CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NOS:1181/92, 496/94, 1020/95, 1021/95, 1023/95, 916/94, 586/95, 1072/95, 230/97, 363/97, 366/97, 515/97, 531/97, 621/97, 736/97, 779/97, 797/97 and 798/97.

Mumbai this the 20th day of July, 2001

CORAM:HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN(J)
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Applicant in OA No.1181/92

Ashok Narayan Kulkarni
presently working as
Inspector of Central Excise,
Panvel Division-II, Bombay III
Collectorate.

By Advocate Shri R.Ramamurthy

Applicants in OA No.496/94

1. Shri Aier D.R.
2. Shri Ajgaonkar R.S.
3. Shri Phawde P.Y.
4. Shri Deore G.D.
5. Shri Bhowal T.K.
6. Shri Ranade P.N.
7. Shri Samant C.S.
8. Shri Sawant S.B.
9. Shri Fernandes Nelson
10. Shri Dalvi A.P.
11. Shri Sawekar D.K.
12. Shri Nare S.G.
13. Shri Save M.D.
14. Shri Singh C.J.
15. Shri Dhanumali R.S.

All applicants working as Inspectors of Central Excise under the Collectors of Central Excise, Collectorate I,II or III, Bombay.

By Advocate Shri V.G.Rege

Applicant in OA No.1020/95

Shri D.V.Joshi
working as Inspector of Central Excise,
Range III, Division II, Bombay-II
at Polyshoor Building, L.B.S.Marg,
Vikhroli (West),
Bombay - 400 083

By Advocate Shri V.G.Rege

...2.

16.The Commissioner of
Central Excise and Customs
Town Centre, N-5, Cidco,
Aurangabad - 431 003. ... Respondent No.1,3 & 16 in OA No.515/97

17.U.H.Jadhav
18.G.G.Keshwani
19.V.D.Tillu ... Respondent No.1,6, 17,18 & 19 in OA No Nos.586/95 & 1072/95.

R.No.17,18 & 19 presently Superintendents
Central Excise, Bombay.

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

(ORDER)(ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

By virtue of the Tribunal's order dated 13/10/98 read with the order dated 4/4/2000 in OA-496/94, the aforesaid 18 matters were placed in the Sine die list and were also ordered to be clubbed together to be decided in the light of the judgement of the Hon'ble Supreme Court in SLPs arising out of Hyderabad judgement in Subba Rao's case (OA 381/92) and other judgements referred to in Tribunal's order dated 4/4/2000.

2. Today the above cases have been listed for Final Hearing. It is noticed that some of these cases have been filed as far back as in 1992. Learned counsel for the parties have submitted that the judgements of the Apex Court referred to above have already been pronounced (see for example - Chief Commissioner of Income Tax & Ors V/s. Shri Subba Rao & Ors) in Civil Appeal No. 12414-12417/96, 12376/96, SLP(C) 7519/97 and 19683/97 by order dated 23/11/2000. It is also submitted by the learned counsel for the parties that no final decision has been taken by the respondents in the aforesaid pending cases till date. The learned

...8.

proxy counsel for the respondents has submitted that the respondents vide their letter dated 29/6/2001 have informed him that the matter is still under consideration of the Board for taking further action in respect of the Apex Court judgements. He has, therefore, prayed that an adjournment may be granted in the above cases to enable the respondents to take appropriate decision in the matter.

3. It is noted that one of the judgements of the Hon'ble Supreme Court U.H.Jadhav & ORs V/s Union of India (SLP Nos.20037-20038/96), the order is dated 12/3/99 and it is also noted that the judgement of the Hon'ble Supreme Court in Subba Rao's case(supra) has been delivered on 23/11/2000. As mentioned above, the aforesaid OAs have also been pending in the Tribunal for a number of years. It is not disputed that the judgements of the Supreme Court which were awaited at the time of placing the OAs in the sine die list, have already been pronounced but the respondents have yet to take an appropriate decision on them by way of implementation of the Apex Court's judgements with regard to the claims raised by the applicants in the above mentioned Original Applications.

4. In the circumstances, the prayer of the learned counsel for the respondents for adjourning the cases has to be rejected especially considering the request in the light of the caption in the Cause List "No adjournment in cases prior to 1997 will be granted"

...9.

5. In the facts and circumstances of the case, the aforesaid 18 OAs (1181/92, 496/94, 1020/95, 1021/95, 1023/95, 916/94, 586/95, 1072/95, 230/97, 363/97, 366/97, 515/97, 531/97, 621/97, 736/97, 779/97, 797/97 and 798/97) are disposed of with the following directions:-

1. The respondents are directed to consider the claims of the applicants, taking into account the relevant provisions of law, including the judgements of the Hon'ble Supreme Court referred to above, and pass detailed, speaking and reasoned order regarding re-fixation of their seniority in the cadre of Inspectors/Superintendents 'B', as the case may be. This shall be done within six months from the date of receipt of a copy of this order.
2. The applicants shall be entitled to consequential benefits as a result of the revision of seniority, if any, in accordance with the provisions of Law, Rules and extant Instructions.

No order as to costs.

6. Let a copy of the above order be placed in each and every case which is mentioned above.