.'B' vide this office Estt.Order No. 243/1992 dated 29.06.92 is hereby deemed to have been promoted to the grade of Supdt.Gr.'B' w.e.f. 19.05.82 i.e. the date on which his immediate junior and senior were promoted as Supdt.Gr.'B' vide Estt.Order No. 163/1982 dated 19.05.82 in the pre-revised scale of Rs. 650-30-740-35-B10-EB-35-880-40-1000-EB-40-1200.

On his deemed promotion as above, the seniority of Shri P .B.Mehta is fixed below Shri H.P.Dholakia and above Shri R.G.Dave who were promoted as Supdt.Gr.'B' vide Estt. Order N o.163/1982 dated 19.05.82.

A T T E S T E D :


(D.T. KANKROLIA)
ADMN.OFFICER (ESTT.)

F.NO.3/PBM/Supdt./Estt.

Copy to :

01. The Principal Collector, Central Excise and Customs, Vadodara.
02. The Collector, Central Excise and Customs, Vadodara/A'bad/Rajkot/Surat/CH Kandla.
03. All Addl./Dy.Collr. of Central Excise and Customs, Vadodara/Ahmedabad/Rajkot/Surat/CH Kandla.
04. All Asstt.Collr. of Central Excise and Customs, Vadodara/Ahmedabad/Rajkot/Surat/CH Kandla.
05. The CAO/PAO of Central Excise and Customs, Vadodara/A'bad/Rajkot/Surat/CH Kandla.
06. Individual/Guard/Master/Posting file.
07. Sr.P .A. to P .C./Collr. P.A. to Addl./Dy.Collr. of Central Excise and Customs, Vadodara.

Sd/-

(J.N.NIGAM)

COLLECTOR

CENTRAL EXCISE AND CUSTOMS
VADODARA.

* * * *

Supply by
Aoi/pwedi
Cof No. 563/93
Date 10/05/93

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F. No. A-32012/9/95-Ad. II

Government of India

Ministry of Finance

Department of Revenue

New Delhi, the 19th Oct. 195

OFFICE ORDER NO. 225/95

Subject: Promotions, postings and transfers in the grade of Assistant Commissioner of Customs & Central Excise/Senior Superintendents of Central Excise (Junior Time Scale) -

The President is pleased to order that the following Superintendents of Central Excise, Superintendents of Customs (Prev.) and Appraisers of Customs be promoted on purely ad-hoc basis to officiate in the grade of Assistant Commissioner of Customs and Central Excise/Senior Superintendents of Central Excise (Grade VI of the IC&CE Service Group 'A') in the Junior Time Scale of pay of Rs.2200-75-2800-EB-103-4000 with effect from the date they assume charge of the new post indicated against their name and until further orders:-

I. PROMOTIONS

SUPERINTENDENTS OF CENTRAL EXCISE

<u>S.No.</u>	<u>Name</u>	<u>Collectorate</u>
	S/Shri	
1.	K.P. Bhowmik	Allahabad
2.	P.B. Mehta	Ahmedabad
3.	Mrs. Sudesh Oberai	Chandigarh
4.	A.B. Vaghela (SC)	Bombay-I
5.	P.U. Mayatra (SC)	Surat
6.	Dharam Pal (SC)	Delhi
7.	D. Anantha Das	Bangalore
8.	P.D. Desai	Surat
9.	F.M. Zainuddin	Coimbatore
10.	S. Krishnamachari	Coimbatore
11.	P.C. Behera	Bhubaneshwar

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22/11/95

2/-

S.No.	Name	Collectorate
12.	S/Shri T.C. Dhamija	Jaipur
13.	Balram Das (SC)	Shillong
14.	Krishan Lal Miglani	Delhi
15.	M. Chandramouli	Trichy
16.	J.C. Dhande (SC)	Chandigarh
17.	Bachan Lal (SC)	Chandigarh
18.	D.S. Malik	Delhi
19.	R.A. Rai	NC Gwalior
20.	P.S. Sachdeva	NC Gwalior
21.	R.L. Sharma	NC Gwalior
22.	Mangli Prasad (SC)	Allahabad
23.	S. Pachyappan	Coimbatore
24.	A. Gomathynayagam	Madurai
25.	Shiv Murti Sahai	Allahabad
26.	Srikant Asthana	Allahabad
27.	Ajit Kumar R.	Cochin
28.	Ramjit Jacob Koshy	Cochin
29.	Nihan Thomas	Cochin
30.	A. Radhakrishnan Marar	Cochin
31.	S. Madanan	Cochin
32.	Dasarathi Pradhan	Bhubneshwar
33.	A.P. Davis	Cochin
34.	S.M. Holkar (SC)	Bangalore
35.	P. Parashuram (SC)	Bangalore
36.	D.K. Goel	Kanpur
37.	S.P. Gokte	Jaipur
38.	J.L. Kapoor	Jaipur
39.	J.N. Mittal	Chandigarh
40.	V. Betanasamy	Madurai
41.	S. Sivadasan (SC)	Cochin
42.	T.C. Rajadas (SC)	Cochin
43.	P. Radhakrishnan (SC)	Cochin
44.	N.K. Ramanan (SC)	Cochin
45.	K. Sridharan (SC)	Cochin

<u>S. No.</u>	<u>Name</u> S/Shri	<u>Collectorate</u>
46.	D.V. Handa	Allahabad
47.	Ram Niwas (SC)	Allahabad
48.	S.K. Banerjee	Calcutta-I
49.	B. Seetharamiah	Hyderabad
50.	S. Chidambaram (SC)	Madurai
51.	A. Kannan (SC)	Madras
52.	P.U. Patel	Ahmedabad
53.	G. Sankaraiah (SC)	Hyderabad
54.	Hansa Ram Das (SC)	Meerut
55.	Ksirode Ranjan Biswas (SC)	Bolpur
56.	Narayan Ch. Biswas II (SC)	Calcutta-I
57.	Ram Prakash (SC)	Kanpur
58.	B. Nambirajan (SC)	Madurai
59.	K.N. Jadav	Baroda
60.	D. Sivasankaran (SC)	Madras
61.	Lal Singh-II (SC)	Meerut
62.	Raj Deo Ram (SC)	NC Gwalior
63.	S.D. Kohli	Delhi
64.	U.A. Sayed	Aurangabad
65.	N.V. Desai	Bombay-II
66.	Arjun Thulsiyani	Jaipur
67.	Kewel Dutta	Chandigarh
68.	O.P. Kumar	Delhi
69.	B. Swaminathan	Madras
70.	C. Mani (SC)	Madras
71.	Raymond Q Dath	Madras
72.	Jai Raj Khatri	Allahabad
73.	K.C. Saxena	Allahabad
74.	M.S. Negi	Allahabad
75.	B.M. Mansata	Rajkot
76.	H.A. Bhatt	Ahmedabad
77.	D.R. Das	Shillong
78.	V.H. S. Iyer	Cochin

Collectorate

<u>S.No.</u>	<u>Name</u>	<u>S/Shri</u>	<u>Collectorate</u>
✓ 79.	T.R. Kureel (SC)		Indore
80.	Lal Singh (SC)		Chandigarh
81.	Jangir Singh (SC)		Chandigarh
82.	Balbir Singh Balbir (SC)		Chandigarh
83.	Gian Chand Kaushal (SC)		Chandigarh
84.	R.N. Sonowal (ST)		Shillong
85.	Abdul Saleem M.		Cochin
86.	T.J. Rathod (SC)		Bombay-III
87.	Winley Well War (ST)		Shillong
88.	G. Raghunathan		Trichy
89.	Mohan Manghnani		Jaipur
90.	M. Masilamani		Madras
91.	Arbinda Biswas (SC)		Calcutta
92.	R.J. More (SC)		Bombay-III
93.	Virinder Narang		Jaipur
94.	J.S. Dayal		Jaipur
95.	R.N. Padavi (ST)		Bombay
96.	K.R. Natarajan (SC)		Coimbatore
97.	S. Mathialagan (SC)		Coimbatore
98.	M. Dhanapal (SC)		Coimbatore
99.	S. Sungte (ST)		Shillong
100.	G. Elumalai (SC)		Madras
101.	N. Veeriah (SC)		Madurai
102.	Arun Kr. Sikdar (SC)		Calcutta
103.	K.K. Dhar		Shillong
104.	S.C. Dhar		Shillong
105.	N.K. Datta Chowdhary		Shillong
106.	I. Barakatki		Shillong
107.	K.R. Deb		Shillong
108.	A.B. Sen Sharma		Shillong
109.	M.B. Dam Roy		Shillong
110.	B.C. Bhattacharjee		Shillong
111.	S.A. Dhansekharan (SC)		Coimbatore

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<u>S. No.</u>	<u>Name</u>	<u>Collectorate</u>
	S/Shri	
112.	Dinanath Kachari (ST)	Shillong
113.	K.S. Nautiyal (ST)	Delhi
114.	V. Singson (ST)	Shillong
115.	F.D. Rinjah (ST)	Shillong
116.	R.B. Passah (ST)	Shillong

SUPERINTENDENTS OF CUSTOMS (PREVENTIVE)

1.	Mohd. Habibul Hague	Calcutta
2.	Sanup Kr. Ghosh	Calcutta
3.	V. Pradhan	Calcutta
4.	V. Kulathusarma	Madras
5.	B.G. Ponnurangam	Madras
6.	C.V. Goves	Bombay
7.	R.N. Tayade (SC)	Bombay
8.	M.M. Vasaikare (SC)	Bombay
9.	P.B. Ghagre (ST)	Bombay

CUSTOMS APPRAISERS (DIRECT RECRUIT)

1.	Ashok Kumar	Bombay
2.	S.P. Das	Calcutta
3.	P.L. Upadhyay	Calcutta
4.	P. Venkat	Calcutta
5.	P.L. Dwivedi	Bombay
6.	R.P. Misra	Bombay
7.	P.K. Haldar	Calcutta
8.	S.R. Mahajan	Bombay
9.	Sanjay Sharan	Calcutta
10.	K.C. Jena	Calcutta
11.	P. Muthuswamy	Madras
12.	Amit Jain	Bombay
13.	R. Gurunathan	Madras
14.	Navneet	Bombay

<u>S.No.</u>	<u>Name</u>	<u>Collectorate</u>
	S/Shri	
15.	V.K. Gupta	Bombay
16.	V.K. Singh	Bombay
17.	Mohammed Ali	Calcutta
18.	D.R. Singh	Bombay
19.	S.M. Akhter	Calcutta
20.	Balbir Singh (SC)	Bombay
21.	C. Ramkumar (SC)	Madras
22.	K.M. Nagarajan	Madras
23.	D.K. Dhawan	Bombay
24.	K.K. Katheria (SC)	Bombay
25.	Shamboo Dayal (SC)	Bombay
26.	R.K. Meena (ST)	Bombay
27.	Devi Singh Negi (ST)	Bombay

CUSTOMS APPRAISERS (PROMOTEE)

1.	T.A. Thosar	Bombay
2.	D.K. Kenkre	Bombay
3.	M. Ravindran	Bombay
4.	C.D. Shetty	Bombay
5.	C.T. Sahitya	Bombay
6.	S.K. Jagasia	Bombay
7.	P. Mohan Kumar	Bombay
8.	P.T. Kamble (SC)	Bombay
9.	R.S. Sawant	Bombay
10.	V.V. Sarma	Bombay
11.	M.A. Koshy	Bombay
12.	A.R. Joshi	Bombay
13.	S.G. Gawde	Bombay
14.	A.B. Kawatkar	Bombay
15.	P.M. Parab	Bombay
16.	P.J.B. Fernandes	Bombay
17.	C.P. Vijyadharan	Bombay

<u>S.No.</u>	<u>Name</u> <u>S/Shri</u>	<u>Collectorate</u>
18.	B.R. Parulekar	Bombay
19.	I. Vikraman	Bombay
20.	R.A. Shaikh	Bombay
21.	J.S. Sanghvi	Bombay
22.	S.S.R. Lobo	Bombay
23.	S.P. Joshi	Bombay
24.	V.S. Nimbalkar (SC)	Bombay
25.	R.N. Biswas (SC)	Calcutta
26.	Paresh Nath Mondal (SC)	Calcutta
27.	Laxmi Ram Tudu (ST)	Calcutta

2. The above promotions have been made in compliance with the interim Order passed by the Hon'ble Supreme Court on 13.3.1992 in the Civil Appeals and Writ Petition, relating to the seniority of Group 'B' cadres of Customs and Central Excise Departments and promotion from Group 'B' feeder cadres to the Indian Customs & Central Excise Service Group 'A' (Junior Time Scale) pending before it. The above promotions do not confer on the officers so promoted any claim for continued officiation in Group 'A' (Junior Time Scale) and the period of such service will not count for seniority or as qualifying service for further promotion. These arrangements and promotions envisaged by these orders are purely ad-hoc, subject to final outcome/order in Civil Appeals No.257 of 1988 and 4004-07/87 with CMP No.160003/89 and 9014/88 and Writ Petitions No.506/83, 2835/81, 512, 535 and 1200/88, 4532-33/70 pending before the Hon'ble Supreme Court and subject to the final order in O.A. No.3/93 filed in CAT, Bombay Bench by All India Customs Officers Association and subject to review.

Officers promoted should assume charge of their new posts latest by 20/11/95. If any officer fails to comply with the above order by 20/11/95, it will be treated as refusal of promotion and the promotion order in respect of that officer would be cancelled accordingly.

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II. POSTINGS & TRANSFERS

The following postings and transfers of officers in the grade of Assistant Commissioners of Customs and Central Excise are hereby ordered :-

S.No.	Name	From	To	Remarks
1.	2.	3.	4.	5.
	S/Shri			
1.	Shiv Murti Sahai	Supdt.Cx. Allahabad	ACCE, Allahabad	
2.	Srikant Asthana	Supdt.Cx. Allahabad	ACCE, Allahabad	
3.	Jai Raj Khatri	Supdt.Cx. Allahabad	ACCE, Allahabad	
4.	Mangli Prasad	Supdt.Cx. Allahabad	ACCE, Allahabad	Post diver- ted upto 28.2.96
5.	K.C. Saxena	Supdt.Cx. Allahabad	ACCE, Allahabad	Post diver- ted upto 31.1.96
6.	Mohan Lal	JDR,CEGAT, Delhi	AC(P), Lucknow	
7.	T.G. Dhamija	Supdt.Cx. Jaipur	ACCE, Udaipur	Sh. D.P. Choudhary retired.
8.	S.P. Gokte	Supdt.Cx. Jaipur	ACCE, Jaipur	
9.	Arjun Thulsiyani	Supdt.Cx. Jaipur	ACCE, Jaipur	
10.	Mohan Maghnani	Supdt.Cx. Jaipur	ACCE, Jaipur	
11.	Virinder Narang	Supdt.Cx. Jaipur	ACCE, Jaipur	
12.	J.S. Dayal	Supdt.Cx. Jaipur	ACCE, Jaipur	
13.	Sanjay Sharan	Appraiser, Calcutta/ Delhi	ACCE, Jaipur	

1.	2.	3.	4.	5.
14. K.C. Gupta		ACCE Surat	ACCE Jaipur	
15. Lal Singh		Supdt.CX Meerut	ACCE Meerut	
16. D.K. Goel		Supdt.CX Kanpur	ACCE Meerut	
17. Shekha Ram		ANC Gwalior	ACCE Meerut	
18. S.K. Tyagi		JDR, CEGAT, Delhi	ACCE Meerut	
19. Ram Prakash		Supdt.CX Kanpur	ACCE Kanpur	
20. Ram Niwas		Supdt.CX Allahabad	ACCE Kanpur	
21. Dharam Pal		Supdt.CX Delhi	ACCE Delhi	
22. Kishan Lal Miglani		Supdt.CX Delhi	ACCE Delhi	
23. O.P. Kumar		Supdt.CX Delhi	ACCE Delhi	
24. Ashok Kumar		Appraiser Bombay/Delhi	ACCE Delhi	
25. V.K. Gupta		Appraiser Bombay/Delhi	ACCE Delhi	
26. P. Venkat		Appraiser Calcutta/Delhi	ACCE Delhi	
27. V.M. Govila		AD, DGICCE Delhi	ACCE Delhi	
28. Mrs. Sudesh Oberai		Supdt.CX Chandigarh	ACCE Chandigarh	

1.	2.	3.	4.	5.
1.				
29.	J. G. Dhandha	DOO, Supdt. Cr. Chandigarh	ACCE, Chandigarh	
30.	J. N. Mittal	DOO, Supdt. Cr. Chandigarh	ACCE, Chandigarh	
31.	Kewal Dutta	DOO, Supdt. Cr. Chandigarh	ACCE, Chandigarh	
32.	Balbir Singh Balbir	DOO, Supdt. Cr. Chandigarh	ACCE, Chandigarh	
33.	Gian Chand Kaushal	DOO, Supdt. Cr. Chandigarh	ACCE, Chandigarh	
34.	Y. D. Banga	On reversion from deputation with M.C.B.	ACCE, Chandigarh	
35.	G. S. Sandhu	ACCE, Patna	ACCE, Chandigarh	
36.	P. B. Mehta	Supdt. Cr. Ahmedabad	ACC (Prov.) Ahmedabad	
37.	P. U. Patel	Supdt. Cr. Ahmedabad	ACCE, Ahmedabad	
38.	H. A. Bhatt	Supdt. Cr. Ahmedabad	ACC (P), Ahmedabad	
39.	A. K. Aravali	AD, NACB, Delhi	ACC (P), Ahmedabad	
40.	R. A. Rai	DOO, Narcotics	ANC, Lucknow	Nice Sh. A. K. Ghaturvedi transferred.
41.	P. S. Sachdeva	DOO, Narcotics	ANC, Gwalior	Nice Sh. Shobha Ram transferred
42.	R. L. Sharda	DOO, Narcotics	Manager, GOAW, Meemuch.	
43.	Raj Dag Ram	DOO, Narcotics	ACCE, Indore	
44.	T. R. Kursel	Supdt. Cr. Indore	ACCE, Indore	

1.	2.	3.	4.	5.
✓ 45. P.U. Myatre	Supdt. CX Surat	ACCE Surat		
✓ 46. P.D. Desai	Supdt. CX Surat	ACCE Surat		
✓ 47. S.R. Mahajan	Appraiser Bombay	ACCE Surat		
✓ 48. R.J. More	Supdt. CX Bombay	ACCE Surat		
✓ 49. K.N. Jadav	Supdt. CX Baroda	ACCE Baroda		
✓ 50. B.M. Mansatta	Supdt. CX Rajkot	ACCE Rajkot		
51. Kshirode Ranjan Biswas	Supdt. CX Bolpur	ACCE Bolpur		
52. Balram Das	Supdt. CX Shillong	ACCE Bolpur		
53. Wimley Well War	Supdt. CX Shillong	ACCE Bolpur		
54. S. Sungte	Supdt. CX Shillong	ACCE Bolpur		
55. V. Singson	Supdt. CX Shillong	ACCE Bolpur		
56. R.B. Passah	Supdt. CX Shillong	ACCE Bolpur		
57. D.R. Das	Supdt. CX Shillong	ACCE Shillong		
58. R.N. Sonowal	Supdt. CX Shillong	ACCE Shillong		
59. K.K. Dhar	Supdt. CX Shillong	ACCE Shillong		
60. S.C. Dhar	Supdt. CX Shillong	ACCE Shillong		
61. I. Barakatki	Supdt. CX Shillong	ACCE Shillong		

1.	2.	3.	4.	5.
62.	H.B. Das Roy	Supdt.Cx. Shillong	ACCE, Shillong	
63.	B.C. Bhattacharjee	Supdt.Cx. Shillong	ACCE, Shillong	
64.	S.K. Banerjee	Supdt.Cx. Calcutta	ACCE, Calcutta-I	
65.	Arbinda Biswas	Supdt.Cx. Calcutta	ACCE, Calcutta-I	
66.	Arun Kr. Sikdar	Supdt.Cx. Calcutta	ACCE, Calcutta-I	
67.	V. Pradhan	Supdt.Cx.(P) Calcutta	ACCE, Calcutta-II	
68.	N.K. Dutta Choudhary	Supdt.Cx. Shillong	ACCE, Calcutta-II	
69.	K.R. Deb	Supdt.Cx. Shillong	ACCE, Calcutta-II	
70.	A.B. Sen Sharma	Supdt.Cx. Shillong	ACCE, Calcutta-II	
71.	Dinanath Kachari	Supdt.Cx. Shillong	ACCE, Calcutta-II	
72.	P.C. Behera	Supdt.Cx. Bhubneshwar	ACCE, Bhubneshwar	
73.	Devarathi Pradhan	Supdt.Cx. Bhubneshwar	ACCE, Bhubneshwar	
74.	A. Kannan	Supdt.Cx. Madras	ACCE, Madras	
75.	Raymond O' Doh	Supdt.Cx. Madras	ACCE, Madras	
76.	M. Masilamani	Supdt.Cx. Madras	ACCE, Madras	
77.	A. Ganathinayagan	Supdt.Cx. Madurai	ACCE, Madurai	
78.	S. Chidambaram	Supdt.Cx. Madurai	ACCE, Madurai	
79.	B. Neelbirajan	Supdt.Cx. Madurai	ACCE, Madurai	

L	2	3	4	5
80.	N. Veeriah	Supdt. CX. Madurai	ACCE Madurai	
81.	S. Mathialangam	Supdt. CX Coimbatore	ACCE Madurai	
82.	M. Dhanpal	Supdt. CX. Coimbatore	ACCE Madurai	
83.	C. RamKumar	Appraiser Madras	ACCE Madurai	
84.	A.P. Davis	Supdt. CX. Cochin	ACCE Madurai	
85.	S. Sivadasan	Supdt. CX. Cochin	ACCE Madurai	
86.	T.C. Rajadas	Supdt. CX. Cochin	ACCE Madurai	
87.	D. Anantha Das	Supdt. CX. Bangalore	ACCE Bangalore	
88.	S.M. Holkar	Supdt. CX. Bangalore	ACCE Bangalore	
89.	P. Parshuram	Supdt. CX. Bangalore	ACCE Bangalore	
90.	G. Elumalai	Supdt. CX. Madras	ACCE Bangalore	
91.	K.M. Nagarajan	Appraiser Madras	ACC(F) Bangalore	
92.	V.H.S. Iyer	Supdt. CX. Cochin	ACC(F) Bangalore	
93.	R. Gurunathan	Appraiser Madras	ACC(F) Bangalore	
94.	F.M. Zanuddin	Supdt. CX. Coimbatore	ACCE Coimbatore	
95.	S. Panchyappan	Supdt. CX. Coimbatore	ACCE Coimbatore	
96.	S.A. Dhanasekharan	Supdt. CX. Coimbatore	ACCE Coimbatore	
97.	V. Betnasamy	Supdt. CX. Madurai	ACCE Coimbatore	

1.	2.	3.	4.	5.
98.	N. Chandramouli	Supdt.Cx. Trichy	ACCE, Trichy	
99.	G. Raghunathiah	Supdt.Cx. Trichy	ACCE, Trichy	
100.	S. Krishnamachari	Supdt.Cx. Coimbatore (on deputation in Competent Authority Madras).	ACCE, Trichy	
101.	K.R. Natarajan	Supdt.Cx. Coimbatore	ACCE, Trichy	
102.	B. Seetharamiah	Supdt.Cx. Hyderabad	ACCE, Guntur	
103.	G. Sankariah	Supdt.Cx. Hyderabad	ACCE, Guntur	
104.	P. Radhakrishnan	Supdt.Cx. Cochin	ACCE, Guntur	
105.	K. Sriharan	Supdt.Cx. Cochin	ACCE, Guntur	
106.	B.G. Patmurangar	Supdt.Cx.(P) Madras	ACC, Visakhapatnam	
107.	Ajit Kumar R.	Supdt.Cx. Cochin	ACC, Cochin	
108.	Ranjit Jacob Koshy	Supdt.Cx. Cochin	ACC, Cochin	
109.	Meena Thomas	Supdt.Cx. Cochin	ACC, Cochin	
110.	S. Madanan	Supdt.Cx. Cochin	ACC, Cochin	
111.	Q.A. Syeed	Supdt.Cx. Aurangabad	ACCE, Aurangabad	
112.	K.K. Ketheria	Appraiser Bombay	ACCE, Aurangabad	
113.	D.S. Noori	Appraiser Bombay	ACCE, Aurangabad	
114.	A.R. Joshi	Appraiser Bombay	ACCE, Aurangabad	
115.	K.P. Bhawnick	Supdt.Cx. Allahabad	ACCE, Patna	

1.	2.	3.	4.	5.
116.	D.V. Handa	Supdt. CX. Allahabad	ACCE Patna	
117.	S.G. Gawda	Appraiser Bombay	ACCE Pune	
118.	D.K. Kenkre	Appraiser Bombay	ACCE Pune	
119.	T.A. Thosar	Appraiser Bombay	ACCE Nagpur	
120.	E.R. Parulkar	Appraiser Bombay	ACCE Nagpur	
121.	C.D. Shetty	Appraiser Bombay	ACCE Nagpur	
122.	P.T. Kamble	Appraiser Bombay	ACCE Nagpur	
123.	A.B. Kwatkar	Appraiser Bombay	ACCE Nagpur	
124.	A.B. Vaghela	Supdt. CX. Bombay	ACCE Bombay-I	
125.	N.V. Desai	Supdt. CX. Bombay	ACCE Bombay-I	
126.	P.L. Dwivedi	Appraiser Bombay	ACCE Bombay-I	
127.	R.P. Misra	Appraiser Bombay	ACCE Bombay-I	
128.	Balbir Singh	Appraiser Bombay	ACCE Bombay-I	
129.	T.J. Rathod	Supdt. CX. Bombay	ACCE Bombay-II	
130.	D.K. Dhawan	Appraiser Bombay	ACCE Bombay-III	
131.	R.K. Meena	Appraiser Bombay	ACCE Bombay-III	
132.	B.D. Goyal	AD, DGICCE Delhi	ACCE Bombay-III	

- : 16 : -

1.	2.	3.	4.	5.
133.	P. Mohan Kumar	Appraiser Bombay	ACCE, Belgaum	
134.	Abiul Salam M.	Supdt.Cx. (P) Cochin	ACCE, Belgaum	
135.	V. V. Serna	Appraiser Bombay	ACCE, Belgaum	
136.	M. A. Koshy	Appraiser Bombay	ACCE, Belgaum	
137.	C. V. Goves	Supdt.Cus (P) Bombay	ACC, Bombay	
138.	R. N. Tryade	Supdt.Cus (P) Bombay	ACC, Bombay	
139.	H.N. Vasafikare	Supdt.Cus (P) Bombay	ACC, Bombay	
140.	Mit Jain	Appraiser Bombay	ACC, Bombay	
141.	Navneet	Appraiser Bombay	ACC, Bombay	
142.	V.K. Singh	Appraiser Bombay	ACC, Bombay	
143.	D.R. Singh	Appraiser Bombay	ACC, Bombay	
144.	C.T. Sahitya	Appraiser Bombay	ACC, Bombay	
145.	S.K. Jagasia	Appraiser Bombay	ACC, Bombay	
146.	I. Vilkranan	Appraiser Bombay	ACC, Bombay	
147.	N.K. Sharma	ACC, Calcutta	ACC, Bombay	
148.	P.B. Ghagre	Supdt.Cus (P) Bombay	ACC (P) Bombay	

1.	2.	3.	4.	5.
149.	Shambhoo Bayal	Supdt.Cus.(P) Bombay	ACC(Prev) Bombay	
150.	R.S. Sawant	Appraiser Bombay	ACC(Prev) Bombay	
151.	P.J.B. Fernandes	Appraiser Bombay	ACC Goa	
152.	M. Ravindram	Appraiser Bombay	ACC Kandla Customs	
153.	P.M. Parab	Appraiser Bombay	ACC Kandla Customs	
154.	Mohd. Habibul Haque	Supdt.CUs(P) Calcutta	ACC Calcutta	
155.	Sanup Kr. Ghosh	Supdt.CUs(P) Calcutta	ACC Calcutta	
156.	S.P. Das	Appraiser Calcutta	ACC Calcutta	
157.	P.L. Upadhyay	Appraiser Calcutta	ACC Calcutta	
158.	P.K. Haldar	Appraiser Calcutta/Delhi	ACC Calcutta	
159.	K.C. Jana	Appraiser Calcutta	ACC Calcutta	
160.	R.N. Biswas	Appraiser Calcutta	ACC Calcutta	
161.	Paresh Nath Mondal	Appraiser Calcutta	ACC Calcutta	
162.	Laxmi Ram Tadu	Appraiser Calcutta	ACC Calcutta	
163.	F.D. Rynjah	Supdt. CX. Shillong	ACC Calcutta	
164.	Narayan Ch. Biswas	Supdt. CX. Calcutta	ACC Calcutta	
165.	B.C. Sahoo	ACC Shillong	ACC Calcutta	

1.	2.	3.	4.	5.
166.	D.S. Malik	Supdt.Cx. Delhi	JDR, CEGAT, Delhi	
167.	Mohd. Ali	Appraiser Calcutta/ Delhi	JDR, CEGAT, Delhi	
168.	Jangir Singh	Supdt.Cx. Chandigarh	JDR, CEGAT, Delhi	
169.	R.A. Shaikh	Appraiser Bombay	JDR, CEGAT, Delhi	
170.	V.S. Nimbalkar	Appraiser Bombay	JDR, CEGAT, Delhi	
171.	S.D. Kohli	Supdt.Cx. Delhi	TO, CEGS, Delhi	
172.	S.P. Joshi	Appraiser Bombay	AC (Via), Dte. of Viz., New Delhi.	
173.	K.S. Nautiyal	Supdt.Cx. Delhi	AC (Via), Dte. of Viz., New Delhi	
174.	B. Swaminathan	Supdt.Cx. Madras	AC (Via), Dte. of Viz., Madras	
175.	H.S. Negi	Supdt.Cx. Aligarh/Delhi	AD, DGICCE, Delhi	
176.	Bachan Lal	Supdt.Cx. Chandigarh	AD, DGICCE, Delhi.	
177.	C.P. Vijayadharan	Appraiser Bombay	AD, DGICCE, Delhi	
178.	Hansa Ram Das	Supdt.Cx. Meerut/Delhi	AD, DGICCE, WRU, Ghaziabad	
179.	J.L. Kapoor	Supdt.Cx. Jaipur	AD, NACEN, Delhi.	
180.	S.H. Akhtar	Appraiser Calcutta/Delhi	AD, NACEN, Delhi	against
181.	J.S. Sanghvi	Appraiser Bombay	AD, NACEN, Bombay	Post diverted from NACEN Delhi
182.	Lal Singh	Supdt.Cx. Chandigarh	AD (Publication) Delhi	
183.	S.S.R. Iobo	Appraiser Bombay	AD, DPO, Delhi	

1.	2.	3.	4.	5.
✓ 184.	Anand Singh	ACCE, Surat	AD(AE), Bombay	
185.	R.N. Padavi	Supdt.Cx. Bombay	AD(AE), Bombay	
186.	C. Mani	Supdt.Cx. Madras	AD(AE), Madras	
187.	A.K. Chaturvedi	ANC, Lucknow	AD(AE), Kanpur	
188.	A. Radhakrishnan	Supdt.Cx. Marar	AD(AE), Cochin	
189.	V. Malthusarma	Supdt.Cus(P) Madras	ACC, Madras	
190.	P. Muthuswamy	Appraiser, Madras	ACC, Madras	
191.	D. Sivasankaran	Supdt.Cx. Madras	ACCE, Raipur	
192.	N.K. Ramanan	Supdt.Cx. Cochin	ACCE, Raipur	

The officers posted on promotion in the same Commissioner's charge are likely to be considered for transfer in the next annual General Transfers.

Two posts of AD's DGACCE, Delhi i.e. of the level of Ass'tt. Commissioner have been temporarily diverted to Allahabad Commissionerate, upto 28.2.96. Thereafter these posts will stand restored to ADDGACCE, Delhi. One post of AD is also transferred from NACEN, Delhi to NACEN, Bombay.

Allegj
(H.S. NEG)

UNDER SECRETARY TO THE GOVT. OF INDIA

Copy forwarded to:-

1. Officers concerned.
2. All Chief Commissioner of Customs & Central Excise/Director, Generals.
3. All Commissioner of Customs & Central Excise/Directors.
4. All Heads of Department of under CBEC.
5. Principal Chief Controller of Accounts, CBEC, New Delhi.
6. PS/to FM/MOSF(R&E)/Secy. (Rev)/Chairman (EC)/All Members, CBEC/All JSS, CBEC/Director, CBEC/DSS, CBEC/USS, CBEC.
7. Hindi Section/Office order file & Personnal file.
8. The General Secy. All India Customs Appraising Officer Feder.

Allegj
(H.S. NEG)

UNDER SECRETARY TO THE GOVT. OF INDIA

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

C.A.T./Judicial Section.

Submitted :

Original Petition No 563
of 1993

Miscellaneous Petition No

of

Shri P. B. Mehta Petitioner(s)

versus

(1012025)

Respondent (s)

This application has been submitted to the Tribunal by
Shri S. Tapathy & P.B. Sharma.

Under Section 19 of the Administrative Tribunal Act, 1985.
It has been scrutinised with reference to the points mentioned in
the check list in the light of the provisions contained in the
Administrative Tribunal Act, 1985 and Central Administrative
Tribunals (Procedure) Rules 1985.

The application has been found in order and may be given
to concerned for fixation of date.

The application has not been found in order for the reasons
indicated in the check list. The applicant advocate may be asked
to rectify the same within 14 days/draft letter is placed below
for signature.

1. Page 36 (A/12) not legible.

ASSTT.

(Ac)
09/9/93

S.O.(J)

Encl
14/9/93

D.R.(J)

Notar
14/9/93

Letter issued
on 10/9/93 (Ac)
14/9/93

Submitted

Kindly see above orders.
Office objection has been complied with
today. The matter, if appealed, will be handled on
to concurrence for necessary action.

(Ac)

S.O.(J)

Chugh
27/9/93

27/9/93

D.R.(J)

Ch.
27-9-93

O.P. No. 681/93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AHMEDABAD
BENCH AT AHMEDABAD

ORIGINAL APPLICATION NO. 563 OF 1993

BETWEEN

Pramodrai Bhagwandas Mehta. ...Applicant
AND MM.
The Union of India & others ...Respondents

I N D E X

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Ahmedabad.

Dt. /1993

(S.Tripathy)
Advocate for the applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AHMEDABAD

BENCH AT AHMEDABAD

ORIGINAL APPLICATION NO.

OF 1993

BETWEEN

Pramodrai Bhagwandas Mehta,
Superintendent,
Central Excise, Range-III,
Bapu Smarak Bhavan,
Mission Road, Nadiad

..Applicant

AND

1. The Union of India
Notice to be served on
the Chairman Central Board of
Excise & Customs, North Block,
New Delhi
2. The Collector, Central Excise &
Customs, Race Course Circle,
Baroda.
3. The Collector, Central Excise &
Customs, Navrangpura, Ahmedabad.
4. ~~THE~~ Shri N.R.Jetly,
Asst. Collector, Central Excise
Division-II, Nirmal Building,
Patharkuva, Ahmedabad.
5. Shri A.R.Naik,
Asst. Collector of Central Excise
Bharuch.
6. Shri M.S.Khamar,
Asst. Collector, Central Excise
Division-III, ~~STADIUM~~
Stadium House, Opp. Stadium,
Ahmedabad.

1. PARTICULARS OF THE APPLICANT

i) Name of the applicant : Pramodrai Bhagwandas Mehta.
ii) Name of father : Bhagwandas Mehta.
iii) Designation and office in which employed : Superintendent, Central Excise, Range-III, Office of the Asst. Collector, Central Excise, Mission Road, Nadiad.
iv) Office address : Office of the Asst. Collector, Central Excise, Mission Road, Nadiad.
v) Address for service of all notices : -do-

2. PARTICULARS OF THE RESPONDENTS

(1) i) Name and/or designation of the respondent: The Union of India
Notice to be served through the Chairman, Central Board of Excise & Customs, Dept. of Revenue, Ministry of Finance, North Block, New Delhi.
ii) Office address of the respondent : -do-
iii) Address for service of all notices : -do-

(2) i) Name &/or designation of the Respondent : The Collector, Central Excise & Customs, Race Course Road, Baroda.
ii) Office address of the respondent : -do-
iii) Address for service of all notices : -do-

(3) i) Name and/or designation of respondent: The Collector, Central & Excise & Customs, Navrangpura, Ahmedabad.
ii) Office address of the respondent : -do-
iii) Address for service of all notices : -do-

(4) i) Name &/or designation of Respondent : Shri N.R.Jetly, Asst. Collector, Central Excise, Nirmal Bldg., Relief Road, Ahmedabad.
ii) Office address of the Respondent : -do-
iii) Address for service of all notices : -do-

(5) i) Name &/or designation of the Respondent : Shri A.R.Naik,
Asst. Collector, Central Excise
Bharuch.

ii) Office address of the Respondent : -do-

iii) Address for service of all notices : -do-

(6) i) Name &/or designation of the Respondent : Shri M.S.Khamar,
Asst. Collector, Central Excise,
Div.III, Stadium House,
Opp. Stadium, Ahmedabad.

ii) Office address of the Respondent : -do-

iii) Address for service of all notices : -do-

3. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE

The application is made against the following orders:

i) Order No.243/1992/Baroda Dt.29.6.1992

ii) Date: 29.6.1992

iii) Passed by: The Respondent No.2 namely the Collector, Central Excise & Customs, Baroda.

This application is also made against non-promotion of the applicant to the post of Assistant Collector of Central Excise, taking into consideration his due seniority and efficiency.

iv) Subject in Brief

The applicant had joined as a direct recruit Inspector of Central Excise on 17.3.1959. He had brilliant and meritorious service to his credit. Till 1974 he was never communicated any adverse remarks as incorporated in his Annual Confidential Roll.

In 1974, the applicant was wrongly implicated in a corruption case alongwith

2 other Inspectors namely Shri M.M.Saiyed and Shri J.T.Dave. Rs.1500/- was recovered from the possession of Shri J.T.Dave. No amount was recovered from the applicant, nor the applicant was in picture. Still however, on the basis of mere say of the complainant, the applicant was implicated in the said corruption case. The applicant was placed under suspension with effect from 2.5.1975. Unfortunately in the trial Court there was a verdict of conviction. The Respondent No.2 dismissed the applicant from the service. The applicant moved the High Court of Gujarat against the order of conviction. The Hon'ble High Court of Gujarat acquitted the applicant of all the charges. The other 2 Inspectors were also acquitted of all the charges. Thereafter, the applicant moved the Respondent No.2 to reinstate him in service with all benefits of service. The Respondent No.2 refused to reinstate the applicant on the ground that the Prosecution had moved the Supreme Court of India through further appeal. The applicant moved the Hon'ble High Court of Gujarat against the refusal of the Respondent No.2 to reinstate him. The Hon'ble High Court of Gujarat directed the Respondent No.2 to treat the applicant as under suspension on

quashing the order of dismissal in view of the fact that the applicant was acquitted of all the charges by the High Court. Pending disposal of the Appeal in the Supreme Court, the Respondent No.2 treated the applicant as under suspension.

The Supreme Court of India vide the order dated 11.9.1991 dismissed the Appeal of the Prosecution and confirmed the order of acquittal of the applicant. Thereafter, the Respondent No.2 reinstated the applicant vide the order dated 29.11.1991. Thereafter, vide order dated 9.3.92 the Respondent No.2 treated the entire period of suspension from 2.5.1975 to 9.12.1991 as duty for all purposes. Thereafter, vide the order dated 29.6.1992, the applicant was promoted to the post of Superintendent, Central Excise.

The applicant was due for promotion in his turn to the post of Superintendent, Central Excise in 1981 when one of his juniors was promoted on 8.1.1981 namely Shri N.R.Jetly to the post of Superintendent. The applicant was not promoted to the said above post on account of the unfortunate incident of his being placed under suspension and inspite of his

acquittal in the High Court, the malicious decision of the Respondent No.2 to continue the applicant under suspension. The applicant vide his representation dated 13.7.1992 moved the Respondent No.2 and 3 to consider to fix the seniority of the applicant in the cadre of Superintendent. This otherwise means to treat the applicant on the ~~basis~~ post of Superintendent with retrospective effect on the basis of his seniority in the cadre of Inspector. The applicant moved the authorities vide his letter dated 1.9.1992. Meanwhile the Respondent No.2 issued the order of promotion of the other 2 Inspectors, who were implicated in the corruption case, namely Shri M.M.Saiyed and ~~SECRETARY~~ Shri J.T.Dave. Shri M.M.Saiyed ~~SECRETARY~~ was promoted to the post of Superintendent vide the order dated 2.11.1992 of the Respondent No.2. In the promotion order itself it was mentioned that the promotion would take effect from his immediate senior/junior S/Shri M.S.Tai and Shri Krishnanpoti Narayanan. The applicant vide his letter dated 12.11.1992 requested the Respondent No.3 to fix his seniority in the manner the seniority of Shri M.M.Saiyed was fixed. Though all the representations were addressed to the respondent No.3, the said representations were

forwarded to the Respondent No.3 by the Respondent No.2, as the Respondent No.2 was the Cadre Controlling Authority. The applicant further reminded the Respondent No.3 vide his letter dated 22.3.1992. Vide the order dated 13.5.1992, the Respondent No.2 promoted Shri J.T.Dave, who was also involved in the corruption case. While promoting him it was specifically mentioned that his order of promotion would take effect with effect from the date his immediate junior Shri N.V.Upadhyaya was promoted on 3.6.1986. The effect of promotion of Shri M..M.Saiyed as per the order, takes effect from 19.9.1991. Though the Respondent No.2 has promoted the other two Inspectors involved in the corruption case, with retrospective effect - one with effect from 3.6.1986 and the other from 19.9.1991, in the case of the applicant the Respondent No.2 has not followed the same principle. If the Respondent No.2 would have been fair and impartial, the applicant would have been given the date of promotion to the cadre of Superintendent with effect from 8.1.1981, when one of his juniors namely Shri N.R. Jetly was promoted. On the basis of such seniority the applicant could have also been considered and promoted to the post of Assistant Collector,

Central Excise ~~as~~ as and when his junior Shri N.R. Jetly, Shri A.R.Naik and Shri M.S.Khamar were promoted to the post of Assistant Collector. Inspite of several representations right from 13.7.1992, the Respondent authorities have not considered the representations of the applicant and they have not done justice. Hence the applicant is constrained to approach this Hon'ble ^{and} Tribunal for redressal justice. [^]

4. The applicant declares that the subject matter against which he wants redressal is within the jurisdiction of this Tribunal as per Section 14(b)(i) of the Administrative Tribunal Act, 1985.
5. The applicant further declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985. The applicant takes the liberty to submit that the applicant was unwarrantedly kept under suspension till 9.12.1991. The period of suspension from 2.5.1975 to 9.12.91 was regularised vide the order of the Respondent No.2 dated 9.3.92. Thereafter only the authroities could consider the promotion

of the applicant. They promoted the applicant vide the order dated 29.6.1992, but have not fixed his seniority. In the normal course they should have specified as to the date from which the said promotion would have taken ~~start~~ effect. On receipt of the order of promotion on 3.7.1992, -the applicant has moved the authorities since 13.7.1992. ~~THEY~~ Though more than 6 months have elapsed, the authorities have not rectified their stand and they have not done justice. In view of such position, this application is within the specified period of one year after lapse of 6 months from the order against which the ~~redressal~~ is sought i.e. the order dated 29.6.1992. Hence this application is within the limitation.

6. FACTS IN BRIEF

(a) As submitted hereabove, the applicant was recruited as a direct recruit Inspector in Central Excise and Customs and joined his services on 17.3.1959. He had brilliant and meritorious service to his credit. Till 1974 he was never communicated any adverse remarks as incorporated in his confidential report, nor even he was warned at any time. In the normal course he would ~~have~~ have been

promoted to the post of Superintendent on 8.6. when his Junior Shri N.R.Jetly was promoted. But unfortunately in 1974 the applicant was implicated in a corruption case alongwith 2 other Inspectors wherein Rs.1500/- was recovered from ~~one~~ the possession of one Inspector Shri J.T.Dave. Though the applicant was actually not in picture, on the basis of the ~~say~~ of the complainant, ~~he was~~ the applicant was also implicated and was placed under suspension vide the order of the Respondent No.2 dated 2.5.1975. To the misfortune of the applicant there was a verdict of conviction of the applicant by the Special Judge, Ahmedabad. Immediately thereafter, the respondents dismissed the applicant. The applicant moved the Hon'ble High Court of Gujarat, against the order of conviction and ultimately the High Court of Gujarat set aside the order of conviction and acquitted the applicant of all the charges. The applicant moved the Respondent No.2 to reinstate him in service. The Respondent No.2 refused to reinstate the applicant on the ground that the Prosecution had moved the Supreme Court of India through further Appeal. The applicant was constrained to move the High Court of Gujarat against the stand of the Respondent No.2. The High Court of Gujarat directed the

Respondent No.2 to treat the applicant as under suspension, pending disposal of the Appeal by the Supreme Court. Hence the applicant continued under suspension. On 11.9.1991 the Supreme Court of India dismissed the appeal by the Prosecution and confirmed the order of acquittal of the applicant. Thereafter the Respondent No.3 vide the order dated 29.11.1991 reinstated the applicant and the applicant resumed his duties on 9.12.1991. In the order of reinstatement dated 29.11.1991, the nature ~~of~~ as to how the period of suspension will be treated was not decided. Vide the order dated 9.3.1992, the Respondent No.3 ~~not~~ decided that the entire period from 2.5.1975 to 9.12.1991 be treated as period spent on duty. The applicant was paid the salary and allowances on the basis of duty for the entire period.

(b) On account of the applicant being placed under suspension, he could not be promoted to the post of Superintendent, Central Excise, though many of his juniors were promoted. As stated above the applicant would in normal course have been promoted to the said post on ~~EXXEX~~ 8.1.1981. After regularising the period of suspension, the authorities considered the applicant for promotion

and issued the order of promotion on 29.6.92.

But while issuing the said order, the Respondents No.2 & 3 did not decide the seniority of the applicant which is the general practice of the Department to decide alongwith the promotion.

In the normal course, if the Respondent No.2 & 3 would have been fair and impartial they would have treated the date of promotion of the applicant as on 8.1.1981 when his immediate junior Shri Jetly was promoted. As the seniority of the applicant was not fixed, the applicant vide his representation dated 13.7.92 moved the Respondent No.2. He reminded the Respondent No.2 vide his letter dated 1.9.92 and 12.11.92.

Thereafter he has also moved the Respondents No.2 vide his representation dated 22.3.1993.

All the representations of the applicant though addressed to the Respondent No.3, were forwarded by the Respondent No.3 to the Respondent No.2 as the Respondent No.2 was the Cadre controlling authority.

✓ (c) The Respondents No.2 & 3 decided and promoted the other 2 Inspectors namely Shri M.M. Saiyed and Shri J.T. Dave. While issuing their orders of promotion, the authorities also fixed their seniority permitting them the date as

and when their next immediate juniors were promoted. Accordingly Shri J.T.Dave was given the effective date of promotion to be 8.6.1986 and Shri M.M.Saiyed is given the effective date of promotion as 19.9.1991. Though the Respondent No.2 and 3 have followed the usual principle of fixing the seniority alongwith promotion, they have ~~not~~ declined to accept the same principle in case of the applicant. If they would have been fair and impartial, the applicant would have been given the similar treatment and he would have got the benefit of officiation in the Cadre of Superintendent with effect from 8.1.1981, which would have enabled him to be promoted to the post of Assistant Collector of Central Excise, as and when his juniors Shri N.R.Jetly, Shri A.R.Naik and Shri M.S.Khamar were promoted. In the case of the applicant the Respondent authorities are taking an unusual malicious stand and the approach of the Respondents No.1, 2 & 3 is violative of Article 14 of the Constitution of India. Annexed hereto and marked Annexure-A-1 is a copy of the order of the Respondent No.2 dated 2.5.1975,

~~XXXXXXXXXXXXXX~~

Annexure-A-1

Annexure A-2 placing the applicant under suspension, Annexed hereto and marked Annexure A-2 is a copy of the order of the Respondent No.2 dated 11.1.1977 dismissing the applicant from service, annexed

Annexure A-3 hereto and marked Annexure A-3 is a copy of the order of the Respondent No.2 dated 19.7.1980,

Annexure A-4 annexed hereto and marked Annexure A-4 is a copy of the order of the Respondent No.2 dated 29.11.91 reinstating the applicant, annexed hereto and

Annexure A-5 marked Annexure A-5 is a copy of the order of the Respondent No.3 dated 9.3.1992, annexed

Annexure A-6 hereto and marked Annexure A-6 is a copy of the ~~and~~ order of promotion issued by the Respondent No.2 dated 29.6.1992, annexed hereto

Annexure A-7 and marked Annexure A-7 is a copy of the representation of the applicant dated 13.7.1992,

Annexure A-8 annexed hereto and marked Annexure A-8 is a copy of the representation dated 1.9.1992, annexed

Annexure A-9 hereto and marked Annexure A-9 is a copy of the representation of the applicant dated 12.11.1992,

Annexure A-10 annexed hereto and marked Annexure A-10 is a copy of the representation of the applicant dated

Annexure A-11 22.3.1993, annexed hereto and marked Annexure A-11 is a copy of the order of promotion of Shri M.M. Saiyed dated 2.11.1992, annexed hereto and

Annexure A-12 marked Annexure A-12 is a copy of the order of

the order of promotion of Shri J.T.Dave dated
Annexure A-13 13.5.1993, Annexed hereto and marked Annexure A-13
is a copy of the Gradation list of Inspectors and
Annexure A-14 Annexed hereto and marked Annexure A-14 is a copy
of the Gradation List of Superintendent as on
1.1.1993.

(d) The applicant submits that in the case of non-promotion of a Civil Servant during the pendency of departmental inquiry and suspension, the sealed cover procedure is to be followed. The authorities are duty bound to consider the suitability of the civil servant for promotion and the decision of the Committee is kept in the sealed cover. In the event the civil servant is exonerated, the sealed cover is opened and the same is given effect to. In the case of the applicant, it appears that either the sealed-cover procedure is not followed or the Committee have not considered the performance and efficiency of the applicant with objectivity. This Hon'ble Tribunal may be pleased to appreciate that the applicant was placed under suspension from 2.5.1975 till 9.12.1991. In June 1992 the applicant is found suitable and he is promoted. Naturally, no Confidential Reports could be written for the period from 2.5.1975 to 9.12.1991 and even if

the Confidential Reports are written for the sake of formality, there could not be any assessment of the performance of the applicant, because the applicant did not perform any duty. This leaves with no other alternative but to conclude that the applicant was found suitable for promotion to the post of Superintendent on the basis of his performance prior to 2.5.1975. If he could be found suitable for promotion for the post of Superintendent on the basis of those records in June, 1992, there is no reason as to why he should not be found suitable for the promotion to the post of Superintendent in the years 1981 to 1991. This establishes the fact that either the Selection Committee were prejudiced on account of the misfortune of the applicant for his being implicated in the corruption case or that they did not consider the performance of the applicant with objectivity. The applicant craves the leave of this Hon'ble Tribunal to direct the Respondents No.1, 2 & 3 to disclose the facts of consideration of the applicant during the period from 1981 to 1991 when his juniors were promoted and in the event the applicant is not found suitable ~~xxxxxxxx~~ for promotion to the post of Superintendent, the Respondents No.1, 2 & 3 may be directed to

explain as to ~~how~~ how the applicant was over-looked if he could be found suitable for promotion to the post of Superintendent on the basis of his performance mostly prior to 2.5.1975. If the Respondents No.1 2 & 3 would take any plea that the applicant was promoted on the basis of his performance from 9.12.1991 to June, 1992, the Respondents No.1, 2 & 3 may be directed to disclose as to how the performance of the applicant during this short period made all the difference to make him suitable for promotion to the post of Superintendent, and as to how the performance of the applicant prior to 2.5.1975 were lacking in any respect. The applicant sincerely believes that he has been promoted on the basis of his performance prior to 2.5.1975 and he was not promoted only because of the malicious and prejudicial approach on the part of the Respondents No.1., 2 & 3 on account of the misfortune to be implicated in a corruption case.

(e) The applicant submits that he has been subjected to unreasonable injustice. Even at this stage, the Respondent authorities are not prepared to do justice to him. As submitted hereabove, inspite of several representations, the Respondents are not prepared to accept the common accepted

principle of fixing the seniority alongwith the promotion and they are not prepared to give the benefit of retrospective officiation to the applicant. The applicant deserves to be promoted to the post of Superintendent with effect from 8.1.1981 and he is eligible for promotion to the post of ~~XXXXXX~~ Assistant Collector as and when his juniors Sarva-Shri N.R.Jetly, A. R.Naik and M.S.Khamar were promoted to the post of Asst.Collector.

(f) The applicant craves the leave of this Hon'ble Tribunal to rely on the contents of the documents annexed to this application as Annexures A-1 to A-14 and the same may please be treated as part of this application.

7. RELIEF SOUGHT

Taking into consideration above submissions and such other submissions as may be advanced at the time of hearing, this Hon'ble Tribunal may be pleased to:

(A) direct the Respondents No.1, 2 & 3 to consider the eligibility of the applicant for promotion to the post of Superintendent, Central Excise, as and when his junior was promoted on 8.1.1981 and in the event the applicant is found suitable, he should be

promoted to the post of Superintendent ~~SUPREKIN~~ Central Excise as on 8.1.1981, when his junior Shri N.R.Jetly was promoted and on the basis of his promotion to the post of Superintendent, the applicant be granted all consequential benefits namely salary and allowances and promotion to the next higher post i.e. Assistant Collector.

(B) award the cost of this application to the applicant;

(C) = grant any other and further reliefs as would be deemed just and proper in the interest of justice;

And for which act of kindness and justice, the applicant shall for ever pray.

8. INTERIM ORDER IF PRAYED FOR

^{Applicant}
The ^A prays this Hon'ble Tribunal for issuance of interim order directing the Respondents No.1, 2 & 3 not to ~~permit~~ promote any of the juniors of the applicant to the post of Assistant Collector till the case of seniority of the applicant in the Cadre of Superintendent and his promotion to the post of Assistant Collector are decided.

9. DETAILS OF REMEDIES EXHAUSTED

On receipt of the order of promotion in which the seniority of the applicant was not fixed, the applicant has moved the authorities vide his representations dated 13.7.1992, 1.9.1992, 12.11.1992 and 22.3.1993. If the seniority of the applicant would have been decided, that would mean that the promotion of the applicant with retrospective effect, as and when an officer Junior to him was promoted. The representations were addressed to the Respondents No.3, who in turn forwarded them to the Cadre Controlling authority i.e. the Respondent No.2. There has been no response from the Respondent No.2. In view of such position, the applicant has exhausted the remedies that could be available to him. As he has got another 3 years service to go, the applicant ~~xxxxxx~~ has no other alternative but to move this Hon'ble Tribunal without waiting any further.

10. MATTER NOT PENDING WITH ANY OTHER COURT ETC.

The applicant further declares that the

matter regarding which this application has been made is not pending before any Court of Law or any other authority or any other Bench of the Tribunal.

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE

Amount = Rs 50/-

Bank Draft/
Postal order No : 01 254507
dated 3-8-53
Issued by : Sub Post Master
Ahmedabad (amt.)

12. DETAILS OF INDEX

An index in duplicate containing

the details of documents to be relied on is enclosed.

13. LIST OF ENCLOSURES

Annexure A-1	Annexure A12
Annexure A-2	Annexure A13
Annexure A-3	Annexure A-14
Annexure A-4	
Annexure A-5	
Annexure A-6	
Annexure A-7	
Annexure A-8	
Annexure A-9	
Annexure A-10	
Annexure A-11	

Mehta
28/8/93
Applicant

IN VERIFICATION

I, Pramodrai Bhagwandas Mehta, Son of Shri Bhagwandas C. Mehta, working as Superintendent, Central Excise & Customs at Nadiad, do hereby verify that the contents of para 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material fact.

Place : Ahmedabad
Date : 28.08.1993

Mehta
28/8/93
(P. B. Mehta)

S. Tripathy *Advocate*
(S. Tripathy) Advocate for the Applicant. (P. B. Mehta)

To,
The Registrar,
Central Administrative Tribunal,
Ahmedabad Bench at Ahmedabad.

Filed by M/s. *D. Soni & Co.* P. B. Sharma & S. Tripathi
Learned Advocates for Petitioners
with second set & 6 ... copies
copies copy served/not served to
other side

for
Dated 31/9/93 Dy. Registrar C.A.T. (O)
Ahmedabad Bench

(23)

CENTRAL EXCISE COLLECTORATE
B A R O D A

Annexure A1

Ex. II/10(A)(Con)7/75. Baroda., the 2 May '75.

O R D E R

Whereas a case against Shri P.B.Mehta, Inspector of Central Excise, Division-I, Ahmedabad in respect of a criminal offence is under investigation.

Now, therefore, the undersigned, in exercise of the powers conferred by sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965, ~~hereby~~ hereby places the said Shri P.B.Mehta, under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarters of Shri P.B.Mehta, Inspector of Central Excise, Division-I Ahmedabad should be Ahmedabad and the said Shri P.B. Mehta shall not leave the headquarters without obtaining the previous permission from the Assistant Collector, Central Excise, Divn.I, Ahmedabad.

Mandviwala 15.5.75
MAY 15
(M. M. Mandviwala)
Headquarters Assistant Collector,
Central Excise, Baroda.

T6
✓ Shri P.B.Mehta,
Inspector of C.Ex. Divn.I Ahmedabad.
(Through the Asstt Collr. C.E. Divn.I, Ahmedabad.).

Orders regarding subsistence allowance admissible to him during the period of his suspension will issue separately.

True copy.

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CENTRAL EXCISE : BARODA.

No. II/8(Fig.)36/74. Baroda, the 11th January 1977.

O R D E R

Shri P.B.Mehta, Inspector of Central Excise (under suspension) has been convicted and sentenced to rigorous imprisonment for 2 years and a fine of Rs.500/- under section 20-B of Indian Penal Code, rigorous imprisonment for 2 years and a fine of Rs.500/- under section 161 of Indian Penal Code and rigorous imprisonment for 2 years and a fine of Rs.1000/- under section 5(2) read with section 5(1)(d) of Prevention of Corruption Act under an order dated 10.12.76 of the Special Judge, Ahmedabad.

*Received
12/1/77 at 15⁰⁰
P. 121*

The conduct of Shri P.B.Mehta, Inspector of Central Excise, which has led to his conviction is such as to render his further retention in the public service undesirable.

Therefore, in exercise of the powers conferred by Rule 19(i) of the Central Civil Services (Classification, Control & Appeal) Rules 1965, I dismiss Shri P.B.Mehta, Inspector of Central Excise, from service with immediate effect.

W. J. S.
(H. R. Syiem)
Collector of Central Excise,
Baroda.

To
Shri P.B.Mehta,
Inspector of Central Excise.
(under suspension)
(through Asstt. Collr. of C.Ex., Dn.I, Ahmedabad.)

True copy.

Amesun

CENTRAL EXCISE COLLECTORATE
BARODA.

(25)

No. II/26/(Con)9/80/4650 /48 Baroda Dt. 19th July, 1980.

ORDER.

Annexure

A-3

Whereas Shri P.B. Mehta was dismissed from service with effect from 12.1.77 on the ground of conduct which led to his conviction on a criminal charges.

And whereas the said conviction has been set-aside by the High Court of Gujarat, Ahmedabad and the said Shri P.B. Mehta has been acquitted of the said charges;

And whereas the High Court of Gujarat, Ahmedabad in Special Civil Application No.859 of 1980 filed by Shri P.B. Mehta, has quashed and set aside the order of dismissal of Shri P.B. Mehta, from Government service, vide judgement dated 20.6.80

And whereas, in consequence, the undersigned has decided that the said order imposing the penalty of dismissal from service should be set aside;

Now therefore, the undersigned hereby:-

- (i) Sets aside the said order imposing penalty of dismissal from service, upon Shri P.B. Mehta,
- (ii) Directs that the said Shri P.B. Mehta shall, under sub-rule (4) of rule 10 of the Central Civil Services (Classification, control and Appoint) Rules 1965 be deemed to have been placed under suspension with effect from 12.1.77 and shall continue to remain under suspension until further orders.
- (iii) Directs that Shri P.B. Mehta shall draw substantiation allowance at the rate he was drawing immediately before the date of his dismissal, subject to the fulfilment of the conditions laid down in this order number II/10(A)(CON)7/75 dt. 22.5.75.

The Head-quarters of Shri P.B. Mehta, during the period this order remains in force, shall be Ahmedabad and he shall not leave the Hdqrs. without obtaining prior permission of the Assistant Collector of Central Excise Ahmedabad Div-I.

Sd/- (J.N. VISHWA)
COLLECTOR
CENTRAL EXCISE : BARODA.

CENTRAL EXCISE DIVISION: I: AHMEDABAD

No. II/10(A)(con)4/75 /48 Ahmedabad Dt. 4th Aug. 80.

Copy forwarded to the Section Heads of Establishment and Accounts Section C.E.C. Div-I, Ahmedabad for information and necessary action.

(S. D. SINGH)
ASSISTANT COLLECTOR
DIVISION: I: AHMEDABAD.

True Copy.

Attn:

REMARKS:

People put up for comp.

14/8/80 D.C.S. P.C.

CENTRAL EXCISE AND CUSTOMS COLLECTORATE : AHMEDABAD

(26)

ESTABLISHMENT ORDER NO. 307/1991
DATED 24TH DEC., 1991

Annexure 44

In pursuance of order issued by Collector, Central
Excise and Customs, Ahmedabad vide F.No. II/30(COT)31/S, dt.
29-11-91 revoking suspension of Shri P.B. Mehta, Inspector,
Division-I, Ahmedabad and he is posted to Division-I, Ahmeda-
bad with immediate effect.

Date of joining should be reported to this office
promptly.

Sd/-

Additional Collector (ExV)
Central Excise and Customs
Ahmedabad.

ATTESTED

~~ASSTT COL~~
ADM. OFFICER (HQ)
C. Excise & Customs,
Ahmedabad

F.No. II/3-PBM/I.CM/23TT.

dated, dt. 24-12-1991.

Copy to :-

1. Collector, C.Excise & Customs, Vadodara/Rajkot/CH Kandla.
2. Collector, Customs (Prev.) Gujarat, Ahmedabad.
3. Collector, C.Excise & Customs, Judicial/Appeal, A'bad.
4. All Addl./Dy. Collectors, C.Excise & Customs, Ahmedabad.
5. All Asstt. Collectors, C.Excise & Customs in A'bad Coll'te.
6. C.M.O/P.A.O/Guard file/Statement Table/Vigilance/Adm. Section/
Hindi Section (for Hindi version)/Individual.
7. General Secretary, Group 'C' Executive Association, A'bad.

for
copy
to
11/12/91

True copy.

— Anugraha —

27
: CENTRAL EXCISE AND CUSTOMS COLLECTORATE : AHMEDABAD :

CONFIDENTIAL

F.I.O: II/39(CON)31/95 | 628

Annexure AS
Ahmedabad, dt. 9-3-1992

: ORDER :

Shri P.B.Mehta, alongwith two other officers while serving as Inspector of Central Excise, Nadiad was placed under suspension by Headquarters Assistant Collector of Central Excise, Vadodara vide order No. II/10(A)(CON)7/75 dated 2-5-75 for demanding illegal gratification.

2. AND WHEREAS the case was registered by the Superintendent of SPE/CBI, Ahmedabad against Shri P.B.Mehta and other two officers in the Court of Special Judge, Ahmedabad City (case No. 11/76). The Hon'ble Special Judge, Ahmedabad vide judgement dated 9/10-12-1976 convicted Shri P.B.Mehta and awarded rigorous imprisonment for one year to Shri Mehta. The other two officers were also convicted alongwith Shri Mehta.

3. AND WHEREAS in view of the above said judgement of conviction and as per the provision contained in Rule 19 of CCS (CCA) Rules, 1965 read with instructions contained in G.I.M.H.A. O.M. No. F-43/57/64-AVD (III) dated 29-11-66 Shri P.B.Mehta alongwith other two officers was dismissed from service by the Collector of Central Excise, Vadodara vide his order No. II/8(VIG)30/74 dated 11-1-1977 with immediate effect.

4. AND WHEREAS as a result of Criminal Appeal bearing No. 151 of 1977 filed by Shri P.B.Mehta and others in the High Court of Gujarat, Ahmedabad, the said Shri Mehta was acquitted vide judgement passed by the Hon'ble High Court on 19-7-1979.

5. AND WHEREAS the State Government (Gujarat) filed an appeal bearing No. 30-32/1980 before Hon'ble Supreme Court against the above said acquittal order of the Hon'ble High Court in Criminal Appeal No. 151/1977 passed on 18-7-1979. However, before the decision was taken by the Supreme Court in the aforesaid appeals No. 30-32/1980 Shri P.B.Mehta filed a Special Civil Application No. 859/1980 in the High Court of Gujarat, Ahmedabad praying for setting aside the dismissal order and to reinstate him in the service.

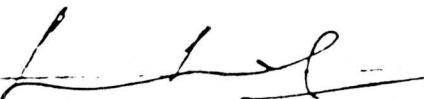
True copy.
Inay

(20) (28)

6. AND WHEREAS in pursuance of the above said appeal the Hon'ble Gujarat High Court vide their judgment dated 18-9-1980 passed in Special Civil Application No. 959/1980 quashed the above said order of dismissal dated 11-1-1977 and ordered that the petitioner shall be reinstated in service and shall forthwith be put under suspension as if the order of dismissal has not been passed against him. Accordingly Shri Mehta, Inspector was reinstated and placed under deemed suspension with effect from 12-1-1977 by the Collector of Central Excise, Vadodara vide order No. II/26(CON)9/80 dtd. 19-7-1980.

7. NOW WHEREAS Hon'ble Supreme Court has dismissed the appeal bearing No. 30-32/1980 filed by the State Government (Gujarat) on 11-9-1991 against the acquittal order dtd. 18-7-79 of High Court of Gujarat, Ahmedabad in Criminal Appeal No. 151/1977. Accordingly the undersigned has revoked the order of suspension vide order of even number dtd. 29-11-1991.

8. Now the undersigned having considered all aspects of the case, order that the period of suspension from 2-5-1975 till the date of re-instatement in service is to be treated as period as if on duty and that Shri P.B. Mehta, Inspector shall be paid full pay and allowances for the above said period, subject to adjustment in respect of the subsistence allowances already paid to him during the period Shri P.B. Mehta was placed under suspension.



(B.K.BAKSHI)
COLLECTOR
CENTRAL EXCISE & CUSTOMS.
AHMEDABAD.

To,

✓ Shri P.B. Mehta,
Inspector of Central Excise, (Through: A.C.C.Ex., Division-I,
Division-I,
Ahmedabad)

Copy to : The Assistant Collector, Central Excise, Division-I Ahmedabad. The enclosed letter may please be delivered to Shri P.B. Mehta and his dated acknowledgement in token of having received the same may please be obtained and sent to this office for records.

The C.A.O. / F.A.O. / Estt. Central Excise & Cus.
Ahmedabad for necessary action.

The Collector, Central Excise & Customs Vadodara u/r.t.o. [REDACTED]
The Dy. Secretary, Govt. of India, Ministry of
Finance, New Delhi. ([REDACTED])

The Supdt. of Police, SPE/CBI, Ahmedabad.

Received
B.K.B.
11/3/92

(25)

केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क समाहितालियः घडोदरा:

स्थापना आदेश तंत्र्या 243/1992

घडोदरा, दिनांक 29 जून, 1992

HINDEX/EP/16

विषय:- स्थापना: घडोदरा/अहमदाबाद/राजकोट/सूरत तथा सीमा शुल्क छांडा, कांडला समाहितालियों के संयुक्त केंद्र में अधीक्षक वर्ग "ख" के गेड में पदोन्नति- 1992.

=====

घडोदरा/अहमदाबाद/राजकोट/सूरत तथा कस्टम्स हाउस, कंडला के संयुक्त केंद्र के निम्नांकित अधीक्षकों ने अधीक्षक वर्ग "ख" के गेड में समर 2000-60-2300-द.रो. -75-3200-100-3500 ते वेतनमान में पदोन्नति किया जाता है तथा उन्हें उनके नामों के नामे पर स्थान पर तैनात किया जाता है :-

क्र०	अधिकारी का नाम	कहाँ ते समाहितालय	कहाँ पर समाहितालिय
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रुद्धि श्री

1.	पी. बी. मेहता	अहमदाबाद	अहमदाबाद
2.	सत. पी. टिंबाडिया	राजकोट	राजकोट
3.	के. आर. ठाकर	अहमदाबाद	अहमदाबाद
4.	डी. आर. भालिया	राजकोट	राजकोट
5.	श्रीमती डी. सम. पटेल	अहमदाबाद	अहमदाबाद
6.	पी. जी. भावतार	सूरत	सूरत
7.	सन. ती. भद्रेता	राजकोट	राजकोट
8.	सत. ची. चौहाण	अहमदाबाद	अहमदाबाद

2/- उपर्युक्त पदोन्नति दे लक्ष्य उन अधिकारियों के पदोन्नति नियामक दावों पर जोई दुर्भाग्य प्रभाव नहीं प्रेरित हो जिनके पारे मैं बाद में यह पाया जाय कि अधीक्षक वर्ग "ख" के नामे पदोन्नति उनका दावा उक्त पदोन्नत अधिकारियों ते पहले उन्नता है।

3/- उपर्युक्त पदोन्नत अधिकारी यह नोट कर लें कि उन्हें अपने वेतन निर्धारण का विकल्प गृह शालय, जारीक एवं प्रशातनिक सुधार विभाग, नई दिल्ली के समय-समय पर यथा क्रेत्रीय दिनांक 26.9.81 के शार्यालय ज्ञापन सं 7/1/80-स्था. अंश-1 में वर्णित अनुदेशों के अनुसार देना होगा।

4/- अहमदाबाद/सूरत समाहितालियों के वे अधिकारी जिनको पदोन्नति के बाद भी उनके मूल समाहितालिय में तैनात किया जाय है, वे यह नोट कर लें कि घडोदरा/अहमदाबाद/सूरत तपाहितालिय का जोई भी अधिकारी राजकोट समाहितालिय/कस्टम्स हाउस, कंडला में अपनी तैनाती का स्कर्प जैसे ही लौटा जर लैगा उन्हें मौजूदा स्थानान्तरण नियुक्ति के अनुसार उनकी पारी आने पर राजकोट/कस्टम्स हाउस, कंडला में स्थानान्तरित कर दिया जायेगा।

True copy.
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5/- उपर्युक्त अधिकारीयों को उनके सम्बन्धित समावृत्तार्गत द्वारा दिनांक 30.7.92 तर अथवा उनके पूर्व जार्यप्रक्रिय कर दिया जाय।

6/- उनकी कार्यप्रक्रिय स्वं जार्यग्रहण की तारीखें इस जार्यालय को तत्काल सूचित की जाय।

हस्ता/-

मे. एन. निगम

समावृत्ता

केन्द्रीय उत्पाद स्वं सीमा शुल्क

वडोदरा

अनुप्रमाणित

मुख्यमंत्री 30/6/92
डी. आई. कांकोलिया

प्रशान्तनिक अधिकारी स्थापना

केन्द्रीय उत्पाद स्वं सीमा शुल्क
वडोदरा

फा० तं० ३/४७/९२-स्थापना।

वडोदरा, दिनांक 29 जून, 1992

प्रतिलिपि देखितः-

- प्रधान मान्दता, के.उ.शु. स्वं सी.शु. वडोदरा
- समावृत्ता, के.उ.शु. स्वं सी.शु. वडोदरा/तूरत/अहमदाबाद/राजकोट/कस्टम्स हाउस, जंडला
- सभी अपर समावृत्ता, के.उ.शु. स्वं सी.शु. वडोदरा/अहमदाबाद/राजकोट/तूरत/कस्टम्स हाउस, जंडला
- सभी सहायय समावृत्ता, के.उ.शु. स्वं सी.शु. वडोदरा/अहमदाबाद/राजकोट/तूरत/कस्टम्स हाउस, जंडला
- मुख्य लेता अधिकारी/पेतन तथा लेता अधिकारी, के.उ.शु. स्वं सी.शु. वडोदरा/अहमदाबाद/राजकोट/तूरत/कस्टम्स हाउस, जंडला
- सभी अनुप्रमाण प्रधान, मुख्यालय, वडोदरा
- सम्बन्धित व्यक्ति/गाई/सास्टर/तेजा का.
- प्रधान मान्दता/मान्दता/मान्दता/अमान्दता के निवी रहायल, के.उ.शु. स्वं सी.शु. वडोदरा

=====

1/2/92

(31)

P. B. Mehta
Superintendent
Central Excise, AR.III
Nadiad.
D/- 13-07-1992

To
The Collector
Central Excise & Customs,
Central Excise Building,
Navrangpura, Ahmedabad - 9

Annexure A-7

Sub:- Estt: Promotion to the grade of
Superintendent Gr.'B' : Request
from P.B.Mehta, for fixation of
Seniority - Matter Reg.

Respected Sir,

Kindly refer to the Establishment Order
No.243/1992 dt. 28.6.1992, issued by the Collector,
Central Excise & Customs, Vadodara and Ahmedabad
Collectorate Establishment Order No.168/1992 dt. 8.7.92
posting me as Superintendent, Central Excise, Range III
Nadiad.

2. I am very much thankful for the above orders.
However, I have further to submit that no order
has been issued by the authority fixing my seniority
in the grade of Superintendent Gr.'B' as requested
by me in my application dated 20.05.1992. It is
therefore my humble request to you Sir, to look
into my case and grant me necessary benefit by
issuing necessary order fixing the seniority in
the grade of Supdt. Gr.'B'.

Hoping to be excused.

Thanking you,

Yours faithfully,
P.B.Mehta, 3/7/92
(P.B.Mehta)
Superintendent, C.Ex.,
AR.III, Nadiad

Submitted through the
Asstt. Collector of Central Excise, Nadiad with respect.

Copy submitted to the
Collector of Customs & Central Excise, Vadodara,
through the Asstt. Collector C.Ex., Nadiad, with a kind
request to issue necessary orders fixing my seniority
in the grade of Superintendent Gr.'B'.

True

Copy

Onward

(32)
Annexure A-8

P. B. Mehta
Superintendent, C.Excise
Range III, Nadiad
D. 1/9.1992

To
The Collector
Customs & Central Excise,
Central Excise Building,
Navrangpura, Ahmedabad -9

Sub:- ESTT : P. B. MEHTA, Supdt. C.Ex. :
Request for fixation of Seniority
in the Grade of Group B. : Reg.

Respected Sir,

Kindly refer to my application dated 13.7.1992,
submitted through the proper channel requesting
for fixation of my seniority in the Grade of
the Superintendent C.Ex. Grd 'B'.

So far no order has been issued fixing my seniority
This is my kind request to you, Sir, to look into
the matter to do the justice by issuing necessary
orders fixing my seniority in the Grade of
Superintendent Gr.'B'.

Thanking you,

Yours faithfully,

Subba - 1/9/92
(P.B.MEHTA)
Superintendent, C.Excise
Range III, Nadiad

Copy submitted

- (1) The Collector of Customs
& Central Excise, Baroda
- (2) The Principal Collector
Customs & Central Excise, Baroda.

Respectfully submitted through the
Assistant Collector of Central Excise, Nadiad.

True copy,

Amrapali

(33)

ANNEXURE H-9

P. B. Mehta
Superintendent, C. Ex.
Range III, Nadiad.

D/- 12-11-1992

To
The Collector
Central Excise & Customs,
Central Excise Building,
Navrangpura, Ahmedabad - 9

Sub:- ESTT : P. B. MEHTA, Supdt., C.Ex.,
Request for fixation of Seniority
in the Grade of Group 'B' : Re : :

Respected Sir,

Kindly refer to my application dated 13.7.1992 and also
that dated 1.9.1992, submitted through the proper Channel,
requesting for fixation of my seniority in the Grade of
the Superintendent Group 'B'.

I have been promoted to the Grade of Supdt. Gr.'B' vide
Establishment Order No.243/1992 dated 29.6.1992, issued
by the Collector of Central Excise & Customs, Vadodara
(from file No.3/47/92 (Estt.)). My posting as Supdt.C.Ex.
Range III, Nadiad has been issued by the Collector of
C.Ex. & Customs, A'bad. vide Establishment Order No.
168/1992 dated 8th July, 1992.

So far no order has however, been issued fixing my seniority
in the grade of Supdt. Gr.'B', though requested vide my
applications dated 20.5.1992, 13.7.92 and 1.9.92.

My seniority in the Grade of Superintendent Gr.'B' should
have been fixed at the time of issuing my promotion order
by the Collector of Central Excise & Customs, Vadodara
vide Estt.Order No.243/1992 dated 29.6.1992, on the same
principle which has been followed while issuing the
Establishment Order No.429/1992 dated 2.11.1992 by the
Collr.C.Ex.. & Customs, Vadodara. By this Establishment
Order promoting Shri M.M. Saiyad, Inspector C.Ex., & Cus.,
Vadodara Div.III (Vadodara Collectorate), to the grade
of Supdt. C.Ex., Gr.'B', the Collector C.Ex.Vadodara
has also simultaneously fixed the seniority of Shri Saiyad
Placing him at the appropriate Serial Number in the
Seniority List of Supdt. Group B.

On the same analogy, it is therefore my earnest request
to the authority for issuing necessary order fixing my
seniority placing me at the appropriate Serial Number in
the Seniority List of Group 'B'.

Thanking you,

Yours faithfully,

P. B. Mehta
(P. B. MEHTA)
Superintendent, C. Ex. & Cus.,
Range III, Nadiad.

Copy submitted with respects to

- 1) The Collector of C. Ex. & Customs, Vadodara.
- 2) The Asstt. Collector of C. Ex., Nadiad, along with ~~two~~ three
extra copies to be submitted to the Collr. C. Ex.
Ahmedabad/ Vadodara / the Principal Collector of
Customs & Central Excise, Vadodara.

Same copy 3) Advance Copy submitted to the Principal...
Collector of Customs & Central Excise, Vadodara
with due respects, for consideration of my
case.

Ansby

(34)

Alhexep A-10

P. B. MEHTA
Superintendent C.Ex. Range III
Nadiad
D: 22.03.1993

To

The Collector
Central Excise & Customs,
Central Excise Building,
Navarangpura - Ahmedabad - 380 009

ESTT: P.B.MEHTA, SUPDT. C.EX., -
REQUEST FOR FIXATION OF SENIORITY
IN THE GRADE OF GROUP 'B' : REG :

Respected Sir,

Kindly refer to my application dated 13.7.1992 and also that dated 1.9.92 and 12.11.92, submitted through the proper channel requesting for the fixation of my seniority in the Grade of the Superintendent Group 'B'.

2. The copies of my said applications were submitted to the Collector of Central Excise & Customs, Vadodara and the Principal Collector of C.Ex. Vadodara. However, even after a period of more 9 months since my first application dt. 13.7.92, no communication has been received from the Collector C.Ex., Vadodara about the consideration and disposal of my said applications. My case requires to be considered in light of the Procedure and Guidelines laid down in para 3 of the OFFICE MEMORANDUM NO.22011/4/91-Estt(A) dated 14.9.91, issued by the Ministry of Personnel, Public Grievances and pensions, Department of Personnel & Training, Govt. of India, New Delhi.

3. My case for fixing the seniority is pending since long and merits early consideration. As such, to explain my case in person to the Principal Collector of Central Excise & Customs, Vadodara, I request and seek your kind permission for the same.

4. Thanking you,

Yours faithfully,

15/3/93
(P.B.MEHTA)

Superintendent, C.Ex.,
Range III, Nadiad

Copy submitted to:

1) The Collector of C.Ex.,
Vadodara, and
2) The Principal Collector
C.Ex., Vadodara with
respect

Through
The Assistant Collector
Central Excise,
Nadiad.

Also copy submitted to the Principal Collector
Central Excise, Vadodara
for kind information.

True copy.
Anand

(35)

11 CENTRAL EXCISE AND CUSTOMS COLLECTORATE : VADODARA 11

ESTABLISHMENT ORDER NO.429/1992.
VADODARA, THE DATED 21 NOV. 1992.

ALL MCKEE A/I

Sub. : Estt. Promotion to the grade of Superintendent of Central Excise and Customs Gr.'B' in the combined cadre of Vadodara/A'bad/Surat/Rajkot and C.H.Kandla Collectorates : 1992 ;

Shri M.M.Saiyed, Inspector of Central Excise and Customs, Vadodara Division-III (Vadodara Collectorate) is promoted to the grade of Superintendent of Central Excise and Customs Gr.'B' in the pay scale of Rs.2000-60-2300-EB-75-3200-100-3500 with effect from his immediate Senior/Junior S/Shri N.S.Tai and Krishnan Potty Narayan promoted to the grade of Supdt. Gr.'B' vide Estt.Order No.364/1991 dated 19.09.91 issued from F.No. 3/35/91-Estt. and posted to Surat Collectorate.

2/- On his promotion to the grade of Supdt. Gr.'B' the seniority of Shri Saiyed is fixed below Shri N.S.Tai, and above Shri Krishnan Potty Narayan, Supdt. Gr.'B' who were promoted to the grade of Supdt. Gr.'B' vide Estt.Order No. 364/1991 dated 19.09.91 in the seniority list of Supdt. of Central Excise Gr.'B'.

3/- The above promotion is ordered without prejudice to the claims of his seniors who may be found fit for promotion later. This promotion confers on him no right for continued retention as Supdt. Gr.'B' of Central Excise and Customs.

4/- He should note that he should exercise the option for fixation of pay in accordance with the instruction contained in Ministry of Home Affairs, Department of Personnel and Admin. Reforms, New Delhi's O.M.No.7/1/80-Estt.Pt.I dated 26.09.81 and amended from time to time.

5/- Shri Saiyed is posted to Surat Collectorate with a condition that he will be liable for transfer to other Collectorates in the common cadre of Collectorates/Customs House in the state of Gujarat in accordance with administrative need, vacancy position or policy for such transfer.

6/- This is issued with the approval of the Principal Collector, Central Excise and Customs, Vadodara.

Sd/-

(C.S.PRASAD)

DEPUTY COLLECTOR (P&V)

CENTRAL EXCISE AND CUSTOMS

VADODARA.

ATTESTED :

(D.I.KAMALIA)
ADMN.OFFICER (ESTT.)

F.NO.39/28/92-Estt.

Copy to :

01. The Principal Collector of Cen.Ex.&Cus., Vadodara.
02. The Collector of Cen.Ex.&Cus., Vadodara/A'bad/Rajkot/Surat and Customs House Kandla Collectorate.
03. All Addl./Dy.Collr. of Cen.Ex. & Cus., Vadodara/A'bad/Rajkot/Surat and C.H.Kandla Collectorate.
04. All Asstt.Collr. of Central Excise and Customs, Vadodara.
05. The C.A.O/F.A.C of Central Excise and Cus.Vadodara/Surat.
06. Individual/Guard/aster/Posting file.
07. P.A. to F.C., Collr./Addl./Dy.Collr. of Cen.Ex.&Cus.Vadodara.

True copy
Saiyed

OA stamp 460 593

36

..: CENTRAL EXCISE AND CUSTOMS COLLECTORATE : VADODARA ..

ESTABLISHMENT ORDER NO.128/1993. Anexued
VADODARA, THE DATED 13TH MAY, '93.

Sub. : Estt.Promotion to the grade of Supdt.Gr.'B'.

Shri J.T.Dave, Inspector of Central Excise and Customs (now retired in the combined cadre of Vadodara/Ahmedabad/Rajkot/Surat/CH Kandla is deemed to have been promoted to the grade of Supdt.Gr.'B' in the pay scale of Rs.2000-60-2300-EB-75-3200-100-3500 w.e.f. the date from his immediate junior Shri N.P.Upadhyay was promoted to the grade of Supdt. vide Estt.Order No.94/1986 dated 03.06.86.

The seniority of Shri J.T.Dave, Inspector on his promotion as above is fixed above Shri N.P.Upadhyay and below Shri J.J. Tekwani, Supdt. who had been promoted to the grade of Supdt.Gr.'B' vide Estt.Order No.94/1986 dated 03.06.86.

Sd/-
(J.N.NIGAM)
COLLECTOR
CENTRAL EXCISE AND CUSTOMS
VADODARA.

19 MAY 1993
A T T E S T E D :
28/5
(D.I.KANKROLIA)
ADMN.OFFICER(ESTT.)

F.NO.3/JTD/Insp./Estt.

Copy to :

01. The Principal Collector, Central Excise and Customs, Vadodara.
02. The Collector of Central Excise and Customs, Vadodara/A'lb. Rajkot/Surat/CH Kandla.
03. All Addl./Dy.Collr. of Central Excise and Customs, Vadodara/Ahmedabad/Rajkot/Surat/CH Kandla.
04. All Asstt.Collr. of Central Excise and Customs, Vadodara/Ahmedabad/Rajkot/Surat/CH Kandla.
05. The C.A.O/P.A.O of Central Excise and Customs, Vadodara/Ahmedabad/Rajkot/Surat/CH Kandla.
06. Guard/Master/Posting file/Individual.
07. Sr.P.A. to P.C./Collr./P.A. to Addl./Dy.Collr. of Central Excise and Customs, Vadodara.

* * * * *

130593

(37)

Seniority List of Permanent Inspectors (O.O.) of C.G.

As it stood on 1-1-1975

No.	Name & Office	Date of Birth (28)	Date of appointment as Emp.(O.O.)	Date of Confirmation as Insp.(O.O.)	Annexures	
					Remarks	A-3
2.	S/Chri	3.	4.	5.	6.	
400.	Baluchi Amirkhan Zain Khan	1-2-17	24-1-59	1-11-61		
401.	Goswami Chandrakant Kalyanpuri	1-11-22	24-1-59	21-12-61		
410.	Maru Arvindkumar U.	4-7-18	24-1-59	1-4-62		
411.	Landit Namashob Monoklal	1-12-27	6-3-59	1-4-62		
412.	Bhave Dattatray Ramchandra	16-3-20	6-3-59	1-4-62		
413.	Joshi Bhogilal Somnath	8-6-29	6-3-59	1-4-62		
414.	Shah Shantilal Himatlal	15-3-30	6-3-59	1-4-62		
415.	Tandya Kalidas Shankarlal	28-9-23	9-3-59	1-4-62		
416.	Vyas Chandrakant Oerbhavlal	30-6-26	9-3-59	1-4-62		
417.	Oza & Ijjatral Damodar	12-10-29	9-3-59	1-4-62		
418.	Khapandi Chunilal Damji	29-4-25	9-3-59	1-4-62		
419.	Madanani Narayandas Dhanrajmal	13-11-19	9-3-59	1-4-62		
420.	Vadalkar Trimbak L.	10-3-19	9-3-59	1-4-62		
421.	Kadav Laxmanrao Dolattao	21-9-18	9-3-59	13-12-63	He has been served with notice to retire on 30-6-75	
422.	Tatel Ramjibhai Lakhabhai	23-3-24	9-3-59	14-8-64		
423.	Tatel Mafatlal Senghabhai	26-3-32	10-3-59	13-12-63		
424.	Abraham Verghese	31-10-34	14-3-59	1-4-62		
425.	Merchant Rashmikun Mohanlal	22-6-36	16-3-59	1-4-62		

(Contd...20/2)

True Extract

Anay

✓ (29)

1.	2.	3.	4.	5.	6.
	S/Shri				
✓ 426.	Vispatikar Vinayak Chintamanrao	1-9-35	17-3-59	1-4-62	
✓ 427.	Mehta Tramodlal Bhagwandas	21-2-38	17-3-59	1-4-62	
✓ 428.	Upadhyaya Thakorlal Bhogilal	1-5-28	17-3-59	15-4-62	
✓ 429.	Naik Arvindrai Ranchhodji	7-3-38	18-3-59	1-4-62	
✓ 430.	Daru Ramanlal Chandulal	4-3-31	18-3-59	28-11-62	
✓ 431.	Ramrakhani Kishin Kauromal	24-4-34	XXXXXX	1-4-62	
✓ 432.	Raj Keshrisingh Jaysingh	19-5-34	19-3-59	1-4-62	
✓ 433.	Khamar Manhar Somabhai	21-8-35	21-3-59	1-4-62	
✓ 434.	Jetly Navinchandra Kamaniklal	16-2-36	1-4-59	1-4-62	
✓ 435.	Barot Kanaiyalal Vrajlal	5-10-32	12-5-59	29-4-64	
✓ 436.	Gondal Surendrakumar Baijnath	13-9-35	18-5-59	28-4-62	
✓ 437.	Gohel Kanaksingh Narpatsingh	8-1-36	8-6-56	31-12-65	
✓ 438.	Vyas Trabbachandra Lalsankar	6-5-31	15-6-56	14-8-64	sent to 19-9-62 fixed
					No. 302/57 22-12-67
✓ 439.	Gohel Mansingh Bhagwatsingh	26-3-23	19-6-59	26-11-62	
✓ 440.	Shah Shantilal Maganlal	19-10-18	19-6-59	2-1-63	
✓ 441.	Shah Chimanlal Krishandas	10-11-25	19-6-59	1-7-63	
✓ 442.	Naik Natwarlal Mohanlal	6-11-35 (6-11-35)	22-6-59	10-9-62	

(Contd....)

(30)

(39)

S/Shri

443.	Reval Arvind Jagdishchandra	10-2-35	29-6-59	31-7-62
444.	Trivedi Himatlal Narsinhlal	7-9-31	4-7-59	17-5-64
445.	Desai Mukandrai Dolatrai	28-8-35	3-9-59	20-5-64
446.	Jokhakar Janardan Jayashankar	31-8-36	5-9-59	20-5-64
447.	Barot Natwarlal Chorladas	15-5-24	5-9-59	20-5-64
448.	Vankani Jagdishchandra Maganlal	16-6-31	5-9-59	31-12-65
449.	Dhekane Dwarkanath Kehshayrao	18-6-25	5-9-59	20-5-64
450.	Pradhan Malanchandra Guvyantrai	31-7-22	5-9-59	20-5-64
451.	Makwana Dungarbhaji	5-9-22	5-9-59	20-5-64
452.	Modi Rashiklal R.	28-11-29	5-9-59	20-5-64
453.	Dave Rajnikant Gopalram	20-8-31	8-5-59	20-5-64
454.	Oza Kaushik Vishnuprasad	15-11-35	12-9-59	20-5-64
455.	Jadhvari Wadhuram Churalel	1-6-35	14-9-59	20-5-64
456.	Jaini Barendra Bileyshankar	15-3-38	15-6-59	20-5-64
✓ 457.	Iatel Arvindbhaji Benchhedibhai	19-8-35	15-9-59	20-5-64
458.	Farmer Harjivan Govindji	29-3-31	3-11-59	20-5-64
459.	Iathan Alamkhan Huseinkhan	8-2-27	3-11-59	20-5-64

Navy

(Contd....31/-)

True extract

alone

Extracts from the Seniority list
of Superintendents/ACs pages 1, 2 & 35. (40) (40)

F.NO.34/13/93-Estt.

Vadodara, 21st April, '93

T₀

The Collector of Customs (Prev.) Gujarat / Ahmedabad / GJ / V - 11

The Collector of Cen. Ex. & Cus. Vadodara / Ubad / Dabhoi / G.

All Addl./Dy. Colr. of Cen. Ex. & Cus. Vadodara/A'bad/Rajkot/Surat.

All Asstt. Colrs. of Gen. Ex. & Cus. Vadodara/Surat/A'bad/Rajkot/Kandla

All Ass'tt. Colr. of Cen. Ex. & Cus. Vadodara / Surat / A'bad / Rajkot / Kandla.
The CAG / PAG of Cen. Ex. & Cus.

The CAO/FAO of Cen. Ex.&Cus. Vadodara/Surat/A'bad/Rajkot/CH
The Po. Di.

The Dy. Director of Revenue Intelligence, Surat/Ahmedabad.

The Chemical Examiner of Cen.Ex.&Cus. Reg.Lab.Vadodara

The Gen. Secretary, Cl.II(Exe.) Officers' Association.

All Section Heads in Hdqrs. Office, Vadodara.

Sub. : Estt. Circulation of seniority list of Superintendent
Gr. 'B' of Central Excise and Customs : 1993 :

Enclosed please find herewith seniority list in respect of Superintendent Gr.'B'(corrected upto date) for the combined cadre of Vadodara/Surat/Ahmedabad/Rajkot Central Excise and Customs Collectorate, Customs House Kandla and Customs(Prev.),Gujarat Ahmedabad.

2/- The Seniority of the officer has been arranged according to the existing orders and instruction on the above subject.

3/- The particulars shown in the seniority list have been collected from the disposition statement received from Divisional Offices and Chief Accounts Officer. In case of any dispute, doubt or error in this regard, a reference may please be made directly to the concerned Divisional Office/Chief Account Officer for further necessary action.

4/- It may please be ensured that the officers serving in your charge and whose names appearing in the seniority list have been correctly shown to belong to Sch.Caste or Sch.Tribe or Physically Handicapped categories. If there is any inadvertent mistake to this effect, it should be immediately reported to this office.

5/- The list may please be circulated amongst all the officers concerned immediately and their signature obtained in token of their having seen the seniority list.

6/- They should be informed that no representation will be entertained against the principle adopted in preparing the list, but they are entitled to file objection in regard to the factual error(s), if any which have the effect of changing their inter-se-seniority position accorded to them in the list. Within one month from the date of perusal of the list by them.

Please acknowledge receipt.

A T T E S T E D :

(D.I.KANKROLIA)
ADMN.OFFICER(ESTT.)

Encl. as above.

Sd/-
(C.S.PRASAD)
DEPUTY COLLECTOR (P&V)
CENTRAL EXCISE AND CUSTOMS
VADODARA.

True copy.
→ Snop

41

SENIORITY LIST OF SUPERINTENDENT GROUP 'B' OF CENTRAL EXCISE AND CUSTOMS
IN VADODARA/SURAT/AHMEDABAD/RAJKOT COLLECTORATES AND CH. KANDLA AND
GUJARAT CUSTOMS (PREV.) COLLECTORATE AHMEDABAD AS ON 01.01.1993 AND
CORRECTED UPTO DATE.

Sr. No.	Name of the Officer and educational Qualification	Date of Birth	Date of appointment in Govt. service	Date of confirmation in present grade	Date of probation period in service	Place of posting	Remarks
01.	S/Shri Singh D.R. (B.Sc.)	14.12.46	09.06.81	09.06.81	11.11.83	A.D.A.E. Kanpur	Promoted as A.C. (direct)
02.	Sudhirkumar R. Gupta	11.10.53	14.05.81	14.05.81	11.11.83	T.O.T.R.U.	Promoted as A.C. (direct)
03.	Subedar Gautam B.Tex.Eng.LIB	11.05.50	04.07.80	04.07.80	11.11.83	A'bad Coll'te	Promoted as A.C.
04.	Jadhwanji Radhuram Chunarmal B.Sc.	01.06.35	14.09.59.	29.05.80	07.07.83	A'bad Coll'te	Promoted as A.C.
05.	Bhide Suresh Chintaman B.A.	04.02.35	21.04.56	14.05.80	05.07.83	Rajkot Coll'te	Promoted as A.C.
06.	Parmar Harilal Dalpatram B.Sc.	25.03.36	12.02.57	23.07.80	05.07.83	A'bad Coll'te	Promoted as A.C. SCH.CASTE
07.	Onnukrishnan Nair Velu Pillai B.Sc.	28.03.36	07.01.59	31.10.80	05.07.83	Rajkot Coll'te	Promoted as A.C.
08.	Shah Manubhai Sankalchand F.A.	28.05.36	16.04.56	23.10.80	05.07.83	A'bad Coll'te	Promoted as A.C.

01.	02.	03.	04.	05.	06.	07.	08.	09.
09.	Acharya Harshadlal	12.09.36	10.11.57	20.10.80	05.07.83	Baroda	Asstt.Collr.	S/ Shri
10.	Sainani Santoo	01.03.37	17.11.58	30.09.80	05.07.83	CH Kadla Coll'te	Promoted as A.C.	
11.	Tarance Gomes	10.05.38	12.08.60	12.09.80	14.09.84	-	Jaipur Coll'te	Promoted as A.C.
12.	Jetly Navinchandras Ramniklal B.A. SpL	16.02.36	05.03.36	31.01.81	14.09.84	-	A'bad Coll'te	Promoted as A.C.
✓ 13.	Naik Arvindbhai	07.03.38	18.03.59	01.02.81	14.09.84	-	Baroda Coll'te	Promoted as A.C.
14.	Gohel Kanaksingh Narpatsingh B.A	08.01.36	08.06.59	04.06.81	14.09.84	-		Promoted as A.C.
✓ 15.	Khamar Ranhar Mohanalal B.Com.	21.08.35	20.03.59	30.09.81	24.09.84	-	A'bad Coll'te	Promoted as A.C.
16.	Naik Natwarlal	06.11.35	22.06.59	19.11.81	14.09.84	-	Surat Coll'te	Promoted as A.C.
17.	Desai Mukundrai	28.08.35	27.08.56	28.12.81	14.09.84	-	Surat Coll'te	Promoted as A.C.
18.	Patel Arvindbhai	19.08.35	15.09.59	14.12.82	14.09.84	-	A'bad Coll'te	Promoted as A.C.
19.	Oza Vipin Harshadrai	06.09.36	08.01.60	13.12.82	19.04.85	-	Rajkot Coll'te	Promoted as A.C.

EXTRACT

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EXTRACT

341.	02.	03.	04.	05.	06.	07.	08.	09.
<u>S./Shri.</u>								
345.	Chauhan Ratilal Dhulabhai	55C	14.11.36	14.04.69	06.02.92	-	-	Divn.V Baroda
346.	Kadri Iohmedreik Jahangirmiya B.Coi..		01.12.49	05.03.73	10.02.92	-	-	CH Kandla Coll'te
347.	Halek Anwer Khan Jiwenkha Fy.B.Sc.		01.01.45	30.09.65	10.02.92	-	-	Rajkot Coll'te
348.	Paranjape Jayant Bhaichandra B.Sc.		26.04.49	05.05.73	-	-	-	CH Kandla Coll'te
349.	Gadaria Mansing Dahyasing	SSC	04.12.39	01.07.59	30.03.92	-	-	CH Kandla Coll'te
350.	Tapiawala Rameshchan- dra Sivalal	SSC	20.02.38	08.07.59	26.03.92	-	-	Bharuch Divn.
351.	Solanki Navinchandra Jivrajjhai B.Sc.		08.09.51	24.10.70	30.03.92	-	-	Rajkot Coll'te
352.	Raval Janilal Hiralal	BA	07.03.50	26.03.73	30.03.92	-	-	A'bad Coll'te
353.	Barot Lahendraprasad Ambalal	B.Coin.	17.10.49	27.03.73	26.03.92	-	-	Divn.V Baroda
354.	Chaudhari Pratapbhai Keshavalal	BA	12.06.41	26.03.73	13.04.92	-	-	A'bad Coll'te
355.	Upadhyay Bhuperdra- kumar Trikamal	BA	29.06.50	28.03.73	-	-	-	Rajkot Coll'te

01.	02.	03.	04.	05.	06.	07.	08.
S/ <u>Shri</u>							09.
356.	Sureshi Umer Hasanbhai	SSC	07.09.49	16.10.70	30.03.92	-	-
357.	Chatlani Krishnini Bhurmal	BA	09.08.42	16.11.61	29.05.92	-	Rajkot Coll'te
358.	Joshi Nitravarun Mahashankar	B.Com.	27.03.53	29.03.73	-	-	A'bad Coll'te
359.	Patel Umarji Issa	BA	05.08.46	22.06.65	23.05.92	-	Surat Coll'te
360.	Langalia Pravinchandra	19.8.47	03.06.70	03.06.92	-	-	Hdars. Vadodara
361.	Gohil Tulsiibhai Nagjibhai	SSC	01.04.48	03.07.70	25.05.92	-	Rajkot Coll'te
362.	Parmar Karsanbhai Narottambhai	TY.BA	08.06.52	01.11.73	27.05.92	-	Vadodara Coll'te
363.	Parmar Ramjibhai Kalidas	SSC	07.10.41	08.09.61	-	-	Divn. VI, Baroda
364.	Chudasama Kishorkumar	09.09.49	05.07.75	29.05.92	-	-	CH Kandla Coll'te
365.	Parmar Shankarlal Narsingbhai	B.Com.	01.06.49	03.07.75	29.05.92	-	Rajkot Coll'te
366.	Mehta Pramodrai Binagwandas B.Sc.		31.07.38	19.03.59	09.07.92	-	A'bad Coll'te

Copy / Reproduced / Written Subsumed
Date: 10/01/1995
Each of the advocates for ~~the Respondent~~
Respondent & the other side
Copy served on the other side

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DCFH

10/01/95
R/2

By Registrar & A.O.
Ahmedabad Bench

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

ORIGINAL APPLICATION NO.563/1993

Shri P.B. Mehta

.. Applicant

v/s.

The Union of India & Ors.

.. Respondents

Written Reply on behalf of
the respondents

I, C.S.Prasad working
as Deputy Collector(P&V) with respondent No.

2 herein, do hereby state in reply to the above
application as under:

1. That I have perused the relevant papers and
files pertaining to the above application and I am
conversant with the facts of the case and I am autho-
rised to file this reply on behalf of the respondents.

2. At the outset I say and submit that the
application is misconceived, untenable and requires
to be rejected.

3. At the outset I say and submit that no part
of the application shall be deemed to have been
admitted by the respondents unless specifically stated
so herein. All the statements, averments and

Presented by

Mr. Akil Kureshi
Adv

27/02

allegations contained in the application shall be deemed to have been denied by the respondents unless specifically admitted by me herein.

4. At the outset I say and submit that the applicant herein (Shri P.B. Mehta) and other two inspectors while serving in the Central Excise, Division-II, Vadodara were trapped by the C.B.I. Officers while demanding illegal gratification of Rs. 1,500/- . Therefore, they were placed under suspension vide HAC, Central Excise, Vadodara's order No.II/10(A)(Con)7/75 dated 2.5.1975. The applicant and two inspectors were tried before the Hon'ble Special Judge, Ahmedabad, and by the judgment dated 9/10.12.76 they were convicted and were awarded rigorous imprisonment. In view of the above judgment, the applicant and other two inspectors were dismissed from service by the Collector of Central Excise, Vadodara, vide order No.III/8(vig)36/74 dated 11.1.1977 with immediate effect. Being aggrieved by the said judgment of the learned Special Judge, Ahmedabad, they filed an appeal in the Hon'ble High Court of Gujarat. The Hon'ble High Court of Gujarat allowed the appeal and ordered that order of conviction should be set aside and accused should be acquitted on all the counts of offences charged. Against the said judgment of the Hon'ble High Court, the State of Gujarat filed an appeal in the Hon'ble supreme court of India. Therefore, the applicant and other two inspectors were not reinstated in service. In the meantime,

the applicant filed a petition being special Civil Application No.859 of 1980 in the Hon'ble High Court of Gujarat at Ahmedabad praying for setting aside his dismissal order and for reinstating him in service. The Hon'ble High Court of Gujarat vide its judgment dated 20.6.1980 quashed and set aside the order of dismissal dated 11.1.1977 and ordered that the applicant should be reinstated in service and should forthwith be put under suspension as if the order of dismissal has not been passed against him.

Accordingly, an order placing Shri Mehta under deemed suspension was issued on 19.7.80 by the Collector of Central Excise and Customs, Vadodara.

The Criminal appeal filed by State of Gujarat against the judgement of Gujarat High Court was dismissed by the Supreme Court on 11.09.91.

In view of above judgement of Hon'ble Supreme Court Collector, Central Excise and Customs, Ahmedabad vide his order F.No.11/39 (Con) 31/85 dtd. 29.11.91 revoked the suspension order dated 02.05.75 till the date of reinstatement in service as period on duty in respect of Shri Mehta.

It is submitted that the case of Shri Mehta was first time referred to the DPC held on 23.05.81 for promotion to the grade of Superintendent alongwith his immediate junior Shri T.B.Upadhyay

and senior Shri C.D.Khapandhi. Finding of aforesaid DPC were kept in sealed cover as he was under suspension. His case was also referred in the following subsequent DPCs held on as under :

23.05.81, 16/17.05.82, 31.01.82, 10.12.83, 08.08.84
 22.07.85, 16.05.86, 28/29.04.87, 07.08.87, 08.04.88,
 16.12.88 16/17.05.89, 03.12.90, 20.03.91, 22.06.91
 (Review DEC), 23.09.91.

In view of judgement of Hon'ble Supreme Court, finding of each DPC have been opened and they are as under:

<u>DPC held on</u>	<u>Finding of DPC</u>
23.05.81	Not yet fit
16/17.05.82	Not considered (as previous DPC's finding are in sealed cover)
31.01.83	Not yet fit
10.12.83	Not considered (already in sealed cover)
08.08.84	Not considered (")
22.07.85	Not considered (")
16.05.86	Not considered (")
28/29.04.87	Not considered (")
07.08.87	Not considered (")
08.04.88	Not considered
16.12.88	Not considered (as no new report between earlier DPC and this meeting is on record)
16/17.05.89	"Good"
03.12.90	Unfit
20.03.91	Unfit
22.06.91	Not yet fit
23.09.91	Not fit

It may please be seen that Shri Mehta was not found fit by the DPC held on 23.05.81, 31.03.83, 03.12.90, 20.03.91, 22.06.91 and 23.09.91. It may further be seen that the DPC held on 16/17.05.82, 10.12.83, 08.08.84*, 22.07.85, 22.07.85, 16.05.86, 29.04.87, 07.08.87, 08.04.88 and 16.12.88 did not consider the case of Shri Mehta presumably because Shri Mehta was under suspension and no new ACR was available before the DPC. However it may be noted that the DPC held on 16/17.05.89 found Shri P.B. Mehta fit (Good).

In terms of DOPT's O.M.No.22011/4/91-Estt.(A) dt'd. 14.09.92, in case a Govt. servant is completely exonerated of all the charges, the due date of his promotion is to be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. In the instant case, the DPC which met on 16/17.05.89 had found him fit (Good) for promotion, and therefore, Shri Mehta can be promoted on the basis of the findings of the aforesaid DPC. However, it is relevant to mention that Shri Mehta was under suspension from the year 1975 to Nov. 1991. During this period, no ACR of Shri Mehta would have been available before the DPC. Pertinently, the DPC which met on 23.05.81 had found Shri Mehta "Not yet Fit"

for promotion on the basis of the available ACRs. But the DPC which met on 16/17.05.89 considered the same records and found him fit (Good) for promotion. It is obvious that during the period from 1981 to 1989, there would not have been any more ACR because the officer was under suspension which was only revoked in Nov. 1991.

In view of the above circumstances, a doubt has arisen whether to promote Shri P.B. Mehta on the basis of findings of the DPC held on 16/17.05.89 or to review the findings of the DPC from 1981 onwards, because if Shri P.B. Mehta, is considered to be fit by the reviewed DPC on the basis of records available before the DPC held on 23.05.81, then Shri Mehta, will have to be given promotion w.e.f.1981. Therefore reference was made to Board by this office letter of even no. dated 09.07.93 (copy enclosed).

Ministry vide their letter F.No.A-32018/6/93-Ad.II B dated 16.11.93 (copy enclosed) informed that a review DPC may be convened to consider him for promotion as Supdt. from a retrospective date on the basis of D.P.C meeting held from 1982 to 1988. In case he is approved for promotion as Supdt. from a retrospective date, he may be assigned appropriate seniority on the basis of the findings of the review DPC meeting.

In view of above the case of Shri P.B. Mehta for entitling promotion to the grade of Supdt. on the basis of records considered by the DPC held from

1982 to 1988 has been referred to review DPC by circulation of paper vide this office letter No.3/PBMpSupdt./Estt. dated 29-12-93. In case, he is approved for promotion as Supdt. from a retrospective date, he will be assigned appropriate seniority on the basis of the findings of the review DPC meeting. I say and submit that the findings of the review DPC are awaited.

5. In reply to paras-1 to 7 of the application, I say and submit that the applicant has not put forth any ground and hence the respondents have no comments to offer.

8. In reply to para-8 of the application, I say that the case of the applicant for antidating promotion to the cadre of Supdt. Gr.'B' has been referred to the review DPC vide office letter F.NO. 3/PBM/Supdt./Estt. dated 29.12.1993. The findings of the Review DPC are still awaited and hence no interim relief may be granted by this Honourable Tribunal.

9. In reply to para-9 of the application, I say that the applicant has been promoted to the grade of Supdt. vide office Estt. Order No.243/92 dated 29.6.1992 on the basis of finding of the DPC held on 22.6.1992 and accordingly his seniority has been assigned. However, his request for antidating

promotion to the grade of Supdt. is under consideration. Thus, it cannot be said that the applicant has exhausted all the remedies available to him.

10. In view of what has been stated above I say and submit that the application is totally misconceived, untenable and the applicant is not entitled to any relief, either interim or final and this Hon'ble Tribunal be pleased to reject the application forthwith with costs.

Vadodara
Dt. 23.3.1994.

Prasad
(C.S.PRASAD) 23.3.94.
DEPUTY COLLECTOR (P&V)
CENTRAL EXCISE AND CUSTOMS
VADODARA

Verification

I, C.S.Prasad

working as Deputy Collector (P&V) with the respondent No. 2 herein, do hereby verify and state that what is stated above is true to my knowledge, information and belief and I believe the same to be true. I have not suppressed any material facts.

Vadodara
Dt. 23.3.1994.

Prasad
(C.S.PRASAD) 23.3.94.
DEPUTY COLLECTOR (P&V)
CENTRAL EXCISE & CUSTOMS
VADODARA