

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.322/2018 with MA No.269/2018

This the 27th day of September, 2018

1. Amit Malhotra S/o. Purshottamkumar Malhotra
Aged 42 years, Male
Inspector, Central Excise & Customs,
Residing at C/33, Century Tower, Judges Bungalow Road
Bodakdev, Ahmedabad 380 054.

2. Rajendra Bhogoshya S/o. Haribabu
Male, Age 45 years
Inspector, Central Excise and Customs
Block No.6, Swamikrupa Society, Behind R.K.Hospital
Panchvati, Kalol 382 721.

3. Sanjeev Kumar Nair S/o. K.C.Nair,
Male, Aged 44 years

P.A. Waghodia under Fatehgunj, Vadodara.
Residing at : 690, Vaikunth-1, Bapod Jakatnaka
Waghodia Road, Vadodara 390 019. Applicant

(By Advocate : Ms. S.S.Chaturvedi)

VERSUS

1. Union of India

CAT, Ahmedabad Bench

Notice to be served through
Chief Post Master General
Khanpur, Ahmedabad 380 001.

2. Postmaster General
Pratap Gunj, Vadodara Region
Vadodara 390 002.
3. Senior Supdt. of Post Office
Vadodara West Division
Vadodara 390002. Respondents

(By Advocate : Ms. Prachi Upadhyay)

ORDER – ORAL

Per : Hon’ble Shri M.C.Verma, Member (J)

Heard. The prayer as has been made in this OA reads as
under :

- “(A) Be pleased to allow this present application
(B) “Be pleased to declare that the decision dated
15.12.2015 of this Hon’ble Tribunal in OA
No.405/2014 lays down the incorrect law with regard
to the issue at hand.
(C) Be pleased to declare a fixed date for the
applicability of the N.R.Parmar Judgment.
(D) Be pleased to direct the respondents herein to
implement the N.R.Parmar decision in accordance with
the applicable date across al cadres of the Respondents
Department.

CAT, Ahmedabad Bench

(E) Be pleased to direct that any and all re-fixation of seniority of Direct Recruit Inspector of Batches from 2004 to 2011 on the basis of the N.R.Parmar decision is illegal and erroneous and be further pleased to quash and set aside any and all seniority list created on this basis as well as any promotion orders passed on the basis of such erroneous seniority lists.

(F) Be pleased to Direct the respondents herein to recalculate the Seniority of the present applicants.

(G) Be pleased to pass any further order or directions of the Hon'ble Tribunal may deem fit in the interest of justice.

2. This OA firstly came up on Board on 15.6.2018 and at that time, the Tribunal raised query as to how the prayers as has been made is tenable, specifically prayer (B) of Para VIII of the OA?

3. Shri Alphas Rockey Advocate, who appeared for applicants argued at length how prayers (A), (B) and (C), mentioned at Para VIII are tenable and his contention revolves round the submission that judgment passed by the Tribunal was contrary to law and that decision of case of N.R.Parmar was not applicable. It was emphasized time and again that so far prayers (A) (B) and (C) relates, it is this Tribunal is not proper forum to agitate but learned counsel pressed the same again and again. Having gone

CAT, Ahmedabad Bench

through the records and having considered the matter in its entirety, we think that this present OA cannot be proceeded in its present form. At this stage, learned counsel submits that he may be allowed to withdraw this OA, with liberty to file proper application at proper forum. The withdrawal of the OA, thus is allowed and accordingly this OA is disposed off as withdrawn, with liberty to applicant to file proper application at proper forum. MA No. 269/2018 does not survive for consideration and thus stand disposed off.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)

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