

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Monday 21<sup>st</sup> day of January Two Thousand And Nineteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)  
THE HON'BLE MR. P. MADHAVAN, MEMBER (J)

M.A.310/00024/2019  
In &  
O.A. 310/00041/2019

1. V. Kumaraguru,
2. R. Suresh;
3. M. S. Karthikeyan;
4. N. Senthilvelan;
5. A. Sasirekah

(All are working as Preventive Officers working under the Chief Commissioner of Customs).

....Applicants in both MA & OA

(By Advocate: Mr. Ratiio Legis)

Versus

1. Union of India Rep. by  
The Secretary to the Government of India,  
Ministry of Finance, Department of Revenue,  
New Delhi- 110 001;
2. The Chairman,  
Central Board of Excise & Customs,  
North Block, New Delhi- 110 001;
3. The Chief Commissioner of Customs,  
Custom House, No.60, Rajaji Salai,  
Chennai- 600 001;

4. The Commissioner of Customs (CH-VIII)  
Custom House, No.60, Rajaji Salai,  
Chennai- 600 001;
  
5. The Secretary to the Government of India,  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel & Training,  
New Delhi- 110 001.

...Respondents in both MA & OA

(By Advocate: )

**O R A L   O R D E R**

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. M.A. 24/2019 filed seeking permission to join together to file a single OA is allowed.

2. The applicant has filed this OA seeking the following relief:-

"to direct the respondents to consider and promote the applicants as Superintendents of customs for year 2017-2018 in preference to and along with their juniors."

3. It is submitted that the applicants were aggrieved by Annexure-A/3 Order No.375/2018 dated 31.12.2018 wherein one K. Muthurani, allegedly junior to the applicants had been promoted to the grade of Superintendent of Customs (Preventive), Group-B (Gazetted) in the Level 8 of Pay Matrix of the 7<sup>th</sup> CPC i.e. Rs.47600-Rs.1,51,000/- with effect from 01.01.2019 overlooking the applicants' claim.

3. The applicants made individual representations earlier in this regard on 20.12.2018 (Annexure-A/8) followed by the one dated 3.1.2019 made after the issuance of the promotion order. It is alleged that Annexure-A/3 order had been issued in violation of clear DoP&T instructions regarding fixation of seniority and eligibility for promotion. The applicants would accordingly be satisfied if the competent authority is directed to consider their individual representations and pass a reasoned and speaking order within a limit to be set by the Tribunal, it is urged.

4. Keeping in view the limited relief sought and without going into the substantive relief of the case, we deem it appropriate to direct the competent authority to consider Annexure-A/8 individual representations of the applicants dated 20.12.2018 followed by another dated 3.1.2019 in accordance with law and relevant rules and pass a reasoned and speaking order within a period of three weeks from the date of receipt of copy of this order.

5. The O.A. is disposed in the above terms. No costs.

(P. MADHAVAN)  
MEMBER (J)

(R. RAMANUJAM)  
MEMBER (A)

21.1.2019

Asvs.