

**Central Administrative Tribunal
Madras Bench**

MA 310/00345/2018 & OA 310/00883/2018

Dated Tuesday the 10th day of July Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

1. Richard Jude O'Connor
2. Jagan Mohan Thota
3. Daya J. Rao
4. V.S. Ramesh
5. R. Ramesh
6. Santhoshkumar C Menon
7. K.S. Ashokan
8. V. Rajaram
9. V. Venugopalan
10. S. Jose Mathai .. Applicants

By Advocate M/s. V. Vijay Shankar

Vs.

1. Union of India through
Secretary to Government of India
Ministry of Finance
Department of Revenue
North Block, New Delhi – 110 001.
2. Chairman
Central Board of Indirect Taxes and Customs
North Block, New Delhi – 110 001.
3. Director General
Directorate General of Human Resource Development
Custom and Central Excise
507/8, Deep Shikha Building
Rajendra Place, New Delhi 110 008.
4. Commissioner of Customs (General)
VIII Commissionerate, Custom House
60, Rajaji Salai, Chennai 600 001.

5. M. Adhiyaman

Assistant Commissioner of Customs
O/o. Chief Commissioner of Customs
Chennai Customs Zone
Customs House
60 Rajaji Salai, Chennai 600 001.

6. G. Sridhar

Assistant Commissioner of Customs
O/o. Chief Commissioner of Customs
Chennai Customs Zone
Customs House
60 Rajaji Salai, Chennai 600 001.

7. M. Pandaram

Assistant Commissioner of Customs
O/o. Chief Commissioner of Customs
Chennai Customs Zone
Customs House
60 Rajaji Salai, Chennai 600 001.

8. M. Sudhakar

Assistant Commissioner of Customs
O/o. Chief Commissioner of Customs
Chennai Customs Zone
Customs House
60 Rajaji Salai, Chennai 600 001.

9. M. Vijaya

Assistant Commissioner of Customs
O/o. Chief Commissioner of Customs
Chennai Customs Zone
Customs House
60 Rajaji Salai, Chennai 600 001.

10. T.L. Vijayakumar

Assistant Commissioner of Customs
O/o. Chief Commissioner of Customs
Chennai Customs Zone
Customs House
60 Rajaji Salai, Chennai 600 001.

11. K. Ramesh

Assistant Commissioner of Customs
O/o. Chief Commissioner of Customs

Chennai Customs Zone
Customs House
60 Rajaji Salai, Chennai 600 001.

12. Harendra Singh Pal
Assistant Commissioner of Customs
O/o. Chief Commissioner of Customs
Chennai Customs Zone
Customs House
60 Rajaji Salai, Chennai 600 001. .. Respondents

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. MA 345/2018 filed for joining the applicants together and file single original application is allowed.

2. The applicant has filed this OA seeking the following relief:-

“To call for the records of the respondents’ Order No. 79/2018 dated 11.5.2018 in file A-32012/11/20178-Ad.II, of the 2nd respondent and quash the same in so far as it grants promotions to the respondents 5 to 12 and consequently direct the respondents to include and promote the applicants as Assistant Commissioner of Customs and Central Excise with all consequential and attendant benefits”

3. Learned counsel for the applicants submits that the applicants had filed OA 424/2018 before this Tribunal inter alia seeking the benefit of the order of the Chandigarh Bench in OA 060/254/2017 dated 08.02.2018 and the matter is pending before the Bench. If the relief sought therein is granted, the applicants would be senior to the private respondents who are granted promotion by Annexure A21 impugned order dated 11.05.2018. As the impugned order has been passed without considering the claim of the applicants for seniority on the strength of the order of the Chandigarh Bench and without reference to the fact that the matter is pending, this OA is filed seeking quashment of the impugned order to include and promote the applicants as Assistant Commissioner of Customs and Central Excise.

4. I have considered the matter. If an OA is already pending before this Tribunal seeking seniority over the very same persons who have been promoted by

the impugned order herein and such impugned order had been passed during the pendency of such OA, it would be more convenient to deal with the issue by permitting the applicants therein to amend the OA appropriately to incorporate the new developments instead of dealing with it as a separate issue calling for separate adjudication. Accordingly applicants are directed to withdraw this OA and file a MA in the relevant OA for amendment of the pleadings and prayer as also respondents arrayed therein so as to include the alleged juniors as private respondents.

5. OA is disposed of with the above directions.

(R.Ramanujam)
Member(A)
10.07.2018

AS