

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

O.A. No. 96/2019

M.A. No. 85/2019

The 9th day of January, 2019

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. ARADHANA JOHRI, MEMBER (A)

1. Ritu Rani,
Aged about 34 years, Group 'B'
D/o Sh. Murari Lal,
R/o B-107, Vijay Colony,
Bawana, Delhi.
Date of joining: 30.10.2009
Presently working:
Inspector of Customs,
Preventive Delhi.
2. Pankaj Kumar Singh
Aged about 48 years, Group 'B'
S/o Sh. Y.R. Singh,
R/o B-1404, Ajnara Integrity,
Rajnagar Extension, Ghaziabad,
U.P.(201017).
Date of Joining: 19.10.2009
Presently working:
Inspector of Customs,
Preventive Delhi.
3. Manisha Gera
Aged about 33 years, Group 'B'
D/o Sh. Ashok Kumar,
R/o 23A/18-B, Tilak Nagar,
New Delhi - 110018
Date of Joining: 28.01.2011
Presently working:
Inspector of Customs,
General (Airport), New Delhi.

4. Prerna Singh
Aged about 33 years, Group 'B'
D/o Sh. Kuldeep Singh,
R/o 136/A-2, Sector – 3,
Rohini, Delhi – 110085.
Date of Joining: 27.12.2010
Presently working:
Inspector of Customs,
General (Airport), New Delhi.
5. Nitesh Kumar,
Aged about 35 years, Group 'B'
S/o Sh. Nathan Prasad,
R/o Plat No. 34B, Madhuban Encl.,
Modipur, Rohtak Road, Delhi – 110063
Date of Joining : 29.03.2010
Presently working:
Inspector, ICD- Export, Tuglakabad,
New Delhi.
6. Ritu Bhargava,
Aged about 48 years, Group 'B'
W/o Atul Bhargava,
R/o 7, North West Avenue,
Punjabi Bagh Extn.,
New Delhi – 110026
Date of Joining: 20.10.2009
Presently working:
Inspector of Customs Preventive,
New Delhi.
7. Seema Rani,
Aged about 31 years, Group 'B'
D/o Sh. Subash Chand,
R/o 446, Sector – 38, Gurugram,
Date of Joining: 10.09.2009
Presently working:
Inspector – ACC – Export, Customs,
New Delhi.

8. Vaibhav Gupta
Aged about 30 years, Group 'B'
S/o Sh. Hariom Gupta,
R/o 446, Sector – 38, Gurugram,
Date of Joining: 30.12.2010
Presently working:
Inspector of Customs,
General (Airport), New Delhi.
9. Gopendra Kumar Dwivedi,
Aged about 33 years, Group 'B'
S/o Sh. Mahesh Dwivedi,
R/o 04/103, 2nd Floor,
Model Town, Gurugram
Date of Joining: 31.12.2010
Presently working:
Inspector of ACC-Export,
Customs, New Delhi.
10. Sachin Kumar Bhati,
Aged about 36 years, Group 'B'
S/o Sh. Jaipal Singh
R/o 301, Omex Heights,
Section-18, Faridabad
Date of Joining: 19.03.2010
Presently working:
Inspector of ACC-Export,
Customs, New Delhi.
11. Shilpi Kumari,
Aged about 31 years, Group 'B'
D/o Sh. Binod Prasad Chaurasia,
R/o G-403, Jaipuria Sunrise Greens,
Indrapuram, Ghaziabad.
Date of Joining: 14.03.2011
Presently working:
Inspector of ACC-Export,
Customs, New Delhi.

12. Anurag Kumar Jaiswal,
Aged about 34 years, Group 'B'
S/o Sh. Vimal Jaiswal,
R/o I-51, 3rd Floor, Gali No. 3,
Gadhwali Mohalla, Laxmi Nagar,
New Delhi.
Date of Joining: 27.12.2010
Presently working:
Inspector of Customs,
General, Airport, New Delhi
13. Sanjay Kumar Bhagat,
Aged about 43 years, Group 'B'
S/o Sh. Yogendre Bhagat,
R/o 41, Peepal Apartments,
Sector – 17, New Delhi.
Date of Joining: 31.12.2010
Presently working:
Inspector of ICD-Export,
Tuglakabad, New Delhi.
14. Kiran Kumari,
Aged about 34 years, Group 'B'
D/o Sh. L.B. Singh,
R/o 504, Shakti Apartments,
Sector – 52, Gurugram.
Date of Joining: 21.12.2009.
Presently working:
Inspector of GST-Intelligence,
New Delhi.
15. Chanan
Aged about 39 years, Group 'B'
S/o 302-B, FF, Urmila Bhawan,
Kashmari Gali, Vipin Garden,
Dwarka Mor, New Delhi.
Date of Joining: 31.12.2010
Presently working:
Inspector of ICD-Import,
Tuglakabad, New Delhi.

16. Chittarpal Singh Kadiyan,
Aged about 35 years, Group 'B'
S/o Sh. Krishan Kumar,
R/o F-323, Shushant Lok,
Phase – III, Sector – 57, Gurugram
Date of Joining: 24.01.2011
Presently working:
Inspector.
17. Vineet Kumar
Aged about 35 years, Group 'B'
S/o Shri Udaibir Singh,
R/o Mohan Nagar Colony,
Street No. 3, Pilkhuwa, Dist-Hapur
U.P.- 245304
Date of Joining: 07.03.2011
Presently working:
Inspector of GST, Delhi East.
18. Gaurav Kumar
Aged about 31 years, Group 'B'
S/o Sh. Mehar Singh
R/o A-75, Naraina Vihar Delhi, 110028
Date of Joining: 25.03.2011
Presently working:
Inspector of Customs,
Foreign Post Office, ACC Export.
19. Tarun Kumar
Aged around 36 years, Group 'B'
S/o Sh. Brij Pal Singh
R/o H.No 480, Sector 15A, Faridabad
Date of Joining: 30.12.2008
Presently working:
Inspector of Customs,
IGI Airport, Delhi.
20. Ajay Kumar Chauhan
Aged around 33 years, Group 'B'

S/o Sh. Ram Janma Chauhan
R/o H.No: I-51, Fourth Floor, Gali No. 03,
Garhwali Mohalla, Laxmi Nagar,
New Delhi-110092
Date of Joining: 05.01.2011
Presently working:
Inspector Custom Preventive,
Commissionerate, NCH New Delhi.

21. Amar Singh
Aged around 33 years, Group 'B'
S/o Late Sh. K.N Singh
R/o A-242, Chhattarpur Enclave,
Phase No. 1, Delhi-110074.
Date of Joining: 24.02.2011
Presently Working:
Inspector GST West.
22. Ashish Bhardwaj
Aged around: 33 years, Group 'B'
S/o Sh. Anand Kumar Sharma
R/o Thakur Dwara Colony,
Near Janki Das Mandir
Bhagpat, U.P.- 250609.
Date of Joining: 28.12.2010
Presently Working:
Inspector GST North.
23. Ranvir Singh
Ages around: 34 years, Group 'B'
S/o Sh. Shardha Nand
R/o Jagatpur Village
Gali No. 5, Burari, Delhi-110084.
Date of Joining: 25.02.2011
Presently Working:
Instector, DGTS Delhi.
24. Reeti Saini
Aged around 31 years, Group 'B'
D/o Sh. Satpal Saini

R/o 2698, Upper Ground Floor, Block-H,
Sector 49, Faridabad

Date of Joining: 28.12.2010

Presently Working:

ICD Piyala Faridabad.

25. Suraj Kumar Roy

Aged around 37 years, Group 'B'

S/o Ch. Indramani Roy

R/o 684, Ground Floor,

Mukherjee Nagar, Delhi.

Date of Joining: 29.12.2010

Presently Working:

ICD Tkd Export Shed.

26. Himanshu Bhardwaj

Aged around 35 years, Group 'B'

S/o Sh. Madan Gopal Sharma

R/o 40, Village and Post Office,

Ladpur, Delhi-110081

Date of Joining: 25.02.2011

Presently Working:

GST Inspector.

.. Applicants

(By Advocate: Shri Harpreet Singh)

Versus

1. Union of India,
Through its Secretary,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi

2. The Chairman,
CBIC,
Ministry of Finance,
North Block, New Delhi

3. The Chief Commissioner of Central Excise,
Delhi Zone,
Ministry of Finance,
CR Building, IP Estate,
New Delhi.

.. Respondents

(By Advocate : Shri Y.P. Singh)

ORDER (ORAL)

By Shri V. Ajay Kumar, Member (J)

Heard Shri Harpreet Singh, learned counsel for the applicants and Shri Y.P. Singh, learned counsel appeared on behalf of the respondents, on receipt of advance notice.

2. MA 85/2019 filed for joining together is allowed.
3. The applicants, who are presently working as Inspectors, Customs & Central Excise, filed the O.A. seeking the following relief(s):

- “i) To declare the action of respondents in delaying/failing to consider the case of the promotion of applicants to the post of Superintendent, Central Excise w.e.f. 01.04.2017 and at the same time promoting those Inspectors, Central Excise who have yet to acquire eligibility for promotion to the aforesaid post of Superintendent, Central Excise, as illegal, arbitrary and unjustified;
- ii) To direct the respondents to consider the applicants for promotion to the post of Superintendent Central Excise by granting them relaxation upto 02 years in eligibility service prescribed in RRs as per O.M. dated 25.03.1996 and grant them promotion from 01.04.2017 by considering/including the names of applicants in review DPC for the years 2017-18 to be held on 17.01.2019 with all consequential benefits at par with their juniors;
- iii) To allow the OA with costs; and

- iv) Any other relief's as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case to meet the ends of justice."

4. It is submitted that the applicants are identically placed like the applicants in O.A. No. 3405/2014 decided on 12.05.2016 in *Pankaj Nayan & Ors. vs. UOI & Ors.*. However, inspite of the same, the respondents are not considering the case of the applicants in terms of the said judgment for promotion to the post of Superintendent, Central Excise. The respondents have not even considered the representations made by the applicants vide Annexure A-7 (Colly.) dated 02.01.2019 in this regard.

5. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider Annexure A/7 (Colly.) representations dated 02.01.2019 of the applicants and to pass appropriate reasoned and speaking orders thereon, in accordance with law, within a period of 90 days from the date of receipt of a certified copy of this order. No order as to costs.

Let a copy of the O.A. be enclosed to this order.

Order by **DASTI.**

(ARADHANA JOHRI)
Member (A)

(V. AJAY KUMAR)
Member (J)

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