

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.335 of 2003

New Delhi this the 17th day of March, 2004.

Hon'ble Shri Sarweshwar Jha, Member (A).
Hon'ble Shri Bharat Bhushan, Member (J).

1. Rishi Pal Singh
S/o Late Rati Ram
R/o Central Excise Colony Avas Vikas
Saharanpur and presently posted as
Tax Assistant in Customs & Central
Excise, Noida.
2. Shri Ved Pal Singh
S/o Prem Chand
R/o 69 Central Excise Colony Mongal Pandey
Nagar, Meerut and presently posted as
Tax Assistant in Customs & Central
Excise, Noida.
3. Shri Babu Lal
S/o Sh. Bhambal Ram
R/o H-87 Tigris, Khanpur, Delhi-62
and presently posted as
Tax Assistant in Customs & Central
Excise, Noida.
4. Smt. Kavita Rani,
W/o Sh. Sunil Kumar
R/o 33, Central Excise Colony Mongal Pandey
Nagar, Meerut and presently posted as
Steno Grade-II in Customs & Central
Excise, Meerut.
5. Shri Shiva Nand,
S/o Sh. Ganga Sahai
R/o Village & P.O. Lisari, Distt. Meerut and
presently posted as
Tax Assistant in Customs & Central
Excise, Noida.
6. Shri Nand Kishore
S/o Sh. D.R. Singh
R/o 287/6 Jagrati Vihar Meerut and presently
posted as UDC in Customs & Central
Excise, Noida.

...Applicants

(By Advocate: Shri T.D.Yadav)

versus

1. Union of India through Chairman
Central Board of Excise & Customs
Ministry of Finance, New Delhi.



(14)

2. The Chief Commissioner,
Customs & Central Excise
Tulsi Ganja Minar,
19-7 Vidhan Sabha Marg,
Lucknow.
3. The Commissioner (Cadre Controlling
Authority)
Customs & Central Excise, 38 M.G.Marg,
Civil Line, Allahabad (UP). ... Respondents

(By Advocate: Sh.Mohit Sachdeva proxy counsel for
Shri M.M.Sudan counsel for official respondents
Shri D.R. Gupta counsel for private respondents.)

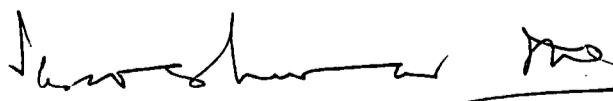
Order(Oral)

Hon'ble Shri Sarweshwar Jha

Applicants are aggrieved by impugned order dated 19.12.2002 whereby the respondents have not considered the applicants for promotion to the posts of Inspector.

2. Applicants have claimed that their cases have not been considered within the instructions issued by the Govt. vide their office memorandum dated 11.7.2002, a copy of which is placed at Annexure-B. One of the provisions stipulated in the said Office Memorandum relates to appointment/promotion of SC/ST candidates on their own merit and such appointments not being adjusted against the reserved points of the reservation roster. They will be adjusted against unreserved points.

3. The facts of the case are that the applicants have also been put to physical test for the posts of Inspector which was conducted on 5.12.2002 at Central Excise Noida and they were found fit for the said posts. According to them, are 98 vacancies existed in the posts of Inspector and 22 posts should have been reserved for SC/ST candidates. They have also promoted



15

some general candidates (9 of them) against SC/ST quota. The applicants had submitted representations to the respondents on 9.12.2002 regarding filling the vacancies against SC/ST quota by promotion, but they have complained that the said representation has not been considered by the respondents, who have now issued the impugned order dated 19.12.2002.

4. It is observed that the respondents have not filed their reply despite the last opportunity having been given to them on 11.12.2003. They had been given further time to file reply on 28.1.2004; but the same has still not been filed. The Learned counsel for the private respondents, Shri D.R. Gupta has, however, submitted that it needs to be looked into whether the applicants have been appointed/promoted to their present posts on merit and whether their case is covered under the decisions of the Hon'ble Apex court on the subject.

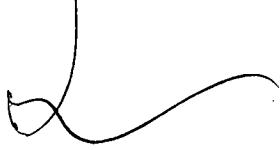
5. Keeping in view the submissions made by the learned counsel for the applicants and the learned counsel for the private respondents and also having regard to the facts that the relevant instructions of the Govt. regarding reservation in promotion and also the representation of the applicants are already available on the record with the respondents, we are of the opinion that the Original Application can be

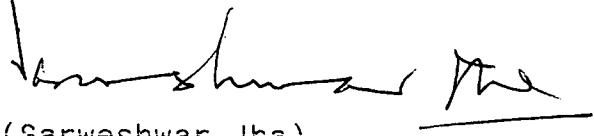
Ansawar Ali

(b)

disposed of at this stage with directions to the respondents to consider the matter as submitted by the applicants, and dispose them of by issuing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

6. With this, the OA stands disposed of in terms of above the observations. No order as to costs.


(Bharat Bhushan)
Member (J)


(Sarweshwar Jha)
Member (A)

nb.