

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

Original Application No. 332/00135/2018

This, the 07th day of May, 2018

Hon'ble Mr. Justice V.C. Gupta, Member (Judicial)

1. S. C. Shukla s/o A.P. Shukla, Superintendent (Retired) Customs & Central Excise R/o B-29, Sector 'O' Aliganj, Lucknow.
2. N C Pandey S/o Ram Chandra Pandey, Assistant Commissioner (Retd.) Customs & Central Excise R/o 107, Marutipuram Faizabad Road, Lucknow 226016.
3. N N Lal s/o Vishwanath Lal, Assistant Director, National Academy of Customs, Indirect Taxes & Narcotics Zonal Campus Kanpur, r/o 10, Surendranagar, Ismailganj, Lucknow 206010.

.....Applicants

By Advocate : Sri N N Lal applicant no. 3.

Versus

1. Union of India, Through Secretary (Revenue), Ministry of Finance, Department of Revenue, North Block, New Delhi-1.
2. The Chairman, Central Board of Indirect Taxes & Customs, Ministry (CBIC) of Finance, Deptt. Of Revenue, North Block, New Delhi.
3. The Chief Commissioner, GST & Central Excise Zone, 7 A, Ashok Marg, Lucknow.

.....Respondents

By Advocate : Sri S. Lal.

**ORDER [Oral]
[Under Rule 19 (b) of CAT (Rules of Practice, 1993)]**

Heard Sri N.N. Lal on behalf of the all applicants and Sri S. Lal, learned counsel for the respondents at the admission stage.

2. The applicant no. 1 Sri S.C. Shukla is a retired superintendent of Customs & Central Excise on the date of

presentation of this original application. Applicant No. 2, Sri N.C. Pandey is also retired as Assistant Commissioner, Customs & Central Excise. However, Sri N.N. Lal, the applicant no. 3 is presently working as Assistant Director, National Academy of Customs, Indirect Taxes & Narcotics, Zonal Campus Kanpur. The post of Assistant Director, National Academy of Customs, Indirect Taxes & Narcotics is alleged to be equalent to Assistant Commissioner.

3. It has been contended that the applicant no. 1 joined in Collectorate of Central Excise, Indore on 24.04.1979, applicant no. 2 joined on 02.05.1981 in Central Excise Collectorate, Shillong and applicant no. 3 joined in Central Excise Collectorate, Bombey II on 03.05.1982. On the request of the applicants they were transferred to Allahabad and joined there on 25.10.1983, 16.09.1983 and 02.07.1985 respectively. The next promotion for them was the post of Superintendent for which 08 years residency period as Inspector is required. It was contended that on 10.09.1996 the President sanctioned 716 posts of Inspector which were upgraded to the level of Superintendent. It was also alleged that a decision has been taken that alongwith the upgradation of these posts, those Inspectors who have rendered 14 years or more service, would be upgraded as Superintendent. The upgradation exercise was carried out in Allahabad in two phases. The applicants were not considered and were not granted the benefit of upgradation as the respondents ignored the services rendered by the applicants prior to joining at Allahabad. It was further contended that the junior officer to the applicant namely D.K. Verma and Sri Sharad Kumar were promoted as Superintendent. The applicants made representation raising their grievances to Chief Commissioner of Central Excise who is the cadre controlling authority. These representations are annexed as Annexure No. A-8, A-9 and A-13 to this O.A. The applicants also seek the benefit of some judgment rendered by Principal Bench of this Tribunal in Original Application No. 651 of 1997.

4. The applicants No. 1 & 2 have already retired and applicant no. 3 is working as Assistant Director, National Academy of Customs, Indirect Taxes & Narcotics who is posted on a post higher than Inspector. The recruitment rules are not before this Tribunal. So this Tribunal finds it appropriate, for which the learned counsel for the respondents has no objection, that in case the respondents are directed to decide the representations

given by applicants within stipulated period.

5. Hence, in view of above for which parties are having consensus, this Original Application is finally disposed of without expressing any opinion on merit & limitation with direction to the competent authority / respondent no.3 to decide the representations of the applicant within a period of two months from the date of communication of this order by passing speaking and reasoned order under intimation to the applicants.
6. The applicants are directed to communicate the order passed by this Tribunal alongwith representations annexed as Annexure No. A-8, A-9 and A-13 within a period of two weeks from today.
7. In view of above, this Original Application is disposed of finally at the admission stage. However, there shall be no order as to costs.

**(Justice V. C. Gupta)
Member (J)**

JNS

