

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 829 of 1999

Jabalpur, this the 5th day of February, 2004.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. G.Shanthappa, Judicial Member

Bharat Lal Yadav,  
Son of Shri Jamuna Prasad  
Yadav, aged about 27 years,  
Working as Lower Division Clerk  
at Central Excise & Custom  
Department, Bhopal, M.P.

APPLICANT

(By Advocate - Shri Prashant Singh)

VERSUS

1. Union of India,  
through Secretary,  
Department of Central Excise &  
Customs, New Delhi.
2. The Commissioner,  
Central & Excise Head Quarters,  
Raipur, M.P.
3. Dy. Commissioner(P&V)  
Central Excise & Customs,  
Raipur, M.P.
4. Ajit Kumar Koshta,  
Son of - Not Known,  
working as L.D.C. at Central  
Excise & Customs Head Quarters,  
Raipur, M.P.
5. Shekh Answer,  
Working as L.D.C.,  
Central Excise & Customs, Head  
Quarter Raipur, M.P.

RESPONDENTS

(By Advocate - Shri S.A. Dhermadhikari for official respondents  
None for private respondents)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has prayed for a direction to the respondents to delete the name of the applicant from the Sl. No. 96 from the Seniority List dated 21.7.99(Annexure-A-12) and he be placed over and above respondent No.4 and also grant all the consequential benefits to the applicant arising out of the factum granting him promotion w.e.f 21.12.95 i.e. the date of promotion of the respondent No. 4.

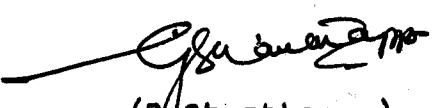
2. The brief facts of the case are that the applicant as well as private respondents Nos. 4 & 5 were initially appointed as Sepoy in the office of Central Excise and Customs department. Subsequently they had been promoted to the post of LDC against 10 percent quota earmarked for departmental candidates. The respondents have issued a seniority list Annexure-A-12 in which the name of the respondent No./8 appears at serial No./~~xx~~ whereas the name of the applicant finds figure at serial No. 96. After publication of the seniority list, the applicant has come to know, <sup>that</sup> he has been placed much Junior to respondents Nos. 4 & 5 whereas he is senior to them and his name should have been shown <sup>above</sup> both the respondents. He has filed a representation to the respondents to correct the seniority and placed his name at an appropriate place in the seniority list. Till now, the respondents have not taken any decision on his representation. On this, learned counsel for the respondents states that the applicant, without waiting for the decision on his representation has rushed to this Tribunal and filed this OA for aforesaid reliefs.

3. The learned counsel for the applicant will feel satisfied if the respondents are directed to decide the representation of the applicant pending before them. The learned counsel for the respondents has no objection.

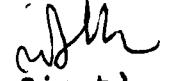
4. In the circumstances, we feel that the ends of justice will be met if we direct the applicant to file a fresh detailed representation within a period of one month. If the applicant complies with the above direction, the respondents are directed to decide the said representation of the applicant by passing a reasoned and speaking order within a period of two months from the date of receipt of the representation. The respondents are also directed that while deciding the representation of the applicant they

should grant him the personal hearing, if so requested by the applicant. In case the claim of the applicant is accepted by the respondents, the applicant will be entitled for all consequential benefits.

5. With the above directions, the O.A. is disposed with no order as to costs.

  
(G. Shanthappa)

Judicial Member

  
(M.P. Singh)

Vice Chairman

/skm/

पूछांकन सं. ओ/व्या.....जल्दपुर, दि.....

प्रतिलिपि दायरे किया गया

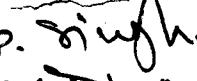
(1) शालिय, उत्तर विद्यालय, जल्दपुर

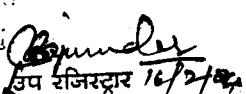
(2) अधिकारी, विद्यालय, जल्दपुर

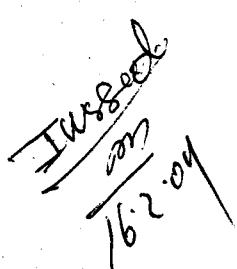
(3) एकाधिकारी, विद्यालय, जल्दपुर

(4) विद्यालय, जल्दपुर

सूचना एवं आवश्यक घोषणाएँ

  
P. Singh  
SA Dharma Vilas

  
B. S. Bhandar  
उप रजिस्ट्रर 16/2/82

  
16.2.82