

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

Original Application No. 437/01
Date of decision: 17.12.2002

CORAM: HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN (J)
HON'BLE SMT. SHANTA SHAstry, MEMBER (A)

1. B.K. Mohanty, working as Customs Supdt. AIU at Sahar Airport and r/a A-601, Nirman Co-op Society, Pump House, Andheri (E), Mumbai.
2. S.M. Ashad, working as Supdt. Customs A.I.U. Sahar Airport & residing at Room No. 33, 3rd floor, 273, Gulab Bldg., Pydhonie, Mumbai 400 003.
3. D.A. Gharpure, working as Supdt. Customs at Sahar Airport & r/a B-14, Dhana Daulat Society, Tilak Chowk, Kalyan (N).
4. Jaideep Dubey, working as Customs Supdt. R & I section, New Customs House & residing at Quarter No. 503/17-A, Customs Quarters, Mhada Colony, Powai, Mumbai.
5. A.S. Yadav working as Customs Supdt. R & I section, New Custom House & residing at 202/186, Sher-e-Punjab Society, Andheri (E), Mumbai.

.... Applicants

(Applicant by Mrs. Sawant with Shri G.K. Masand, Advocate)

vs

1. Union of India, through the Secretary to the Government of India, Ministry of Finance Department of Revenue, North Block, New Delhi 110 001.
2. Chief Commissioner of Customs New Custom House, Ballard Estate, Mumbai.
3. Commissioner of Customs (G) ... New Custom House, Ballard Estate, Mumbai.

.... Respondents

(Respondents by Shri V.D. Vadhavkar, with Shri M.I. Sethna, Advocates)

✓

O R D E R (ORAL)

[Per: A.V. HARIDASAN, VICE CHAIRMAN (J):]

The applicants 5 in numbers who were promoted from the post of Preventive Officers to the grade of Supdt. of Customs (P) have filed this application for a direction to respondents to regularise them in the post of Supdt. against the existing vacancies, as they have been promoted after selection by duly constituted Departmental Promotion Committee. Apprehending that they are likely to be reverted and could not be regularised, the applicants have sought the following reliefs.:

- (a) That applicants may be granted leave to file this application jointly as they have same and common cause in pursuing this application.
- (b) That this Hon'ble Tribunal will be pleased to hold and declare that applicants are entitled to have their promotion regularised as Supdt. vide Estt. Office Order No.167/2000 dated 30th June 2000 made in pursuance of their selection through duly constituted DPC.
- (c) That this Hon'ble Tribunal will be further please to hold and declare that Respondents are not entitled to revert the Applicnats from the post of Supdt. to the post of Preventive Officer on the ground that Applicants promotion as Supdts. has been described as adhoc in Estt. Office Order No167/2000 dated 30th June 2000.
- (d) That this Hon'ble Tribunal will be pleased to direct the Respondents to regularise the promotion of the applicants as Supdts. of Customs, if necessary, by convening a meeting of DPC before 30th June 2001.
- (e) That until such time applicants promotion is regularised, respondents be restrained, by an order and injunction issued by this Hon'ble Tribunal, from reverting the Applicants from the post of Supdt. to the post of Preventive Officer on the plea that Applicants promotion has been described as adhoc in Estt. Office Order No.167/2000 dated 30th June 2000.
- (f) That costs of this Application be awarded in favour of the Applicants.

2. The respondents have filed reply statement opposing the grant of relief as sought. The applicants have filed a rejoinder. When the application came up for hearing today, the learned counsel of the applicants brought to our notice that all the applicants have since been regularised, applicants at Sr. No.2 and 4 on 31.3.02 and at Sr. No.1, 3 and 5 on 31.7.02. Therefore, the prayers of the applicants have been virtually been granted. Counsel of the applicant stated that as the applicants have been regularised and none has superseded them, the applicants may be permitted to make representation regarding the drawal of increment and other benefits including counting of adhoc service for all purposes to the competent authority

3. In the light of the above development and the fact that all the applicants have already been regularised, we dispose of the application permitting the applicants to take up with the competent authority their claim regarding drawal of increments etc. by a representation. No costs.

1-9-

(Smt. Shanta Shastry)
Member (A)

s.j*


(A.V. Haridasan)
Vice Chairman (J)