

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/147/2017
M.A. 350/148/2017
M.A. 350/67/2017

Date of Order: 09.04.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Dina Nath Kar, son of Purna Chandra Kar, aged about 44 years, working as Inspector, Group-B, Non-Gazetted, Head Quarter Law Section, Central Excise, Kolkata- I Commissionerate, Kolkata Kendriya Utpad Shulk Bhawan, 180, Shantipally, Raddanga Main Road, Kolkata- 107, residing at 22, Square Land Park, Haltu, Kolkata- 700 078.

2. Vishwajit Sarkar, son of Sachin Chandra Sarkar, aged about 46 years, working as Inspector, Group-B Non-Gazetted, Head Quarter Inspection Section, Central Excise Kolkata- I Commissionerate, Kolkata, Kendriya Utpad Shulk Bhawan, 180, Shantipally, Rajdanga Main Road, Kolkata- 107, residing at Vill. North Banga, P.O. Gaighata, Dist- North 24 Parganas, Pin- 743249.

3. Sukhen Das, son of late Badal Chandra Das, aged About 44 years, Inspector, Group-B, Non-Gazetted Head Quarter CCR Unit, Central Excise, Kolkata- I Commissionerate, Kolkata, Kendriya Utpad Shulk Bhawan, 180, Shantipally, Rajdanga Main Road, Kolkata- 700 107, residing at 1470, Naskarhat Road, P.S. Kasba, P.O. Tiljala, Kolkata- 700 039.

.....Applicants.

-versus-

1. Union of India through the Secretary to the Govt. Of India, Ministry of Finance, Department of Revenue, North Block, New Delhi- 110 001.

2. The Chairman, Central Board of Excise & Customs,

North Block, New Delhi- 110 001.

3. The Member (P&V), Central Board of Excise & Customs, Ministry of Finance, Department of Revenue, North Block, New Delhi- 110 001.
4. The Principal Chief Commissioner of Central Excise, KUS Bhawan, 1st Floor, 180, Rajdanga Main Road, Shantipally, Kolkata- 700 107.
5. The Commissioner of Central Excise, Kolkata- II, Customs House, MS Building, 15/1, Strand Road, Kolkata- 700 001.
6. The Principal Commissioner of Central Excise, Kolkata- I Commissionerate, KUS Bhawan, 180, Rajdanga Main Road, Shantipally, Kolkata- 700 107.
7. Shri Subrata Sarkar, Superintendent, Service Tax, Audit Compliance Section, Service Tax-I Commissionerate "Kendriya Utpad Shulk Bhawan" (3rd Floor), 180, Rajdanga Main Road, Shantipally, Kolkata- 700 107.
8. Smt. Sarmistha Mishra (Dey), Superintendent, Risk Management & Quality Assurance, Audit-II Commissionerate, Bamboo Villa (6th Floor), 169, A.J.C. Bose Road, Kolkata- 700 014.



.....Respondents.

For the Applicant : Mr. S.K. Dutta, Counsel

For the Respondents : Mr. A. Roy, Counsel
Mr. A.K. Manna, Counsel
Mr. Ms. P. Goswami, Counsel
Mr. D. Dhar, Counsel

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

Heard Id. counsel for both the parties.

2. The MA. 350/67/2017 has been filed by the applicants of OA. 147/2018 praying for permission to move the OA jointly under Section 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987.

Mr. S.K. Dutta, Id. counsel appearing on behalf of the applicants submitted

that all the applicants (3 in number) have common cause of action and common interest in this matter, therefore, they should be allowed to contest the matter jointly under the provisions contained in Section 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987.

After considering the facts and circumstances of this case, I find that all these applicants have common cause of action and common interest in the matter. In view of above, the MA. 350/67/2017 for joint petition is allowed.

3. The MA. 350/148/2017 has been filed by the applicants of OA. 350/147/2017 praying for allowing amendment of the cause title of OA. 350/147/2017. Prayer is allowed and therefore the MA. 350/148/2017 is also allowed.

4. In the instant application the applicants inter alia praying for a direction upon the respondents to give consequential benefits of revision of seniority of the applicants as shown in Revised Seniority List of UDC dated 26.07.2016 and further directing them to revise the date of promotion of the applicants on the basis of such revision in the grade of Inspectors.

5. At the outset of the arguments in advance, Mr. S.K. Dutta, Id. counsel for applicant submitted that the applicants have filed a supplementary affidavit arising out of OA. 350/147/2017 annexing the representation of the applicants before the respondent authority with request to consider their case sympathetically so that the applicants may re-gain actual seniority in the grade of Inspector over and above the Inspectors who have already promoted to the grade of Superintendent. It was also requested to kindly fix their seniority in the grade of Inspector above the officers who are junior to them as per re-casted seniority list of UDC and date of effect of promotion to the grade of Inspectors should be given on the date

when their junior got promotion.

6. However, till now, no reply has been filed by the respondent authority.

7. We are of the view that as the matter relates to the seniority, let the appropriate authority decide the issue of seniority of the applicants, as prayed for in their representations.

8. Accordingly, without going into the merits of this case, we direct the respondent authority to dispose of the individual representations of the applicants made in different dates 14.10.15, 27.08.14 & 12.10.15 which are very much acknowledged by the respondent authority and to consider the case of the applicants within a period of 4 months from the date of receipt of this order.

9. It is made clear that the decision so arrived, shall be reasoned and speaking and shall be communicated to the applicant forthwith.

10. It is also made clear that if the applicants are further aggrieved by the decision so taken by the authority, they may approach before the authority for redressal.

11. With the above observations and directions, the OA stands disposed of.

12. Consequently, the MAs are also disposed of.

13. No costs.

(Dr. Nandita Chatterjee)
Member (A)
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(Manjula Das)
Member (J)



