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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 788 of 2019

Date of order: 11.7.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri Uttam Kumar Chattopadhyay,
Son of Late Bimal Kumar Chattopadhyay,
Aged about 60 years,
By Occupation - Service (as Superintendent of
Customs & now retired),
Residing at 19A, Paikpara Row,
Kolkata - 700 037.

.... Applicant

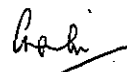
VERSUS

1. Union of India,
Service through the Secretary to the
Government of India,
Ministry of Revenue,
North Block,
New Delhi - 110 001.
2. The Chairman,
Central Board of Indirect Taxes &
Customs (CBIC), North Block,
New Delhi - 110 001.
3. The Chief Commissioner of Customs,
Custom House,
15/1, Strand Road,
Kolkata - 700 001.
4. The Commissioner of Customs
(Airport & Administration),
Custom House,
15/1, Strand Road,
Kolkata - 700 001.

.. Respondents

For the Applicant : Mr. A.K. Manna, Counsel

For the Respondents : Mr. A. Roy, Counsel



ORDER (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(a) An order issuing direction upon the respondent authorities to regularize adhoc service of the applicant w.e.f. 02.12.2014.

(b) An order holding that the applicant is entitled to NFG Grade Pay of Rs. 5,400/- (Corresponding to 7th CPC Pay Matrix Level - 9) w.e.f. 2.12.2018.

(c) An order issuing direction upon the respondent authorities to grant NFG Grade pay of Rs. 5,400/- (corresponding to 7th CPC pay Matrix Level - 9) w.e.f. 2.12.2018, with all consequential arrears including differential pensionary benefits.

(d) An order directing the respondents to provide production of all relevant documents.

(e) An order as to costs.

(f) Any other order or further order/orders as to this Hon'ble Tribunal may deem fit and proper."

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up at the admission stage.

3. The submission of the applicant, as made through his Ld. Counsel, is that the applicant was initially appointed in the grade of LDC on 21.9.1982 and gradually promoted to the grade of Inspector (Preventive Officer). Upon cadre re-structuring, a large number of Superintendents of Central Excise and Customs have been promoted to Gr. 'A' posts on temporary basis and the resultant vacancies in the feeder grades have been filled up from amongst Inspectors of Central Excise, Inspector (Preventive Officer) and Inspector (Examining Officers).

According to the applicant, although promotion in Central Excise Wing were made on regular basis, Inspectors (Preventive Officers) including the applicant, have been given promotion on adhoc basis w.e.f. 2.12.2014 and the applicant's adhoc service remains to be regularized, in violation of Board's advice contained in its letter dated 22.2.2016 and

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that the respondent authorities have failed to act on the several representations preferred by the applicant towards the same and, accordingly, being aggrieved, the applicant has approached the Tribunal.

4. Ld. Counsel for the respondents submits that the matter at hand is under consideration of the respondent authorities and final decision is yet to be taken in this regard.

5. Accordingly, without entering into the merits of the matter, we direct the respondent No. 3, who is the Chief Commissioner of Customs, Custom House, Kolkata to look into the representations of the applicant dated 11.4.2019 (Annexure A-8 to the O.A.) and reminder dated 10.5.2019 (Annexure A-8 to the O.A.), if received at his end, within six weeks from the date of receipt of a copy of this order. The authority should decide in accordance with law and convey the same in the form of a reasoned and speaking order to the applicant forthwith thereafter.

In case the applicant is entitled to benefits consequent to such decision, the same should be accorded to him within a further period of 8 weeks.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP