



**CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH**

No. O.A. 350/01689/2014

Date of order: 7.11.2016

Present: Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

**MAHADEB NASKAR & ORS.**

**VS.**

**UNION OF INDIA & ORS. (Finance)**

For the Applicants : Mr. A.K. Bairagi, Counsel  
Mr. S.K. Dutta, Counsel

For the Respondents : None

**O R D E R (Oral)**

**Per Justice Shri Vishnu Chandra Gupta, Judicial Member:**

Heard the Ld. Counsel for the applicants as none appears for the respondents.

2. The applicants who are working as Senior Tax Assistant in the Customs Department claiming themselves to be eligible for promotion to the post of Inspector PO/EO. They appeared in the examination being eligible candidate for promotion. They cleared the written test. When they qualified in the written test their age were less than 50 years but they have been denied promotion on the ground that they have crossed over 50 years of age at the time of DPC.

3. The following reliefs have been claimed by the applicants in the Original Application:-

"8.(a) To pass an order or direction upon the Respondent Authorities particularly the Respondent No. 1 to take decision regarding clarification of the Recruitment Rules for promotion to the post of Inspector PO/EO in the Department of Customs at par with the same and identical issues in the case of Department of Central Excise and issue Order of Promotion after DPC to the Applicants to the post of Inspector PO/EO within specified time limit.

(b) To pass such other further order/orders as your Lordship may deem fit and proper.

(c) Leave may kindly be granted to file this application jointly under Rule 4(5)(a) of the CAT's Procedure Rule, 1987."

4. Reply has been filed by the respondents wherein the eligibility of the applicants was also disputed and it is contended that the judgment of Chandigarh Bench of this Tribunal is not applicable in this case. The applicants pointed out <sup>a</sup> the clarification wherein it has been mentioned that the applicants cleared the written examination before 50 years of age and hence there shall be no age limit as per notification. That notification has not been annexed with the O.A.

5. It is not brought on record that on what ground the applicant has not been granted promotion.

6. Hence in view of the above, we direct the respondents to consider the claim of the applicants for promotion to the post of PO/EO if not considered earlier in accordance with the law and the law propounded by the Chandigarh Bench of this Tribunal in O.A. No. 202/PB/2009 dated 17.3.2010 **Prem Singh v. Union of India & ors.** This exercise may be completed within six months from the date of communication of this order.

7. With this observation, the O.A. is finally disposed of. There shall be no orders as to cost.

(Jaya Das Gupta)  
MEMBER(A)

  
(Vishnu Chandra Gupta)  
MEMBER(J)

SP