

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 259/97

Date of Decision : 11.9.2001

P.B.Chakraborti

Applicant

Shri R.Ramesh

Advocate for the
Applicant.

VERSUS

Union of India & Ors.

Respondents

Shri V.D.Vadhavkar for
Shri M.I.Sethna

Advocate for the
Respondents

CORAM :

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

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

- (i) To be referred to the reporter or not ? |
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ? |
x
- (iii) Library ✓

Shanta S-
(SMT.SHANTA SHASTRY)

MEMBER (A)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.259/97

Tuesday this the 11th day of September,2001.

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

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

Phani Bhushan Chakraborti,
Superintendent,
Central Excise,
Mumbai III Commissionerate,
CGO Complex, 3rd Floor,
CBD, New Mumbai.

...Applicant

By Advocate Shri R.Ramesh

vs.

1. Union of India
through the Secretary,
Ministry of Finance,
Govt. of India,
North Block, New Delhi.
2. The Commissioner of Central
Excise, Mumbai III Commissionerate,
Ranade Road, Dadar (W), Mumbai.
3. The Secretary,
Central Board of Excise &
Customs, Ministry of Finance,
Govt. of India,
North Block, New Delhi.
4. The Additional Commissioner
P & V, Central Excise,
Mumbai III Collectorate,
Nav Prabhat Chambers,
4th Floor, Ranade Road,
Mumbai. ...Respondents

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

ORDER (ORAL)

{Per : Smt. Shanta Shastry, Member (A)}

The applicant in this case has sought refixation of his seniority in the grade of Inspector (OG) and further Inspector (SG) on the basis of continuous officiation and consequently preponing of the promotion as Superintendent of Central Excise from the due date with all consequential benefits. In short, the applicant has claimed the benefit of fixation of seniority from the date of continuous officiation as per the principle laid down in the case of Uttamrao Jadhav & 10 Ors. vide judgement and order dated 17.7.1991 of this Tribunal.

2. The learned counsel for the applicant submits that this is a covered case.

3. The facts and law point involved in this case are identical to those in a group of eighteen OAs. led by OA.No. 1182/92 decided on 20.7.2001 by this Tribunal in the matter of A.N.Kulkarni & Ors. vs. Central Excise. We have perused the aforesaid judgement and agree that the applicant's case is squarely covered by the same. This OA. therefore can be disposed of on the same lines as the above mentioned OAs.

Accordingly, we direct the respondents to consider the claim of the applicant taking into account the relevant provisions of law including the judgements of the Hon'ble Supreme Court referred to in the earlier OAs. and pass detailed speaking and reasoned order regarding refixation of the applicant's seniority in the cadre of Inspector/Superintendent 'B' as the case may be. This shall be done within a period of six months from the date of receipt of a copy of this order and the applicant shall be entitled to consequential benefits as a result of seniority, if any, in accordance with law, Rules and extant instructions. We do not order any costs.

Shanta S.

(SMT. SHANTA SHASTRY)

MEMBER (A)

S.L.Jain

(S.L.JAIN)

MEMBER (J)

mrj.