

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO. 217/1998

Date of order: 05.09.2011

CORAM:

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Om Prakash Saharan S/o Shri Ram Rakh Saharan, R/o Ward No. 12, Behind Govt. Veterinary Hospital, Purani Abadi, Sri Ganganagar, at present posted as Inspector Central Excise Range-II, Jodhpur.

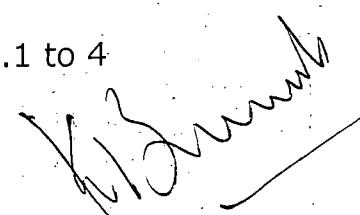
...Applicant.
Mr. Nishant Motsara, counsel for applicant.

VERSUS

1. Union of India through the Secretary Ministry of Finance, Department of Revenue North Block, New Delhi.
2. The Chairman, Central Board of Excise & Customs, North Block, New Delhi.
3. The Chief Commissioner, Customs and Central Excise(Jaipur Zone). New C.R. Building the Statue Circle Jaipur.
4. The Commissioner Central Excise Jaipur-I (Cadre Control), New C.R. Building, Statue Circle, Jaipur.
5. Shri Mal Singh Chouhan, Superintendent C.C.Unit, New C.R. Building Statue Circle, Jaipur.
6. Sh. Kumud Bhatnagar, Superintendent, I.A.D., Jaipur-II, New C.R. Building, Statue Circle, Jaipur.
7. Sh. S.P. Kalra, Superintendent, Central Excise Office of the Assistant Commissioner, Central Excise, Kota.
8. Sh. Y.K. Gupta, Superintendent C.C.Unit, New C.R. Building, Statue Circle, Jaipur.
9. Sh. Richpal Singh, Superintendent Customs, Sri Ganganagar, Customs Office, Sukhadia-Nagar, Sri Ganganagar.
10. Sh.R.C. Dakar, Superintendent Anti evasion, Jaipur, Central Excise Commissionerate, New C.R Building, Statue Circle, Jaipur.

... Respondents.

Mr. M. Prajapat counsel for respondent No.1 to 4
None for private respondents.



ORDER(Oral)

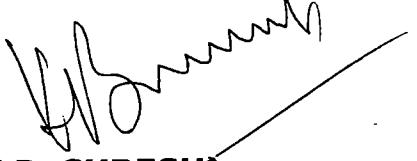
(Per Hon'ble Dr. K.B. Suresh, Judicial Member)

Heard.

It would appear that vide order dated 18.2.2009 the Hon'ble High Court of Delhi had passed an order which was awaited specifically on principle of seniority, and other rights have to be measured out for the applicant. We find that this MA has been filed on 29.7.2011 i.e. almost after two and a half years. Therefore, we direct official respondents to reconsider the case of the applicant and grant the benefit of promotion which shall be given from the date when it accrued to other similarly situated persons, with consequential benefits of seniority. However, the actual arrears of pay shall be paid from the date of the judgment rendered by this Tribunal, ~~Only~~, in view of the ~~du~~ laches of the applicant in approaching it after High Court decision. The question of inter se seniority is left open as it does not arise in the present case. For effecting these promotions, the department shall create supernumerary posts, if necessary. We are not granting the benefit for the period for which he sat idle by his laxity. We do not think that the exchequer should be further burdened by interest also. It is, therefore, declared that his career progression shall be followed and determined by the judgment of Hon'ble High Court of Delhi.

In view of above, the OA is disposed of, with no order as to costs.


(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER


(DR. K.B. SURESH)
JUDICIAL MEMBER

mk