

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH


Date of Order: 15.10.2014


OA No. 291/00568/2014

Mr. Amit Mathur counsel for the applicant.

Heard the learned counsel for the applicant.

O.A. is disposed of by a separate order on separate sheets.


(Dr. Murtaza Ali)
MEMBER (J)


(ANIL KUMAR)
MEMBER (A)

Vv

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00568/2014

Date of Order: 15.10.2014

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER
HON'BLE DR. MURTAZA ALI, JUDICIAL MEMBER

1. Vinod Kumar Purohit S/o Shri Jugal Kishore Purohit, aged around 54 years, presently working as Senior T.A. Custom Division, Jodhpur, R/o 8, Custom Colony, Jodhpur.
2. Dalip Singh S/o Ram Singh, aged about 54 years, presently working as Senior T.A. Custom Division, Bikaner, R/o Custom Colony, Bikaner.
3. Devilal Nirain S/o Shri Hanuman Ram, aged about 53 years, presently working as Senior T.A. Custom Division, Jodhpur, R/o Custom Colony, Jodhpur.
4. Madan Singh S/o Jatan Singh, aged about 52 years, R/o D-6, Custom Colony, Sector-VII, Vidhyadhar Nagar, Jaipur, presently working as Senior T.A. at Jaipur.
5. Sri Har Narain Gahlot S/o Kishan Lal Gahlot, C/o Behind Bharosa Soap Factory, Ajmer, presently working as Senior T.A. Ajmer.
6. Harikishan Bathan S/o late Shri Rajaram, R/o B-404, B-Block, Panchshil Ajmer, presently working as Senior T.A. Ajmer.

...Applicants

Mr. Amit Mathur, counsel for applicants.

Versus

1. The Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. The Central Board of Excise and Customs through its Chairman, Ministry of Finance, Department of Revenue, North Block, New Delhi.
3. The Chief Commissioner of Central Excise, Jaipur Zone, Jaipur (CCA), NCR Building, Janpath, Statue Circle, Jaipur.

...Respondents.

ORDER

The present Original Application has been filed by the applicants being aggrieved from the communications dated 08.10.2014 (Annexure A/1) wherein the respondents have issued a list of the

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candidates to appear for Physical Test for consideration for promotion to the grade of Inspector.

2. According to the learned counsel for the applicants, in this list, the name of the applicants have not been included on the ground that they have crossed the age of 50 years. He further submitted that all the applicants qualified the examination for promotion to the post of Inspector in the year 2005-06. He drew our attention to Notification dated 29th November, 2002 (Annexure A/3) which are the Rules called 'the Central Excise and Land Customs Department Inspector (Group 'C' posts) Recruitment Rules, 2002'. According to him, as per Note-2 of the Schedule, the age limit prescribed is for appearing in the departmental examination and not for actual promotion.

3. Learned counsel for the applicants also referred to the **order dated 17th March, 2010 passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh in OA No. 202-PB-2009 (Prem Singh vs. Union of India & Ors.)** and submitted that Hon'ble C.A.T., Chandigarh Bench held that there is no age bar limit for the purpose of consideration of the candidates for promotion to the post of Inspector.

4. The respondent-department has taken a decision in principle to implement the orders of the Hon'ble C.A.T., Chandigarh Bench and to support his averments he referred to the letter issued by the Under Secretary to the Govt. of India, Ministry of Finance, Department of Revenue, Central Board of Excise & Customs, New

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Delhi dated 19th February, 2014 (Annexure A/4) in which it has been stated that removal of upper age limit for promotion to the grade of Inspector has been included in the revised draft Recruitment Rules for the post of Inspector. He also referred to the letter issued by the Office of the Chief Commissioner, Central Excise (Jaipur Zone) Jaipur dated 17.10.2011 (Annexure A/5) vide which a copy of the CBEC, New Delhi's letter F. No. A.32022/08/2009-Ad.III.A dated 12.09.2011 has been circulated to all field formations, which shows that JS, (Admn) was directed to extend the benefit of the decisions of the C.A.T., Chandigarh Bench to the applicants herein and he ^{was} also directed to apply the ratio of the said judgment to all non-applicants as well. *Anil Kumar*

5. Learned counsel for the applicants submitted that in spite of the orders of the Central Administrative Tribunal, Chandigarh Bench and also the decision of the respondents themselves for extending the benefit of the orders of the Central Administrative Tribunal, Chandigarh Bench to non-applicants also, the respondents have not called the applicants for Physical Test. He also submitted that the DPC is going to hold interview today and, therefore, the respondents be directed not to issue promotion orders till the disposal of the O.A.

6. Heard learned counsel for the applicants and perused the documents available on record.

7. We are of the view that in the interest of justice, the respondents may consider the prayer of the applicants made in this

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O.A. expeditiously but not later than two weeks from the date of receipt of a copy of this order.

8. Learned counsel for the applicants is directed to supply a copy of the complete paper book / O.A. to the respondent no. 3, which will be treated as representation of the applicants.

9. The respondents are also directed not to issue any promotion order to the grade of Inspector till the decision is taken by them in this regard if the promotion orders have already not been issued by them in pursuance to the letter dated 08.10.2014 (Annexure A/1).

10. With these observations and directions, the present Original Application is disposed of with no order as to costs.


(DR. MURTAZA ALI)
JUDICIAL MEMBER


(ANIL KUMAR)
ADMINISTRATIVE MEMBER