

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 648/2001

Date of Decision : 12.8.2002.

K.P.Singh & Anr. Applicant

Shri G.K.Masand Advocate for the
Applicant.

VERSUS

Union of India & Ors. Respondents

Shri S.D.Bhosale for Advocate for the
Shri M.I.Sethna Respondents

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

The Hon'ble Smt.Shanta Shastri, Member (A)

- (i) To be referred to the reporter or not ? No
- (ii) Whether it needs to be circulated to other No
Benches of the Tribunal ?
- (iii) Library No

S.L.Jain
(S.L.JAIN)
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.648/2001

Monday this the 12th day of August, 2002.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Smt.Shanta Shastri, Member (A)

1. Kanta Prasad Singh
2. Yash Pal Gupta
Both are working as
Additional Commissioner,
Central Excise,
Mumbai-III & Mumbai-II.

...Applicants

By Advocate Shri G.K.Masand

vs.

1. Union of India
through the Secretary,
Govt. of India,
Deptt. of Revenue,
Ministry of Finance,
North Block, New Delhi.

2. The Chairman,
Central Board of Excise &
Customs, North Block,
New Delhi.

3. Shri H.K.Chaturvedi,
Additional Commissioner of
Customs, 15/1, Strand Road,
Custom House, Calcutta.

4. Shri Pawan Kumar Jain,
Senior Departmental Representative
CGAT, O/O the Chief Departmental
Representative, CGAT,
West Block No.2, Wing No.2.
(1st Floor), R.K.Puram,
New Delhi.

...Respondents

By Advocate Shri S.D.Bhosale
for Shri M.I.Sethna

P. G. M.

..2/-

O R D E R (ORAL)

{Per : Shri S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act, 1985 seeking the reliefs as under :-

"8. (a) That this Hon'ble Tribunal will be graciously pleased to call for the records and proceedings leading to the issuance of the impugned seniority list circulated vide letter dated 30.11.2000 and after going through the legality and validity of the same, quash and set aside the same.

(b) This Hon'ble Tribunal will be graciously pleased to direct the Respondents No.1 and 2 to assign the applicants' seniority at the appropriate place in the seniority list along with direct recruit Group 'A' officers of 1979 and above the direct recruits of 1980, 1981, 1982 and 1983 batches with all consequential benefits.

(c) This Hon'ble Tribunal will be graciously pleased to direct the Respondents No.1 and 2 to consider the names of the applicants for promotion to the grade of Commissioners on the basis of their promotion from December 1979 which has been deemed to be regular and in any case prior to all those direct recruits who have joined the service after December, 1979.

(d) This Hon'ble Tribunal will be pleased to allow the applicants to file the present application jointly under the rules as they have got similar cause to agitate before this Hon'ble Tribunal and are aggrieved by the one and the same order passed by the Respondents.

(e) This Hon'ble Tribunal will be further pleased to pass such further and appropriate orders as deemed fit in the facts and circumstances of the case.

(f) The cost of this Application be provided for."

BLJ - ..3/-

2. The seniority list dated 30.11.2000 (Ex.'A-1') is the provisional seniority list to which objections of the applicants along with others are pending for decision with the respondents. The learned counsel for the applicants argued that the respondents are acting on the basis of the said provisional seniority list. It is not desirable to act on the basis of the said provisional seniority list when objections are pending for decision.

3. In the result, OA. is disposed of with the direction that respondents are restrained from acting on the provisional seniority list prepared on 30.11.2000 (Ex.'A-1', OA page 20 to 151) till all objections are decided ^{and the list is finalised} by them. If the applicants have any grievance after their representations are decided, they may agitate the matter in accordance with law. No order as to costs.

Shanta I
(SMT. SHANTA SHASTRY)
MEMBER (A)

S.L. Jain
(S.L. JAIN)
MEMBER (J)

mrj.