

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 23 OF 2012

Thursday, this the 8th day of November, 2012

CORAM:

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

1. Unnikrishnan Kasthooril
Assistant Commissioner of Central Excise & Customs (Retired)
Ujjaini 35/246 C LF Church Road
Elamakkara PO, Cochin - 682 026
2. C.P.Sasikumar
Assistant Commissioner of Central Excise & Customs (Retired)
53/335, Kadamattu House, Chalancherry Road
Thevara, Cochin - 682 013 ... Applicants

(By Advocate Mr. CSG Nair)

versus

1. Union of India represented by its Secretary
Department of Revenue
North Block, New Delhi - 110 001
2. Chairman
Central Board of Excise & Customs
North Block, New Delhi - 110 001
3. Chief Commissioner of Central Excise & Customs
Central Revenue Building
IS Press Road, Cochin - 682 018 ... Respondents

(By Advocate Mr. George Joseph, ACGSC (R1-3))

The application having been heard on 08.11.2012, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicants retired as Assistant Commissioners of Central Excise and Customs (Junior Time Scale) on 31.01.2008 and 30.04.2008 respectively. The 1st applicant was promoted as Assistant Commissioner during October, 2002 when he was working as Superintendent of Central



Excise and the 2nd applicant was promoted as Assistant Commissioner during December, 2002 when he was working as Superintendent of Customs. According to the applicants, on completion of four years they are entitled for Senior Time Scale as Deputy Commissioner. It is their further case that on the basis of a Madras Bench order, 700 officers were promoted with retrospective effect as per Annexure A-5 in which applicants juniors were given promotion but the applicants were denied. The omission was due to the fact that the applicants were not in service when Annexure A-5 was issued. Representations submitted were not answered.

2. Applicants seek for a direction to the respondents to grant notional promotion as Deputy commissioner with retrospective effect on completion of four years of service as Assistant Commissioner with all consequential benefits including arrears of pay and other retirement benefits. and such other reliefs that may deem fit and proper.

3. In the reply statement filed by the respondents it is averred as follows:-

" It is further submitted that to implement the order dated 31.03.2008 of the Hon'ble Tribunal. Madras Bench passed in OA No.873 of 2007, a review DPC was held on 12th November, 2010 to consider the promotion of officers in the JTS from 1996-97 batch to 2004 batch. The Review DPC considered the case of total 778 officers. However, the case of the applicants could not be considered as their names were not inadvertently included in the eligibility test. The issue has accordingly been examined and it was found that the applicants were promoted to the grade of Assistant Commissioner on 01.10.2002 and 10.12.2002 respectively and they completed four years in JTS on 01.10.2006 and 10.12.2006 respectively. As such their demand was found to be genuine. Accordingly, review DPC has been proposed to consider the case of the applicants along with few other officers which is likely to be convened shortly on receipt of necessary vigilance clearance as well as ACRs for the relevant period. Thus



the Respondent Department is already in the process of considering the request of the applicants for grant of STS on completion of four years in the JTS. If the officer is found fit by the review DPC, he will be granted STS i.e, promotion to the grade of Deputy Commissioner from the date of completion of four years in the JTS. Under the above circumstances, it is humbly prayed that the Hon'ble Tribunal may be pleased to reject the above PO.A."

4. In the light of the above developments, the applicants case shall be considered by the Department and when a review DPC is held the applicants grievance shall stand redressed. The DPC shall be held as early as possible , at any rate, within, two months from today.

5. OA is **disposed** of as above. No costs.

Dated, the 8th November, 2012.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

VS

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Contempt Petition No. 38 of 2013
in Original Application No. 23 of 2012

Wednesday, this the 9th day of April, 2014

CORAM:

Hon'ble Mr. Justice A.K. Basheer, Judicial Member
Hon'ble Ms Minnie Mathew, Administrative Member

1. Unnikrishnan Kasthuril,
Assistant Commissioner of Central Excise & Customs (Rtd.),
Ujjaini, 35/246 C, LF Church Road, Elamakkara, Cochin-682 026.
2. C.P. Sasikumar, Assistant Commissioner of Central Excise & Customs
(Rtd.), 53/335, Kadammattu House, Chalancherry Road, Thevara,
Cochin – 682 013. **Petitioners**

(By Advocate – Mr. C.S.G. Nair)

V e r s u s

1. Shri Sumit Bose, (S/o. Father's name not known to the petitioner),
Secretary, Department of Revenue, Ministry of Finance,
North Block, New Delhi – 110 001.
2. Shri Praveen Mahajan (S/o. Father's name not known to the
petitioner), Chairman, Central Board of Excise & Customs,
North Block, New Delhi-110 001. **Respondents**

(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This petition having been heard on 09.04.2014, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. Justice A.K. Basheer, Judicial Member-

When this petition is taken up for consideration it is submitted by learned counsel for the petitioners that the respondents have paid the entire dues to the petitioners and therefore, this petition has become infructuous. It

is also brought to our notice that the Hon'ble High Court of Kerala has passed an interim order staying all further proceedings in this Contempt Petition.

2. In that view of the fact that the respondents have complied with the order this petition for contempt has become practically infructuous.

Therefore, it is closed.


(MINNIE MATHEW)
ADMINISTRATIVE MEMBER


(JUSTICE A.K. BASHEER)
JUDICIAL MEMBER

“SA”

C.P(C) 38 OF 2013 IN O.A. NO. 23 OF 2012

CORAM:

1. **Unnikrishnan Kasthuril**
Assistant Commissioner of Central Excise & Customs (Retd)
Ujjaini, 35/246 C, LF Church Road
Elamakkara, Cochin – 682 026

2. **C.P.Sasikumar**
Assistant Commissioner of Central Excise & Customs (Retd)
53/335, Kadammattu House, Chalancherry Road
Thevara, Cochin – 682 013

versus

(By Advocate Mr. George Joseph, ACGSC)

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

Dated, the 8th April, 2013.

JUSTICE P.R.RAMAN
JUDICIAL MEMBER