

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,**

**ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the 08<sup>th</sup> day of **March**, 2019

Present:

**Hon'ble Ms. Ajanta Dayalan, Member (A)**

**Hon'ble Rakesh Sagar Jain, Member (J)**

**Original Application No. 330/00153 of 2019**

(U/S 19, Administrative Tribunals Act, 1985)

Shyam Dhar, S/o Babu Lal, presently posted as Additional Commissioner, 38

M. G. Marg, C. G. S. T., District – Allahabad.

.....Applicant.

By Advocates – Shri Sameer Srivastava

**VERSUS**

1. Union of India through the Secretary, Ministry of Finance, Department of Revenue, New Delhi.
2. Chairman, Central Board of Excise and Customs, New Delhi.
3. Director, Human Resources and Development, Office of the C.B.E.C. New Delhi.
4. Mr. K. V. K. Suman, Additional Commissioner, R/o Type – V/333, Central Revenue Colony, Race Course, Vododara, Mobile No. 09913305339.

..... Respondents.

By Advocate : Shri L. P. Tiwari

**ORDER**

**Delivered by Hon'ble Ms. Ajanta Dayalan, Member (A) :**

Shri Sameer Srivastava, learned counsel for the applicant and Shri L. P. Tiwari, learned counsel for the respondents are present.

2. Counsel for the applicant states that applicant is seeking ante-dating of his promotion for Joint Commissioner, Customs and Central Excise as his

junior as per seniority dated 23.08.2010 (Annexure A-3), has already been promoted as such vide order dated 29.11.2018 (Annexure A – 12) w.e.f. 01.04.2006. Learned counsel for the applicant states that the applicant is still continuing to function as Assistant Commissioner, Custom and Central Excise despite being senior to Sri K.V.K. Suman who is junior in the seniority list. Counsel for the applicant also states that representation of the applicant dated 12.03.2018 (Annexure A-8) seeking the promotion to the grade of Assistant Commissioner w.e.f. 14.08.1998 is yet to be decided.

3. Counsel for the applicant states that applicant would be satisfied if the department is directed to consider and decide the representation of applicant dated 12.03.2018 in a time bound manner.

4. In view of limited prayer made by counsel for the applicant, the respondents are directed to consider the representation of the applicant dated 12.03.2018 (Annexure A-8), if not already decided, and to take decision in the matter by passing a reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order. The order so passed shall be communicated to the applicant.

5. The disposal of the O.A. in the above manner is not to be construed as any expression or opinion on the merits of the case.

6. Accordingly, O.A. is disposed of. No order as to costs.

**(RAKESH SAGAR JAIN)**  
**MEMBER-J**

**(AJANTA DAYALAN)**  
**MEMBER -A**

/Shashi/