

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A. No. 492/2017
M.A. No. 4717/2018**

With

**O.A. No. 2975/2017
M.A. No. 4722/2018
M.A. No. 3135/2017
M.A. No. 3136/2017**

The 13th day of December, 2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

O.A. No. 492/2017

1. M. Chandra Shekhar,
Age : 49 years

Address :

9-4-140 to 143, Regimental Bazar,
Secunderabad-500025

2. Renu Gera
Age : 53 years

Address :

D-161, Prashant Vihar, Delhi – 110085

3. Kulbhushan Kumar
Age : 46 years

Address :

J-70, Gali No. 3, East Vinod Nagar,
Delhi- 110091

4. Hitesh Bhandari
Age : 44 years

Address :

AN – 65 B, DDA, MIG Flats,
Shalimar Bagh, Delhi – 110088.

5. G.M. Murali Krishna
Age : 44 years

Address :

Plot No. 31, Near Kankadurga Temple

Sri Venkateshwara Nagar, Lothkunta
Secunderabad – 500015.

6. H.K. Pandey
Age : 46 years

Address :

C/o Raja Ram Kushwaha,
Beli Road, Near BSA Office,
Allahabad- 211002.

7. Anil Lakra
Age : 44 years

Address :

310, Sector-9, R.K. Puram,
New Delhi-110022.

8. Pramod Kumar Bilala
Age : 42 years

Address :

71/166, Pratap Nagar
Sanganer, Jaipur – 302033.

9. Chetan R. Veghela
Age : 42 years

Address :

652/2, Sector-8
Gandhinagar
Gujarat – 382007.

10. B. Narayan Rao
Age : 40 years

Address :

Flat No. 303, Srisanthi Landmark South,
Madhavadhara Vuda Layout,
Madhavadhara, Visakhapatnam – 530018.

11. Renu Gulati
Age : 43 years

Address :

WZ – 49 A, Chaukhandi Extension,
PO Tilak Nagar, New Delhi – 110018.

12. Lakshman Kumar Verma
Age : 44 years

Address :

403/241, Katra Bijen Beg, Chaupatiyan
Lucknow (UP)-226003.

13. Saroj Kumari
Age : 52 years
Address :
B-3/388, Paschim Vihar,
New Delhi – 110063.

.. Applicants

(By Advocate : Shri Vidya Sagar)

Versus

- 1 Union of India
Through :
Director of Enforcement
Enforcement Directorate
Lok Nayak Bhawan (6th Floor)
Khan market, New Delhi – 110003.
- 2 M.N. Saxena
- 3 Sudhir Kumar
- 4 Mohit Redhu
- 5 Anurag Aggarwal
- 6 Om Prakash
- 7 Gurmeet Singh
- 8 Amit Kumar
- 9 Swadesh Kumar Gupta
- 10 Ravish Bhardwaj
- 11 Lokesh Kumar
- 12 Praveen Kumar Jha
- 13 Het Ram
- 14 Ravi Prakash Upadhyay
- 15 Manish Naudiyal
- 16 Rahul Verma

- 17 Deependra K. Agarwal
- 18 Deovrat Jha
- 19 Durga Shankar Debta
- 20 Ankur Tiwari
- 21 Retesh Kumar Srivastava
- 22 Arun Gopal Pandey
- 23 Manish Kumar
- 24 Dipak Kumar Karn
- 25 Nishant Neeraj
- 26 Vikas Gupta
- 27 Naresh Gupta
- 28 Sanjeet Kumar Sahu
- 29 Ram Dixit
- 30 Santosh Kumar Verma
- 31 Bhaskar Naidu Kondeti
- 32 Hemant Kumar Tiwari
- 33 Deepak Rajput
- 34 Manish Sabarwal
- 35 Sumit Goyal
- 36 Niraj Kumar Singh
- 37 Vijay Kumar
- 38 Swaraj Paul
- 39 Mangal Singh

- 40 Wable Praful Vilas
- 41 Mukesh Kumar
- 42 Ms. Priyanka
- 43 Amitesh Malik
- 44 Bhuvnesh Kumar
- 45 Ankur Jaiswal
- 46 Mrs. Poonam Bala
- 47 Vikas
- 48 Mukesh Kumar
- 49 Putta Venu
- 50 Shashi Bhushan
- 51 K.M. Manjunathan
- 52 Chandramanishi Kumar
- 53 Rajana Naresh
- 54 Rajesh Kumar
- 55 Mahesh Kumar
- 56 Amit Kumar Verma
- 57 Devendra Kumar Singh
- 58 Shriram Meena
- 59 Akhilesh Kumar Pipil
- 60 Mukesh Kumar Meena
- 61 Raj Kumar Ram
- 62 Rahul Verma
- 63 Veedhi Chandra Sekhar

- 64 Pawan Kumar
- 65 Ashish Meena
- 66 Rajesh Kumar
- 67 Umesh Kumar Gandhi
- 68 Deepak Kumar Chunbouk
- 69 Dheeraj Kumar Goyal
- 70 Neelesh Kumar Singh
- 71 Vineet Rathi
- 72 Chetan Saxena
- 73 Ravinder Dahiya
- 74 Sumit Rai
- 75 B.R. Gurumitkala
- 76 Karan Sharma
- 77 Mohammad Imran
- 78 Arun Kumar
- 79 Navin Kumar
- 80 Harish Sharma
- 81 Vinod Kumar
- 82 Pankaj Goyal
- 83 Praveen K.S.
- 84 Rana Banerjee
- 85 Mithilesh Kumar Mishra
- 86 Samir Chowdhury

87 Venkata Naren Garapaty

88 Ajay Gaur

89 Tapan Kumar Sahoo

90 Bijender Dalal

91 Debidata Sarangi

92 Vipul Harsh

93 Dharmendra Kumar Singh

94 Shweta Joshi

95 Ms. Ginny Chandna

96 Ms. Suman

97 Shekhar Kumar

98 Suryakant Swarnkar

99 Raj Singh

100 Ms. Namrata Yadav

101 Ashish Kumar Barnwal

102 Ajay Choudhary

103 Ram Chandra

104 Satyaveer Singh

105 Abhay Kumar

106 Ruchin Kumar

107 Prem Singh Meena

108 Pradeep

109 Raj Kumar Singh

110 Jaheen Kumar Meena

111 Dibyendu Man
112 Ms. Purnima
113 Jatin Kumar Sanehi
114 Arun Singh
115 Gopal Gulabrao Gadge
116 Mahendra Kumar Meena
117 N.N. Namboodri
118 Charanjit Kaur
119 S. Vasumati
120 Rajinder Kaur
121 Balvir Singh
122 G. Senthil Kumaran
123 S. Srinavasa Prasad
124 C.P. Surendran
125 Nirmal Kumar Mosha
126 V. Ramesh Babu
127 V. Kalaiselvi

.. Respondents

(All private respondents are working as Assistant Enforcement Officers in the Office of respondent No.1)

(By Advocates : Shri Rajeev Kumar for R-1, Ms. Tamali Wad for private respondent No.2 and Shri Sudarshan Rajan with Shri Ramesh Rawat for other private respondents)

OA No. 2975/2017

1. G. Senthil Kumaran
Group-B (Non-Gazetted)
Age : 44 years
Address :
A-405, Gurudatta Complex
Sector 8A, Airoli
Navi Mumbai-400078.

2. Charanjeet Kaur
Group-B (Non-Gazetted)
Age : 52 years
Address :
121-D, DDA LIG Flats
Satyam Enclave
Jhilmil Colony
Delhi – 110095.

3. S. Kalaiselvi
Group-B (Non-Gazetted)
Age : 46 years
Address :
16/55, Sudhanandha Barathi Street,
Ganapathipuram, East Tambaram
Chennai – 600 059.

4. S. Vasumathy
Group-B (Non-Gazetted)
Age : 54 years
Address : A-20, Central Govt. Quarters,
Bhandup (E), Mumbai-400042.

[All working as promotee Assistant Enforcement Officers in the
Directorate of Enforcement (Respondent 1)]

.. Applicants

(By Advocate : Shri Vidya Sagar)

Versus

- 1 Union of India
Through :
Director of Enforcement
Enforcement Directorate
Lok Nayak Bhawan (6th Floor)
Khan market
New Delhi – 110003.
- 2 M.N. Saxena
- 3 Sudhir Kumar
- 4 Mohit Redhu
- 5 Anurag Aggarwal
- 6 Om Prakash
- 7 Gurmeet Singh
- 8 Amit Kumar
- 9 Swadesh Kumar Gupta
- 10 Ravish Bhardwaj
- 11 Lokesh Kumar
- 12 Praveen Kumar Jha
- 13 Het Ram
- 14 Ravi Prakash Upadhyay
- 15 Manish Naudiyal
- 16 Rahul Verma
- 17 Deependra K. Agarwal
- 18 Deovrat Jha
- 19 Durga Shankar Debta
- 20 Ankur Tiwari
- 21 Retesh Kumar Srivastava

- 22 Arun Gopal Pandey
- 23 Manish Kumar
- 24 Dipak Kumar Karn
- 25 Nishant Neeraj
- 26 Vikas Gupta
- 27 Naresh Gupta
- 28 Sanjeet Kumar Sahu
- 29 Ram Dixit
- 30 Santosh Kumar Verma
- 31 Bhaskar Naidu Kondeti
- 32 Hemant Kumar Tiwari
- 33 Deepak Rajput
- 34 Manish Sabarwal
- 35 Sumit Goyal
- 36 Niraj Kumar Singh
- 37 Vijay Kumar
- 38 Swaraj Paul
- 39 Mangal Singh
- 40 Wable Praful Vilas
- 41 Mukesh Kumar
- 42 Ms. Priyanka
- 43 Amitesh Malik
- 44 Bhuvnesh Kumar

45 Ankur Jaiswal

46 Mrs. Poonam Bala

47 Vikas

48 Mukesh Kumar

49 Putta Venu

50 Shashi Bhushan

51 K.M. Manjunathan

52 Chandramanishi Kumar

53 Rajana Naresh

54 Rajesh Kumar

55 Mahesh Kumar

56 Amit Kumar Verma

57 Devendra Kumar Singh

58 Shriram Meena

59 Akhilesh Kumar Pipil

60 Mukesh Kumar Meena

61 Raj Kumar Ram

62 Rahul Verma

63 Veedhi Chandra Sekhar

64 Pawan Kumar

65 Ashish Meena

66 Rajesh Kumar

67 Umesh Kumar Gandhi

68 Deepak Kumar Chunbouk

69 Dheeraj Kumar Goyal

70 Neelesh Kumar Singh

71 Vineet Rathi

72 Chetan Saxena

73 Ravinder Dahiya

74 Sumit Rai

75 B.R. Gurumitkala

76 Karan Sharma

77 Mohammad Imran

78 Arun Kumar

79 Navin Kumar

80 Harish Sharma

81 Vinod Kumar

82 Pankaj Goyal

83 Praveen K.S.

84 Rana Banerjee

85 Mithilesh Kumar Mishra

86 Samir Chowdhury

87 Venkata Naren Garapaty

88 Ajay Gaur

89 Tapan Kumar Sahoo

90 Bijender Dalal

91 Debidata Sarangi

- 92 Vipul Harsh
- 93 Dharmendra Kumar Singh
- 94 Shweta Joshi
- 95 Ms. Ginny Chandna
- 96 Ms. Suman
- 97 Shekhar Kumar
- 98 Suryakant Swarnkar
- 99 Raj Singh
- 100 Ms. Namrata Yadav
- 101 Ashish Kumar Barnwal
- 102 Ajay Choudhary
- 103 Ram Chandra
- 104 Satyaveer Singh
- 105 Abhay Kumar
- 106 Ruchin Kumar
- 107 Prem Singh Meena
- 108 Pradeep
- 109 Raj Kumar Singh
- 110 Jaheen Kumar Meena
- 111 Dibyendu Man
- 112 Ms. Purnima
- 113 Jatin Kumar Sanehi
- 114 Arun Singh
- 115 Gopal Gulabrao Gadge

116 Mahendra Kumar Meena

117 N.N. Namboodri

118 Rajinder Kaur

119 Balvir Singh

120 S. Srinavasa Prasad

121 C.P. Surendran

122 Nirmal Kumar Mosha

123 V. Ramesh Babu

.. Respondents

(By Advocates : Shri Rajeev Kumar for R-1, Ms. Tamali Wad for private respondent No.2 and Shri Sudarshan Rajan with Shri Ramesh Rawat for other private respondents)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

O.A. No. 492/2017

The applicants, 13 in number and working as Assistant Enforcement Officers in the respondent – Directorate of Enforcement, filed the O.A. seeking the following relief(s):

- “(a) Quash and set aside the impugned Order dated 14.12.2016 and consequential final seniority list of AEOs as on 01.01.2016 (Annexure A-1);
- (b) Consequent to (a) above, the Directorate may be directed to re-fix applicants’ inter se seniority vis-à-vis DRs of the year 2011 as per their 20% quota, in the order of merit indicated in Directorate’s order dated 30.05.2014 (Annexure A-2);

- (c) Consequent to (a) and (b) above, the Directorate may be directed to regulate applicants' further promotion as Enforcement Officers as per revised seniority so fixed;
- (d) Award costs in applicant's favour;
- (e) Any other relief or order in applicant's favour which this Hon'ble Tribunal considers appropriate in applicants favour, in the facts and circumstances of this case."

2. On 10.02.2017, while issuing notice to the respondents, this Tribunal observed that any promotions made in pursuance of the impugned seniority list shall be subject to the outcome of the O.A. The 1st respondent – Union of India has filed their reply, whereas the private respondents No.2 to 127 have not filed their counter till date.

3. In short, the applicants challenged the final seniority list of Assistant Enforcement Officers as on 01.01.2016 issued vide the impugned Annexure A-1, dated 14.12.2016, on various grounds.

4. Today, when the O.A. is taken up for hearing, the learned counsel for the applicants submits that the respondents have issued a Corrigendum dated 12.09.2018 to the impugned seniority list and also issued a revised provisional seniority list dated 28.09.2018 of Assistant Enforcement Officers in the Directorate of Enforcement as on 01.01.2016 with a note "Representations, if any, may be forwarded through proper channel within 45 days from the date of issue. If no representation is received, it will be presumed that the list is in order". Though the applicants have submitted

their representations in response thereto, however, filed MA No. 4717/2018 seeking a direction to the respondents to keep the said Corrigendum dated 12.09.2018 in abeyance till the instant O.A. and other identical O.As. are finally decided, as the 1st respondent has promoted certain persons basing on the said provisional seniority list, even before the 45 days period is completed and even before any final seniority list is issued.

5. The learned counsel appearing for the respondents, while not disputing the fact that the Corrigendum dated 12.09.2018 was issued to the impugned order and also a revised provisional seniority list was issued on 28.09.2018 and that all the concerned persons have submitted their fresh representations thereto, however, submits that no final seniority list in pursuance of the said provisional seniority list is issued till date. He failed to deny the submission of the applicants that certain Assistant Enforcement Officers were promoted on 05.11.2018 to the post of Enforcement Officers basing on their placement in the said provisional seniority list, i.e. even before the expiry of 45 days and before issuance of final seniority list, though stated that the said promotions are made as subject to the result of the instant O.A. No.492/2017.

6. Heard Shri Vidya Sagar, learned counsel for the applicants, Shri Rajeev Kumar, learned counsel for the 1st respondent, Ms.

Tamali Wad, learned counsel for the 2nd respondent and Shri Sudarshan Rajan, learned counsel for other private respondents and perused the pleadings on record.

7. Since the challenge in the O.A. is to the final seniority list of Assistant Enforcement Officers in the Directorate of Enforcement as on 01.01.2016 and when the said seniority list was now, in fact, withdrawn and a fresh provisional seniority list of Assistant Enforcement Officers as on 01.01.2016 has been issued and all the affected persons, including the applicants as well as the private respondents, were also called for submitting representations and when they have submitted their respective representations thereto and also when it is admitted case of all the parties that a final seniority list is yet to be issued, we are of the view that the O.A. itself can be disposed of, without going into the merits of the case.

8. However, Shri Vidya Sagar, the learned counsel appearing for the applicants, submits that if the O.A. is disposed of, the applicants may be permitted to avail their remedies, in accordance with law, against the final seniority list to be issued by the respondents and till their applications/appeals are disposed of, the respondents may be directed not to give effect to the provisional/final seniority list. On the other hand, the learned

counsel for the respondents, while not opposing the disposal of the O.A., but opposed the prayer for the said direction.

9. In the circumstances, the O.A. is disposed of, without going into the merits of the case, by directing the 1st respondent to consider the representations of the applicants as well as the private respondents and to pass a speaking and reasoned order and to issue a final seniority list within a reasonable period but not more than four months from the date of receipt of a certified copy of this order. Till then, no further promotions shall be effected basing on the provisional seniority list dated 28.09.2018. The parties to the O.A. are at liberty to avail their remedies, in accordance with law, if they are still aggrieved with the final seniority list to be issued or with the speaking order to be passed by the respondents or with the promotions, if any, made between 14.12.2016 to till the issuance of final seniority list.

10. Pending MAs, if any, also stand disposed of. No order as to costs.

O.A. No. 2975/2017

Since it is submitted by all the counsel that O.A. No. 2975/2017 is identical to O.A. No. 492/2017, the said O.A. is also

disposed of, on the same terms. Pending MAs, if any, stand disposed of. No order as to costs.

(A.K. BISHNOI)
MEMBER (A)

/Jyoti/

(V. AJAY KUMAR)
MEMBER (J)