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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA NO. 2283/2003

This the 3rd day of June, 2005

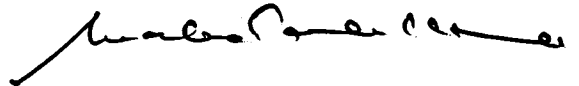
HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)
HON'BLE MR. S.A.SINGH, MEMBER (A)

**M.Ram Mohan Rao,
S/o late Shri Sreekrishnaiah,
R/o AD-102B, Shalimar Bagh,
Delhi-110088.**

(By Advocate: Sh. George Paracken)

versus

1. Union of India
through Secretary,
Department of Revenue,
Govt. of India, North Block,
New Delhi-110001.
2. The Chairman,
Central Board of Excise and Customs,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi-110001.
3. Shri R.V.Tyagaraj,
Additional Commissioner,
To be served through
Central Board of Excise and Customs,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi-110001.
4. Shri C.V.Durgaiah,
Additional Commissioner,
To be served through
Central Board of Excise and Customs,
Ministry of Finance,



Department of Revenue,
North Block,
New Delhi-110001.

(By Advocate: Sh. Harpreet Singh proxy for
Sh. Madhav Panikar)

ORDER (ORAL)

By Hon'ble Mr. M.A.Khan, Vice Chairman (J)

Applicant had filed this OA seeking following relief:-

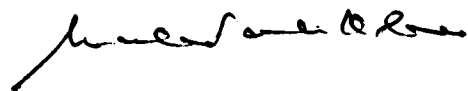
(i) Direct the respondents to promote the applicant as Assistant Collector from 30.11.1979 and Senior Grade Assistant Collector from 30.11.83 and as Deputy Collector from 30.5.91 i.e. from the date his juniors S/Shri R.V.Tyagaraj and C.V.Duraiah have been promoted to the above said post.

(ii) Direct the respondents to re-fix his salary in the post of Assistant Collector, Senior Grade Assistant Collector and Deputy Collector from 30.11.8\79, 30.11.1993 and 30.5.1991 and pay the arrears of pay and allowances accordingly.

(iii) Direct the respondents to revise his pension and other retirement benefits in terms of the revised scale of pay in the post of Deputy Collector from 30.5.1991 to 31.7.1991 and also to pay the arrears and interest @ 18% as admissible under the rules.

2. Applicant was continuously officiating as Custom Appraiser with the respondents. He was promoted to Group 'A' service but was ignored and denied the benefits of the Hon'ble Supreme Court's order. The Hon'ble Supreme Court in the Civil

Appeal No.247 of 1988 read with Civil Appeal Nos.4004-07 of 1987 after tracing the service related history of the Customs Appraisers Service and after detailed analysis and consideration of legal aspects involved in the dispute regarding the All India seniority of Appraisers for further promotion to Group A service has ordered that a fresh All India combined list of Appraisers be prepared on the basis of continuous officiation of the incumbent in the post of Appraisers on and from the date of Customs Appraisers Service Class II Recruitment Rules, 1961. Accordingly a list was prepared. In this list the name of the applicant has not been shown but the name of Sh. C.N.Chandran who was shown junior to the applicant in the earlier list which is circulated vide letter dated 12.11.97 (page 15A) was shown. The grievance of the applicant is that applicant's name ought to have been included in the list of Customs Appraiser, Group 'B' circulated vide letter dated 12.11.1997 and have been given rightly at Sl. No.179. He further submitted that the respondent should also have included the name of the applicant in the seniority list of IC&CES of Group 'A' circulated vide letter dated 30.11.2000. It is submitted that integrated seniority list of Assistant Commissioners comprising of Direct Recruit and Promotee Officers promoted to the grade of Assistant Commissioner (JTS) upto 1996-97 has been prepared and circulated but the name of the applicant has not been included in that list although his name should appear at Sl. No.907, i.e., below the name of Sh. P.V.Damodaran Nair and above Sl. No. 915 where his junior Sh. C.N.Chandran's name was shown. Both the list dated 21.11.2000 and 30.11.2000 was not communicated to the applicant and he received them only in January 2002 from his colleague. Thereafter he made a representation dated 22.7.2002 to give him his due place of seniority above S/Sh. R.V.Tyagaraj and C.V.Durgayya and other juniors as



Assistant Collectors from 30.11.79 and as Dy. Collector from 31.5.91. Applicant has retired as Senior Technical Officer on 31.7.91. He has requested the Director General, Central Economic Intelligence Bureau, New Delhi for giving all consequential benefits and other benefits due to him but to no effect. The juniors of the applicant have been given monetary benefits out of refixation of their seniority and consequential posts of Assistant Collector, Senior Grade Assistant Collector and Deputy Collector from 30.11.79, 30.11.1993 and 30.5.91. Hence this OA.

3. Respondents have filed the counter. In the counter respondents have ^{reiterated} ~~reiterated~~ the claim of the applicant. They have stated that Sh. Ram Mohan Rao, applicant was at Sl. No. 179 in the seniority list of Customs Appraisers dated 12.11.97. His compared juniors S/Sh. B.T.Gurushaney, C.N.Chandran, D.K.Saha, S.R.Patankar, R.Victor Thyagraj and C.V.Durgayya were placed at S.No.180, 181, 182, 183, 184 and 185 respectively as per the seniority list. The seniority list dated 12.11.97 has been revised in accordance with the order of Mumbai Bench of this Tribunal passed in OA-855/98. In the draft revised seniority list dated 12.11.97 the name of the applicant has been placed at S.No.207 and the compared officers S/Sh.B.T.Gurushaney, C.N.Chandran, D.K.Saha, S.R.Parankar, R.Victor Thyagraj and C.V.Durgayya have been shown at S.No. 159, 225, 171, 160, 161 and 162 respectively. As such except Sh. C.N.Chandran all others were senior to the applicant in the revised list dated 30.6.2004. Applicant was promoted as Appraiser on 22.4.64. He has been promoted to the post of Assistant Commissioner (JTS) grade on 1.3.83. As per the directions of Hon'ble Supreme Court in the judgment dated 22.11.96, combined seniority list of promotee officers and direct recruit officers at the level of Assistant Commissioner has been prepared. As per the Supreme Court's

make as to do

judgment all the 1979 promotions to the grade of AC (JTS) were required to be fixed in the ratio of 6:1:2 among the feeder grades, i.e. Supdt. Of Central Excise, Supdt. Of Customs Preventive and Customs Appraiser. Accordingly, a regular DPC was held and the seniority list dated 21.11.2000 was issued and thereafter final seniority list of Gr. 'A' in the grade of Asstt. Commissioner was brought out and issued vide letter dated 24.9.2002. It is further submitted that Sh. R.Victor Thyagraj and Sh. C.V.Durgayya were promoted to the grade of Asstt. Commissioner w.e.f. 30.11.79 while the applicant was promoted to that grade w.e.f. 1.3.83. A DPC was held in 1991 in which Sh. R.Victor Thyagraj and Sh. C.V.Durgayya were considered for promotion to the grade of Deputy Commissioner and accordingly, they were promoted w.e.f. 31.5.91 vide order dated 23.5.91. The officers who were promoted to the grade of Asstt. Commissioner between 1976 to 1980 were considered for Deputy Commissioner in the said DPC. The name of the applicant was not included in the grade of Deputy Commissioner and accordingly they were promoted w.e.f. 31.5.91 vide order dated 23.5.91. Officers who were promoted to the grade of Asstt. Commissioner between 1976 to 1980 were considered for promotion to the post of Deputy Commissioner in the said DPC. The name of the applicant was not included in the grade of Deputy Commissioner since he was promoted to the post of Assistant Commissioner in 1983. The Assistant Commissioners of 1983 batch who were considered for promotion to the grade of Deputy Commissioner but the applicant was retired on 31.7.91, so he was not considered.

4. No rejoinder has been filed.

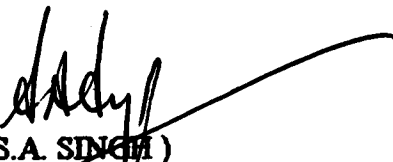
5. At the hearing counsel for applicant has submitted that in view of the order of the preparation of the seniority list considered with the order of the Hon'ble Supreme Court

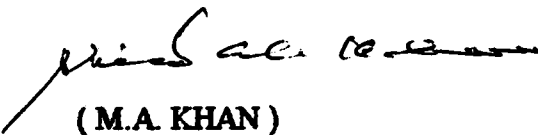
for consideration

and subsequent preparation of the combined seniority list of all the officers, the applicant is confining this OA to the prayer that he should be granted the consequential benefits arising out of his promotion to the post of Assistant Commissioner w.e.f. 1.3.83 as admitted by the respondents in their counter.

6. Counsel for respondents has fairly conceded that since the applicant has been granted promotion from the post of Appraiser to the post of Assistant Commissioner from 1.3.83, he is entitled to the consequential benefits. It is submitted that in case the applicant has not been granted monetary or other benefits the respondents would ensure that these benefits are released to the applicant within a period of 4 months. Counsel for applicant submitted that this OA may accordingly be disposed of by a direction to the respondents to grant all consequential benefits including monetary benefits arising from the promotion of the applicant to the post of Assistant Commissioner w.e.f. 1.3.83 as undertaken by the respondents. We agree with this request.

7. Accordingly, OA is disposed of with a direction to the respondents to grant all consequential benefits including monetary benefits to the applicant arising from his promotion to the post of Assistant Commissioner w.e.f. 1.3.83, if any, within a period of 4 months from the date the certified copy of the order is received by the respondent under intimation to the applicant. OA is disposed of.


(S.A. SINGH)
Member (A)


(M.A. KHAN)
Vice Chairman (J)

'sd'