

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION No.115/2017**

**Date of Decision: 12.10.2018.**

***CORAM:HON'BLE DR. BHAGWAN SAHAI, MEMBER (A)***  
***HON'BLE SHRI R.N. SINGH, MEMBER (J)***

1. S. Varadarajan, Aged 53 years,  
Presently working as Inspector of  
Central Excise in the office of the  
Additional Commissioner of Customs  
(Preventive), Marine and Preventive Wing,  
100, Everest House, Marine Lines,  
Mumbai 400 004.  
R/at 1/6, Sector 7, C.G.S. Quarters, Antop  
Hill, Mumbai 400 037.
2. Paul Varghese, Aged 57 years,  
Presently working as Inspector of  
Central Excise, in the office of Superintendent  
of Customs (Preventive) Marine & Preventive  
Wing, Killa Bunder, Dahanu-Circle,  
Dist. Palghar. R/at 104, Shakti Dhara, Shakti  
Nagar Co-operative Housing Society,  
Ever Shine City, Vasai (E), Dist. Palghar.
3. Ms. Usha Vivek Menon, Aged 46 years,  
Presently working as Inspector of Central  
Excise in the office of Commissioner LTU,  
8<sup>th</sup> Floor, World Trade Centre-I, Cuffe Parade,  
Mumbai 400 005. R/at 201-Royale, C-Wing,  
Nilkanth Palms, Near DAV School, Thane (W).
4. T.N. Jayaprakash, Aged 53 years,  
Presently working as Inspector of  
Central Excise, in the office of Superintendent  
of Customs (Preventive) Marine & Preventive  
Wing, Dighi Port, Shrivardhan Circle,  
Plot No.253/1, Jeevan Bunder, Marine &  
Preventive Wing, Killa Bunder, Alibagh Division,  
Shrivardhan, Dist. Raigad-402 110.  
R/at A-03, Emereld CHS, Amu Nagar,  
Mhasoba Maidan, Kalyan (W) – 421 301.

5. Jaivant Narayan Shetya, Aged 51 years  
Presently working as Inspector of  
Central Excise, 28<sup>th</sup> Floor World-Trade  
Centre No.1 Cuffe Parade, Colaba,  
Mumbai 400 005.  
R/at B/102 Hanuman Chhaya CHS Ltd.,  
104 Tilak Nagar, Chembur, Mumbai 89.
  6. Rajesh Chandrakant Sawant, Aged 48 years,  
Presently working as Inspector of Central  
Excise, in the office of Commissioner of  
Customs Central Excise and Services Taxes,  
Nashik-I, Plot No.155, Sector P-34,  
N.H. Jaishtha and Vishakh CIDCO, Nashik-  
422 008. R/at Room No.29 B-Wing Chintamani  
Heights, Serene Meadows, Gangapur Road,  
Nashik – 422 013.
  7. Inamdar Rizwan A Mohammed Sahab,  
Aged 46 years presently working as  
Inspector of Central Excise, In the office of  
Commissioner of Customs Central Excise and  
Service Taxes, Nashik-I, Plot No.155, Sector  
P-34, N.H. Jaishtha and Vaishakh CIDCO,  
Nashik 422 008. R/at House No.1344,  
Inamdar Bldg., Near GOP Signal Khadkali  
Nashik – 422 001.
  8. Sanjay Manohar Thosar, Aged 49 years,  
Presently working as Inspector of Central  
Excise, In the office of Large Tax Payer Unit,  
LTU, Mumbai, 28<sup>th</sup> Floor, World Trade Centre,  
Cuffe Parade, Mumbai. R/at Plot No.11, Atithi  
Co-operative Housing Society, Liberty Garden,  
Road No.1, Malad (W), Mumai 400 064.
  9. Suresh Kaimal K.K., Aged 53 years,  
Presently working as Inspector of Central  
Excise, In the office of Large Tax Payer Unit,  
LTU, Mumbai, 28<sup>th</sup> Floor, World Trade Centre,  
Cuffe Parade, Mumbai. R/at 401, Ketki, Lokvatika  
Kalyan (W) – 421 301. ... *Applicants*
- (Advocate Shri Saikumar Ramamurthy)*

**VERSUS**

1. Union of India, through  
The Secretary, Ministry of Finance,

Dept. of Revenue, Govt. of India,  
North Block, New Delhi 110 001.

2. The Principal Chief Commissioner of  
Central Excise, Mumbai Zone – I,  
115, New Central Excise Bldg., M.K. Road,  
Churchgate, Mumbai 400 020.
  3. The Commissioner of Central Excise, Mumbai-1  
Zone 1, 115, New Central Excise Bldg.,  
M.K. Raod, Churchgate,  
Mumbai 400 020.
- ... **Respondents**
- (Advocate Shri R.R. Shetty)**

**ORDER** (Oral)

*Per : Shri R.N. Singh, Member (J)*

The Applicants (09 in number) working as Inspectors under the Respondents have approached this Tribunal challenging their non-promotion as Superintendents of Central Excise against available vacancies.

**2.** In pursuance to the notice issued by this Tribunal, the respondents have filed their reply and in it they have categorically stated that during the pendency of the aforesaid OA, the applicants have been promoted to the post of Superintendent vide order dated 10.03.2017 (Annex. R-1). The Respondents have further stated that the demand of the applicants for grant of promotion from 30.09.2014 or from the date on which the vacancies arose cannot be granted in the light of the settled legal

position that promotions are always prospective and not retrospective unless they are being granted by Review DPC at par with their erstwhile juniors. Learned counsel for the respondents on the basis of such reply-affidavit has further contended that none of the juniors of the applicants have been promoted to the post of Superintendent before they have been so promoted.

**3.** In view of the above, learned counsel for the applicants seeks permission to withdraw this OA and further submits that the applicants shall make representation for redressal of their grievances, if any, survives in the matter.

**4.** In view of the above, the OA stands disposed of as withdrawn with liberty in accordance with law. No order as to costs.

***(R.N. Singh)***  
***Member (J)***

***(Dr. Bhagwan Sahai)***  
***Member (A)***

*dm.*