

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/021/845/2019

Dated: 19/09/2019

Between

T. Chandrasekhar,
S/o. T. Subbarayudu,
Aged about 51 years,
Occ: Inspector of Central Excise (Admn.),
O/o. Central GST, Rangareddy Commissionerate,
Posnett Bhavan, Hyderabad.

... Applicant

AND

1. Union of India rep. by its
Deputy Secretary,
Ministry of Finance,
Dept. of Revenue,
Central Board of Indirect Taxes & Customs,
HUDCO Vishala Building,
Bhikaji Cama Place, R.K. Puram,
New Delhi - 110 066.
2. The Principal Commissioner
(Cadre Control Authority),
Central Tax & Central Excise,
Hyderabad GST Commissionerate,
Hyderabad.

... Respondents

Counsel for the Applicant

: Mr. Jalakam Satya Ram

Counsel for the Respondents

: Mrs. K. Rajitha, Sr. CGSC for

Mrs. B. Gayatri Varma, Sr. PC to CG

CORAM :***Hon'ble Mr. B.V. Sudhakar, Admn. Member******ORAL ORDER*****(Per Hon'ble Mr. B.V. Sudhakar, Admn. Member)**

The O.A. is filed aggrieved by the action of the respondents in not considering the claim of the applicant for granting of promotion to the cadre of Inspector of Customs & Central Tax Group -BØ w.e.f. 22.02.2008 instead of 31.03.2009.

2. The brief facts of the case are that the applicant was initially appointed as Data Entry Operator (Group-B) in the year 2003, which was later re-designated as Senior Tax Assistant. Applicant was promoted as Inspector on ad hoc basis vide Establishment Order No.04/2008 dated 22.02.2008, against the clear vacancy for the panel year 2009-2010, basing on seniority and eligibility. Thereafter on 04.07.2019, colleagues of the applicant approached the Tribunal by filing O.A. No.540/2013 challenging the proposal to review the ad hoc promotions and conducting Physical Endurance Test and Interview. The Tribunal disposed of the O.A. on 30.09.2013, by regularising the ad hoc promotions of the applicants therein w.e.f. 23.02.2008. Accordingly respondents issued orders for granting notional promotion in the cadre of Inspector w.e.f. 23.02.2008 to the colleagues of the applicant, who were appointed along with him. In the meanwhile, applicant's seniority was revised in different DPCs on different dates vide orders dated 03.07.2006, 23.02.2008 & 31.03.2009. The applicant's seniority ought to have been reviewed and considered from

03.07.2006. The applicant aggrieved over the same, has made several representations to the respondents on 13.08.2018, 27.08.2018, 18.01.2019 & 23.08.2019 to consider his claim for promotion to the post of Superintendent of Customs, Central Tax & Central Excise on par with his batch mates, taking into consideration the seniority he should be given. Finally, the applicant made a representation to the 2nd respondent on 8.8.2019 through proper channel for consideration of his claim for grant of promotion in Inspector cadre w.e.f. 22.02.2008. There being no response, the instant O.A. has been filed.

3. The contentions of the applicant are that he should have been extended the same benefit as has been extended to his batch mates in regard to seniority and other benefits. The applicant's seniority ought to have been fixed w.e.f. 03.07.2006. Not extending the benefit as ordered by the Tribunal in O.A. No.540/2013 to the applicant is illegal. Not responding to the several representations made, is unfair and arbitrary.

4. Heard Mr. Jalakam Satya Ram, learned counsel for the applicant and Smt. K. Rajitha representing Smt. B. Gayatri Varma, learned Senior Panel Counsel and perused the pleadings on record.

5. The applicant has very clearly mentioned that he is only requesting to extend the benefits as have been extended to his batch mates as per the orders of this Tribunal in O.A. No.540/2013. Seeking the said relief, the applicant has represented to the respondents on varying dates over a period of time. It is surprising to note that respondents have not disposed of the representations, as claimed by the applicant. It is well settled law that in case a benefit is

extended to an employee, then all those employees who are similarly placed, also need be granted the same benefit. Nevertheless, since applicant has represented on several occasions, respondents are duty bound to respond to the same in a given time frame; but the respondents have not done so. Hence, after hearing both the learned counsel, respondents are directed to dispose of the representations made by the applicant, keeping in view the extant rules and regulations of the respondent organization and also the orders of this Tribunal in the O.A. cited supra, by issuing a reasoned and speaking order, within eight weeks from the date of receipt of this order or earlier to the DPC, which is reported to be constituted for consideration of promotions from the cadre of Inspector to the cadre of Superintendent.

6. With the above direction, the O.A. is disposed of. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

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