

**Central Administrative Tribunal
Principal Bench
OA No.1315/2014**

New Delhi this the 21st day of December, 2016

Hon'ble Sh. Raj Vir Sharma, Member (J)
Hon'ble Sh. K.N. Shrivastava, Member (A)

Sh. Ravinder Singh
S/o Late Sh. Ishwar Singh
Age about 44 years working as Inspector Central Excise & Customs
R/o Intellegentsia Apartment
Flat No.206, Plot No.60
Sector 56, Gurgaon
Haryana-122011. ... Applicant

(By Advocate: Mr. Atul T N)

Versus

1. The Chief Commissioner
Central Excise, Delhi Zone
IP Estate, New Delhi-1.
2. The Commissioner of Central Excise
Central excise Commissionerate, Delhi-1
Central Revenue Building
IP Estate, New Delhi-1
3. The Additional Commissioner (P&V)
Central Excise Commissionerate, Delhi-1
Central Revenue Building
IP Estate, New Delhi-1. ... Respondents

(By Advocate: Mr. H K Gangwani)

ORDER (ORAL)

K.N. Shrivastava, Member (A)

The applicant is an Inspector in Central Excise Department. The respondents vide Annexure A-12 order dated 01.11.2013 determined his seniority in the cadre of Inspector. The relevant part of the order dated 01.11.2013 is reproduced below :-

“In view of the above, it is ordered that the seniority of Sh. Ravinder Singh (DOB-13.08.1971) is hereby fixed w.e.f. 21.05.2011 in Central Excise Commissionerate, Delhi Zone. The seniority of Sh. Ravinder Singh Inspector is hereby re-fixed above Ms. Veena Hindwan (DOB-2.11.1957) Inspector and below Joseph P. Kurikose (DOB-26.06.1963) Inspector in the Seniority list of Inspectors as on 31.12.2003.

"The seniority re-fixed as above, is subject to review in the light of the Judgment passed by the Hon'ble Supreme Court in the case of N.R. Parmar. The re-fixation of seniority in the grade of Inspectors In Central Excise, Delhi Zone, is also subject to outcome of litigations, If any, pending on the issue seniority/promotion within any judicial forum."

2. Later on, on the receipt of representations from some aggrieved persons, the respondents issued the impugned Annexure A-I order dated 20.02.2014 altering the applicant's position in the seniority list. The grievance of the applicant is that Annexure A-I order has been passed without giving any notice to him and as such the respondents have failed to observe the principals of natural justice in the matter.

3. Brief arguments of learned counsel of the parties heard today. The contention of the learned counsel for the respondents is that Annexure A-I order is just a rectification of the mistakes that were committed in the earlier Annexure A-12 order while fixing the seniority of the applicant. Be that as it may, we are fully convinced that the applicant was entitled for a notice before his seniority was changed vide the impugned Annexure A-I order and only after considering his representation any order re-fixing his seniority could have been passed. Hence, we set aside the Annexure A-I order dated 20.02.2014 . Respondents are directed to issue notice to the applicant and pass a fresh order regarding re-fixation of his seniority after taking into consideration his representation, if any and after according him an opportunity of being heard.

4. Accordingly, OA is disposed of.

(K.N. Shrivastava)
Member (A)

(Raj Vir Sharma)
Member (J)

