

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING AT GWALIOR

.....

Original Application No. 805/2000

Gwalior, this the 25th day of February, 2004

HON'BLE SHRI M.P.SINGH. VICE CHAIRMAN

HON'BLE SHRI G.SHANTHAPPA, MEMBER (J)

Bharat Kumar Kanaldekar
S/o Sh. Prabhakar Kanaldekar
Aged about 50 years.
Superintendent Central Excise Range-II,
Malanpur (Distt. Bhind) MP.

...Applicant

(By Advocate: None)

-versus-

1. Union of India
Ministry of Finance
Department of Revenue
Govt. of India,
North Block,
New Delhi.
2. Commissioner of Central Excise,
Manik Bagh Palace,
Indore 452 001 (MP).
3. Additional Commissioner (P&V).
Central Excise Commissionerate.
Manik Bagh Palace.
Indore 452 001 (MP).
4. R.G. Gaigore
5. R.K. Shrivastav
6. Chatranjan Panchure
7. K.D. Shukla
8. M.N. Verma
9. S.P. Tiwari
10. Omveer Singh
11. M.K. Nair
12. V.P. Patki
13. K.V. Sugnani
14. V.N. Toorey
(All Superintendent (Group B) of Central
Excise c/o O/O Commissioner, Central
Excise, Manik Bagh Palace, Indore. ...Respondents

(By Advocate: Shri P.N. Kelkar)

ORDER (ORAL)

By G. Shanthappa, Member (J)-

By filing this O.A. the applicant has sought the
following reliefs:-

- i) to direct the respondents no. 1 to 3 to


refix the applicant's seniority in the seniority list (Annexure No. A-1) by showing the applicant senior to the respondents no. 4 to 14.

- ii) to declare the action of respondents no. 1 to 3 in the ratio of legal position and case laws herein above stated in depressing the applicant's seniority below that of respondents nos. 4 to 14 as illegal, unjustified and arbitrary.
- iii) to issue a declaration directing respondents nos. 1 to 3 to make the applicant senior to respondents no. 4 to 14 as shown in the feeder (Inspector Cadre) Annexure A-2.

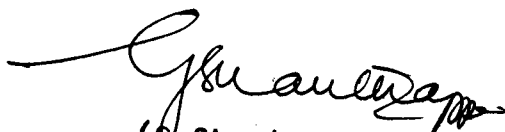
2. The brief facts of the case are that on 21.7.1995 the applicant has received chargesheet. The departmental proceeding was initiated and a penalty of censure was awarded. The applicant preferred an appeal before the appellate authority. The appellate authority confirmed the order of disciplinary authority against which the applicant filed an OA No. 377/2000 before this Tribunal. The Tribunal allowed OA No. 377/2000 and the impugned order of censure was quashed and set aside. The applicant shall be entitled to all consequential benefits.


3. The applicant had preferred a representation to the respondents for grant of re-fixation of the seniority at par with respondents no. 4 to 14. The representation was pending with the respondents. During the pendency of the present O.A., the Tribunal allowed O.A. No. 377/2000. Due to the subsequent event by setting aside the impugned punishment, the applicant is entitled for relief, as prayed for in this O.A.

4. The respondents have submitted that since the applicant was facing the punishment of censure, he is not entitled for the promotion as prayed for in that O.A. Learned counsel for the respondents has produced a copy of the order passed by this Tribunal in OA No. 377/2000. In view of the said order, the relief of the applicant can be granted.



5. Since none is present on behalf of the applicant and it is an old matter of the year 2000, we propose to decide the case by invoking the provision of Rule 15 of (CAT) Procedure Rules, 1987. We have heard the learned counsel for the respondents and have perused the order passed by the Tribunal in OA No. 377/2000.
6. Since the impugned order of censure has been set aside in OA No. 377/2000, the applicant is entitled for the relief as prayed for in the O.A.
7. For the reasons stated above, we allow the Original Application No. 805/2000 and direct the respondents to consider the representation of the applicant dated 15.3.1999 (Annexure A-3) and assign seniority at par with the respondents nos. 4 to 14 with all other consequential benefits. The above directions should be complied with by the respondents within a period of three months from the date of receipt of a copy of this order. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

/na/

Copy to

(i) Shri P.N. Kerkar Adv.
Gwalior

(ii) Shri P.N. Kerkar Adv.
Resdts, Gwalior

Subsoul
17/3/04