

Central Administrative Tribunal  
Jabalpur Bench

OA No.294/06

Jabalpur, this the 4<sup>th</sup> day of May 2006.

C O R A M

Hon'ble Dr.G.C.Srivastava, Vice Chairman  
Hon'ble Ms. Sadhna Srivastava, Judicial Member

Vilas Tembhumkar  
S/o Shri Narayan Tembhumkar  
Steno Grad II  
Central Excise Division  
Jabalpur.

And

22 others.

Applicants

(By advocate Shri S.K.Nagpal.)

Versus

1. Union of India through  
Its Secretary  
Ministry of Finance  
Department of Revenue  
North Block  
New Delhi.
2. The Chairman  
Central Board of Excise & Customs  
Department of Revenue  
Ministry of Finance  
North Block  
New Delhi.
3. Member (P&V), Central Board of  
Excise & Customs  
Department of Revenue  
North Block  
New Delhi.
4. The Chief Commissioner  
Central Excise & Customs  
48, Administrative Area



Arera Hills, Bhopal.

5. The Commissioner  
Central Excise & Customs  
Manik Bagh Palace  
Indore.

6. Additional Commissioner (P&V)  
Central Excise & Customs  
Manik Bagh Palace  
Indore.

Respondents

(By advocate

### ORDER

By Ms. Sadhna Srivastava, Judicial Member

The subject matter is as follows:

Applicants are working in Customs and Central Excise as Steno Grade II, Tax Assistant and Senior Tax Assistant. According to them, they are eligible for promotion to the post of Inspectors. It is alleged in the OA that the Ministry of Finance vide letter dated 19.7.2001 conveyed that the Cabinet had approved as a one time measure to fill up all the vacancies in all cadres as it stood as on that date by way of promotion and no direct recruitment would be made in any grades for the year 2001-02. Pursuant to this decision, a Departmental Promotion Committee for promotion to the post of Inspectors was held on 7.3.2002. There were 100 vacancies in the grade of Inspector in Bhopal Zone (91 vacancies under direct recruitment quota and 9 vacancies under promotion quota). However, the DPC recommended for promotion of only 9 candidates under departmental quota, leaving aside 91 direct recruitment vacancies. Applicants further allege that respondents did not report to DPC about 91 vacancies under direct recruitment quota, which were to be filled by promotion in accordance with Ministry's letter dated 19.7.2001. The Ministry of Finance vide its letter dated 16.3.2006 (Annexure A16) acknowledged the mistake and stated that the error was due to certain misunderstanding in reporting the vacancies that existed at the time of holding of DPC on



7.3.2002. They submit that in spite of clear directions from the Ministry of Finance that the restructured cadre of Inspectors would come into existence with effect from 7.12.2002 i.e. the date of publication of the Recruitment Rules in the Gazette, as per Cabinet's one time relaxation for filling up all the vacancies (promotion quota/departmental quota) as existed on the aforesaid date would be treated as a relaxation, which required vacancies to be filled by OR and promotee in the ratio of 2:1, the respondents did not take any steps to fill up 91 direct recruitment quota vacancies by promotion.

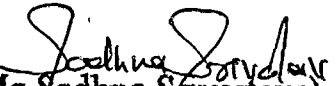
2. In the above facts and circumstances, learned counsel for the applicants submits that in view of letter dated 16.3.2006 (A-16) a direction be issued to the respondents to convene a review DPC and pass orders of promotion accordingly.

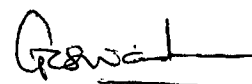
3. We have heard learned counsel for the applicants. After taking note of letter-dated 16.3.2006, we are of the considered opinion that the present OA can be disposed of directing the respondents at this stage itself.

4. Having said so, respondents are hereby directed to consider the case of applicants for promotion in the light of communication of the Ministry of Finance, Department of Revenue vide letter dated 16.3.06 within 6 months from the date of receipt of a copy of this order.

5. The OA is disposed of as above. No order as to costs.

6. Registry is directed to supply memo of parties to the parties while issuing the certified copy of this order.

  
(Ms. Sadhna Srivastava)  
Judicial Member

  
(Dr. G.C. Srivastava)  
Vice Chairman

aa. पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....  
पत्तिलिपि अद्योदित:-  
(1) सचिव, उच्च न्यायालय द्वारा एसोसिएशन, जबलपुर  
(2) आवेदन की प्रतिलिपि / के काउंसल  
(3) प्रत्येक दि. के काउंसल  
(4) कानून, के काउंसल, जबलपुर प्रत्येक दि.  
सूचना एवं आवश्यक कार्यवाही के लिए

उप सुनिश्चर

S.K. Khandelwal Adm. Secy  
Ru 1 to 6  
W. Secy of Pub. In

10/5/06