

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 659/99

FRIDAY the 20th day of DECEMBER 2002

CORAM: Hon'ble Shri B.N. Bahadur, - Member (A)

Hon'ble Shri S.L Jain, - Member (J)

A.N.Choudhary
Residing at Bldg. No. 105
1st Floor, Central Govt.
Colony, Bhandu (East), Bombay.Applicant.

By Advocate Ms. Supriya Daware for Shri Suresh Kumar.

V/s

1. Union of India through
Secretary, Ministry of
Finance, Department of
Revenue, South Block
New Delhi.
2. Chief Commissioner of
Central Excise, Central
Excise Building, Maharshi
Karve Road, Opp. Churchgate
Station, Bombay.Respondents.

By Advocate Shri V.D. Vadhavkar for Shri M.I. Sethna.

ORDER (ORAL)

{Per S.L. Jain, Member (J)}

The applicant is seeking the direction to the respondents to consider him for promotion to the post of Superintendent, Central Excise with effect from the date his junior Shri R.B. Kharat was promoted with all consequential benefit, in accordance with provision of circular dated 14.9.1992 and review his case accordingly.

2. The applicant was working as Inspector, Central Excise, Mumbai. A criminal complaint was filed against the applicant by C.B.I. in RC No. 52/79 to 54/79. The applicant was convicted by Additional Special Judge, Greater Bombay. The applicant

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preferred an appeal before the Hon'ble High Court of Bombay against the order dated 20.5.1986 passed by Additional Special Judge, Greater Bombay. While deciding the said appeal on 11.12.1989 the Hon'ble High Court was pleased to quash and set aside the order dated 20.5.1986 on merits holding that applicant is not guilty. The State filed SLP against the order dated 11.12.1989 passed by Hon'ble Mumbai High Court. The said SLP was decided vide order dated 9.11.2000 by dismissal of the same.

3. The D.P.C. was held on 11.6.1992 when the SLP was pending before the Apex Court. The respondents have passed the order dated 27.12.2000 wherein it is stated that Shri A.N. Choudhari is granted notional seniority in the grade of Superintendent Grade 'B' with effect from 22.3.1993 i.e. the date on which his junior Shri Chhawal Narottam Singh has assumed charge as Superintendent Grade 'B' Central Excise. "Accordingly the seniority of Shri A.N. Choudhary is fixed below Shri N. Jaychandran (Sr.No. 382) and above Shri N.S. Chhawal (Sr. No. 383) in the combined seniority list of Superintendents, Central Excise Gr. B Working in Mumbai-I to VII, Pune I/ Pune II/ Pune Customs. Aurangabad and Goa Commissionerates as on 1.1.2000.

4. The grievance of the applicant is that Shri Kharat junior was promoted vide order dated 4.3.1993 Exhibit E (OA page 41). The learned counsel for the respondents placed on record the seniority list of Central Excise dated 1.1.2000. On perusal of the same we find that the applicant is correctly placed in

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respect of his juniors. We do not find any error in arriving to the conclusion by the respondents. It is worth mentioning that R.B. Kharat - the alleged junior to the applicant is placed much below at serial 525 in the said list.

5. In the circumstances we do not find any merit in the OA. It deserves to be dismissed and is dismissed accordingly. No order as to costs.

S.L.Jain
(S.L.Jain)
Member(J)

B.N.Bahadur
(B.N. Bahadur)
Member(A)

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