

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.429 of 1998, 430 of 1998, 431 of 1998, 736 of 1998,  
754 of 1998, 755 of 1998, 808 of 1998 & 232 of 1999.

DATE OF ORDER:30-3-2000.

Oa.No.429 of 1998.

Between:

M.Sudarshan Wellington.

...Applicant

a n d

1. Commissioner of Central Excise,  
Hyderabad-I, Commissionerate,  
L.B.Stadium Road, Basheerbagh,  
Hyderabad-500 004.
2. Chief Commissioner of Customs &  
Central Excise, Hyderabad Zone,  
Hyderabad, L.B.Stadium Road,  
Basheerbagh, Hyderabad.
3. Union of India, Ministry of Finance,  
reptd., by Chairman, Central Board of  
Excise & Customs, New Delhi.
4. Sri T.Srikantha Babu, Superintendent of  
Central Excise, Erraguntla, Cuddapah District.
5. Sri S.Dora Reddi, Superintendent of Central  
Excise, (Preventive Unit) Division-VIII,  
Posnett Bhavan, Tilak Road, Hyderabad-500 001.
6. G.Gopala Krishna Rao, Inspector of Central  
Excise, Selective Audit Group, Commissionerate-I,  
Hyderabad.
7. Y.Venkata Ratnam, Superintendent of Central  
Excise, M/s Bhadrachalam Papers Ltd., Bhadrachalam,  
Khammam District.
8. P.Gopichand, Inspector of Central Excise,  
Rajeev Gandhi International Airport,  
Begumpet, Hyderabad.
9. M.Kumara Ganesh, s-o M.China Venkateswara Rao,  
Inspector of Central Excise, O/o Asst.Commissioner  
of Central Excise, Hyderabad-III Division.
10. K.Murali Krishna, s-o K.Satyanarayana,  
Inspector of Central Excise, r/o Hyderabad.

...Respondents

COUNSEL FOR THE APPLICANT :Mr.M.Surender Rao

COUNSEL FOR THE RESPONDENTS:Mr.C.Yadagiri for R-1 to R-3

:Mr.SA.Chary for R-6

:Mr.N.Ram Mohan Rao for R-9 &

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CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

: COMMON ORDER :

( PER HON'BLE SRI R.RANGARAJAN, MEMBER (A) )

OA.No.429/98:

Heard Mr.P.Krishna for Mr.M.Surender Rao, learned Counsel for the Applicant, Mr.C.Yadagiri, learned Standing Counsel for the Official Respondents, Mr.S.A.Chary, learned & Counsel for the Private Respondent No.6, /Mr.Siva for Mr.N.Ram Mohan Rao, learned Counsel for the Private Respondents 9 and 10. Mr.Prasanth Kumar, Joint Commissioner of the Department was present. Notices to the Private Respondents 5 and 7 served. Called absent. Notices to Private Respondents 4 and 8 not returned served.

This OA is filed challenging the Seniority List dated 15-10-1997 and the rejection order dated 16-3-1998, which rejects the objections raised in regard to the seniority and confirming the Seniority List dated 15-10-1997, list/by holding them as illegal, arbitrary and discriminatory, and for a consequential direction to the respondents to give seniority to the applicant herein over all those persons who were appointed as Inspectors of Customs & Central Excise subsequent to 17-9-1984 i.e., the date of joining of the applicant as Inspector of Customs and Central Excise.

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OA.No.430/98:

Between:

Ch.Rambabu.

..Applicant

a n d

1. Commissioner of Central Excise, Hyderabad-I,  
Commissionerate, LB Stadium Road,  
Hyderabad.
2. Chief Commissioner of Customs and Central  
Excise, Hyderabad Zone, Hyderabad, LB  
Stadium Road, Hyderabad.
3. Union of India, Ministry of Finance,  
Rep. by Central Board of Excise and Customs,  
New Delhi.
4. S.V.Radhakrishna Chari, Superintendent of  
Central Excise & Customs, Hindupur-I Range,  
Sainagar III Cross, Ananthapur.
5. C.Mouly Rao, Superintendent of Central Excise  
Hindustan Zinc Range, Rajendra Nagar.  
Akkayyapalem Post, Visakhapatnam-530 016.
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6. Syed Baquer Ali, Inspector of Central Excise &  
Customs, Rajiv Gandhi International Air Port,  
Hyderabad.
7. P.Chandrasekhar, Superintendent of Central Excise  
O/o Commissioner of Central Excise, Port Area,  
New Custom House, Vizag.
8. P.Srinivas, Superintendent of Central Excise,  
Division Office-I, Lane Kothagraharam,  
Vizianagaram-535 001.
9. Y.S.V.P.Kameshwara Rao, s/o Y.Subba Rao,  
Inspector of Customs, Hyderabad AIR Port,  
in the office of the Asst.Commissioner of  
Customs, Rajiv Gandhi Air Port, Begumpet, Hyderabad.
10. K.Manik Rao, s-o K.Prabhakar Rao, Inspect of  
Central Excise O/o Superintendent of Central  
Excise, Narsapur Range, Medak District.

...Respondents

COUNSEL FOR THE APPLICANT :: Mr.M.Surender Rao

COUNSEL FOR THE RESPONDENTS : Mr.A.A.Jabri

: Mr.N.Ram Mohan Rao for R-9 & 10

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OA.430/98:

Heard Mr.P.Krishna for Mr.M.Surender Rao, learned Counsel for the Applicant, Ms.Shyama for Mr.A.A.Jabri, learned & Standing Counsel for the Official Respondents, /Mr.Siva for Mr.N.Ram Mohan Rao, learned Counsel for the Private Respondents 9 and 10. Notices to the Private Respondents 4, 5, 7 and 8 served. Called absent. Notice to Private Respondent No.6 ~~returned~~ unserved. Mr.Prasanth Kumar, Joint Commissioner of the Department was present.

This OA is filed for the same relief as prayed for in OA.No.429 of 1998 cited above.

OA.No.431/98:

Between:

N.Bala Venkata Chennu.

.....Applicant

a n d

1. The Commissioner of Central Excise, Hyderabad-I Commissionerate, LB Stadium Road, Basheerbagh, Hyderabad-500 004.
2. The Chief Commissioner of Customs & Central Excise, Hyderabad Zone, Hyderabad, LB Stadium Road, Basheerbagh, Hyderabad.
3. Union of India, Ministry of Finance, rep., by the Chairman, Central Board of Excise & Customs, New Delhi.
4. P.Seshider, Inspector of Central Excise, Selection Audit Group, 7th Division Audit, Hyderabad1, Commissionerate-I, Hyderabad.
5. P.V.Ramanaji Rao, Inspector of Excise, Koratla Range, Koratla, Nizamabad District.
6. A.Jagannath Prasad, Inspector of Excise, Tirupathi Range, Tirupathi, Chittoor District.
7. K.Manik Rao, s-o K.Prabakhar Rao, Inspect of Central Excise, O/o Superintendent of Central Excise, Narsapur Range, Medak District.
8. K.Murali Krishna, s-o K.Satyanarayana, Inspector of Central Excise, Hyderabad.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.M.Surender Rao

COUNSEL FOR THE RESPONDENTS : Mr.Mr.T.Hanumanth Reddy

Mr.N.Ram Mohan Rao for R-7 & 8  
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OA.No.431/98:

Heard Mr.P.Krishna, for Mr.M.Surender Rao, learned Counsel for the Applicant, Ms.P.Madhavi Devi for Mr.T.Hanumanth-Reddy, learned Standing Counsel for the Official Respondents, and Mr.Siva for Mr.N.Ram Mohan Rao, learned Counsel for the Private Respondents 7 and 8. Mr.Prasanth Kumar, Joint Commissioner of the Department was present. Notices to the Private Respondents 5 and 6 served. ~~Called absent. Notice to Private Respondent No.4/returned served.~~ <sup>not</sup>

This OA is filed for the same relief as mentioned above.

OA.No.736/98:

Between:

B.Ananda Rao. ...Applicant  
a n d

1. Commissioner of Central Excise,  
Hyderabad-I Commissionerate, LB Stadium  
Road, Basheerbagh, Hyderabad-4.
2. Chief Commissioner of Customs and Central  
Excise, Hyderabad Zone, Hyderabad, LB Stadium  
Road, Basheerbagh, Hyderabad.
3. Union of India, Ministry of Finance, rep.,  
by Central Board of Excise & Custosm, New Delhi.
4. S.V.V.Srinivasa Chakravarthy, Working as  
Superintendent of Central Excise, Kakinada  
Range-I, Kakinada.
5. P.Srinadh, Working as Superintendent of Central  
Excise, BHPV, Visakhapatnam.
6. K.Seshagiri Rao, Working as Superintendent of  
Central Excise, Vizianagaram Preventive,  
Vizianagaram.





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7. D.B.Nageshwara Rao, Working as Superintendent of Central Excise, Hq.(Legal) Customs House, Visakhapatnam.
8. J.Viziabhaskar, Working as Superintendent of Central Excise, Hq.Customs House, Visakhapatnam.
9. K.V.Reddy, Working as Superintendent of Central Excise, Division-I, Customs House, Visakhapatnam.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.M.Surender Rao  
COUNSEL FOR THE RESPONDENTS:: Mr.V.Vinod Kumar

Heard Mr.P.Krishna for Mr.M.Surender Rao, learned Counsel for the Applicant and Ms.Mala for Mr.V.Vinod Kumar, learned Standing Counsel for the Official Respondents. Notices to Private Respondents, 4 not returned served, 5,6 and 7 served, called absent, /and 8 and 9 **returned unserved**. Mr.B.Prashanth Kumar, Joint Commissioner of the Department was present.

This OA is also filed for the same relief as indicated above.

OA.No.754/98:

Between:

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|---------------------------|---------------------------|
| 1. R.Krishna Kumar Rad.   | 10. Smt.V.Lalitha.        |
| 2. M.Prasada Rao.         | 11. Ch.Kumar Babu.        |
| 3. I.Ganapathi Rao.       | 12. S.Nageswara Rao.      |
| 4. K.P.V.S.Ramamohan Rao. | 13. Miss.M.Ratnapanchali. |
| 5. P.Venkateswara Rao.    | 14. M.Satyanarayana.      |
| 6. R.Venkaiah.            | 15. R.M.L.Kapoor.         |
| 7. N.Panduranga Rao.      | 16. K.Purnachandra Rao.   |
| 8. S.V.S.S.R.Krishna Rao. | 17. N.Jogeswara Rao.      |
| 9. K.S.Ranganath.         | 18. P.Ramamohan Rao.      |

....Applicants

a n d

1. Commissioner of Central Excise, Hyderabad-I  
Commissionerate, LB Stadium Road, Basheerbagh  
Hyderabad-500 004.

.....7

2. Chief Commissioner of Customs and Central Excise, Hyderabad Zone, Hyderabad, LB Stadium Road, Basheerbagh, Hyderabad.
3. Union of India, Ministry of Finance, Rep. by Central Board of Excise & Customs, New Delhi.
4. J.V.Srinivasa Chakravarthy, Inspector of Excise, Guntur Commissionerate, Guntur.
5. P.Gopichand, Inspector of Customs, Hyderabad Air Port, Begumpet, Hyderabad.
6. Poornachandra Rao, Inspector of Central Excise, Audit Hyderabad-I Commissionerate, Hyderabad.
7. Subrato Datta, Inspector of Central Excise, Nizamabad Divisional Office,
8. V.Prasad Raju, Inspector of Central Excise, Bombay Air Port, Bombay.
9. P.Srinath, Inspector of Central Excise(Audit), Hyderabad-II Commissionerate, Hyderabad.
10. C.Srinivas, Inspector of Central Excise, Bombay Air Port, Bombay.
11. D.B.Nageswara Rao, Inspector of Central Excise (Audit), Hyderabad-III Commissionerate, Hyderabad.
12. M.Kirtivasan, Inspector of Central Excise, O/o Superintendent of Central Excise, Nampally Range, Posenette Bhavan, Ramkote, Hyderabad.
13. P.V.S.S. Srinivas, Inspector of Customs, Indira Gandhi International Airport, Bombay.
14. K.Seshagiri Rao, Inspector of Central Excise, Hyderabad-II Commissionerate, Hyderabad-4.
15. B.Narendra Kumar, Inspector of Central Excise, Hyderabad-II Commissionerate, Hyderabad.
16. J.Vijaya Bhaskar, Inspector of Central Excise, Hyderabad-I Commissionerate, Hyderabad.
17. M.Venkateswarlu, Inspector of Central Excise, D.G.A.E., Central Excise, Basheerbagh, Hyderabad.
18. K.V.Reddy, Inspector of Central Excise, DGAE, Central Excise, Basheerbagh, Hyderabad.
19. T.Venkateswara Rao, Inspector of Central Excise, Nizamabad.
20. V.V.Laxminarasiah, Inspector of Central Excise, (Audit), Hyderabad-V, Commissionerate, Hyderabad.

21. D.Sai Ramesh, Inspector of Central Excise, Bombay Air Port, Bombay.
22. K.Gopal Rao, Inspector of Central Excise, Division-I, Central Excise, CLS Building, Nampally, Hyderabad-500 001.
23. K.Rajasekhar Reddy, Inspector of Central Excise, Hyderabad-I Commissionerate, Hyderabad.
24. G.Pandurangaiah, Inspector of Central Excise, Hyderabad-I Commissionerate, Hyderabad.
25. S.Hanumantha Rao, Inspector of Central Excise, Hyderabad-II Commissionerate, Hyderabad.
26. P.A.Rao, Inspector of Central Excise, Hyderabad-I Commissioner, Hyderabad.
27. Zareena Begum, Inspector of Central Excise, Hyderabad-I Commissionerate, Hyderabad.
28. S.Prasada Rao, Inspector of Central Excise, DGAE, Central Excise, Basheerbagh, Hyderabad-29.

.....Respondents

COUNSEL FOR THE APPLICANTS :: Mr.M.Surender Rao

COUNSEL FOR THE RESPONDENTS :: Ms.P.Madhavai Devi

Heard Mr.P.Krishna for Mr.M.Surender Rao, learned Counsel for the Applicants, and Ms.P.Madhavi Devi, learned Standing Counsel for the Official Respondents. Notices to Private Respondents 5, 6, 12, 13, 16, 21, 23, 26 and 27 served. Called absent. Notices to Private Respondents 4, 10, 18, 19, 24 and 28 not returned served and notices to Respondents 7, 9, 11, 14, 15, 17, 22, 25 ~~returned~~ unserved. Mr.Prashanth Kumar, Joint Commissioner of the Department was present.

This OA is also filed for the same relief as indicated above.



.....9





OA.No.755/98:

Between:

1. A.Parameshwar.  
2. J.Jay Raj. ....Applicants  
a n d

1. Commissioner of Central Excise,  
Hyderabad-I Commissionerate, LB Stadium  
Road, Basheerbagh, Hyderabad-4.  
2. Chief Commissioner of Customs & Central  
Excise, Hyderabad Zone, Hyderabad,  
LB Stadium Road, Basheerbagh, Hyderabad.  
3. Union of India, Ministry of Finance, rep.  
by Central Board of Excise & Customs, New Delhi.  
4. T.Srikantha Babu, Superintendent of Central  
Excise, Erraguntla, Cuddapah District.  
5. S.Dora Reddi, Superintendent of Central Excise,  
(Preventive Unit) Division-VIII, Posnett Bhavan,  
Tilak Road, Hyderabad-500 001.  
6. G.Gopala Krishna Rao, Inspector of Central Excise,  
Selective Audit Group, Commissionerate-I, Hyderabad.  
7. Y.Venkata Ratnam, Superintendent of Central Excise,  
M/s Bhadrachalam Papers Ltd, Bhadrachalam,  
Khammam District.  
8. P.Gopichand, Inspector of Central Excise,  
Rajeev Gandhi International Airport,  
Begumpet, Hyderabad.  
9. K.Ranga Rao, working as Inspector, /office of  
Central Excise,  
the Commissionerate Office, Hyderabad.  
10. T.Basava Rao, working as Inspector of Central  
Excise at Commissionerate office, Hyderabad.  
11. Y.Gouri Prasada Rao, working as Inspector of  
Central Excise at Commissionerate office, Hyderabad.  
12. C.Mouli Rao, working as Superintendent of  
Central Excise at Range QE, Visakhapatnam.  
13. Khaja Hussain, working as Inspector of Central  
Excise & Customs, Commissionerate-I, Hyderabad.

.....Respondents

COUNSEL FOR THE APPLICANTS :: Mr.M.Surender Rao

COUNSEL FOR THE RESPONDENTS :: Mr.K.Phani Raj

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Heard Mr.P.Krishna for Mr.M.Surender Rao, learned Counsel for the Applicants and Mr.K.Phani Raj, learned Standing Counsel for the Official Respondents. Notices to Private Respondents 4, 5 and 7 served. Called absent. And notices to Respondents 6,8,9,10,11,12 and 13 not/served. returned Mr.Prasanth Kumar, Joint Commissioner of the Department was present.

This OA is also filed for the same relief as indicated above.

OA.No.808/98:

Between:

M.Lokeswara Rao.

....Applicant

and

1. The Commissioner of Central Excise, Hyderabad-I, Commissionerate, LB Stadium Road, Basheerbagh, Hyderabad-500 004.
2. The Chier Commissioner of Customs & Central Excise, Hyderabad Zone, Hyderabad, LB Stadium Road, Basheerbagh, Hyderabad.
3. Union of India, Ministry of Finance, rep. by Central Board of Excise & Customs, New Delhi.
4. J.V.V.Sreenivasa Chakravarthi, working as Inspector, Kakinada Range-I, East Godavari District.
5. P.Sivanadha Kumar, working as Superintendent, B.H.V.P., Visakhapatnam, Visakhapatnam District.
6. K.Seshagiri Rao, Superintendent, Preventive, Vizianagaram District.
7. D.B.<sup>N</sup>ageswara Rao, working as Superintendent, Head Quarters (Legal), Vizag, Customs Bhavan, Visakhapatnam.
8. J.Vijaya Bhaskar, Working as Superintendent, HQ, Customs Bhavan, Vizag.
9. K.V.Reddy, working as Superintendent, Division-I, Customs House, Vizianagara, Vizianagaram District.

...Respondents

.....11

COUNSEL FOR THE APPLICANT :: Mr.M.Surender Rao

COUNSEL FOR THE RESPONDENTS : Mr.K.Narahari

Heard Mr.P.Krishna, for Mr.M.Surender Rao, learned Counsel for the Applicant and Mr.K.Narahari, learned Standing Counsel for the Official Respondents. Notices to Private Respondents 5 to 8 served. Called absent. Notice to R-4 not returned served, and notice to R-9 ~~returned~~ unserved. Mr.Prasanth-Kumar, Joint Commissioner of the Department was present.

This OA is also filed for the same relief as indicated above.

OA.No.232/99:

Between:

1.P.Chiranjeevi Rao.

2. P.Janaki Ramaiah.

....Applicants

and

1. Commissioner of Central Excise,  
Hyderabad-I, Commissionerate, LB Stadium  
Road, Basheerbagh, Hyderabad-500 004.

2. Chief Commissioner of Customs and Central  
Excise, Hyderabad Zone, Hyderabad, LB Stadium,  
Road, Basheerbagh, Hyderabad.

3. Union of India, Ministry of Finance, rep.,  
by its Central Board of Excise & Customs,  
New Delhi.

.....Respondents

COUNSEL FOR THE APPLICANTS :: Mr.M.Surender Rao

COUNSEL FOR THE RESPONDENTS :: Mr.B.Narsimha Sharma

Heard Mr.P.Krishna for Mr.M.Surender Rao, learned Counsel for the Applicants and Mr.M.C.Jacob for Mr.B.Narsimha Sharma, learned Standing Counsel for the Respondents.

This OA is also filed for the same relief as indicated above in OA.No.429/98.

2

.....12

OA.No.429/98 & Batch:

COMMON ORDER:

PER HON'BLE SRI R.RANGARAJAN, MEMBER (A):

1. The contentions raised in these OAs and the reliefs asked for are one and the same. Hence, these OAs are disposed of by a Common Order.
2. Earlier the OA.Nos.1323 of 1993, 285 of 1994 and 906 of 1994 were disposed of on 13-2-1997 by a Common Order in regard to the seniority of the applicants therein. R.A.Nos.56, 57 and 58 of 1998 were filed in OA.No.1323 of 1993, and RA.No.59 of 1998 was filed in OA.No.285 of 1994, for review of the Order dated 13-2-1997 in regard to the seniority dispute. That batch cases of RA were disposed of by this Bench by Order dated 28-7-1999.
3. Though that batch cases of RA<sup>were</sup> dismissed, a suggestion was made by which sufficient number of direct recruits and promotee officers are to sit together headed by a Competent Commissioner of the Department, who ~~is~~ fully <sup>knows</sup> ~~possessed~~ with the issue of the Seniority List to hear them and make his views to the Chief Commissioner for taking a final decision. The suggestion made in that batch case reads as follows:-

"27. The seniority dispute had arisen between the direct recruits and the promotees. This seniority dispute is going on for a long time and with a view to set at rest the conflict and inconsistent situation, the question was examined comprehensively irrespective of the orders passed in the earlier judgement. Even this judgement does not appear to set at rest the seniority dispute. In any seniority

dispute there will always be difference of opinion. In our opinion, no judicial forum can satisfactorily solve the seniority disputes. One party or the other will always have some grouse. The only way to bring down the seniority dispute to a considerable extent is to prepare a seniority list in a 'consensus' manner. Even this consensus manner may not satisfy all the employees. In our opinion if the seniority list is prepared on the consensus basis, such dissatisfaction will be very limited. As the majority of the staff will be satisfied with the decision taken in preparing the seniority list, it is likely that litigations also will come down. In that context we are of the opinion that the seniority of the Inspectors in this case if prepared on a consensus basis by involving both <sup>the</sup> parties i.e., direct recruits and promotees, it may yield to issue a satisfactory seniority list. To achieve this, it is suggested that the Principal Collector of Customs and Central Excise may form a committee comprising of both direct recruits and promotees in equal number, the number of which to be decided suitably and entrust the seniority dispute to be looked into by the Committee. That Committee may be headed by the senior Commissioner of the Department who being a senior official will hear both the parties dispassionately, record the contentions of both the parties and make his final observation ~~th~~ on that basis for preparing the seniority list year-wise. If there is a difference of view expressed, the same may have to be recorded in that note. The final decision for accepting one view or the other if there is a difference of opinion should be left to the Principal Collector of Customs and Central Excise, Hyderabad. That process in our view will enable to issue a seniority list which as stated earlier may not be resisted by a sizeable number of employees.

28. A point may arise whether if such a consensus seniority list is prepared and there is a variation in the seniority from the judgement of this Tribunal or other judicial forums, that may lead to a

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contempt case. That difficulty can easily be over-come by bringing to the notice that variation to the concerned judicial forum suitably and after getting clearance from the judicial forum, final decision on the seniority can be taken. By that way contempt proceedings can be avoided.

29. The above suggestion may be examined by the Principal Collector of Customs and Central Excise, Hyderabad for implementation."

4. In view of the above suggestion, the Department took that suggestion seriously and held meeting by nominating few Officers belonging to the direct recruit officers and promotee officers. It is now stated by Sri Prasanth Kumar, Joint Commissioner, that the Commissioner who was nominated to hear the view points of both sides, heard them elaborately, produced the necessary documents and on that basis he had already submitted his view points to the Chief Commissioner and that a final decision is to be taken by the Chief Commissioner.


5. In view of the above development, it may be possible that the seniority list already issued, which is impugned in these OAs, may undergo a revision. But nothing would be said definitely at this juncture as the final orders of the Chief Commissioner is yet to be formalised and communicated to the applicants. In that juncture, we suggest<sup>ed</sup> to the parties concerned that instead of hearing these OAs and passing an Order, it is preferable for them to wait for the final decision that is likely to ~~be~~ take place by the Chief Commissioner of Customs in pursuance of the suggestion given above and challenge the same if that is going to be detrimental to the applicants


herein. That course of action in our opinion will be beneficiary<sup>l</sup> to both the parties as they have seen the records and submitted their view points on the various items of disputes. The various points mentioned in the Judgment in the batch RA cases would no doubt have received the attention of both the contesting parties as well as the Commissioner and the Chief Commissioner of the Department. Hence, it is preferable to wait for the final outcome of the suggestion made by the issue of a detailed order by the Chief Commissioner of Customs and Central Excise on the basis of the proceedings put up before him. No doubt by that proceedings if any <sup>of the</sup> other parties <sup>are</sup> going to be aggrieved, they are at liberty to approach this Tribunal challenging the same. That proceeding being a fresh proceeding, it can be challenged and at that time it cannot be said that the proceeding cannot be challenged due to the rule of Res-judicata.

6. It is stated by the Counsel for the Applicants that this dispute is going on right from 1993 onwards by filing OA.Nos.1323 of 1993, 285 of 1994 and 906 of 1994. No doubt the dispute is continuing for a long time, but in our experience the dispute over seniority matters is <sup>raised</sup> ~~recurring~~ itself periodically. ~~whenever some time is granted by that list. Hence, due to the~~ <sup>by aggrieved parties</sup> ~~pendency of the seniority dispute for a long time, it cannot be~~ <sup>in this unit</sup> said that the OAs need to be disposed of without waiting for the final decision to be taken by the Chief Commissioner of Customs and Central Excise on the basis of the proceedings pending with him. However, to ensure that the dispute comes to a final stage, if any of the parties files a case challenging

the proposed order of the Chief Commissioner of Customs and Central Excise, it should be given priority and should be disposed of within a period of three to four months from the date of filing of the OAs. To that end in view, we have no doubt in <sup>our</sup> mind that both the applicants, official respondents and the unofficial respondents, if any, will cooperate so as to reach a finality.

7. With the above observations, <sup>all</sup> the OAs are disposed of.  
No costs.

  
( B.S. JAI PARAMESHWAR )  
MEMBER (JUDL.)  
30.3.00

  
( R. RANGARAJAN )  
MEMBER (ADMN.)

DATED: this the 30th day of March, 2000  
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Dictated in the Open Court



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DSN