

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

ORIGINAL APPLICATION NO. 80 OF 2016

Date Of Decision:- 25th January, 2019.

***CORAM: R. VIJAYKUMAR, MEMBER (A).
R. N. SINGH, MEMBER (J).***

Surya Kumar Sharma,
aged 57 years,
Presently working as Assistant
Commissioner, Service Tax-I,
Mumbai, Group 'A' and
residing at: 17,B Wing,
Second Floor, Saipark
Co-Op.Hsg.Society,
New Station Road,
Kalyan (West), 421 301.

...Applicant.

(By Advocate Shri A.I. Bhatkar).

Versus

1. The Union of India,
Through The Secretary to
Government of India,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi-110001.
2. The Chairperson,
Central Board of Excise & Customs,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi-110 001.
3. The Chief Commissioner of
Central Excise, Zone-I,
Churchgate, Mumbai-400 020.
4. The Chairman,
Staff Selection Commission,
C.G.O.Complex, Block No.12,
Lodhi Road,
New Delhi-110 504.

5. Shri Hans Kumar Sharma,
Joint Commissioner of Customs
& Excise, Office of the Commissioner,
Customs and Central Excise, 48,
Administrative Area, Area Hills,
Hoshangbd Road, Bhopal-462011.
6. Shri N.A.J.V.Shyam Babu,
Assistant Commissioner of Customs
and Excise, In the office of Chief
Commissioner of Central Excise,
Hyderabad Zone, Kendriya Shulk Bhavan,
L.B.Stadium, Basheerbagh,
Hyderabad-500 004.
7. Shri Shaik Mastan Vali,
Assistant Commissioner of
Customs and Excise, In the
office of the Chief Commissioner
of Central Excise, Customs &
Service Tax, Visakhapatnam Zone,
Central Excise Building Port
Area, Visakhapatnam-530 035.
8. Shri A. Natarajan,
Assistant Commissioner of
Customs & Excise, In the office
of the chief Commissioner of
Central Excise, Customs & Service
Tax, Visakhapatnam Zone, Central
Excise Building Port Area,
Visakhapatnam-530 035.

... Respondents.

(By Advocates Shri V.B. Joshi, Shri R.R. Shetty and Shri P. Khosla).

ORDER (ORAL)

Per: R. Vijaykumar, Member (A)

1. Heard Shri. A.I. Bhatkar, learned counsel for
applicant and Shri V.B. Joshi, Shri R.R. Shetty and Shri P.
Khosla, learned counsels for respondents.

2. The applicant has filed this application on 29.01.2016 under Section 19 of the Administrative Tribunals Act 1985 seeking the following reliefs:-

“8(a) This Hon'ble Tribunal will be graciously pleased to call for the records and proceedings pertaining to the appointments made in the post of Inspector of Central Excise pursuant to the Inspectors of Central Excise, Income Tax Inspector, etc. Examination 1981 and after going through the same, hold and declare that the Respondents are bound to maintain the seniority of Inspector of Central Excise on All India basis and not division/zone wise and order accordingly.

(b) This Hon'ble Tribunal will be graciously pleased to call for the records pertaining to the promotions made to the post of Superintendent and after going through the same hold and declare that the Applicant is eligible to be promoted to the post of Superintendent from the date his immediate junior is promoted and order accordingly.

(c) This Hon'ble Tribunal will be graciously pleased to call for the records pertaining to the promotions made to the post of Assistant Commissioner of Customs and Central Excise and after going through the same hold and declare that the Applicant is eligible to be promoted to the post of Assistant Commissioner of Customs and Central Excise from the date his immediate junior is promoted and order accordingly.

(d) This Hon'ble Tribunal will be graciously pleased to direct the Respondents to consider the case of the Applicant for further promotions from the date his immediate junior is promoted.

(e) This Hon'ble Tribunal will be graciously pleased to direct the Respondents to grant all

consequential benesits arising out of the above promotions.

(f) This Hon'ble Tribunal will be graciously pleased to pass such other and further orders as deemed fit in the facts and circumstances of the case.

(g) Cost of this application be awarded to the Applicant."

3. Although, the applicant has not challenged the statute and rules relevant to his claim for seniority but he has filed a representation on 19.11.2015 with the respondents seeking fixation of seniority based on the competitive examination conducted by the Staff Selection Commission by which he selected and he joined on the duty at the Bombay Commissionerate on 04.04.1983. The respondents have not disposed of this representation. In the circumstances, the respondents are directed to consider the representation of the applicant dated 19.11.2015 and to pass a reasoned and speaking order within four months of receipt of certified copy of this order and to communicate these orders to the applicant within two weeks thereafter. It is also made clear that we are not commenting on the issue of limitation at this point in time and those aspects will remain open for the consideration of the tribunal at the appropriate time in case the applicant considers it necessary to seek legal remedies.

4. In the circumstances, the OA is disposed of as

above without any order as to costs. Accordingly, MA No. 569/2018 also stands disposed of..

(R.N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

Srp