

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

THURSDAY DATED THIS THE 14TH FEBRUARY OF 2002

CORAM : HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE-CHAIRMAN
HON'BLE SHRI B.N. BAHADUR, MEMBER(A)

ORIGINAL APPLICATION NO. 762/2001.

E.K. PATHAK
Retd. Asstt. Commissioner of Customs
(Gr. 'A')
R/at A4, Ganesh Dham,
Dadadnal Cross Road No.3,
Vile Parle(W),
MUMBAI - 400 056.

...Applicant.

(By Advocate Shri S. Natarajan)

V/S.

1. Union of India through
the Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
NEW DELHI - 110 001.

2. The Chief Commissioner of Customs,
New Custom House,
Ballard Estate,
MUMBAI - 400 001.

3. The Commissioner of Customs (Gen),
New Custom House,
Ballard Estate,
MUMBAI - 400 001.

...Respondents

(By Advocate Shri V.D. Vadnavkar)

ORDER (ORAL)
(PER : SHRI B.N. BAHADUR, MEMBER(A))

128 who
1 This O.A. is filed by the applicant Shri E.K. Pathak,
having status as Retired Assistant Commissioner, Gr. 'A' seeks
reliefs as follows :

A. The applicant is entitled to be included in
the list of promotees below Shri D.H. Shobani
(Sr.No.19) and Shri M. Mukherjee (Sr.No.20) in
the panel of 1987 of Order dated 21.11.2000
(EX.A-1)

B. Applicant is entitled to be promoted with
effect from 1.1.1987 as given to his juniors and
seniors in Order dated 21.11.2000 with all
consequential benefits.

...Z...



C. Such other and further orders as to this Hon'ble tribunal may deem fit and proper under the circumstances of the case be passed.

D. Cost of this Application be provided for.

1. We heard both Learned Counsel Shri S. Natarajan and Shri V.D. Vadnavkar. Learned Counsel Shri S. Natarajan states that the name of the applicant has not been incorporated by the Respondents in the list issued vide Notification dated 21.11.2000 (a copy of which is annexed as A-1). Learned Counsel further states that representations were made by the Applicant on 25.6.1998 and 3.2.2001 in this regard and no replies are received.

3. Under the circumstances, it will be desirable that the Respondents first consider the matter and take a decision on merits and in accordance with rules and convey the decision taken to the applicant.

4. Accordingly this O.A. is disposed of with following directions/order :

The Respondents are directed to consider this O.A.NO./62/2001 as a Representation (including earlier representations on record in O.A.) and take a decision on the merits of the case. The decision shall be taken within a period of 3 months from the date of receipt of copy of this order (alongwith a copy of O.A.) and intimated to the applicant.

No order as to costs.

B. Bahadur
(B.N. BAHADUR)
MEMBER (A)

B. Dixit
(BIRENDRA DIXSHIT)
VICE-CHAIRMAN

SSg.

dt. 14.2.2002.
Order/Judgement despatched
to Applicant/Respondent (s)
on - 5.3.2002.

BB
14/3.