

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

RA No. 80/94 with RA 82/94 & Date of Decision: 13.2.77  
No. 103/94 (all in OA 1019/92)

RA No. 80/94

BETWEEN:

S. Krishna Murthy &  
K. Venkate Subramanya Raju .. Applicants

AND

1. S. Padma Rao, Inspector of  
Central Excise & Customs  
on Deputation to the Director, to of  
Revenue Intelligence, Bombay
2. The Collector of Customs &  
Central Excise, Hyderabad
3. The Deputy Collector (P&E),  
Central Excise Collectorate,  
Hyderabad



.. Respondents

Counsel for the Applicants: Mr. S.A. Chari

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC for R-2 & 3  
Mr. V. Jagayya Sharma for R-1

WITH

RA No. 82/94

BETWEEN:

1. C.R.K. Choudari 2. T. Satyamurthy  
3. B. Narayanamurthy .. Applicants

AND

1. Sri S. Padma Rao, Superintendent  
of Central Excise Collectorate  
Guntur-4.
2. The Collector of Customs &  
Central Excise, Hyderabad
3. The Deputy Collector (P.&E.)  
Central Excise, Hyderabad

.. Respondents

Counsel for the Applicants: Mr. S.A. Chari

Counsel for the Respondents: Mr. V. Jogayya Sarma for R-1  
Mr. N.R. Devaraj, Sr. CGSC for R-2 and 3

WITH

applications but the then Division Bench having opined in view of the decision of full bench of CAT in 'Johan Lucas & Ors. Vs Addl. Chief Mechanical Engineer, S.C. Rly.' CAT Full Bench judgements 1986-89, P.135 (Bangalore) <sup>that</sup> the OAs were not competent these were allowed to be converted into Review Applications and delay in <sup>the</sup> was condoned.

5. The applicants contend that since the decision in OA 1019/92 was based on the decision in OA 156/86 decided on 5.7.88 and as the official respondents have misapplied the decision in OA 156/86 and have gone far beyond the scope of that decision in revising the seniority list dated 30.4.93 the said list may be set aside. Unfortunately the reliefs have not been amended so as to seek review of the said order after the OAs were converted into review applications and therefore the reliefs as they read are sought by way of seeking <sup>to</sup> the appeal against the order which is not permissible. The Review Applications <sup>would</sup> <sup>be</sup> are therefore liable to be dismissed.

6. Even if the relief sought is treated as seeking review of the order in the OA even so the review applications cannot be entertained or allowed for the reason that in as much as the order in OA 1090/92 was predominantly based on the view taken by the Tribunal in OA 156/86 against which decision an SLP was filed by the official respondents in the Hon. Supreme Court and the same was dismissed. We have dealt with that aspect in <sup>the</sup> order separately recorded in <sup>companion</sup> ~~comparison~~ RA No.29/94, with RA 30/94 and RA No.81/94. The same reasons are applicable here. Hence on that ground <sup>also</sup> ~~also~~ the instant review applications are liable to be dismissed.

JUDGEMENT

(Per Hon'ble Mr. Justice M.G. Chaudhari: Vice Chairman)

~~Amendment to the order~~

1. All the review applications since arise out of order in OA 1019/92 these were heard together and are being disposed of by this common order. These have been heard pursuant to the Full Bench (Hyd.) decision Dt.21.11.96.

2.(i) RA 80/94 has been filed by two applicants only against the official respondents.

(ii) RA 82/94 has been filed by three applicants only against the official respondents.

(iii) RA 103/94 has been filed by 9 persons against official respondents (1 to 3) and 7 private respondents (4 to 10).

Neither the respective review applicants nor the private respondents in RA 103/94 were parties to OA 1019/92 *except respondent No. 9 who was applicant in that OA*. All of them are inspectors working under Collector of Customs and Central Excise.

4. *The review applicants* They are aggrieved by the revised seniority list of Inspectors issued by the Deputy Collector (P&V) Central Excise Collectorate, Hyderabad dated 30.4.93. *and* It is their contention that since the official respondents purport to have revised the seniority pursuant to the decision of this Tribunal in OA 1019/92 dated 18.2.93 the said order may also be set aside. These reliefs as framed do not amount to seeking review of the order in OA 1019/92. That has happened because initially the respective applicants had filed original

*well*

7. However, the seniority list dated 30.4.93 is subject matter of challenge in <sup>comparison</sup> ~~comparison~~ OAs' 285/94 and 1323/93. We shall therefore consider the arguments advanced by the counsel in these review applications while dealing with those OAs on merits and will also consider whether any relief could be made available to these review applicants/private respondents. —

8. Subject thereto following order is passed:

ORDER

- (1) Review Application 80/94 dismissed. No order to costs.
- (2) Review Application 82/94 dismissed. No order to costs.
- (3) Review application 103/94 dismissed. No order to costs.

SD-  
HRR  
M. (A)

प्रमाणित प्रतिलिपि  
CERTIFIED TO BE TRUE COPY

Am/br  
15/11/97

न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH

SD-  
H.M.G. C.S.  
V.C.