

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO: 795/2001
DATED THE 20TH FEB, 2002

CORAM: HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SMT. SHANIA SHASTRY, MEMBER(A)

1. All India Customs Officers (Direct, Recruit Appraisers) Association having office at New Custom House, Ballard Mumbai 400 038 through its Secretary General Ravindra K. Dase, employed as Appraiser at New Custom House, Ballard Estate, Mumbai - 400 038.
2. Sudhir Kumar M Patel, Appraiser in the jurisdiction of New Custom House, Ballard Estate, Mumbai.
3. G.V.Reddy, working as Appraiser in the jurisdiction of New Custom House, Ballard Estate, Mumbai.
4. Shri K.K.Srivaastava, working as Appraiser at Air Cargo Complex, Mumbai. ... Applicants

V/s.

1. Union of India, through the Secretary (Revenue), Ministry of Finance, Department of Revenue, North Block, New Delhi - 110 001.
2. The Chairman, Central Board of Excise and Customs, North Block, New Delhi-110 001.
3. Secretary, Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India, New Delhi - 110 001.
4. The Secretary, All India Custom Appraising Officers Federation, New Custom House, Ballard Estate, Mumbai-400 038.
5. K.A.Shaikh, Appraiser, New Custom House, Ballard Estate, Mumbai.

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6. Fateh Singh, Appraiser, New Custom House, Ballard Estate, Mumbai.

7. Anil Kumar Sahay, Appraiser, New Custom House, Ballard Estate, Mumbai.

8. Smt.M.S.Kulkarni, Appraiser, New Custom House, Ballard Estate, Mumbai.

... Respondents

By Advocate Shri V.D.Vadhavkar for
Shri M.I.Sethna for Respondents 1 to 3.
Shri M.S.Ramamurthy for R-4 to 6.

(ORAL)(ORDER

Per Smt.Shanta Shastry, Member(A)

None is present for the applicant. We have proceeded under Rule-15 of CAT Procedure Rules to dispose of the OA based on available pleadings.

2. The applicants by the present OA are assailing the impugned seniority list dated 28/2/2000 and have prayed for permanently restraining the respondents from giving effect to the impugned seniority list.

3. Earlier OA 574/99 was filed by All India Customs Appraising Officer's Federation & Ors. before this Tribunal challenging the all india seniority of the Customs Appraisers Group 'B' circulated vide letter dated 13/1/98. The Tribunal after hearing set aside the earlier impugned seniority list of 13/18th-1-1998 and had held that the inclusion of 57 direct recruitees officers at Sr.No.1044-1100 in the impugned seniority list was unjustified and not called for. A direction was given to respondent nos.1 and 2 to revise the seniority list of Customs Officers Group 'B' strictly in accordance with the rules of 1986. Accordingly in pursuance of the aforesaid judgement, the respondents have now

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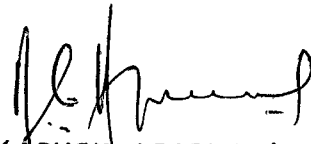
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published the seniority list as on 28/2/2001. This judgement of the Tribunal has been challenged in the High Court of Bombay according to the learned counsel for official respondents and the High Court vide order dated 4/2/2002 have stated that they are not inclined to grant any interim relief at this stage. However, it has been directed that any promotion in pursuance of the seniority list prepared as per the decision of the Tribunal shall be subject to the final decision of the Writ Petition.

4. The Tribunal's judgement is neither stayed nor set aside by the High Court as yet. Therefore it is binding on us. In the light of this, the present OA is not maintainable and is dismissed accordingly without any order as to costs.



(SMT. SHANTA SHASTRY)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

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