

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00272/2017

Jabalpur, this Friday, the 16th day of November, 2018

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

1. Umakant Dubey, Superintendent, S/o Late Shri Govind Prasad Dubey, DOB: 29.12.1961, 47/1, Nehru Nagar (West), Bhilai, District – Durg (Chhattisgarh) – 490020.

2. Shakti P. Panigrahi, Superintendent, S/o Late Shri N.N. Panigrahi, DOB: 28.08.1960, Near Indira Chowk, Pramod Tiwari Gali, Shyam Nagar, Post Office- Ravigram, District – Raipur (Chhattisgarh) – 492001

-Applicants

(By Advocate – Shri Amalpushp Shroti)

V e r s u s

1. Union of India through its Secretary, Ministry of Finance, Revenue Department, North Block, New Delhi – 110001.

2. Central Board of Excise and Customs through its Chairman, Revenue Department, North Block, New Delhi – 110001.

3. Additional Director General (HRM I), Central Board of Excise and Customs, Directorate General of Human Resources Development, 409/08, Deep Shika, Rajendra Palace, New Delhi – 110008.

4. Chief Commissioner of Central Excise, Cadre Controlling Authority, Madhya Pradesh and Chhattisgarh, 48, Administrative Area, Arera Hills, Hoshangabad Road, Bhopal – 462001.

5. Principal Commissioner of Customs and Central Excise, Manik Bagh Palace, Indore (M.P.) 452001

-Respondents

(By Advocate – Shri Siddharth Seth)

ORDER (O R A L)

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 at the Zonal level and at the National level on 06.04.2018 (Annexure IA/1), which was filed along with MA No.200/1198/2018. 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.**). The respondents have filed copy of the SLP along with order sheets, which were taken on record in OA No.200/00409/2017, decided vide order dated 10.10.2018 (Annexure-IA/2).

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. Since similar issue has already been decided in the case of **Alok Dixit vs. Union of India & Ors.** (OA No.200/409/2017), this O.A is accordingly disposed off in similar fashion.

6. 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 (Annexure IA-1). This exercise should be completed within a period of 45 days from the date of receipt of a certified copy of this order.

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

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-