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**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO. _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

20.11.2008

OA No. 81/2005

None present for applicant.

Mr. Kunal Rawat, Sr. Standing Counsel for respondents.

Heard learned counsel for the respondents.

For the reasons dictated separately, the OA is disposed of.


(B.L. Matri)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 20th November, 2008

ORIGINAL APPLICATION NO. 81/2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Pradeep Kumar Khawal son of Shri B.L. Khawal aged about 29 years, resident of A-35, Vikas Nagar, Murlipura, Jaipur. Presently working as Tax Assistant in the office of Excise, Jaipur.
2. Sameer Mathur son of Shri M.P. Mathur aged about 32 years, resident of 73/112, Near K.V. No. 5, Mansarovar, Jaipur. Presently working as Tax Assistant in the office of Excise, Jaipur.

.....APPLICANTS

(By Advocate: -----)

VERSUS

1. Union of India through Secretary Finance, Government of India, Department of Revenue, Central Board of Excise & Customs, North Block, New Delhi.
2. Commissioner, Central Excise, Jaipur-I, NCR Building, Statue Circle, C-Scheme, Jaipur.
3. Shri Mohan Lal Meena, Ad hoc Inspector Central Customs (Hqrs.), Statue Circle, C-Scheme, Jaipur.
4. Shri Sanjay Kumar Soni, Customs Division, Bikaner.
5. Shri Rajendra Chaturvedi, Sr. Tax Assistant, Central Excise Commissioner, Central Excise Division, Kota.
6. Shri Hari Charan, Bairwa, Ad hoc Inspector, Airport Customs, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. Kunal, Sr. Standing Counsel)

W.C.

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) By an appropriate order or direction, the impugned order dated 10.02.2005 (Annexure A/1) may be declared as arbitrary, illegal and unjustified and may be quashed and set aside and review DPC may kindly be ordered afresh for making promotions as per seniority and eligibility.
- (ii) By an appropriate order or direction, the respondents may be directed to promote the applicants from the same date as their juniors have been promoted vide the impugned order dated 10.02.2005 (Annexure A/1) and the applicants may be provided promotion with all consequential benefit and seniority etc. on the post of Senior Tax Assistant after inserting the names of the applicants above the private respondents in the promotion order dated 10.02.2005 (Annexure A/1)
- (iii) Any other appropriate order or direction which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case may kindly also be passed in favour of the applicants.
- (iv) Cost of the Application may kindly be awarded in favour of the applicants."

2. As can be seen from the prayer clause, the grievance of the applicants is regarding promotion of junior persons vide order dated 10.02.2005 (Annexure A/1) and have prayed that they may also be granted promotion with effect from the said date with all consequential benefits.

3. Notice of this application was given to the respondents. The respondents have filed their reply. However, during the pendency of this OA, the respondents have also filed an MA No. 298/2008 in which it has been mentioned that applicants have been promoted notionally in the grade of Sr. Tax Assistant w.e.f. 24.12.2003 on regular basis

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vide order No. 58/2008 dated 09.05.2008. Copy of the said order has also been placed on record by the respondents as Annexure R/5.

4. In view of what has been stated above, the applicants have got the more relief ^{than what} which they have sought in the OA. They have been granted promotion w.e.f. 24.12.2003 on regular basis whereas they have sought promotion w.e.f. 10.02.2005 in the OA. It is further stated that junior persons have also been reverted.

5. In view of this subsequent development, the OA has become infructuous, which is accordingly disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ