

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Dated this Monday the 3rd day of December, 2001

Coram: Hon'ble Mr. Justice Birendra Dikshit - Vice Chairman
Hon'ble Mrs. Shantha Shastry - Member (A)

ORIGINAL APPLICATION NO.338 of 2000

Shri P.D.Dhure,
Superintendent,
Central Excise, Pune -1,
Commissionerate, 41-A, Ice House,
Sassoon Road, Pune.
R/o Arun Co-operative Housing Society No.2,
413, Shivaji Nagar, Pune,
Pune. - Applicant
(By Advocate Shri V.M.Bendre)

VERSUS

1. Union of India
through the Secretary,
Central Board of Excise & Customs,
New Delhi.
2. The Commissioner of Central Excise,
Mumbai - I, Central Excise Building,
Maharishi Karve Road, Opp.Churchgate State,
Mumbai.
3. The Commissioner of Central Excise,
Pune - 1, Ice House, Sassoon Road, Pune. - Respondents
(By Advocate Shri V.D.Vadhavkar)

ORAL ORDER

By Hon'ble Mrs. Shantha Shastry - Member (A) -

We have heard the learned counsel for the applicant as well as the learned counsel for the respondents.

2. The prayer of the applicant in this case is to finalise the seniority list in the cadre of Inspectors and to implement the same from the date of appointment in the cadre with all consequential benefits to the applicant. We find that the applicant's case is already covered by the ratio laid down in the case of Subba Rao & others Vs. Chief Commissioner of Income-tax &

others, in OA No. 381 of 1992 decided on 4.4.2000. SLP was filed against the same and the SLP has been finally disposed of and the Hon'ble Supreme Court found no infirmity with the conclusion arrived at by the Tribunal.

3. We have perused the above-mentioned judgment. As the case is squarely covered by the aforesaid judgment, this case is disposed of on the same lines as mentioned in the earlier judgments.

4. Accordingly, we direct the respondents to consider the claim of the applicant taking into account the relevant provisions of law including the judgments of the Hon'ble Supreme Court referred to in the earlier OAs and pass a detailed speaking reasoned order regarding the fixation of the applicant's seniority in the cadre of Inspectors. This shall be done by 30th April, 2002. The applicant shall be entitled to consequential benefits as a result of refixed seniority if any in accordance with law, rules and executive instructions. As the OA stands disposed of, the MP also stands disposed of. No costs.

h. acha &

(Smt. Shantha Shastry)
Member(A)

B. Dikshit

(Birendra Dikshit)
Vice Chairman

mb