

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

O.A. No. 45 / 87.  
~~F.A. No.~~

DATE OF DECISION 07-11-1989.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Advocate for the  
Petitioner(s)

Versus

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Advocate for the  
Respondent(s)

CORAM

The Hon'ble Mr. D. SURYA RAO : MEMBER (5)

The Hon'ble Mr. D.K. CHAKRAVORTHY : MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice-Chairman on columns 1,2,4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

DSR  
HM (5)

DKC  
HM (4)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :  
AT HYDERABAD

O.A.No.45 of 1987.

Date of Order : 07-11-1989.

M.V.Ramana Reddy

...Applicant

Versus

1. Central Board of Excise and Customs,  
represented by its  
Secretary,  
North Block, New Delhi.

2. Collector of Central Excise,  
CLS Buildings, Nampally Station  
Road, Hyderabad.

...Respondents

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Counsel for the Applicant : Shri V.Jogayya Sarma

Counsel for the Respondents : Shri E.Madan Mohan Rao

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CORAM:

HONOURABLE SHRI D.SURYA RAO : MEMBER (JUDL) (I)

HONOURABLE SHRI D.K.CHAKRAVORTHY : MEMBER (ADMN)

(Judgment of the Bench dictated by Hon'ble  
Shri D.Surya Rao, Member (J) ).

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The applicant herein<sup>is</sup> an official of the Central  
Excise, Customs Department originally appointed as Inspector  
in the year 1943. He was promoted as Selection Grade  
Inspector with effect from 29-08-1957 and confirmed as  
such with effect from 24-02-1961. Further he was promoted  
as Superintendent of Central Excise (Group-8) on 06-01-1968.  
In the year 1972 disciplinary action was initiated against  
him. On 19-09-1973 a charge memo was issued to him. Conse-  
quently disciplinary proceedings <sup>were</sup> ~~was~~ pending against him.  
These proceedings continued upto 1977, and he was exonerated.  
He was informed about the exoneration by an order dt. 21.7.77.

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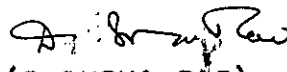
One Shri K.V.Subba Rao, who is junior to the applicant <sup>and</sup> was confirmed with effect from 08-10-1970 was given the higher seniority over the applicant in the grade of Superintendent of Central Excise for the purpose of consideration for promotion. The applicant states that due to delay in the confirmation because of the pendency of the Disciplinary Proceedings between 1973 to 1977 he was not duly considered for promotion in the year 1977 when his juniors were considered. Consequent on the exoneration, he now seeks a direction that he should be considered for promotion and promoted as Assistant Collector of Customs and Central Excise with effect from the date when his juniors had been promoted.

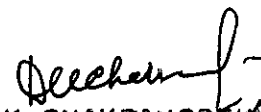
2. A counter has been filed on behalf of the respondents denying the claims of the applicant. We have heard Shri V.Jogayya Sarma, counsel for the applicant and Shri E.Madan Mohan Rao, standing counsel for the Department. It is to be noted that the applicant was permitted to voluntarily retire with effect from 31-07-1979. He claims that he ought to have been promoted from the date when his junior was promoted and has cited Shri K.V.Subba Rao as the junior. In W.P.No.5701 of 1980 High Court had held that the applicant is not entitled to claim seniority over Shri K.V.Subba Rao as he was not made a party to the

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litigation. Apart therefrom it is stated in the counter that Shri K.V.Subba Rao was promoted only on 30-11-1979 i.e. after the applicants' retirement. Hence the question of granting the applicant the relief of promotion from 30-11-1979 or thereafter to the post of Assistant Collector will not arise. In the circumstances the application is dismissed without costs.

  
(D.SURYA RAO)  
Member (J)

  
(D.K.CHAKRAVORTHY)  
Member (A)

Dt. 7th November, 1989.  
Dictated in open court.

  
DEPUTY REGISTRAR.  
6/14

AVL.

To:

1. The Secretary, Central Board of Excise & Customs, North Block? New Delhi.
2. The Collector of Central Excise, CLS Buildings, Nampally Station Road, Hyderabad.
3. One copy to Mr.V.Jogayya Sharma, Advocate, 5-1-896/6, Putli Bowli, Hyderabad-500 001.
4. One copy to Mr.E.Madan Mohan Rao, Addl.CGSC, CAT, Hyderabad.
5. One spare copy.

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