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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::GUWAHATI-5.

O.A.No. 217 of 1997.

DATE OF DECISION.....20-8-1999.....

Shri Amrit Kumar Saikia & 7 others. (PETITIONER(S))

Shri M. Chanda.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Shri A. Deb Roy, Sr.C.G.S.C

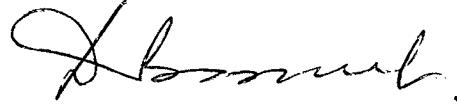
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE MR G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

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 the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.217 of 1997.

Date of Order : This the 20th Day of August, 1999.

The Hon'ble Mr Justice D.N.Baruah, Vice-Chairman.

The Hon'ble Mr G.L.Sanglyine, Administrative Member.

1. Sri Amrit Kumar Saikia,
2. " Vidya Bhushan Saikia,
3. " Dibakar Choudhury,
4. " Gangadhar Das,
5. " Ajit Mohan Paul,
6. " Dipak Kumar Deb
7. " Biswendu Dey and
8. " Ganesh Chandra Sharma

All the applicants are serving as
by ^{li} Inspector in the office of the
Commissionerate, Central Excise,
Shillong and posted in different
offices of the Customs and Central
Excise, North Eastern Region.

... Applicants.

By Advocate Shri M.Chanda.

- Versus -

1. Union of India
through Secretary to the Government
of India, Department of Revenue,
New Delhi.
2. Central Board of Excise & Customs,
New Delhi (through its Chairmam).
3. The Chief Commissioner (Eastern Zone),
Customs and Central Excise,
Customs House,
15/1 Strand Road,
Calcutta.
4. Commissioner of Central Excise,
Shillong.

... Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

BARUAH J. (V.C)

Eight applicants have approached this Tribunal
challenging the distribution of posts as per Annexure-1 letter
dated 23.7.1996 and also Annexure-2 letter dated 6.8.1996
and prayed for a direction that the promotion of the Inspectors/

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preventive Officers junior to the applicants to the post of Superintendent in the first and second phase of upgradation from Group B and C is illegal and inoperative in law.

2. The applicants were working as Inspector of Customs and Central Excise under the Shillong Commissionerate. The Government of India in consideration of the matter of stagnation of Inspectors agreed to adopt a policy to upgrade the Inspectors to the post of Superintendent in the Customs and Central Excise, throughout the country. As per the said policy at the first instance the Inspectors who have completed 17 years of service would be eligible for promotion to the post of Superintendent and thereafter those Inspectors who have completed 16 years and last one those who completed 15 years. Accordingly the Commissionerates were directed to furnish the list of Inspectors who are qualified as per the scheme and thereafter the posts have been distributed. The grievance of the applicants is that in the North Eastern Commissionerate not a single post was allotted and thereby they were deprived of. The applicants further state that there are some Inspectors who were junior to them have been promoted ignoring the claim of the present applicants. Those applicants are in Calcutta and Bolpur Commissionerate. The applicants have also given the names of the Inspectors who are junior to the present applicants. They are :

1. Sri Utpal Ghosh,
2. " Gopal Roy,
3. " K.P.Prasad,
4. " Kalyan Das,
5. " Pradip Kumar Biswas
6. " Uttam Kumar Dutta,
7. " Swakti Kr. Basu,
8. " Biswajit Negi,
9. " S. Lepcha,
10. " A.Bhattacharjee

11. Smt. S.Dutta,
12. Sri S.P.Dey,
13. " V.N.Rai,
14. " D.Ghosh,
15. " K.Bhowmick,
16. " R.Hazra,
17. " Kalyan Das,
18. " U.K.Guring,
19. " S.Roy Choudhury,
20. " B.D.Bandapadhyay and
21. " K.K.Choudhury.

According to the applicants those persons were promoted to the post of Superintendent ignoring the claim of the present applicants. Feeling aggrieved the applicants submitted Annexure-13 representation dated 21.6.1997 and also Annexure-14 representation dated 11.7.1997. Those have not yet been disposed of. Hence the present application.

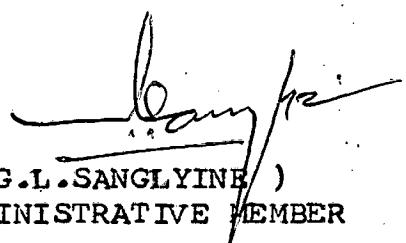
3. We have heard both sides. Mr M.Chanda, learned counsel for the applicants submits that normally the promotions were made zonal wise. Therefore, at least certain posts ought to have been earmarked for North Eastern Commissionerate. The authority however have not done so. Instead, the persons junior to them had been promoted in other Commissionerate. Mr A.Deb Roy, learned Sr.C.G.S.C on the other hand submits that the Government of India had taken a policy to first promote the Inspectors having 17 years of service and thereafter 16 and last one is 15. As it is a policy decision of the Government the Tribunal may not interfere. It is true that if a policy is adopted normally Tribunal or Court should not interfere with this. The grievance of the applicants are some what different. According to the applicants certain junior persons had been promoted overlooking the claim of the applicants. Therefore not a single post was given for this region. This attitude of the respondents is likely to frustrate the people

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living in this Region in general and the applicants in particular. Mr Chanda also submits that the Shillong Commissionarate has also taken up the matter with the higher authority. Nothing has yet been done. Be that as it may, as this matter requires thorough examination of relevant facts, it is not possible for this Tribunal to decide the matter in the absence of all relevant facts. Therefore, we direct the respondents to dispose of the Annexure-13 and 14 representations by a reasoned order as early as possible, at any rate within a period of 2 months from the date of receipt of this order.

Application is disposed of. Considering the entire facts and circumstances of the case however, we make no order as to costs.


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER


(D.N.BARUAH)
VICE CHAIRMAN