

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 174/2003

(2)

New Delhi, this the 23rd day of January, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Sh. Govindan S.Tampi, Member (A)

1. Sh. K.K.Dhasmana
Superintendent of Customs & Central Excise
F-17, Kaka Nagar
New Delhi - 110 003.
2. Sh. Kuldeep Singh
Superintendent of Customs & Central Excise
F-7, Kaka Nagar
New Delhi - 110 003.
3. Sh. Gyan Prakash Singh
Superintendent of Customs & Central Excise
F-13, Kaka Nagar
New Delhi - 110 003.
4. Sh. D.R.Khatkar
Superintendent of Customs & Central Excise
171, Dharam Kunj Apartments
Plot No.40, Sector - 9
Rohini, New Delhi - 110 085.
5. Sh. Harinder Pal Singh
Superintendent of Customs & Central Excise
3532, D-III, Vasant Kunj
New Delhi.

...Applicants

(By Advocate Sh. Ajay Veer Singh)

V E R S U S

1. Union of India
through Secretary
Ministry of Finance
North Block, New Delhi.
2. Chairman
Central Board of Excise & Customs
North Block, New Delhi.
3. The Member (P&V)
Central Board of Excise & Customs
North Block, New Delhi.
4. Chief Commissioner of Central Excise
Delhi Zone, I.P.Estate
Central Revenues Building
New Delhi.
5. Commissioner
Central Excise Commissionerate
Delhi-I, I.P.Estate
Central Revenues Building
New Delhi.

...Respondents

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O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, VC (J)

We have heard the learned counsel for the applicant.

2. This application has been filed by five applicants in which they have impugned the two orders issued by the respondents and the action taken by them in not granting them the financial upgradation and benefits under the Assured Career Progression (ACP) Scheme. According to the learned counsel for the applicants, a number of representations have already been given by the applicants but with no effect. He has also submitted that persons who have put in lesser number of years service in the grade have been granted the benefits under the ACP Scheme which have been wrongly denied to the applicants. Copies of number of representations of the applicants with reminders are enclosed in the OA which have been addressed to the respondents. We also note the grounds taken by the applicants in the OA in which they have submitted, inter alia, that they are also entitled for the benefits of the ACP Scheme as they are eligible for the same.

3. In the above facts and circumstances of the case, we see no reason why the respondents ought not to have considered the representations of the applicants in accordance with the provisions of the ACP Scheme and relevant law, rules and instructions which apparently they have not done as submitted by the learned counsel. It is relevant to mention that in a representation by one of the applicants i.e. applicant No.4 Sh. D.R. Khatkar, addressed to respondent No.3, he has stated that he has completed

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24 years of service on 8-3-2001 and he finds it strange that his name does not figure in the said list, whereas persons junior to him have been given the second financial upgradation under the ACP Scheme. He has also submitted that to the best of his knowledge, he fulfils the conditions laid down for the second financial upgradation under the ACP Scheme but has not been considered for the same or granted the benefits.

4. In the particular facts and circumstances of the case, we consider that in the interest of justice, even without issuing notice to the respondents, it will be appropriate that this OA be disposed of in the following terms :-

The respondents shall consider the earlier representations submitted by the applicants together with the averments and grounds taken by the applicants in the present OA as part of the representations and dispose of the same, if not already done, as early as possible. This shall be done within two months from the date of receipt of a copy of this order by a reasoned and speaking order. If the aforesaid representations of the applicants have already been disposed of, nothing further needs^{to be} done in the matter.

(Govindan S. Tampi)
Member (A)

(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

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