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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 665 OF 2013
Cuttack, this the 25th day of September, 2013

CORAM

**HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)**

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1. Nihar Ranjan Biswal,
aged about 53 years,
Son of Sri Kedar Nath Biswal,
A permanent resident of
Village and Post-Lataharana, Dist-Puri
At present working as
Superintendent of Central Excise Customs and Service Tax,
Headquarters, Bhubaneswar-II Commissionerate,
C.R.Building, Rajaswa Vihar,
Bhubaneswar- 751007.

2. Muralidhar Panigrahi,
aged about 54 years,
Son of Sri Adikanda Panigrahi,
A permanent resident of
Village-Abhimanpur, Nuapatna, Dist-Cuttack
At present working as
Superintendent of Central Excise Customs and Service Tax,
Headquarters, Bhubaneswar-II Commissionerate,
C.R.Building, Rajaswa Vihar,
Bhubaneswar- 751007.

.....Applicants

Advocate(s) M/s. J.M.Pattnaik, C.Panigrahi

VERSUS

Union of India represented through

1. Secretary to Govt. of India,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi-1.

Alleg →

2. The Chief Commissioner,
Central Excise Customs and Service Tax,
Bhubaneswar Zone,
C.R.Building, Rajaswa Vihar,
Bhubaneswar- 751007.
3. Commissioner, BBSR-1 Commissionerate,
Central Excise Customs and Service Tax,
C.R.Building, Rajaswa Vihar,
Bhubaneswar- 751007.
4. Commissioner,
Central Excise Customs and Service Tax,
BBSR-II Commissionerate,
C.R.Building, Rajaswa Vihar,
Bhubaneswar- 751007.

..... Respondents

Advocate(s)..... Mr. S. Barik

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ORDER (ORAL)

MR. A.K.PATNAIK, MEMBER (JUDL.):

On M.A. No. 687/13

Having heard Mr. J.M.Patnaik, Ld. Counsel for the applicants, and Mr. S. Barik, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, prayer made in the M.A. No. 687/13 seeking permission to prosecute this O.A. jointly is allowed. M.A. is, accordingly, disposed of.

On O.A. 665 of 2013

2. Two applicants, who are working as Superintendent of Central Excise Customs and Service Tax, Headquarters, Bhubaneswar, have filed this O.A. jointly virtually praying for implementation of the order dated 11.03.2010 in O.A. No. 104/10.

Alia

In the O.A.No. 104/10 both the present applicants were the applicants, along with others. In the said O.A., it was the case of the applicants that incompliance of the order dated 17.02.2009 of this Tribunal in O.A. Nos. 1127, 1157 to 1159 of 2004, vide order dated 26.06.2009 the official Respondents antedated the promotion of 5 Superintendents of Central Excise, Customs and Service Tax w.e.f. 23.09.2002 by convening a Review DPC. It was the specific case of the applicants in the said O.A. that they are senior to the persons whose date of promotion were antedated to 23.09.2002 by ignoring their cases. The said O.A.No. 104/11 was disposed of by this Tribunal vide order dated 11.03.2010, relevant portion of which is quoted herein below:

“2. In the aforesaid premises, having heard Mr. R.N.Mishra, Ld Counsel for the applicants and Mr. S. Mishra, Ld Addl. Standing Counsel for the Union of India (to whom a copy of this O.A. has already been supplied) and on perusal of the materials placed on record, we dispose of this case, without any waste of time, by remitting the matter to the Official Respondents; who should examine as to whether the applicants are really senior to the officers who received antedated promotion vide order dated 26.06.09 and if it is so, then the Respondents to convene the review DPC and grant the same relief (by way of antedating their date of promotion) as has been granted to S/Shri Surash Ch. Praharaj, Surendra K. Patra, R.N.Mohapatra, Asis K. Panda and Suvendu Mohanty within a period of 90 days of the receipt of the copy of this order under intimation to the Applicants.”

Alas

3. It is the case of the applicants that as the order of this Tribunal could not be implemented they have filed representations dated 07.12.2010, 19.11.2012, 05.06.2013 and 04.09.2013 but neither they have been communicated any order on the said representations nor their date of promotion has been antedated to that of their juniors, who have got the benefit by virtue of the order of this Tribunal.

4. Copy of this O.A. has been served on Mr. S. Barik, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, who has stated that he is yet to take instruction on the O.A. and the status of the representation filed by the applicants. However, Mr. Pattnaik, Ld. Counsel for the applicant, submitted that since this O.A. has been filed seeking compliance of the order of this Tribunal, he will be satisfied if a direction is issued to the Respondent No.2, i.e. Chief Commissioner, Central Excise, Customs and Service Tax, Bhubaneswar, to comply with the order of this Tribunal dated 11.03.2010 in O.A. No. 104/10 within a specific period.

5. In view of the above, without expressing any opinion on the merit of this matter, we dispose of this O.A. directing Respondent No.2 to consider the pending representations at Annexure-A/2 series (if still pending) and grant the applicants the benefits as directed by this Tribunal in O.A. No. 104/11 disposed of on 11.03.2010 (if the said order has not been stayed or set aside/reviewed) and communicate the result thereof to the applicants in a well reasoned order within a period of 60 days from the date of receipt of copy of this order.

6. We also make it clear that if a decision has been taken on the representations of the applicants in the meanwhile then the result thereof be



communicated to the applicants within 15 days from the date of receipt of copy of this order.

7. Copy of this order along with O.A. be sent to Respondent No.2 for compliance at the cost of the applicant for which Ld. Counsel for the applicants will file postal requisites within 7 days.

MEMBER (Admn.)


MEMBER(Judl.)