

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**O.A No. 428/2019 with
M.A No.496/2019**

New Delhi, this the 6th day of February, 2019

**Hon'ble Sh. V. Ajay Kumar, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Suman Chakma
Son of Purnendu Bikash Chakma
Resident of Flat No. 18/6, S-3,
Loyal Enclave, First Main Road,
Bhuvaneswari Nagar, Velachery,
Chennai – 600 042.
2. Rakesh Kumar Narain
Son of Laxmi Narain Sao,
Resident of Flat No. 48/6, C.P.W.D. Quarters,
Jhirumangalam Chennai-40.
3. Ashish Kumar Pathak,
Son of Satish Chandra Pathak,
Resident of Flat No. 602,
Amarprakash Templewaves,
Kundrathur Main Road,
Kundrathur, Chennai-600 069.
4. Matukumilli Naveen
Son of M. Namassivaya,
Resident of Flat-IF3, Arihant Estate, No. 370,
Mogappair East, Chennai – 37.
5. Ankit Saxena
Son of Late Davendra Prasad Saxena,
Resident of Flat No. F2, Block No. M1,
VGN Minerva, Guruswamy Road,
Nolambur, Chennai-600 095.

(By Advocate : Mr. Akshat Shrivastava)

Versus

1. Union of India
Through its Secretary,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi.
2. The Chairman
CBEC,
Ministry of Finance,
North Block, New Delhi.
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 Under Secretary (AD-IIA)
CBEC, Department of Revenue,
Ministry of Finance,
Government of India,
North Block, New Delhi.Respondents

(By Advocate : Mr. Hanu Bhaskar with Mr. Aamir Shaikh and Mr. Rohit Sehrawat)

ORDER (ORAL)

By Hon'ble Mr. V. Ajay Kumar, Member (J) :

M.A No. 496/2019 :

Heard learned counsel for applicants and Mr. Hanu Bhaskar, learned counsel for respondents on receipt of advance notice.

M.A filed for joining together is allowed.

O.A No. 428/2019 :

Office objection is overruled.

2. The applicants, five in number and working as Preventive Officers under the respondents filed the O.A seeking the following reliefs :-

- "a) Declare the action of respondents in not extending the benefits of decision taken in O.M dated 25.03.196 and judgment dated 1205.2016 in O.A No. 3405 of 2014 (Pankaj Nayan & Ors. Versus Union of India & Ors.) as illegal and arbitrary and issue appropriate directions to extend the benefit of the said decisions to the applicant's while considering them for promotion to the post of Superintendent of Customs (Preventive) alongwith juniors and similarly placed persons in the upcoming DPC for the vacancy 2018-19.
- (b) Direct respondents to consider the applicant's for promotion to the post of Superintendent of Customs (Preventive) by granting them relaxation upto two years/ half of eligible service as per O.M. dated 25.03.1996 and grant them promotion along with their juniors and similarly placed persons with all consequential benefits of pay fixation and seniority.
- (c) Declare the action of respondents in not considering the applicant's for promotion to the post Superintendent of Customs (Preventive) along with their juniors in the forthcoming DPC for the vacancy year 2018-19 scheduled to be held shortly as illegal, unjustified and issue appropriate directions for considering the applicant's claim for promotion to the said post of Superintendent of Customs (Preventive) by giving relaxation of two years of service as per DoP&T O.M. No. AB-14017/12/88-Estt. (R.R) dated 25.03.1996 and the law on the subject with all consequential benefits by holding DPC and consequentially Annexure A/1 being illegal.
- (d) Direct respondents to extend the benefit to the applicants of the judgment and order dated 29.10.2018 passed by Hon'ble High Court of Delhi in Writ Petition (Civil) No. 11277 of 2016 (Union of India & Ors. Versus Pankaj Nayan and Ors.) whereby Hon'ble High Court was pleased to dismiss the challenge made by respondents to the validity of DoP&T O.M. No. AB-14017/12/88-Estt. (R.R.) dated 25.03.1996.
- (e) To allow the O.A with costs.
- (f) Any other order or direction which this Hon'ble Tribunal may deem, just, fit and proper in the facts and circumstances of the case to meet the ends of justice."

3. It is submitted that the applicants made a number of representations ventilating their grievances to the respondents. However, no orders have been passed thereon till date. It is further submitted that the respondents promoted certain others to the post of Superintendent of Customs (Preventive) vide order dated 31.12.2018 ignoring the claims of the applicants but the applicants admittedly not made any representations subsequent to the passing of the said order.

4. In the circumstances, the O.A is disposed of without going into the merits of the case by permitting the applicants to make appropriate representation ventilating their grievances to the respondents within two weeks from the date of receipt of a certified copy of this order and on receipt of such representation from the applicants, the respondents shall consider and decide the same and pass an appropriate speaking and reasoned order thereon, within 90 days from the date of receipt of such representation. No orders as to costs.

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

(Aradhana Johri)
Member (A)

(V. Ajay Kumar)
Member (J)

/Mbt/