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CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

O.A. No.60/00028/2014

Date of decision: 23.01.2017

**CORAM: HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J).
HON'BLE MRS. RAJWANT SANDHU, MEMBER (A).**

...
Maheshinder Singh Dhindsa, aged 45 years S/o Sh. Ravinder Singh, Superintendent of Customs (Preventive) O/o Commissioner of Customs, Customs (Preventive) Commissionerate, the Mall, Amritsar, posted at Customs Frieght Station, Ludhiana..

...APPLICANT

Argued by: Sh. R. K. Sharma, Advocate.

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Central Board of Excise and Customs, North Block, New Delhi.
3. Chief Commissioner of Customs, Mumbai Zone-I, New Custom House, Ballard Estate, Mumbai-01.
4. Commissioner of Customs (General), New Custom House, Ballard Estate, Mumbai-01.
5. Directorate General of Human Resource Development, Customs and Central Excise, 507/8, Deep Shikha Building, Rajendra Place, New Delhi-110008.
6. Shri S.C. Bhalerao, Superintendent of Customs (Preventive), Rummaging and Intelligence Division, O/o Commissioner of Customs (Preventive), New Custom House, Ballard Estate, Mumbai-01.
7. Karre Ravi Kumar, Superintendent of Customs (Preventive), Central Intelligence Unit, Jawahar Lal Nehru Customs House, Post Office Nivasheva, District Raigad, Maharashtra.

...RESPONDENTS

Argued by: Sh. K. K. Thakur, Advocate, counsel for respondent no.1.
Sh. Satya Pal Jain, Addl. Solicitor Genl. Of India (Sr. Adv.) along with Ms. Nidhi Garg, Advocate, counsel for respondents no.2 to 5.

ORDER (ORAL)

HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)

1. Applicant, Sh. Maheshinder Singh Dhindsa, Superintendent of Customs (Preventive), initially preferred this Original Application (O.A.), to challenge the final Seniority List of Superintendent of Customs, for the period w.e.f. 01.08.1994 to 30.06.2010, wherein the Catch-up Rule was stated to have not been rightly followed, insofar as Reserved Category candidates, who were junior to him, were promoted.
2. Initially, the respondents refuted the claim of the applicant and filed reply, wherein while acknowledging the factual matrix and reiterating the validity of impugned action, they have stoutly denied all other allegations and grounds contained in O.A. and prayed for its dismissal.
3. However, during the course of arguments, at the very outset, learned counsel appearing on behalf of respondents has stated at the Bar that the impugned seniority list has already been amended vide order dated 21.10.2016 and the applicant has been assigned seniority at Sr. No.707 (ab), at the appropriate place, by the respondent-Board, in the current Seniority List and the matter with regard to Catch-up Rule is under consideration with the respondent Board and DOP&T.
4. At this stage, learned counsel for the applicant submitted that the present O.A. be disposed of as withdrawn, to enable

applicant to file a fresh O.A. at subsequent appropriate stage, to challenge the decision in the matter of catch-up Rule and validity of current Seniority List (if necessary).

5. Therefore, the O.A. is hereby disposed of with the aforesaid liberty, as prayed for.

6. Needless to mention that respondents will decide the matter of Catch-up Rule, before making any promotion, detrimental to the rights of the applicant in any manner, for the post in question

