

**Central Administrative Tribunal
Principal Bench**

OA No.1279/2019

New Delhi, this the 24th day of April, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Rahul Ahlawat, Inspector (Examiner)
Group 'B', Aged about 32 years
S/o Sh. Asha Ahlawa
R/o A-1/284, Pascim Vihar
New Delhi.

2. Rahul Beniwal, Inspector (Examiner)
Group 'B', Aged about 33 years
S/o Sh. Krishan Kumar Beniwal
R/o A-502, Hextax Commune, Sec-43
Gurgaon, Haryana-122002.Applicants

(By Advocate: Shri M.K. Bhardwaj)

Vs.

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 Principal Commissioner of Customs
Mumbai Zone, Ministry of Finance
New Customs House
Ballard Estate, Mumbai-400001.

4. Staff Selection Commission
Through it Chairman
Block no.12, CGO (Complex)
Lodhi Road, New Delhi.Respondents

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicants feel aggrieved by the Circular No.41/2018 issued by the third respondent, in the context of preparation of final seniority of the Inspector(Examiner) for the period 2003-2004 to 2013-2004. The applicants contend that various parameters are mentioned in the impugned circular which are contrary to law and that they, in turn, would impact the seniority.

2. We heard Shri M.K. Bhardwaj, learned counsel for the applicant at length at the stage of admission.
3. The impugned circular was issued by the Dy. Commissioner of Customs of Mumbai. Therefore, the OA filed before this Bench is not maintainable. We would have directed return of the OA to be presented before the proper Bench but for the fact that it can be disposed of with a direction to the respondents to express their view point, in response to the legal notice dated 29.03.2017 got issued by the applicants.

4. We, therefore, dispose of the OA directing that respondent Nos. 2 and 3 shall consider the legal notice dated 29.03.2017 got issued by the applicant and pass appropriate orders thereon within a period of two months from the date of receipt of a copy of this order. We make it clear that if the applicants are not satisfied with the reply which they may receive from the respondents, they shall have to pursue the remedy vis-a-vis the impugned circular, only before the Mumbai Bench of the Tribunal. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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