

Central Administrative Tribunal
Principal Bench
New Delhi

R.A.No.181/2016
in
O.A.No.1762/2014
M.A.No.1516/2014
M.A.No.3778/2016

Order Reserved on: 17.01.2017
Order pronounced on 19.01.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri P. K. Basu, Member (A)

1. Vijay Ram Meena, Stenographer Grade-II
Aged about 36 years
Working as Stenographer
S/o Sh. Hari Kishan Meena,
R/o L-II/128-B, DDA Flats,
Kalkaji, New Delhi-19.

2. Anisha Kumari, Stenographer Grade-II
Aged about 37 years
Working as Stenographer
W/o Sh. Prakash Chand,
R/o B-7/10, Sector-15,
Rohini, Delhi.

3. Santosh Kumar Meena,
Stenographer Grade-II
Aged about 30 years
Working as Stenographer
S/o Ramphool Meena,
Garhi Ashroo, Near Railway STATOPM,
Santra Devi School, Gurgaon.

4. Rakesh Kumar, Stenographer Grade-II
Aged about 28 years

Working as Stenographer
S/o Ram Karan Singh,
B-3, Bal Udhon Road,
Uttam Nagar.

5. Zakir Hussain, Stenographer Grade-II
Aged about 40 years
Working as Stenographer
S/o Sh. Mulazim Husen,
R/o RZD-II/105 FF, Gali No.5,
Mahavir Enclave, New Delhi.
6. Sh. Arun Kumar Sinha, Stenographer Grade-II
Aged about 31 years
Working as Stenographer
S/o Sh. Raj Kumar Prasad,
R/o A-40, Sainik Nagar, Uttam Nagar
Nawada, New Delhi-59.
7. Gyan Prakash Tripathi, Stenographer Grade-II
Aged about 28 years
Working as Stenographer
S/o Sh. Daya Nidhi Tripathi,
R/o Flat No. 407, Shipra Tower,
Sec.-04, Vaiashali,
Ghaziabad, U.P.
8. Santwana Snehi, Stenographer Grade-II
Aged about 30 years
Working as Stenographer
S/o Sh. Birendra Kumar,
R/o Qtr. No. N, Block-132,
Sector-4, Pushpa Vihar,
South Delhi-17.
9. Dhananjay Kumar, Stenographer Grade-II
Aged about 29 years
Working as Stenographer
S/o Sh. Rajendra Singh,
R/o Flat No. 702, Shipra Tower,

Sec.04, Vaishali,
Ghaziabad, U.P.

10. Navin Mudgal, Stenographer Grade-II
Aged about 31 years
Working as Stenographer
S/o Sh. Laxmi Narayan Mudgal,
R/o 412, Sec-9, Panchkula,
Haryana-134109.
11. Ashish Kumar Dubey, Stenographer Grade-II
Aged about 30 years
Working as Stenographer
S/o Sh. Santosh Dubey,
R/o H.No. 268, IIInd Floor,
Gandhi Vihar, Mukharjee Nagar,
New Delhi.
12. Rakesh Kumar Mishra, Stenographer Grade-II
Aged about 28 years
Working as Stenographer
S/o Sh. Hari Nath Mishra,
R/o RZF-128-B, Sadh Nagar-II,
Palam Colony, New Delhi-45.
13. Vishal Kumar, Stenographer Grade-II
Aged about 30 years
Working as Stenographer
S/o Sh. A.K. Prasad,
R/o Flat No. 502, Shipra Tower,
Sec.-04, Vaishali,
Ghaziabad, U.P.
14. Rameksh Kumar Gupta, Stenographer Grade-II
Aged about 32 years
Working as Stenographer
S/o Sh. Ramdas Saw,
R/o H.No. 920, Type-II,
Block-22, NH-4, Faridabad.

15. Kulvinder Singh, Stenographer Grade-II
Aged about 28 years
Working as Stenographer
S/o late Shivnath Singh,
R/o 752/53, Guru Ram Dass Nagar Extn.,
Laxmi Nagar, Delhi-92.
16. Kumar Sachin Sinha, Stenographer Grade-II
Aged about 22 years
Working as Stenographer
S/o Sanjay Kumar,
J-14-A, Sagarpur, B-Block,
West Sagarpur, New Delhi.
17. Ram Gahan Ram, Stenographer Grade-II
Aged about 42 years
Working as Stenographer
S/o Sh. Shree Ram,
R/o C-17, Type-IV, South Moti Bagh,
Nanak Pura, New Delhi-22.
18. Ashutosh Kumar, Stenographer Grade-II
Aged about 38 years
Working as Stenographer
S/o Sh. Bimal Singh,
R/o A-51(B) Shakti Vihar,
Mohan Garden, Near Geeta Mandir,
New Delhi-59.
19. Dhiraj Kumar, Stenographer Grade-II
Aged about 32 years
Working as Stenographer
S/o late Sh. Sadanand Prasad,
R/o Flat No. 606, Shipra Tower,
Sec.-04, Vaiashali,
Ghaziabad, UP.
20. Pramod Kumar Singh, Stenographer Grade-II
Aged about 33 years
Working as Stenographer

S/o Sh. Suresh Prasad Singh,
 R/o 1-2nd Floor-4, Kansal Niwas,
 Madangir-2.

21. Rabindra Kumar, Stenographer Grade-II
 Aged about 31 years
 Working as Stenographer
 S/o Sh. Sheonandan Mehto,
 R/o Flat No. 101, Shipra Tower,
 Sec.-04, Vaishali,
 Ghaziabad, UP.

22. Prashant Yadav, Stenographer Grade-II
 Aged about 26 years
 Working as Stenographer
 S/o late Sh. Shoorveer Singh,
 R/o RZ-12A, Todermal Colony Extn.,
 Raghbir Block, Najafgarh,
 Delhi.

23. Suresh Chand Meena, Stenographer Grade-II
 Aged about 36 years
 Working as Stenographer
 S/o Sh. Birbal Meena,
 R/o H.No. 1773-II,
 Faridabad.

24. Vinita Khaneta, Stenographer Grade-II
 Aged about 29 years
 Working as Stenographer
 W/o Sh. Manoj Kumar
 R/o 79-A, Pocket J&K
 Dilshad Garden, Delhi.

Applicants

(By Advocate: Sh. M.K. Bhardwaj)

Versus

1. The Secretary (Revenue),
 Ministry of Finance,
 North Block, New Delhi.

2. The Chairperson,
Central Board of Excise & Customs,
North Block, New Delhi.

3. The Chief Commissioner,
Central Excise & Service Tax (DZ),
C.R. Building, I.P. Estate,
New Delhi. .. Respondents

(By Advocate: Sh. Rajeev Kumar)

O R D E R

By V. Ajay Kumar, Member (J):

R.A.No.181/2016:

The Review Applicants, who were originally working as Stenographer Grade-III and were upgraded as Stenographer Grade-II filed the OA No.1762/2014 seeking a direction to consider them for promotion to the post of Inspectors (Central Excise). The said OA No.1762/2014 was dismissed by this Tribunal on 22.09.2014.

2. The Writ Petition (Civil) No.2570/2016 filed by the Review Applicants was disposed of by the Hon'ble High Court of Delhi by its Order dated 18.07.2016, as under:

"Challenge in this writ petition is to the order dated 22nd September, 2014 passed by the Central Administrative Tribunal in O.A. No.1762/2014.

After some hearing in the matter, it is agreed that the present writ petition may be disposed of, granting leave to the petitioner to place additional affidavit on record of the Tribunal. Simultaneously, the petitioner will also make application for review and the respondents will not raise any objection as to the limitation for filing such review and that the review shall be heard on its merits in open Court.

The writ petition is disposed of in the above terms. The parties shall appear before the Tribunal on 10th August, 2016. It is made clear that the interim order dated 23rd March, 2016

shall remain in force till the case is decided or the said order is varied by the Tribunal."

3. In view of the leave granted as above, by the Hon'ble High Court, the present RA is filed.

4. Heard Shri M.K.Bhardwaj, the learned counsel for the applicants and Shri Rajeev Kumar, the learned counsel for the respondents, and perused the pleadings on record.

5. The learned counsel for the review applicants would mainly submit that as the respondents have granted certain benefits for the Stenographers Grade-III, who were upgraded as Stenographers Grade-II, in other Zones, but the same were not granted to the applicants who are in Delhi Zone, and as the applicants could not place those documents and facts before this Tribunal at the time of disposal of the OA, the Hon'ble High Court granted leave to place the same by way of an additional affidavit on record before this Tribunal and also permitted to file the present review, the same may be allowed and the OA may be restored and reheard after taking into account the additional affidavit and the documents enclosed thereto.

6. The learned counsel appearing for the respondents denied that any discrimination was shown to the applicants when compared to other identical Stenographers.

7. In view of the leave granted by the Hon'ble High Court to place additional affidavit on record of the Tribunal, and the same cannot be done without restoring the OA, and in the circumstances and for the

reasons mentioned in the RA, the same is allowed. Accordingly, the OA is restored its original number and be listed for hearing. No costs.

O.A.No.1762/2014:
M.A.No.3778/2016:

8. The additional affidavit filed, by way of MA No.3778/2016, on 02.08.2016 along with the Annexures thereto, shall be taken on record on the main OA. The MA is accordingly allowed. The respondents may file their additional reply, if any, to the said additional affidavit, before the next date of hearing of the OA.

List the OA on 20.02.2017

(P. K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

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