

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 121 OF 1993.

Cuttack, this the 22nd day of July, 1999.

Shri K. Rama Rao.

.....

Applicant.

-versus-

Union of India and others. ....

Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? Yes.
2. Whether it be referred to all the Benches of the Central Administrative Tribunal or not? No.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

S. S. Somnath Somnath  
VICE-CHAIRMAN  
22.7.99

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CENTRAL ADMINISTRATIVE TRIBUNAL  
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ORIGINAL APPLICATION NO.121 OF 1993.  
Cuttack, this the 22nd day of July, 1999.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

Shri K. Rama Rao, II,  
S/o. late K. Joga Rao,  
Supdt., Central Excise and Customs,  
Therubali 100% EOU,  
PO. Therubali, Dist. Rayagada. ... Applicant.

By legal Practitioner : M/s. A. Rath, and A. C. Rath, Advocates.

- Versus -

1. Union of India represented by the Secretary to Government of India, Ministry of Finance, Department of Revenue, New Delhi-1.
  2. Secretary, Central Board of Excise, and Customs, Ministry of Finance, Department of Revenue, Government of India, New Delhi-1.
  3. Collector, Central Excise and Customs, Collectorate, At-Rajaswa Vihar, Po/Ps./Munsifi, Bhubaneswar, Dist. Khurda.
  4. Shri Budhiram Acharya, Superintendent, Group B Central Excise and Customs, C/o. Collector, Central Excise and Customs, Bhubaneswar, Dist. Khurda.
  5. Shri B. M. Upadhyaya, Supdt. Gr. B, Central Excise and Customs, C/o. Collector, Central Excise and Customs, Bhubaneswar, Dist. Khurda.
  6. Shri Mahendra Chandra Sahoo, Superintendent Gr. B, Central Excise and Customs, Calcutta Air Port, Calcutta-52.
  7. Shri Brundaban Chandra Patnaik, Supdt. Gr. B, Central Excise and Customs, C/o. Collector, Central Excise and Customs, Bhubaneswar, Dist. Khurda.
- S. Som*

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8. Shri K. V. R. Patnaik, Supdt. Gr. B,  
Central Excise and Customs,  
Office of the Assistant Collector,  
Central Excise and Customs,  
Cuttack-2, Town and Dist. Cuttack.
9. Shri Bairagi Charan Sahoo,  
Supdt. Gr. B,  
Central Excise and Customs,  
C/o. Collector, Central Excise and Customs,  
Bhubaneswar, Dist. Khurda.
10. Shri Pandaba Charan Behera,  
Supdt. Group B,  
Central Excise and Customs,  
C/o. Collector, Central Excise and Customs,  
Bhubaneswar, Dist. Khurda.
11. Shri Dasarathi Pradhan,  
Supdt. Gr. B,  
Central Excise and Customs,  
C/o. Collector, Central Excise and Customs,  
Bhubaneswar, Dist. Khurda.

..... Respondents.

By legal practitioner : Mr. A. K. Bose, Senior Standing  
Counsel (Central).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this application under section 19 of the  
Administrative Tribunals Act, 1985, applicant has prayed  
for re-fixing his seniority and to give him promotion from  
the date his immediate juniors got promotion to the  
rank of Superintendent Group B.

2. For the purpose of considering this matter, it  
is not necessary to go into too many facts of this case.  
Respondents have filed counter. In para 6 of counter,  
Respondents have stated that the case of applicant was  
referred to the Ministry and on receipt of necessary  
orders from the Ministry, applicant's case has been  
considered and he has been allowed notional promotion to

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the grade of Superintendent, Group B with effect from 7.2.1983 from the date his junior Shri B.C.Sahoo got promotion to the grade of Supdt. in order dated 2.3.93. It is submitted by learned counsel for petitioner that this prayer of applicant that he should be given promotion to the rank of Supdt. Group B after refixing his seniority from the date his immediate junior got promotion to the rank of Supdt. GR.B has already been granted to him by the departmental Authorities. It is also stated that accordingly the petitioner's pay has also notionally been fixed and he got the arrear benefits from the date of his actual promotion to the grade of Supdt. Gr.B. Respondents have further stated in para-6 of counter that question of refixing the seniority of applicant in the All India seniority list has been taken up with the Central Board of Excise and Customs. It is submitted by the learned counsel for applicant that applicant has in the meantime retired from service w.e.f. 1994. In view of this, after having heard Mr. Rath, learned counsel for applicant and Mr. Bose, learned Senior Standing Counsel appearing for Respondents, we hold that as the main prayer of applicant has already been granted by the Departmental Authorities, the original Application is disposed of without any further orders on his prayer. No costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
22.7.99

KNM/QM.