

Central Administrative Tribunal, Lucknow Bench, Lucknow
Original Application No. 440/2008

This the 2nd day of December, 2013

Hon'ble Sri Navneet Kumar, Member (J)
Hon'ble Ms. Jayati Chandra, Member (A)

Umesh Shankar Dixit aged about 52 years son of Sri Ram Swaroop Dixit, resident of 108, Raebareli Development Authority, Indranagar, District- Raebareli (presently posted as Tax Assistant in the Department of Central Excise and Customs at Noida (U.P.)).

By Advocate: Sri Shreesh Kumar Applicant

Versus

1. Union of India through Secretary, Customs and Central Excise, Govt. of India, New Delhi.
2. The Chief Commissioner, Customs, Central Excise and Service Taxes, 7A, ashok Marg, Lucknow.
3. The Commissioner (cadre Control) Customs, Central Excise and Service Taxes, Lucknow

By Advocate: Sri S.P.Singh Respondents

ORDER (ORAL)

BY HON'BLE SRI NAVNEET KUMAR, MEMBER (J)

The present Original Application is preferred by the applicant u/s 19 of the AT Act, with the following reliefs:-

- i) to direct the respondents to place the name of the applicant in the seniority list on the basis of his placement in the seniority list in the cadre of lower division clerk and on the basis of his promotion to the post of Tax Assistant w.e.f. 4.9.2005 with all the consequential service benefits.
- ii) Any other order which is deemed just and proper in the nature and circumstances of the case be also passed in favour of the applicant in the interest of justice along with the cost of this original application.

2. The brief facts of the case are that the applicant was working with the respondents organization as Tax Assistant and he has made a representation for proper placement in the seniority list. The said representation said to has been received by the respondents which was subsequently forwarded by the Dy. Commissioner (P&V), Central Excise, Lucknow along with some other representations. Apart from

this, it is also pointed out by the learned counsel for the applicant that as per the Counter Reply, the submissions of the respondents counsel is that the said representation is still pending for consideration.

3. Learned counsel for applicant fairly submitted at bar that he would be satisfied, if a direction is issued to the respondents to decide his pending representation dated 24.11.2008 within stipulated period of time and in case the same has already been decided, the decision so taken be communicated to the applicant.

4. Learned counsel for respondents submitted that he has no instruction whether the said representation has already been decided or is still pending for adjudication.

5. Considering the submissions made by the learned counsel for the parties, we are of the considered view in the interest of justice to issue a direction upon the respondents that in case the representation of the applicant dated 24th November, 2008 is still pending for adjudication, the same shall be decided in accordance with law within a period of 4 months from the date of receipt of certified copy of this order and decision so taken, be communicated to the applicant. It is made clear that we have not expressed any view on the merit of the case.

6. With the above observations, O.A. is disposed of. No order as to costs.

J Chandra
(Jayati Chandra)
Member (A)

Navneet Kumar
(Navneet Kumar)
Member (J)

HLS/-