

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:339/2000
DATED THE 23RD DAY OF APRIL,2003

CORAM:HON'BLE SHRI A.S.SANGHVI, MEMBER(J)
HON'BLE SHRI SHANKAR PRASAD, MEMBER(A)

Shri M.H.R.Pahelwan,
Working as Superintendent,
Central Excise, Pune -I Commissionerate
41-A Ice house, Sassoon Road,
Pune - 411 001.

... Applicant

By Advocate Shri V.M.Bendre

V/s.

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,
Maharshi Karve Road,
Opp.Churchgate Station, Mumbai.

3. The Commissioner of Central Excise,
Pune-I, Ice House, Sassoon Road,
Pune -411 001.

... Respondents

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

(ORAL)(ORDER)

Per Shri A.S.Sanghvi, Member(J)

Heard the learned counsel for both the parties. The applicant
has approached this Tribunal seeking following reliefs:-

8(A) The Hon'ble Tribunal be pleased to call for the records and after examining the legality and propriety thereof, be pleased to direct the respondents to finalise the seniority list in the cadre of inspector and be further pleased to direct the respondents to implement the said final seniority list from the date of appointment in the cadre with all consequential benefits to the applicant.

8(B) The Hon'ble Tribunal be pleased to direct respondents to publish final Seniority list and correct the other consequential seniority lists accordingly within two months.

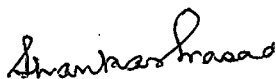
...2.

8(C) The Hon'ble Tribunal be pleased to restrain respondents from using any other seniority list or draft seniority for considering promotions.
8(D) This Hon'ble Tribunal be pleased to direct respondents to dispose of the representation with speaking order within a period of one month.
8(E) This Hon'ble Tribunal be pleased to award costs and compensatory costs to the petitioner.
8(F) This Hon'ble Tribunal be pleased to pass any order or any further order as may be deemed fit and proper in the facts and circumstances of the case.

2. Shri V.D.Vadhavkar alongwith Shri M.I.Sethna learned counsel appearing for respondents has submitted that the seniority list has already been finalised and the same is already circulated. He also submitted that the applicant has been promoted as Superintendent and he is now retired also. The learned counsel for applicant states thaata in other similar matters, the Tribunal had already passed some orders and in view of this position, the grievance of the applicant does not survive.

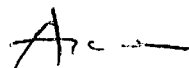
3. In view of this discussion at the bar and since the final seniority list has been published redressing the grievance of the applicant, the OA does not survive.

4. We also note that in OA-338/2000 decided by this Tribunal on 3/12/2000, the Tribunal had given a direction to consider the case of the applicant taking into account the relevant judgements of the Hon'ble Supreme Court referred to in the earlier OAs and pass a detailed speaking order regaing the fixation of the applicant's seniority in the cadre of Inspectors. Since pursuant to this direction, the seniority list has been finalised, the grievance of the applicant does not survive. We therefore dispose of this OA with no order as to costs.



(SHANKAR PRASAD)
MEMBER(A)

abp



(A.S.SANGHVI)
MEMBER(J)