

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NO. 891 OF 2000

SHRI JUSTICE ASHOK AGARWAL. .... CHAIRMAN  
SMT. SHANTA SHAstry. .... MEMBER (A)

Date of Decision: 24.07.2001

Shri M.S. Dhindsa & 9 Others

Applicant(s)

Shri G.K. Masand

Advocate for Applicants

Versus

Union of India & 18 others

Respondents

Shri V.P. Thali  
Shri M.G. Jonak

Advocate for Respondent No.1 & 2  
Advocate for Respondents 3 to  
19

CORAM: HON'BLE JUSTICE ASHOK AGARWAL  
HON'BLE SMT. SHANTA SHAstry.

CHAIRMAN  
MEMBER (A)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to other Benches of the Tribunal?

(3) Library

*Shanta S.*  
(SHANTA SHAstry)  
MEMBER (A)

Gaja

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 891/2000

TUESDAY, THE 24TH DAY OF JULY, 2001

CORAM: HON'BLE SHRI JUSTICE ASHOK AGARWAL. CHAIRMAN  
HON'BLE SMT. SHANTA SHAstry. MEMBER (A)

1. M.S. Dhindsa.
2. D.K. Bansal.
3. U.S. Chougale
4. Bathir Sharma
5. Umesh Dutt
6. Vijay Kumar Sharma
7. Ms. Seema Choudhary
8. Sandeep Kumar Singh
9. Rengala Surya Rao
10. Sanjay Choudhary

... Applicants

all are working as Preventive Officers, Goa  
Customs House, Panjim.

By Advocate Shri G.K. Masand.

Vs.

1. Union of India through the  
Secretary, Ministry of Finance,  
Department of Revenue,  
North Block, New Delhi.

...2/-

2. Commissioner of Customs and Central Excise, Goa Customs House, Panaji, Goa.
3. D.B. Kubal
4. H. Rebello.
5. Anjali Raikar.
6. R.B. Dalal.
7. C. Cardozo.
8. D. D'Souza.
9. Smt. A.A. Sales.
10. P. Wadkar.
11. G.M. Patil.
12. Smt. A. Gonsalves.
13. J. Pereira.
14. H.M. Muzawar.
15. A.J.B. Fernandes.
17. L.S. Sawant.
18. T.D. Nayak.
19. S.G.P. Desai.

Respondents 3 to 19 working as Preventive Officers.

By Advocate Shri V.P. Thali for R1 & 2  
Shri M.J. Sonak for R3 to 19.

## O R D E R (ORAL)

The applicants have challenged the seniority list of 1.1.99 issued on 7.4.99 and the further reply given vide letter dated 3.12.99 informing the applicant No.4 that his seniority has been fixed correctly.

2. These applicants are direct recruit Preventive Officers having been recruited through Staff Selection Commission. According to them they have been given wrong seniority vis-a-vis promotees in the seniority list issued on 7.4.99<sup>th</sup> all the Preventive Officers of Goa Customs House. The applicants appeared for the combined selection held in 1990 for the post of Preventive Officers of Goa Customs House and after due selection and appointment, they have been working there from different dates shown against their names, in the select list of 7.4.99. According to them they are entitled to be placed above the promotees. The vacancies are to be filled through direct recruits and promotees in the ratio of 3:1 as per the rules governing the quota between direct recruits and promotees. Vacancies of Preventive Officers were reported to Staff Selection Commission for direct recruitment in 1990. Only after selection, depending upon the availability of the direct recruits, the share of the promotees was required to be filled. According to the applicants, on account of under reporting of the vacancies coming to the share of the direct recruits for the years preceding 1990, many of the promotees including respondents 3 to 19 were appointed by promotion to the posts of Preventive Officers. These appointments are in excess of the quota prescribed under recruitment rules. According to the applicants, the period spent by the promotees till the occurrence of vacancies coming to the share of promotees is

required to be treated as adhoc and fortuitous in terms of the orders issued by the Govt. of India. The applicants gave a representation to the respondents on 7.5.99 bringing out <sup>now</sup> from 1988 onwards promotions were granted in excess of the quota.

3. The facts and the issue involved in this OA are more or less similar to those in OA 866/2000. No reply is filed by the official respondents. The reply has been filed today by the private respondents No.10. In view of the reasons recorded by us in the earlier OA 866/2000, we are inclined to pass a similar order in this case also to the extent that the respondents shall look into the question of whether respondents 3 to 19 have been promoted in excess of the quota meant for the promotees or otherwise. The respondents are, therefore, directed to review the position accordingly within a period of three months from the date of receipt of copy of this order and pass a speaking order under intimation to respondents 3 to 19 as also the applicants. OA is disposed off accordingly with no order as to costs.

*Shanta S-*  
(SHANTA SHAstry)

MEMBER (A)

*Ashok Agarwal*  
(ASHOK AGARWAL)

CHAIRMAN

Gaja