

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO.060/00092/2017

Chandigarh, this the 15th day of November, 2017

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**CORAM:HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J) &
HON'BLE Ms. P. GOPINATH, MEMBER (A)**

Sanjeev Singh son of Surat Singh, aged 51 years, working as Superintendent, Central Drawback Cell, Customs Commissionerate, Ludhiana, Punjab (Group 'B')

....Applicant

(Argued by: Shri V.K. Sharma, Advocate)

VERSUS

1. Union of India through the Revenue Secretary, Government of India, Ministry of Finance, Department of Revenue, Central Board of Excise and Customs, 4th Floor, Hudco Vishala Building, Bhikaji capa Place, R.K. Puram, New Delhi.
2. Directorate General of Human Resource Development, Central Board of Excise & Customs, Department of Revenue, Ministry of Finance, Bhai Veer Singh Sadan, Bhai Veer Singh Road, Gole Market, New Delhi – 110001.
3. Union of India through Secretary, Government of India, Ministry of Personnel, Public Grievances & Pension, Department of Personnel & Training, North Block, New Delhi.
4. Chief Commissioner, Customs & Central Excise (CZ) Chandigarh –I, Central Revenue Building, Plot No. 19, Sector 17 C, Chandigarh – 160017.
5. Additional Commissioner (P&V), office of Central Excise, Excise, Chandigarh –I, Central Revenue Building, Plot No. 19, Sector 17 C, Chandigarh – 160017.

.....**Respondents**

(Argued by: Sh. Ram Lal Gupta, Advocate)

**ORDER (Oral)
JUSTICE M.S. SULLAR, MEMBER (J)**

1. As is evident from the record, that applicant Sanjeev Singh s/o Surat Singh, working as Superintendent, Central Drawback Cell, Customs Commissionerate, Ludhiana (Punjab), has preferred the instant Original Application (O.A.), claiming the following main reliefs, on the various grounds, mentioned therein the main O.A.

“(1) To declare that the respondents are under obligation to prepare seniority list in accordance with law laid down in the case of Union of India etc. Vs. N.R. Parmar etc. 2013 (2) SCT 287 and decision of this Hon’ble Tribunal in the cases of Krishan Dutt etc Vs. UOI etc. O.A. No. 060/01043/2014 decided on 30.10.2015 and O.A. NO. 060/00905/2015- Mohinder Singh Sandhu etc Vs. UOI etc. decided on 15.09.2016 and then hold DPC for promotion to the post of Assistant Commissioner against the panel for the years 2014-15 and 2015-16 and if found fit promote him from due date with all the consequential benefits.

(2) To quash order/letter dated 27.12.2016 (Annexure A-1) which has been issued ignoring the legal position in aforesaid cases.

(3) To quash the clause (h) & (i) of para 5 of letter dated 4.3.2014 (Annexure A-9) which lays down the principles of determination of seniority of direct recruits and promotes as settled by Hon’ble Apex Court in the case of Union of India Vs. N.R. Parmar would be applicable from 27.11.2012 and past cases will not be reopened which goes contrary to the judgment of Apex Court in the case of N.R. Parmar (supra) as the judgment is in the nature of clarification of instructions dated 2.7.1986 and 3.7.1986 which relates back to the date of issuance of instructions and the letter 2.12.2016 (Annexure A-1/1) issued by respondents based on the letter dated 4.3.2014 (Annexure A-9).

(4) To issue direction to the respondents to recast the seniority of applicant who is a direct recruit inspector on the basis of dictum of the Hon’ble Apex Court in the case of Union of India and others Vs. N.R. Parmar (supra) with all consequential benefits including the revision of seniority in the seniority list of Superintendents of Chandigarh Zone and All India seniority list of Superintendents for purpose of promotion to the post of Assistant Commissioner of Customs and Central Excise.”

2. On the contrary, although to begin with, the respondents have refuted the claim of the applicant, and filed the written statement, stoutly denying all the allegations and grounds, contained in the O.A., and prayed for its dismissal, but during the course of the arguments, learned counsel for the respondents has fairly acknowledged that the competent authority is legally obliged to prepare and finalize the seniority list of Inspectors/TAs/UDCs, as per relevant law/rule and instructions.

3. Having heard learned counsel for the parties, having gone through the record, with their valuable assistance, after considering the entire matter, and without expressing any opinion on merits, lest it may prejudice the case of either side, during the course of preparing the final seniority list, the instant O.A. is hereby disposed of with a direction to the competent authority

amongst the respondents, to prepare the final seniority list of Inspectors/TAs/UDCs, in accordance with law, within a period of three months positively, from the date of receipt of certified copy of this order.

Copy Dasti.

(P. GOPINATH)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Dated: 15.11.2017

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