

ub

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI**

**ORIGINAL APPLICATION No.210/00594/2019**

**Dated this Monday, the 16<sup>th</sup> day of September, 2019**

**CORAM: R.VIJAYKUMAR, MEMBER (A)  
R.N.SINGH, MEMBER (J)**

Shri Kumar Jyotiram Ubale,  
son of late Shri Jyotiram Keshav Ubale,  
resident of – 228/229, 'E' Ward, Central GST Colony,  
Near Kiran Bunglow, Tarabai Park, Kolhapur 416 003.  
working as Senior Intelligence Officer,  
Directorate General of GST Intelligence,  
Kolhapur Regional Unit, Kolhapur. - Applicant  
**(In person)**

**Versus**

1. Union of India, Through Secretary,  
Ministry of Finance, Department of Revenue,  
Central Board of Excise and Customs,  
North Block, New Delhi 110 001.
2. The Chief Commissioner of CGST Customs,  
Pune Zone, Cadre Controlling Authority for  
Pune Zone, Address:- 41-A, Sasoon Road,  
ICE House, P.O. Box No.121, Near Ruby Hall Clinic,  
Pune 411 001.
3. The Chief Commissioner of CGST, Mumbai Zone-1,  
Cadre Controlling Authority for Mumbai Zone-1,  
Address:- 115, M.K.Road, GST Bhavan,  
Opp. Churchgate Railway Station, Mumbai 400 020.
4. The Chairman, Central Board of Excise and Customs,  
North Block, New Delhi 110 001. - Respondents

**ORAL ORDER**

**Per : R.Vijaykumar, Member (Administrative)**

Heard the applicant who appeared in  
person.

2. This application has been filed on  
01.04.2019 under Section 19 of the  
Administrative Tribunals Act, 1985 seeking

the following reliefs :-

“8(a). This Hon'ble Tribunal may graciously be pleased to direct the Respondent No.2 to hold a review DPC for promotion to the grade of Tax Assistant considering 3% PH reservation and extending consideration zone 5 times.

8(b). This Hon'ble Tribunal may further be pleased to direct the Respondent No.2 to issue revised seniority as per the result of review DPC as mentioned in (a) above.

8(c). This Hon'ble Tribunal may further be pleased to direct the Respondent No.2 to pay the arrears of pay as per the result of (a) and (b) above.

8(d). This Hon'ble Tribunal may further be pleased to direct the Respondent No.2 to pay interest on delayed payment of arrears as per the result of (a) (b) (c) above as there is delay of about 20 years in giving 3% PH reservations which came into light in the year 2018.

8(e). This Hon'ble Tribunal may further be pleased to direct the Respondent No.3 to revise the seniority list of Inspectors as per the outcome of Respondent No.2's revised promotion order of TA considering 3% PH reservation as per 8(a) above.

8(f). This Hon'ble Tribunal may further be pleased to direct the Respondent No.3 to issue promotion order of Inspector considering 3% PH reservation.

8(g). This Hon'ble Tribunal may further be pleased to direct the Respondent No.3 to pay arrears as per 8(e) and 8(f) above.

8(h). This Hon'ble Tribunal may further be pleased to direct the Respondent No.3 to pay interest on delayed payment of arrears as there is delay of about 20 years in giving 3% PH reservations.

8(i). This Hon'ble Tribunal may further be pleased to direct the Respondent No.3 to revise the seniority list of Superintendents accordingly and fix the Applicant's pay accordingly and pay the arrears along with interest.

8(j). This Hon'ble Tribunal may further be pleased to direct the Respondent No.2 and Respondent No.3

to pay the monetary compensation as per para 4.18 above.

8(k). This Hon'ble Tribunal may further be pleased to direct both the Respondents to grant any other benefit consequentially arising due to 8(a) to 8(j) above.

8(l). This Hon'ble Tribunal may further be pleased to direct the Respondent No.4 to fix the responsibility on the concerned officers in the office of Respondent No.2 and Respondent No.3 who have neglected and ignored all the provisions of Acts and rules meant for Physically handicapped officers and directions of the Hon'ble Supreme Court in para 54(iii) of the judgment dated 08/10/2013 in the case of '*Union of India Vs. National Federation of Blind & Ors.*' (page No.57).

8(m). This Hon'ble Tribunal may further be pleased to direct the Respondent No.4 to ensure that Respondent No.1 and Respondent No.2 follows the direction of this Tribunal within a time limit as directed by this Tribunal.

8(n). Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case passed and in the light of Hon'ble Supreme Court's aforesaid judgment dated 08/10/2013."

3. The applicant has challenged the action of the respondents in not providing 3% reservation for Physically Handicapped person in promotion and he claims that he falls under Physically Handicapped category and he wants an order in the nature of mandamus to convene a DPC and revise the seniority. However, he has not impleaded any party who is likely to be affected and who has received promotion in the context of alleged denial of reservation to him in

promotions. In fact he has also not challenged the order of promotion but only a certificate that has been obtained from a Medical Doctor supporting his claim of being Physically Handicapped.

4. In the circumstances, this OA is not maintainable in the present format and it accordingly dismissed without any order as to costs.

5. Later on. The applicant appears in person and we have dictated the order but the applicant seeks permission to withdraw the present OA with liberty to file fresh OA in accordance with law. As the applicant appears in person and he submits that he is not having sufficient experience and knowledge about provisions of law and rules of pleadings. Therefore, permission is granted.

6. Accordingly, the OA is dismissed as withdrawn. No costs.

(R.N.Singh)  
Member (Judicial)

(R.Vijaykumar)  
Member (Administrative)

kmg\*

JD  
19/9/19