

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.157 OF 2019

Dated this Monday, the 18th day of March, 2019

CORAM: DR. BHAGWAN SAHAI, MEMBER (ADMINISTRATIVE)
RAVINDER KAUR, MEMBER (JUDICIAL)

Balwant Ramashankar Singh,
Son of Late Ramashankar Singh,
Date of birth : 08.06.1969,
age 49 years and 08 months,
working as : Examiner (Ad-Hoc Basis),
(Group "B" Non-Gazetted Post) in
the office of Commissioner of Customs (General),
New Customs House, Ballard Estate,
Mumbai 400 001 and
residing at: Flat-A, 3rd Floor, Shanti Bhavan,
135, Parmar Guruji Marg, Parel,
Mumbai 400 012.

... Applicant

(By Advocate Shri R.G.Walia)

VERSUS

1. Union of India, Thorough The Revenue Secretary,
Ministry of Finance, Department of Revenue,
North Block, New Delhi 110 001.
2. The Chairman,
The Central Board of Indirect Taxes and Customs (CBIC),
Ministry of Finance, Department of Revenue,
North Block, New Delhi 110 001.
3. Chief Commissioner of Customs,
Mumbai Zone-I, 2nd Floor, Old Bldg.
New Customs House, Ballard Estate,
Mumbai 400 001.
4. Commissioner of Customs,
2nd Floor, Old Building, New Customs House,
Ballard Estate, Mumbai 400 001.
5. Shri Suhas Suvarna, Appraiser,
O/o the Development Commissioner,
SEZ-SEEPZ, MIDC, Andheri East,
Mumbai 400 096.

6. Smt. Geeta Chandran, Appraiser,
Gr-VB, O/o Commissioner of Customs (Import),
New Custom House, Ballard Estate,
Mumbai 400 001.

... Respondents

Order reserved on 01.03.2019

Order delivered on 18.03.2019

O R D E R

Per : Dr. Bhagwan Sahai, Member (Administrative)

This OA has been filed on 21.02.2019 by Shri Balwant Ramashankar Singh working as Examiner on adhoc basis (Group "B" Non-Gazetted Post) in the office of Commissioner of Customs (General), New Customs House, Mumbai. He is seeking relief in terms of direction to the respondents to immediately conduct review DPC for 87 clear vacancies as per the recommendations in the report of the Specially Constituted Committee dated 15.03.2016 to examine feasibility of conducting review DPC of Examiners and to consider and promote the applicant with effect from 25.11.2002 or 06.12.2002 to the post of Examiner with all consequential benefits of seniority, subsequent promotion, pay fixation, arrears of pay, etc. He has also sought direction to the respondents not to conduct further DPC for promotion to the

posts of Appraiser and Assistant Commissioner of Customs without rectifying the mistake about actual vacancies of Appraisers. We have heard the counsel for the applicant on 26.02.2019.

2. The main contention of the applicant in this OA is that the number of vacancies considered for promotion as Appraiser in 2002 was not 274 but those vacancies actually were 409 and, therefore, conducting of review DPC in 2002 is necessary for considering promotion of the applicant and similarly placed other candidates. Along with the OA, he has also placed on record a copy of the report of the meeting held on 03.03.2016 of the Committee Duly Constituted to examine the feasibility of conducting review DPC of Examiners.

3. The Committee based on its meeting held on 03.03.2016 has recommended (page 60 of the OA) that the Department may conduct Review DPC of Examiners from 2002 to 2014 to give them the cascading benefit arising out of vacancies created due to deemed promotion of Examiners to Appraiser cadre in the year 2002.

4. The Committee in its report of 15.03.2016 further stated that conducting of the review DPC as above will help the Department to resolve the issue of seniority among Examiners for further promotions and it will help the Department in clarifying the position of actual vacancies for conducting DPC in other cadres and to revise the number of direct vacancies year-wise.

5. The applicant further claims that because of non-conducting of the review DPC, he has been deprived of promotional opportunities. In this regard, the applicant has also submitted his representation dated 26.12.2018 to the Principal Chief Commissioner of Customs, New Customs House, Mumbai seeking implementation of the Feasibility Committee report dated 15.03.2016.

6. In view of the issues raised in the above pending representation of the applicant dated 26.12.2018 being the same as raised in the present OA, in our opinion it would be appropriate to dispose of the OA at the stage of admission with directions to the respondents to consider the above

representation of the applicant and to take appropriate decision on the issues referred to in it as per relevant provisions of rules and instructions and to hold review DPC for the Examiners from 2002 to 2014 as recommended by the Feasibility Committee in its report dated 15.03.2016. This exercise should be completed within a period of four weeks from receipt of copy of this order.

7. The respondents are further directed not to hold DPC for promotion of Appraisers as Assistant Commissioner of Customs till decision on the representation of the applicant and conducting of the review DPC for the Examiners get completed.

8. In view of the aforesaid directions, OA is disposed of at the admission stage itself, without expressing our opinion on merits of the case.

(Ravinder Kaur)
Member (Judicial)

(Dr. Bhagwan Sahai)
Member (Administrative)

kmg*

OD
21/3/19

