

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00409/2017

Jabalpur, this Wednesday, the 10th day of October, 2018

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Mr. Alok Dixit, Son of Shri Ram Babu Dixit, R/o 218, Garden Homes, Phase-2, City Center, Gwalior, MP, aged 55 years, Presently posted as Superintendent, Customs, Central Excise & Service Tax, Ujjain, MP, presently in Delhi **-Applicant**

(By Advocate – Shri Manoj Sharma)

V e r s u s

1. Union of India through Ministry of Finance, Department of Revenue, Revenue Secretary, North Block, New Delhi.
2. Central Board of Excise & Customs through its Chairman, Department of Revenue, North Block, New Delhi.
3. DG (HRD) 408-409, Deep Shikha Building, Rajendra Place, New Delhi.
4. Chief Commissioner of Bhopal, Central Excise Zone, M.P. & Chhattisgarh, CRB, Opposite Maida Mill, Hoshangabad Road, Bhopal MP.
5. Mr. Kripanand Bharti,
Respondents Nos.5 to be served through R-4

- Respondents

(By Advocate – Shri Himanshu Shrivastava)

ORDER (ORAL)

By Navin Tandon, AM.

The applicant is working as Superintendent, Customs Central Excise and Service Tax. He was aggrieved by the fact that

during cadre promotion of Inspector to Superintendent, some reserved candidates were placed against the vacancies for unreserved slots, and therefore, they have become senior to the applicant.

2. During the pendency of this O.A, the respondent department have corrected the seniority, according to which, the seniority has been modified vide order dated 23.06.2018 (Annexure IA/2) at the Zonal level and at the National level on 06.04.2018 (Annexure IA/13), which was filed along with MA No.200/541/2018. However, in the DPC, which was convened on 09.05.2018 for the post of Assistant Commissioner, Central Excise and Customs, the seniority was taken from the uncorrected seniority list, which has been impugned in this O.A.

3. The respondents have submitted that this was done in compliance of the direction of Hon'ble Supreme Court dated 26.04.2018 in Special Leave to Appeal (C) No(s). 4870-4871/2018 (**Union of India & Ors. vs. P. Bharathan & Ors.**). He has filed copy of the SLP along with order sheets, which is taken on record.

4. Perusal of the same clearly shows that it is the seniority between the direct recruits and promotees as a fall out of decision

of Hon'ble Apex Court in the case of **Union of India vs. N.R. Parmar**, (2012) 13 SCC 340, and it has no relationship to the present case wherein the seniority has been modified based on reserved to reserved and unreserved to unreserved criteria.

5. Accordingly, the respondents are directed that they should conduct the review DPC for the DPC, which was held on 09.05.2018 on the basis of seniority, as revised on 06.04.2018. This exercise should be completed within a period of 45 days from the date of receipt of a certified copy of this order.

6. With these observations, the O.A stands disposed of. No costs.

**(Ramesh Singh Thakur)
Judicial Member**

am/-

**(Navin Tandon)
Administrative Member**